



**Joint Policy for Cumbria Partnership NHS Foundation Trust & North
Cumbria University Hospital NHS Trust**

**Policy Title: Maternity/Paternity/Shared Parental/Adoption
Pay and Leave Policy (Joint)**

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Data Protection Legislation

The Trust(s) are committed fully to compliance with the requirements of the General Data Protection Regulations (GDPR) 2016 and the Data Protection Act (DPA) 2018. The GDPR and DPA legislation aims to balance the requirements of organisations to collect, store and manage various types of personal data in order to provide their services, with the privacy rights of the individual about whom the data is held.

The GDPR and DPA legislation covers both manual and computerised records in any format, where the record contains details that can identify, directly or indirectly data on a natural person or persons. The DPA sets out principles which must be followed by those who process data; it gives rights to those whose data is being processed.

Policy On A Page

SUMMARY & AIM

This Policy outlines entitlements to, and the application procedure for, maternity, adoption and paternity leave and pay. It enables staff to apply for the appropriate benefits available to them and ensures that the Trust complies with current legislation and NHS Terms and Conditions of Service.

It has been updated to add Paternity Leave, including the provisions of the Additional Paternity Leave Regulations (which can allow for eligible employees to take leave where the mother or co-adopter of a child has returned to work).

The policy also sets out managers' responsibilities, including conducting a risk assessment for pregnant employees.

TARGET AUDIENCE:

This policy applies to all employees.

TRAINING:

Training for managers, HR staff and ESR Data Management staff will be provided as appropriate.

KEY REQUIREMENTS

1. Managers must undertake risk assessments for pregnant employees; this is especially important where the employee is working in an area which may pose additional risks to the employee or their unborn child.
2. Employees applying for maternity leave must notify their manager by completing an application form no later than the end of the 15th week before the week the baby is due or as soon as reasonably practicable.
3. Evidence of pregnancy must accompany any application for leave (form MATB1).
4. Employees applying for adoption leave must notify their manager by submitting the application form no later than 7 days after they have received notification of a match (Matching certificate from UK adoption agency). However, application for Statutory Adoption Pay (SAP) requires 28 days' notice or as soon as reasonably practicable.
5. Employees wishing to take ordinary paternity leave must notify their manager at least 28 days before the start date and complete the application form at Appendix 4
6. Notification must be provided 8 weeks before the start date of additional paternity leave.

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SUMMARY FLOWCHART:

Process to Apply for Maternity/Adoption/Paternity Leave



1. INTRODUCTION

This Policy covers the entitlements and arrangements for occupational and statutory maternity, adoption and paternity leave and pay and information on Shared Parental Leave. It reflects NHS (AfC) Terms and Conditions of Service, Terms and Conditions of Service for Medical and Dental Staff and all relevant legislation including Maternity and Parental Leave Regulations, the Work and Families Act 2006 and the Additional Paternity Regulations 2010.

In relation to maternity leave, this policy must be read in conjunction with Trust's Pregnancy at Work Policy (NCUH) and the Policy for the Risk Assessment of New and Expectant Mothers at Work (CPFT) which sets out the arrangements within the Trust to ensure the health and safety of employees who are pregnant or who have given birth recently, including appropriate risk assessments. Guidance on these matters can also be provided by the Trust Occupational Health or Human Resources.

Details of Parental Leave are contained in the Special Leave Policy (joint).

For information and advice with regard to the options available to parents who have responsibility for caring for children older than one year please refer to the Flexible Working Policy.

2. PURPOSE

This policy seeks to establish a consistent approach for the management of maternity, paternity and adoption leave across the Trust and clearly sets out the entitlements connected with these types of leave.

The Trust confirms its commitment to fair and equitable treatments of staff irrespective of age, gender, marital status, disability, race, colour, national/ethnic origins, religion or sexual orientation in the use and application of this policy.

It is prohibited to discriminate on the basis of pregnancy, childbirth or related disability. The Trusts cannot dismiss or make an employee redundant because she is pregnant nor can they force her to take full maternity leave. The employee is guaranteed the same job security as any other employee. Incremental entitlement is not affected by maternity leave.

3. POLICY DETAILS

3.1 Maternity Leave and Pay

Information on Maternity Leave can be obtained from ESR Data Management, C/o. Education Centre, North Cumbria University Hospitals NHS Trust, Cumberland Infirmary, Newtown Road, Carlisle CA2 7HY (**NCUH**) or HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA (**CPFT**) and applications must be returned to them for processing.

Entitlement to maternity leave and pay is governed by both the NHS Terms and Conditions and statutory legislation.

Pregnant employees are entitled to take 52 weeks statutory maternity leave around the birth of their child regardless of length of service.

An individual maybe entitled to receive some of this leave with pay for example Occupational Maternity Pay, Statutory Pay or Maternity Allowance. Entitlements will vary, depending on a number of factors including:

- the length of time the individual has been employed by the NHS
- the individual's average weekly earnings
- the date to which the individual intends to continue working
- the individual's intention to return to work

Maternity Leave and Maternity Pay are separate entitlements and should be treated as such.

Employees may also have a right to parental leave and the right to request flexible working.

3.1.1 Staff on Fixed Term or Training Contracts

Employees subject to fixed term or training contracts which expire after the 11th week before the expected week of childbirth (EWC) and who have satisfied the following conditions:-

- 12 months continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth
- Has notified her employer in writing before the end of the 15th week before the expected date of childbirth of
 - Her intention to take maternity leave
 - The date she wishes to take her maternity leave, she can choose when to start her maternity leave – this can usually be any date from the 11th week before the baby is born
 - And provides a MATB1 from a midwife or GP giving the expected date of the child.

shall have their contracts extended so as to allow them to receive 52 weeks maternity leave. Which includes paid contractual and statutory maternity pay, and the remaining 13 weeks of unpaid maternity leave.

This provision also applies to staff whose contract expires after a matching certificate for adoption has been issued but before the adoption has begun.

Absence on maternity/adoption leave (paid and unpaid) of up to 52 weeks before a further NHS appointment will not count as a break in service.

If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth or adoption had not occurred, the repayment provision set out in Section 3.2.6 will not apply.

Employees on fixed term contracts who do not meet the 12 months' continuous service condition may still be entitled to Statutory Maternity Pay.

3.1.2 Continuous Service

For the purposes of calculating whether an employee meets the twelve months continuous service with one or more NHS employer's qualification, the following provisions shall apply:

- NHS Employers includes Health Authorities, NHS Boards, NHS Trusts, Primary Care Trusts and the Northern Ireland Health Service.
- a break in service of three months or less will be disregarded (though not count as service).

The following breaks in service will also be disregarded (though not count as service):

- employment under the terms of an honorary contract
- employment as a locum with a general practitioner for a period not exceeding twelve months
- a period of up to twelve months spent abroad as part of a definite programme of postgraduate training on the advice of the Postgraduate Dean or College or Faculty Advisor in the speciality concerned.
- a period of voluntary service overseas with a recognised international relief organisation for a period of twelve months at the discretion of the employer which recruits the employee on her return.
- absence on an employment break scheme in accordance with the provision of Section 36 of the Agenda for Change NHS Terms and Conditions of Service Handbook.
- absence on maternity leave (paid or unpaid) as provided for under this Policy.

The Trust may, at its discretion, extend the periods specified in the paragraphs above. This will be done in consultation with the line manager and the Human Resources Department.

Employment as a trainee with a General Medical Practitioner in accordance with the provisions of the Trainee Practitioner Scheme shall similarly be disregarded and count as service.

The Trust has the discretion to count other previous NHS service or service with other employers.

3.1.3 Staff on Rotational Contracts

Employees participating in a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training have the right to return to work to the same or next planned post, irrespective of whether the contract would have otherwise ended if pregnancy and childbirth or adoption had not occurred. In such circumstances the contract will be extended to enable completion of the agreed programme of training.

3.1.4 Bank Staff

Bank Staff will be entitled to 52 weeks maternity/adoption leave. Such staff will not be entitled to any Occupational Maternity/Adoption Pay but may be eligible to Statutory Pay dependant on earnings.

3.1.5 Foundation Programme Doctors

Specific guidance on maternity leave for doctors in the Foundation Programme is shown at Appendix 1.

3.2 Maternity Leave

Commencement of Maternity Leave

Maternity leave can start anytime between the beginning of the 11th week before the week the baby is due and the date of childbirth, provided the employee is well and there are no known risks to them or their unborn child as a result of working.

Employees must take maternity leave for a minimum of 2 weeks immediately after their baby is born.

During maternity leave (both paid and unpaid) employees retain all contractual rights except remuneration.

Employees may change their mind about when they start maternity leave provided they give 28 days' notice to their Manager before the date originally notified or the new date, whichever is earlier (unless this is not reasonably practicable).

See sections 3.2.2a, 3.2.2b, 3.2.2c for further guidance.

3.2.1 Prior to Maternity Leave

3.2.1a Applying for Maternity Leave

Employees must notify their Manager of when they intend to start their leave by completing the Maternity/Paternity/Shared Parental Leave or Adoption Leave application form (Appendices 2-5), by no later than **the end of the 15th week before the week the baby is due** or, if this is not possible, as soon as reasonably practicable.

Employees must submit evidence of the expected date of childbirth - normally a MAT B1 - from a Registered Medical Practitioner or Certified Midwife (the earliest that a Mat B1 is usually issued is 20 weeks before the week in which the baby is due). This must show the name, address and/or PIN number of the signatory.

All forms should be sent to ESR Data Management, C/o Education Centre, North Cumbria University Hospitals NHS Trust, Cumberland Infirmary, Newtown Road, Carlisle CA2 7HY (**NCUH**) or HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA (**CPFT**) for processing. Receipt of the forms will be acknowledged and confirmation of maternity dates and pay entitlement will be provided.

3.2.1b Risk Assessment

It would be helpful for pregnant employees to inform their manager or the HR department sooner than the notice periods given above. This will help the Trust to carry out a risk assessment (and plan ahead to make arrangements for covering the period while they are away). This is especially important if the employee is working in an area where there may be additional risks to the pregnant employee or their unborn child.

Managers must carry out a risk assessment in accordance with the Trust's Policy on Pregnancy at Work (NCUH) / Policy for the Risk Assessment of New and Expectant Mothers at Work (CPFT) and complete a Risk Assessment Pro-forma to ensure that pregnant employees are not exposed to unsafe work environments, substances or tasks. If the Trust or a Registered Medical Practitioner considers that an employee or unborn child would be at risk if she were to continue in normal duties, the Trust may:

- temporarily adjust working conditions and/or hours of work
- if it is not reasonable to do so or would not avoid the risk, offer alternative employment

Occasionally, redeployment may not be possible and in this situation employees will be suspended from work on full pay including enhancements for as long as is necessary to protect their safety or that of the unborn child (the employee will not however be paid if they have unreasonably refused alternative work).

3.2.1c Time Off for Antenatal Care

Pregnant employees are entitled to reasonable paid time off to receive ante-natal care, provided that an appointment has been made and time off is requested in advance. Ante-natal care can also include antenatal or parenting classes if they have been recommended by the GP or Midwife as part of maternity care. The employee must when requested produce an appointment card or other document showing the details of the appointment together with a certificate from a Doctor, Midwife or Health Visitor stating that she is pregnant.

Partners of expectant mothers are entitled to accompany their expectant partner at up to two ante-natal appointments however this time is unpaid.

3.2.2a Commencement Due to Sickness

If employees are absent from work due to illness, they will normally be able to take sick leave until they start their maternity leave on the date previously notified to the Trust. If the illness is unrelated to pregnancy the employee can remain on sick leave and receive Statutory Sick Pay/Incapacity Benefit right up to the baby's birth or until the leave start date notified to the Trust; this will be treated as sick leave in accordance with normal leave provisions.

If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last four weeks before the expected week of childbirth, maternity leave will normally start at the beginning of the 4th week before the expected week of childbirth or the beginning of the next week after the employee last worked whichever is later. Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement if incapacity for work, or a self-certificate will be treated as sick leave in accordance with normal leave provisions.

Odd days of pregnancy related illness during this period may be disregarded if the employee wishes to continue working till the maternity leave start date previously notified to the Trust.

3.2.2b Commencement due to Premature Birth

In the event of a premature birth, the employee is entitled to the same amount of leave and pay as if the baby was born at full term, normally the earliest maternity leave can start is 11 weeks before the expected week of childbirth. However, leave will start the day after the birth if the baby is born early.

If the baby is born before the 11th week of the expected week of childbirth and the employee has been absent on certified sickness absence during the actual week of childbirth, maternity leave will start on the day after the day of birth.

If the baby is born before the 11th week before the expected week of childbirth and is in hospital, the employee may split maternity leave entitlement, taking a minimum period of two weeks leave immediately after childbirth and the rest of the leave following the baby's discharge from hospital.

In order to preserve employment rights to Maternity Leave and SMP, the employee as soon as is reasonably practicable give the Trust notice (in writing) of the date of childbirth and if not already given, evidence of the date the baby was expected. Evidence of both the expected date and the actual date of birth can be provided on the MAT B1 issued by a Doctor or Midwife.

3.2.2c Leave in the Event of a Stillbirth

In the sad event of a stillbirth occurring from the 25th week of pregnancy, an employee will be entitled to maternity pay and leave entitlements as if the baby was born alive.

3.2.2d Miscarriage

Where an employee has a miscarriage before the 25th week of pregnancy, sick leave provisions will apply for the duration of any absence as a result of the miscarriage.

3.2.3 During Maternity Leave

3.2.3a Pay Progression (Pay-step points)

Maternity leave, whether paid or unpaid, shall count as service towards the time required to progress between pay step points (increments), and for the purposes of any service qualification period for additional annual leave. The expectation is that any employee on maternity leave would progress through a pay step point on their pay step date, if concerns had not been raised about the ability to meet the expected standards for progression prior to maternity leave.

3.2.3b Annual Leave/Public Holidays

Annual Leave continues to accrue during the paid and unpaid leave period. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be beneficial for the employee to take annual leave before and/or after the formal (paid and unpaid) leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and their manager.

In exceptional circumstances, payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions.

Bank/Public Holidays will accrue during the maternity leave period. Part time employees will be entitled to the accrual of Bank Holidays on a pro rata basis in accordance with the Annual Leave policy.

3.2.3c Pension

Pension rights and contributions are dealt with in accordance with the provisions of the NHS Pension Regulations. Employees should ensure that they contact the Pensions Officer for further information on their contributions and payment.

3.2.3d Non-cash benefits e.g. childcare vouchers, salary sacrifice schemes

If an employee receives part of their salary under a salary sacrifice scheme, e.g. lease cars, home electronics, childcare vouchers, the amount of pay received in this way will be excluded from any calculation to determine occupational and/or statutory pay.

Employees can continue to have deductions for childcare vouchers and salary sacrifice schemes throughout the period of paid maternity/adoption and paternity leave. However, deductions cannot be taken from the employee when they are in receipt of statutory payments only or the salary sacrifice results in the employee's wage reducing to below the national minimum wage. In these circumstances the salary sacrifice scheme can be suspended and renewed on the employees return to contractual pay. Check with your Childcare Voucher Scheme provider to ensure that your eligibility to remain in the Scheme isn't affected by any period of non-contributions.

The Childcare Voucher Scheme closed to new applications from October 2018. The employee's salary sacrifice relating to the home electronic scheme / bike to work scheme will be suspended until the employee returns from maternity leave. Alternatively the employee can arrange to make direct payments to the Trust by contacting Finance.

Guidance relating to salary sacrifice schemes is available on the HM Revenue and Customs website at www.hmrc.gov.uk

Link to National Minimum Wage www.gov.uk/national-minimum-wage-rates

3.2.3e Lease Car (CPFT)

The employee will have the right to retain the use of their lease car during maternity leave, or may opt to terminate the lease. If choosing to terminate the lease early then the employee is liable for any early termination charges issued by the leasing company.

If use of the lease car is retained the following is applicable depending on the lease car scheme

Salary Deduction Scheme

The employee must inform the Trust's Fleet Management Service provider (Knowles Associates) as soon as possible of their maternity leave. The lump sum allowance provided by the Trust in respect of the business element of the car will be removed resulting in the employee's monthly contribution increasing.

Salary Sacrifice Scheme

No action is necessary.

In respect of either lease car scheme, monthly payments will continue to be deducted from the employee's salary whilst they are on maternity leave and where there is sufficient earnings to cover the payment. If monthly payments cannot be made automatically from the salary, then an invoice will be issued by the Trust for immediate payment. Employees should continue to provide monthly mileage returns.

Lease Car (NCUH)

Employees with a lease car will be required to contact Finance to make alternative arrangements to pay the lease where this cannot be deducted from pay.

3.2.3f Professional Registration

Employees who are required to be professionally registered to carry out their job must maintain this registration throughout the period of leave, regardless of any differing guidance offered by the professional body.

3.2.3g Right to Work and Remain in the UK

Employees must maintain their right to work and Leave to Remain (LTR) in the UK throughout the period of leave where applicable. Individuals must inform Human Resources or the Medical Workforce Team if LTR is due to expire during this period. For further guidance on Immigration please see: www.workingintheuk.gov.uk.

3.2.3h Working for more than one Employer

Where an employee works for more than one employer and satisfies the qualifying rules with each of them, they can receive SMP and OMP from each of the employers.

3.2.3i Car Parking Permit

If the employee has a car parking permit and does not wish to continue to pay through deductions from pay, the permit must be returned to Interserve (CIC) or Finance (WCH).

3.2.4 Keeping in Contact and Working during Leave

During the maternity leave, the Trust/Manager may make reasonable contact with employees and in the same way the employee may make contact with the Trust. The frequency and nature of the contact will depend on a number of factors such as:

- any voluntary arrangements that the employee may find helpful to keep in touch with developments at work and, nearer the time of return, to help facilitate her return to work.
- Keeping the manager in touch with any developments that may affect her intended date of return

The contact can be made in any suitable way such as:

- telephone, letter or email
- newsletters, memos or minutes of meetings sent to their home address
- visiting the workplace

The employee and manager may find it helpful, before leave starts, to discuss arrangements such as how contact will happen and how often. What is reasonable will vary with the circumstances; some individuals may be happy to stay in frequent contact; others may prefer to keep contact to a minimum.

3.2.4a Keeping in Touch Days (KIT days)

Employees are allowed to undertake up to ten days' work – known as "Keeping in Touch Days" (KITS) without leave coming to an end. The days of work do not have to be consecutive, and will not extend the leave period.

These are different to the contact outlined above, as during these days an employee can carry out work for which they will be paid. The Trust cannot require the employee to work these if they do not wish and the employee does not have the right to work if the Trust does not agree.

This could be particularly useful to enable an employee to attend a conference, training activity or team meeting for example. However, an employee cannot work during the first two weeks after a baby is born. The employee will be paid at their basic daily rate for the hours worked, less appropriate maternity leave payment for the KIT days worked. The employee will continue to receive statutory pay for any week during which work is carried out if in receipt of such pay at the time work is undertaken.

Any amount of work done on a KIT day counts as one whole KIT day.

An employee will need to complete a KIT payments form (Appendix 6) to be authorised by their manager every time a day is worked, the form must be returned to ESR Data Management, C/o Education Centre, North Cumbria University Hospitals NHS Trust, Cumberland Infirmary, Newtown Road, Carlisle CA2 7HY (NCUH) or HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA (CPFT) to enable any payment to be made.

3.2.5 Returning to Work

With the exception of staff whose fixed term or temporary contracts have expired during the leave period, all employees have the right to return to their job under its original contract and on no less favourable terms and conditions.

The ESR Data Management Team (NCUH) / payroll provider (CPFT) will notify the employee of the date on which their maternity leave will expire which will normally be 52 weeks (one year) from the start of maternity leave. If the employee intends to

return to work they will be expected to return on the next working day after this date and will not be required to give any further notification.

If an employee wishes to return early it would be helpful to have as much notice as possible but it must be at least 28 days written notice of the intention to return. If the employee does not do this, the Trust may have to delay the return date so that the necessary arrangements can be made.

An employee on maternity leave cannot return to work during the first two weeks after childbirth.

The manager must complete a Post Change form, to confirm when the employee returns to work to ensure that the correct payments are made, which must be sent to ESR Data Management, C/o Education Centre, North Cumbria University Hospitals NHS Trust, Cumberland Infirmary, Newtown Road, Carlisle CA2 7HY (NCUH) or HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA (CPFT). It is the manager's responsibility to identify any training/induction requirements before the employee returns to work.

If an employee is not able to return to work on the date expected because of sickness, they must inform their Manager and follow the normal sickness absence procedure.

If an employee returns to work early, additional paternity leave/pay may be available to eligible partners to take leave to care for their new child. Details for the Trust are contained in Section 3.5.2. Individuals should check with their own employers if they are not employed by the Trust.

3.2.5a Flexible Working Arrangements

Although there is no automatic right to return on reduced hours, the Trust supports flexible working and, where appropriate bearing in mind the service requirements of the Trust, the Trust may agree to a change in working patterns or hours. In order that the approval process can be followed, employees must discuss this with their Manager as early as possible and preferably prior to commencing their leave.

Employees who are parents of children under the age of 17 (or disabled children under the age of 18) have the right to request flexible working patterns, in accordance with the Trust's Flexible Working Policy.

3.2.5b Health and Safety

Where an employee is breastfeeding or has given birth in the last six months, the Trust must make sure that the kind of work she does and associated working conditions will not put her or the baby's health at risk. Managers will carry out a risk assessment in accordance with the Trust's Policy on Pregnancy at Work (NCUH) / Policy for the Risk Assessment of New and Expectant Mothers at Work (CPFT).

Women who have recently given birth should have paid time off for post-natal care, e.g. attendance at health clinics. Employers are required to provide breastfeeding women with suitable private rest facilities, the area to be used should be agreed locally with the line manager. The Health and Safety Executive Guidance recommends that employers provide:

- a clean, healthy and safe environment for women who are breastfeeding;
- suitable access to a private room to express and store milk in an appropriate refrigerator.

3.2.6 Not Returning to Work

If the employee decides that they do not wish to return to work after maternity leave then they must resign, giving the normal period of notice.

If the employee originally declared that they intended to return to work and claimed occupational maternity pay and then does not return to work for the Trust or another NHS employer within 15 months of the beginning of their leave, they will be liable to refund the whole of the occupational maternity pay, less any statutory pay received.

3.3 Adoption Leave

All employees are entitled to take 52 weeks adoption leave. Adoption leave is available to employees wishing to adopt a child and who have primary carer responsibilities for that child. It is intended to allow time off immediately after a child is adopted and for reasonable time off to cover official meetings to deal with adoption procedures.

Time off after the adoption covers circumstances where the child is initially unknown to the adoptive parents. If there is an established relationship such as fostering before adoption, a flexible approach will be supported for reasonable requests for time off to facilitate and support the adoption process.

If both parents are employed by the Trust, one should be identified as the primary carer and the partner will be entitled to Paternity Leave and Pay.

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

3.3.1 Applying for Adoption Leave

UK adoptions

Employees must notify their Manager of when they intend to start their adoption leave by completing the Adoption Leave and Pay form (Appendix 3), by **no later than 7 days after they have been notified by an approved adoption agency that they have been matched with a child for adoption** (Statutory Adoption Pay (SAP) normally requires 28 days' notice) or, if this is not possible, as soon as reasonably practicable.

Employees must have been matched for adoption by a UK adoption agency and provide a matching certificate and/or other written evidence which confirms the name and address of the adoption agency, the date of notification of matching, the date when the child is expected to be placed and a declaration that the employee has chosen to receive Statutory Adoption Pay (SAP) rather than Statutory Paternity Pay (SPP)

Overseas adoptions

Where employees are adopting a child from overseas, they must have received official notification that they have been assessed and approved and give details of the date of notification and the date the child is expected to enter the UK. They must then also notify the Trust of the date the child entered the UK.

3.3.2 Commencement of Adoption Leave

The earliest adoption leave can start is 14 days before the expected date of placement (or the date the child enters Great Britain if from overseas) and the latest it can generally start is on the date of placement itself (or within 28 days of the child's entry to Great Britain).

Employees may change their mind about when they start adoption leave provided they give 28 days' notice to their Manager before the original date notified or the new date, whichever is earlier (unless this is not reasonably practicable).

3.3.3 During Adoption Leave and Returning to work

Where the child is below the age of 18, adoption leave is in line with the maternity leave provisions as set out in section 3.2.

3.4 Maternity/Adoption Pay

Eligibility for occupational pay will be 12 months' continuous service ending with the week in which they are notified of being matched with the child with adoption.

Information about statutory maternity/adoption benefits can be obtained from Job Centre Plus or the local Benefits Office or is available on the Department for Work and Pensions website at www.dwp.gov.uk.

A summary of entitlements is set out on the Application for Maternity Leave and Pay Form (Appendix 2) or Application for Adoption Leave and Pay Form (Appendix 3) and also in section 3.4.1 and 3.4.2.

After employees have ceased working, maternity/adoption pay will be paid by the normal salary procedure.

3.4.1 NHS Occupational Maternity Pay/Occupational Adoption Pay

Employees will be entitled to paid leave under NHS Terms and Conditions of Service if:

- (a) they have been continuously employed by the NHS or Trust, for at least 12 months
- at the beginning of the 11th week before the expected week of childbirth
 - ending with the week in which they are notified of being matched with the child for adoption - where employees are newly matched with the child by an adoption agency and not already in an established relationship.

A break in service of three months or less will be disregarded (though not count as service).

- (b) they inform their Manager, by completing an Application for Maternity/Adoption Leave/Pay form by no later than
- the end of the 15th week before the expected week the baby is due
 - 7 days after they have been notified by an approved adoption agency that they have been matched with a child for adoption (or if this is not possible, as soon as reasonably practicable)
 - of the intention to take maternity/adoption leave
 - of the date they wish to start maternity/adoption leave that they intend to return to work with the same or another NHS employer for a minimum of three months after the maternity/adoption leave has ended
 - provide a MAT B1 form from a GP or Midwife giving the expected date of childbirth or a matching certificate for adoption.

For employees who intend to return to work with the Trust or other NHS employer pay will be as follows:

Weeks 1-8	equivalent of full pay (inclusive of Statutory Maternity Pay (SMP), Maternity Allowance (MA) or Statutory Adoption Pay (SAP) where eligible)
Weeks 9-26	half pay plus if eligible SMP, MA or SAP at the standard rate or 90% of average weekly earnings (whichever is lower); if these amounts add up to more than full pay, pay will be reduced so that employees don't receive more than full pay.
Weeks 27-39	SMP/MA/SAP at the standard rate or 90% of average weekly earnings (whichever is lower) if eligible.
Weeks 40-52	Unpaid

Employees who do not intend to return to work for the minimum period after their leave or do not wish to commit to return to work.

Weeks 1-6	SMP or SAP at the rate of 90% of average weekly earnings if eligible
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Weeks 7-39	SMP or SAP at the standard rate or at the rate of 90% of average weekly earnings (whichever is lower) if eligible
Weeks 40-52	Unpaid

If an employee was paid occupational pay but does not return to work for the Trust or another NHS employer within 15 months of the beginning of their leave, they will be liable to refund the whole of the pay, less any statutory pay received.

Full pay will be calculated using the average weekly earnings rules as at 15th week before EWC used for calculating SMP/SAP entitlements, subject to the following qualifications:

- in the event of a pay award or annual increment being implemented before the paid period begins, pay will be calculated as though the pay award or annual increment had effect throughout the entire SMP/SAP calculation period. If the pay award is agreed retrospectively, pay will be re-calculated on the same basis.
- By prior written agreement with the employer, OMP may be paid in a different way, for example, payments can be spread throughout the entire maternity leave period.
- in the event of a pay award or annual increment being implemented during the paid leave period, the pay due from the date of the pay award or annual increment will be increased accordingly. If the pay award is agreed retrospectively, pay will be re-calculated on the same basis.
- In the case of an employee on unpaid sickness absence or on sickness 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/SAP purposes, average weekly earnings for the period of sickness absence will be calculated on the basis of notional full sick pay.
- If you become pregnant again whilst on maternity leave, maternity pay entitlement will be based on the actual amount of pay in the two pay periods immediately preceding the 15th week before the EWC regardless of whether this falls into the previous episode of Maternity leave/pay. Payroll will confirm individual entitlement upon receipt of a completed Maternity Leave application form.

3.4.2 Statutory Maternity Pay (SMP) and Statutory Adoption Pay (SAP)

For employees with less than 12 months continuous NHS service, SMP/SAP is payable for a maximum of 39 weeks from the start of maternity/adoption leave if eligible.

- SMP cannot be paid before the 11th week before the expected week the baby is due.
- SAP is payable from the date of the child's placement (whether this is earlier or later than expected) or from a fixed date which can be up to 14 days before the expected date of placement.

Employees must inform their Manager if they:

- are taken into legal custody
- start working for any employer other than the Trust (in defined circumstances)

as entitlements may be affected.

For SMP the employee must:

- have been continuously employed with the NHS for at least 26 weeks extending into the qualifying week (the 15th week before the week the baby is due)
- have average weekly earnings in the 8 weeks up to and including the qualifying week of not less than the lower earnings limit for the payment of National Insurance Contributions
- have notified the Trust when maternity leave is requested to start (by the 15th week before baby is due) and provided evidence of the date the baby is due (MAT B1).

If the employee is not eligible for either Occupational Maternity Pay or SMP they may be able to claim Maternity Allowance. The Trust will notify them and the payroll provider will issue a form SMP1 with further details and return the MAT B1 to the employee.

Weeks 1-6	SMP at the rate of 90% of average weekly earnings if eligible
Weeks 7-39	SMP at the standard rate or 90% of average weekly earnings (whichever is lower) if eligible
Weeks 40-52	Unpaid

For SAP the employee must

- have been continuously employed with the NHS for at least 26 weeks ending with the week in which they are notified of having been matched
- have average weekly earnings at or above the lower earnings limit for the payment of National Insurance Contributions which applied at the end of the matching week
- have notified the Trust when they want to receive SAP, at least 28 days before the date they want it to begin.

Weeks 1-6	SAP at the rate of 90% of average weekly earnings if eligible
Weeks 7-39	SAP at the standard rate or 90% of average weekly earnings (whichever is lower) if eligible
Weeks 40-52	Unpaid

3.5 Paternity Leave/Pay

All eligible fathers, partners with responsibility for the child's upbringing and same sex partners of new-born children (i.e. those with 26 weeks continuous service at the birth of the baby) are entitled to paid paternity leave of 2 weeks on full pay during the 2 months after the birth of the baby. This can be taken as 2 separate weeks or as a block of 2 continuous weeks.

Paternity leave is made up of

- Ordinary Paternity Leave
- Additional Paternity Leave

An eligible member of staff may take one or both types of leave. The time may be paid or unpaid depending on factors such the type of leave, length of service and earnings.

Information about statutory paternity benefits can be obtained from www.direct.gov.uk

3.5.1 Ordinary Paternity Leave (OPL)

This entitlement applies to biological and adoptive fathers, partners, same sex partners and nominated carers who have or expect to have responsibility for the child's upbringing.

All eligible employees are entitled to up to two weeks Ordinary Paternity Leave (OPL), which may be paid or unpaid. The leave can start any time from when the baby is born or child adopted and must finish within 56 days of this date.

The employee can choose to take up to two weeks' leave in blocks of one or two consecutive weeks (it cannot be taken as odd days). Only one period of leave can be taken where more than one child is born/adopted.

Employees must apply for OPL by completing the form at Appendix 4 at least 28 days before they want the leave to start, unless this is not reasonably practical. The completed form must be forwarded to the ESR Data Management, C/o Education Centre, North Cumbria University Hospitals NHS Trust, Cumberland Infirmary, Newtown Road, Carlisle CA2 7HY (**NCUH**) or HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA (**CPFT**). The date may be changed by notifying the manager at least 28 days in advance (wherever possible).

In the sad circumstances where a baby is stillborn after 24 weeks of pregnancy or dies following birth there will continue to be an entitlement to OPL.

Pay during OPL

Pay during OPL depends on length of service:

12 months continuous NHS service	2 weeks leave at full pay less any Statutory Paternity Pay (SPP) receivable. Full pay will be calculated on the basis of the average weekly earnings rules used for calculating occupational pay.
Less than 12 months continuous NHS service but more than 26 weeks ending with the 15 th week before the baby is due	SPP will be paid for the period of the leave (max 2 weeks) at the same rate as the standard rate of Statutory Maternity Pay, OR at 90% of average weekly earnings if this is <u>less</u> than SPP. To be eligible the employee must also have average weekly earnings at or above the Lower Earnings Limit for National Insurance.
Less than 26 weeks continuous service	Unpaid

Those who do not qualify for SPP may be entitled to receive Income Support whilst on Paternity Leave and should contact their local Jobcentre Plus for further details.

If the baby is born earlier than the 14th week before it is due, and, but for the birth occurring early, the employee would have been employed for the 26 weeks, they will be deemed to have the necessary length of service.

3.5.2 Additional Paternity Leave (APL)

Additional paternity leave allows for eligible employees to take up to 26 weeks within the first year of the birth of their child, or adoption placement, possibly with additional statutory paternity pay. This leave and pay is only available to qualifying employees if the mother or co-adopter has returned to work after maternity/adoption leave and not used up their full entitlement of leave.

Employees can start their leave any time from 20 weeks after the child

- is born
- starts living with the adopter – for UK adoptions
- arrives in Great Britain from overseas – for overseas adoptions

A minimum of two weeks and a maximum of 26 weeks continuous leave can be taken and the leave must have finished by the child's first birthday or 52 weeks after adoption.

For an employee to qualify for additional paternity leave they must:-

- be the father and/or the husband or partner (including same-sex partner or civil partner) of the baby or they are married to or the partner or civil partner of the child's co-adopter (the adopter who has chosen to take adoption leave)
- have or expect to have main responsibility (except for the mother/co-adopter) for the child's upbringing
- be taking time off to care for the child
- have been continuously employed for at least 26 weeks ending with the qualifying period which is

- the 15th week before the expected week of childbirth
- when matched with a child (UK adoption) or the later of either the week official notification was received or the week the employee has been employed for 26 weeks (for overseas adoptions)
- continue to work for the Trust from the qualifying week into the week before they wish to take additional paternity leave (weeks run Sunday to Saturday)
- not have taken statutory adoption leave or pay

The mother/primary adopter must also

- be entitled to one or more of the following
 - statutory maternity leave, statutory maternity pay or maternity allowance
 - adoption leave or pay
- return to work at least
 - two weeks after the child's birth with at least two weeks of unexpired statutory maternity leave remaining
 - two weeks after the child's placement for adoption

and forfeited a portion of their maternity/ adoption leave and/or pay. A return to work means that the mother has actually resumed working. A period of annual, sick or parental leave directly after the maternity leave but during the mother's/adopters statutory maternity pay or maternity allowance period is not a return to work. However once the mother/adopter has returned to work any subsequent period of leave does not affect entitlement to additional paternity leave or pay.

The following steps must be taken to apply for APL

- Employees must complete the form at Appendix 5 at least 8 weeks before they want the leave to start
- The member of staff must make sure that their partner has completed and signed the required parts of the form
- A copy of the birth certificate or documentation from the adoption agency confirming the placement of the child must also be submitted at the same time.

The completed form must be forwarded to the ESR Data Management, C/o Education Centre, North Cumbria University Hospitals NHS Trust, Cumberland Infirmary, Newtown Road, Carlisle CA2 7HY (**NCUH**) or HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA (**CPFT**) who will confirm the details of the APL to the employee.

If the employee wishes to change the dates of the leave they must give 6 weeks' notice of the change. Where this is not given, it may still be possible to change the dates but this cannot be guaranteed. Any change of dates must still meet the requirements of eligibility.

In the sad circumstances where the mother or adopter of the child has died there may still be an entitlement to APL.

3.5.2a Pay during APL

Additional Statutory Paternity Pay (ASPP) may be payable to eligible employees. The entitlement is only during the mother or co-adopter's statutory maternity pay, statutory adoption pay or maternity allowance period which runs for 39 weeks from the date the mother or co-adopter started receiving their pay.

There must be at least 2 weeks of this period remaining when ASPP starts and it cannot continue beyond this 39 week period.

When any pay has been exhausted the rest of the leave period will be unpaid.

In the event of the mother's or co-adopter's death, ASPP can in some circumstances be payable from the date of their death.

3.5.2b Fixed Term Contracts

Where a fixed term contract is due to expire during the leave the line manager must contact the HR Department as soon as possible for advice.

3.5.2c Pension

Pension rights and contributions are dealt with in accordance with the provisions of the NHS Pension Regulations. Employees should ensure that they contact the Pensions Officer for further information on their contributions and payment.

Contact payroll@northumbria.nhs.uk

3.5.2d Annual Leave/Public Holidays

Annual Leave continues to accrue during the paid and unpaid leave period. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be beneficial for the employee to take annual leave before and/or after the formal (paid and unpaid) leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and their manager.

In exceptional circumstances, payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions.

Bank/Public Holidays will accrue during the maternity leave period. Part time employees will be entitled to the accrual of Bank Holidays on a pro rata basis in accordance with the Annual Leave policy.

3.5.2e Contact and Keeping in Touch days during APL

During the leave, the Trust/Manager may make reasonable contact with employees and in the same way the employee may make contact with the Trust. The employee and manager may find it helpful, before leave starts, to discuss arrangements such as how contact will happen and how often.

Employees are allowed to undertake up to ten days' work – known as “Keeping in Touch Days” (KITS) without leave coming to an end or affecting pay. These are different to the contact outlined above, as during these days an employee can carry out work for which they will be paid. This could be particularly useful to enable an employee to attend a conference, training activity or team meeting for example.

Pay will be at the basic contractual rate (and any paternity payments will be offset against this). The days of work do not have to be consecutive, and will not extend the leave period. Any amount of work done on a KIT day counts as one whole KIT day.

The Trust cannot require the employee to work these if they do not wish and the employee does not have the right to work if the Trust does not agree.

An employee will need to complete KIT payments form (Appendix 6) to be authorised by their manager every time a day is worked. The form must be returned to the Data Management Team, Human Resources, for payment to be made.

3.5.2f .Returning to Work after APL

If the member of staff wishes to return earlier than the expected return date, they must provide at least six weeks' notice of the date of early return in writing.

If the member of staff decides not to return they must give notice of resignation as soon possible in accordance with their conditions of service.

3.5.3g Professional Registration

Employees who are required to be professionally registered to carry out their job must maintain this registration throughout the period of leave, regardless of any differing guidance offered by the professional body.

3.5.3h Right to Work and Remain in the UK

Employees must maintain their right to work and Leave to Remain (LTR) in the UK throughout the period of leave where applicable. Individuals must inform Human Resources or the Medical Staffing Department if LTR is due to expire during this period. For further guidance on Immigration please see:

<https://www.gov.uk/government/organisations/uk-visas-and-immigration>

3.5.3i Car Parking

If the employee has a car parking permit and does not wish to continue to pay through deductions from pay; the permit must be returned to Interserve (CIC) or Finance (WCH).

4. TRAINING AND SUPPORT

The policy will be published on the Trust's intranet and copies will be available from ESR Data Management, C/o Education Centre, North Cumbria University Hospitals NHS Trust, Cumberland Infirmary, Newtown Road, Carlisle CA2 7HY (**NCUH**) or HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA (**CPFT**) Training for managers, HR staff and staff within Data Management will be provided as appropriate.

5. PROCESS FOR MONITORING COMPLIANCE

The process for monitoring compliance with the effectiveness of this policy is as follows:

The HR department will review the policy every three years or when legislation/regulations are updated to ensure that it meets statutory and contractual requirements.

Aspect being monitored	Monitoring Methodology	Reporting		
		Presented by	Committee	Frequency
Payroll Audit	Payments are audited annually during the annual payroll audit	Audit	Audit Committee	Annually
Compliance with policy when managing Maternity/Paternity/Shared Parental/Adoption Pay and Leave	HR Advisors to review 15 leave requests across both Trusts to ensure the leave entitlement and pay is correct.	HR Business Partner	HR Senior Management Team Meeting	Annually (1 Apr – 31 March)

Wherever the above monitoring has identified deficiencies, the following must be in place:

- Action plan
- Progress of action plan monitored by the *name of relevant committee* minutes
- Risks will be considered for inclusion in the appropriate risk registers

6. REFERENCES:

NHS Terms and Conditions of Employment

Speciality Doctor (2008) Contract

Consultant Medical Staff (2003) Contract

7. ASSOCIATED DOCUMENTATION:

HMRC guidance on salary sacrifice schemes

www.hmrc.gov.uk

Right to Work and Remain in the UK

<https://www.gov.uk/government/organisations/uk-visas-and-immigration>

Guidance of statutory rights/benefits

www.direct.gov.uk

www.dwp.gov.uk

Childcare Voucher Schemes – only available to existing members

employee@busybeesbenefits.com (NCUH)

<https://www.computersharevoucherservices.com/Pages/default.aspx> (CPFT)

8. DUTIES (ROLES & RESPONSIBILITIES):**8.1 Chief Executive / Trust Board Responsibilities:**

The Chief Executive and Trust Board jointly have overall responsibility for the strategic and operational management of the Trust, including ensuring that Trust policies comply with all legal, statutory and good practice requirements.

8.2 Executive Director Responsibilities:

All policies have a designated Executive Director and it is their responsibility to be involved in the development and sign off of the policies, this should ensure that Trust policies meet statutory legislation and guidance where appropriate. They must ensure the policies are kept up to date by the relevant author and approved at the appropriate committee.

8.3 Managers Responsibilities:

Managers are responsible for ensuring effective and consistent application of this policy and to undertake risk assessments as appropriate.

8.4 Staff Responsibilities:

Employees must ensure they are familiar with the contents of this policy if they wish to apply for maternity, adoption or paternity leave or pay and to apply in a timely manner in accordance with the timescales set out.

8.5 Employment Services (NCUH) / Payroll Provider (CPFT)

The Employment Services / Payroll Provider will provide advice on entitlements and administer applications. They will confirm entitlements, as appropriate, on an individual basis to each employee upon receipt of an application on the relevant form (Appendices 3, 4 and 5).

8.6 Human Resources Department Responsibilities

The Human Resources Department will provide advice and support to managers and employees to ensure fair and equitable outcomes in relation to maternity, adoption or paternity leave.

8.7 Trade Union Representatives Responsibilities:

Trade union Representatives will advise and support employees in the use of this policy and will work in partnership with managers to achieve swift resolution of concerns.

8.8 Occupational Health Responsibilities:

Occupational Health will provide management advice in response to any referrals made in the course of managing this process.

8.9 Approving Committee Responsibilities: Joint Partnership Forum

The Chair of the approving committee will ensure the policy approval is documented in the final section of the Checklist for Policy Changes. The committee will agree the approval of the final draft of the policy.

9. ABBREVIATIONS / DEFINITION OF TERMS USED

ABBREVIATION	DEFINITION
APL	Additional Paternity Leave
OPL	Ordinary Paternity Leave

TERM USED	DEFINITION
Qualifying Week (Maternity)	The 15th week before the beginning of the week in which the baby is due
Qualifying Week (Adoption)	The week the employee is notified as being matched with the child for adoption

TERM USED	DEFINITION
Expected Week of Childbirth (EWC)	This refers to the week, beginning with midnight between the Saturday and Sunday during which it is expected that the baby will be born
Continuous Service	With regard to maternity/adoption leave and pay, the Trust recognises previous service in other parts of the NHS.
Ordinary Maternity /Adoption leave	The period of 26 weeks statutory maternity / adoption leave
Additional Maternity/Adoption leave	A further period of 26 weeks leave. Additional leave follows ordinary leave and there must be no gap between the two
SMP/SAP	Statutory Maternity Pay / Statutory Adoption Pay
Ordinary Paternity Leave	Period of up to two weeks paternity leave
Additional Paternity Leave	Period of up to 26 weeks paternity leave

APPENDIX 1 - GUIDANCE FOR MANAGING MATERNITY LEAVE - FOUNDATION PROGRAMME

Foundation Programme Doctors are employees of an NHS Acute Hospital Trust within the Northern Deanery Foundation School, contracted for 2 years to work as an F1 Doctor for 1 year and then as an F2 Doctor for 1 year.

Inevitably, the personal circumstances of an individual may change meaning they are unable to complete the 2-Year FP as initially planned and are required to take time out of the programme. The *Operational Framework for Foundation Programme Training* includes the following statement relating to taking time out of the programme, emphasising that the equivalent of 2 years' experience must be worked by an individual in order to complete the Foundation Programme (ref, para 90):

(This document can be found on the national MMC website: www.mmc.nhs.uk)

*Although trainees undertaking less than full-time foundation training might meet the required competences prior to completing two full years of training, an aggregate **total** of two years whole-time equivalence of foundation training should be completed to meet the UK requirements for all foundation trainees of meeting both the foundation competences and undertaking a two-year experiential foundation training*

Under the umbrella of Employment Law, an FP Doctor who wishes to take time out of their employment, for maternity leave cannot be disadvantaged. The individual has the right to take maternity leave for up to 1 year. Currently, the law states that 6 months paid maternity can be granted and 6 months unpaid. The employer will decide if the individual is entitled to occupational maternity pay and/or statutory maternity pay.

Individuals looking to plan for maternity leave should discuss entitlement with their employer. The entitlement will be dependent on the length of service of the individual by the expected week of childbirth. At the end of the maternity leave a woman is entitled to return to her original job or, if this is not reasonably practicable, to a suitable alternative job.

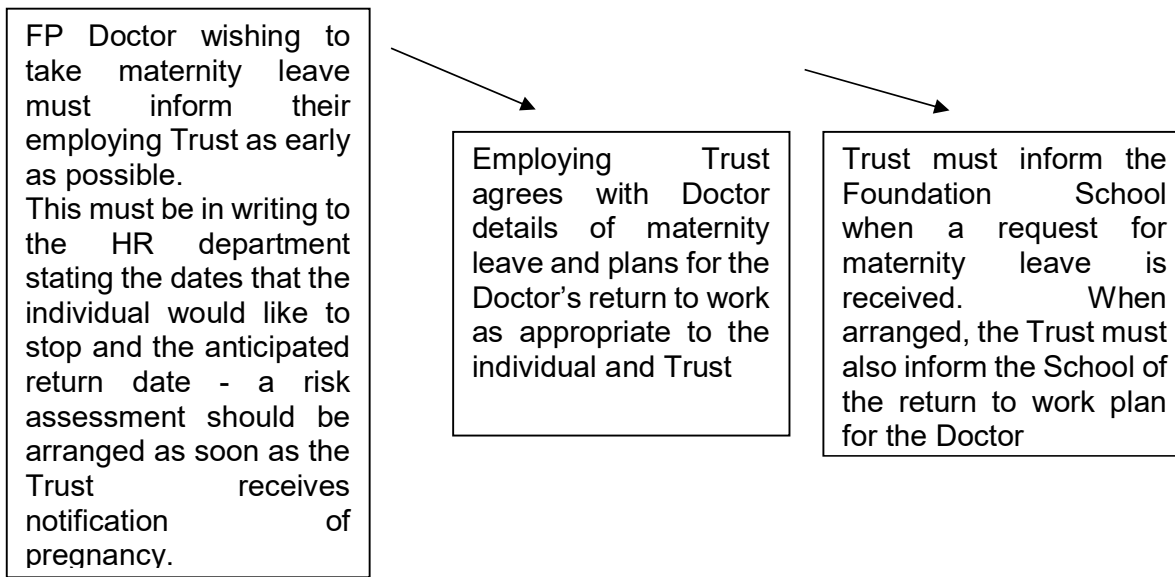
It will be the responsibility of the employer to ensure that any backfill or locum is provided during the time that the employee is away from the workplace. When the trainee returns, they should return to a job at the appropriate level (either F1 or F2), so as to not be disadvantaged by their time taken away to have a child. Individuals should also ask to see a copy of the employers maternity leave policy.

Doctors are required to complete a full F1 year and a full F2 year. Currently, within F1 the GMC allow for up to a maximum of 4 weeks' time due to illness out of programme. This approach should similarly be mirrored within F2 to ensure consistency. As the Foundation Programme remains, at present, time-served, managing maternity leave may inevitably result in an individual doctor becoming 'out of phase' when they return to work. Trusts are required to manage the training programme on an individual-by-individual basis, to enable the doctor to have the opportunity to complete the FP in a model that best suits both the individual and the employer.

Where an individual has taken more than 4 weeks out of their F1 year for maternity leave, the individual must then make up the equivalent time before progressing into F2. Similarly, an individual must make up any equivalent time missed within F2 before progressing to post-FP training.

Any trainees that are out of phase due to maternity leave should seek advice from the Recruitment and Selection team within the deanery dealing with post-FP training to receive advice, pertinent to their personal circumstances.

It is vital that Trusts inform the Foundation School when they receive a request for maternity leave, providing details of the return to work plan for the individual doctor, to enable the School to keep an accurate file to monitor time served by the doctor (especially important for Full Registration purposes).



*Northern Deanery Foundation School
December 2006*

APPENDIX 2 - APPLICATION FOR MATERNITY LEAVE/PAY

This form must be submitted by the 15th week prior to the Expected Week of Childbirth (EWC)

<p>Personal Details: (please print)</p> <p>Title: Surname: Forenames</p> <p>Home Address:</p> <p>.....</p> <p>Home contact number</p> <p>Job Title: Payroll No:</p> <p>Dept and Contact no:Managers Name and Contact no.....</p>
<p>Continuous Service Dates:</p> <p>NHS start date: Trust start date</p>
<p>Maternity Leave Application:</p> <p>Expected Date of Child Birth: .../.../.....Expected return date to work (if known) .../.../.....</p> <p>Last Day of Work:/...../..... Maternity leave to commence date...../...../.....</p> <p>This application is for Option: ... A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> (Details of options on the next page)</p> <p>Pay to be spread over 9 months: <input type="checkbox"/> 12 months: <input type="checkbox"/></p>
<p>Returning to Work:</p> <p>I intend / do not intend * to return to NHS employment for a minimum of 3 months immediately following the maternity leave.</p> <p><i>If I have indicated I intend to return to work I am aware that, if I fail to do so, my pay will be recalculated and I will owe the Trust the balance of any pay received in excess of my recalculated entitlements. I am also aware that the Trust will recover this from any outstanding salary payments and will recover any further sums outstanding through whatever action is necessary.</i></p>

I enclose / will forward * my ORIGINAL Certificate of Confinement (MATB1 Form)

Signature of Applicant: Date:.....

Signature of Manager: Date:.....

To be completed by the Manager

I confirm that I have discussed maternity/adoption arrangements with the employee and where appropriate, in accordance with the Trust's Pregnancy at Work Policy (NCUH), Policy for the Risk Assessment of New and Expectant Mothers (CPFT) carried out a risk assessment and completed a Risk Assessment Form.

Please also attach a copy of the Risk Assessment so that it can be place on the employee’s personal file.

Signed: Date:

Name: Contact No.....
(Please print)

Length of Service	Intend to Return to NHS for at least 3 months following Leave	Do not intend to return to NHS
<p>More than 12 months continuous service at the beginning of the 11th week before the EWC,</p>	<p>Option A</p> <p>26 weeks Ordinary Leave</p> <ul style="list-style-type: none"> • 8 weeks full pay (inclusive of SMP/MA) • 18 weeks half pay plus SMP/MA (total must not exceed normal pay) <p style="text-align: center;">PLUS</p> <p>26 weeks Additional Leave:</p> <ul style="list-style-type: none"> • 13 weeks SMP/MA • 13 weeks unpaid 	<p>Option A</p> <p>26 weeks Ordinary Leave with SMP*/MA</p> <p style="text-align: center;">PLUS</p> <p>26 weeks Additional Leave:</p> <ul style="list-style-type: none"> • 13 weeks SMP/MA • 13 weeks unpaid
<p>Less than 12 months service at beginning of 11th week before the EWC but more than 26 weeks continuous service by the end of the 15th week before the EWC.</p>	<p style="text-align: center;">Option B</p> <p style="text-align: center;">26 weeks Ordinary Leave with SMP*/MA or SAP</p> <p style="text-align: center;">PLUS</p> <p style="text-align: center;">26 weeks Additional Leave :</p> <ul style="list-style-type: none"> • 13 weeks SMP/MA/SAP • 13 weeks unpaid 	
<p>Less than 26 weeks continuous service at the beginning of the 14th week before the EWC.</p>	<p style="text-align: center;">Option C</p> <p style="text-align: center;">26 weeks Ordinary Leave - You may be entitled to MA or other benefits</p> <p style="text-align: center;">PLUS</p> <p style="text-align: center;">26 weeks Additional Leave</p> <ul style="list-style-type: none"> • 13 weeks - you may be entitled to MA or other benefits • 13 weeks unpaid 	

Notes

*SMP entitlement relates to earnings; first 6 weeks are paid at Higher Rate, remaining 33 weeks at Lower Rate. If not eligible you may receive MA or other benefits. Higher rate SMP = 90% of average weekly earnings; Lower rate SMP= Lower of 90% of average weekly earnings or current set SMP amount. Continuous service – a break in service of three months or less will be disregarded (though not count as service).

Please return this form to together with MatB1 certificate to:-

ESR Data Management, Human Resources, C/o. Education Centre, Cumberland Infirmary, Carlisle CA2 7HY (NCUH)

HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA (CPFT) or email MaternityLeave@cumbria.nhs.uk

APPENDIX 3 - APPLICATION FOR ADOPTION LEAVE/PAY

You must tell your manager as soon as possible of your intention to take adoption leave. Where possible, 28 days prior to the commencement of adoption leave you should inform your manager of your intention to take leave and if known, the week the child is expected to be matched/placed and the date you wish to start your adoption leave.

If it is not possible to give 28 days' notice, you must complete and submit this form within 7 days of the notification of the matching date.

<p>Personal Details: (please print)</p> <p>Title: Surname: Forenames:</p> <p>Home Address.....</p> <p>Job Title: Payroll No:</p> <p>Dept. and contact no:</p>
<p>Continuous Service Dates:</p> <p>NHS start date: Trust start date.....</p>
<p>Declaration</p> <p>I will be matched with a child on and I will forward evidence of the matching.</p> <p>I would like to begin adoption leave on</p> <p>I would like to return to work following adoption leave on</p> <p>This application is for Option: A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> (Details of options on the next page)</p>
<p>Returning to Work:</p> <p>I intend / do not intend * to return to NHS employment for a minimum of 3 months immediately following the adoption leave.</p> <p><i>If I have indicated I intend to return to work I am aware that, if I fail to do so, my pay will be recalculated and I will owe the Trust the balance of any pay received in excess of my recalculated entitlements. I am also aware that the Trust will recover this from any outstanding salary payments and will attempt to recover any further sums outstanding through whatever action is necessary.</i></p>

I enclose / will forward * my evidence of my matching date.

Signature of Applicant:..... Date:.....
 Signature of Manager:..... Date:.....

Length of Service	Intend to Return to NHS for at least 3 months following Leave	Do not intend to return to NHS
<p>More than 12 months continuous service at the end of week of notification of matching (matching certificate required)</p>	<p>Option A 26 weeks Ordinary Leave</p> <ul style="list-style-type: none"> • 8 weeks full pay (inclusive of SAP/MA) • 18 weeks half pay plus SAP/MA (total must not exceed normal pay) <p style="text-align: center;">PLUS</p> <p>26 weeks Additional Leave:</p> <ul style="list-style-type: none"> • 13 weeks SAP/MA • 13 weeks unpaid 	<p>Option A 26 weeks Ordinary Leave with SAP*/MA</p> <p style="text-align: center;">PLUS</p> <p>26 weeks Additional Leave:</p> <ul style="list-style-type: none"> • 13 weeks SAP/MA • 13 weeks unpaid
<p>Less than 12 months service at the end of week of notification of matching (matching certificate required)</p>	<p>Option B</p> <p>26 weeks Ordinary Leave with SAP*/MA or SAP</p> <p style="text-align: center;">PLUS</p> <p>26 weeks Additional Leave :</p> <ul style="list-style-type: none"> • 13 weeks SAP/MA • 13 weeks unpaid 	
<p>Less than 26 weeks continuous service at the end of week of notification of matching (matching certificate required)</p>	<p>Option C</p> <p>26 weeks Ordinary Leave - You may be entitled to MA or other benefits</p> <p style="text-align: center;">PLUS</p> <p>26 weeks Additional Leave</p> <ul style="list-style-type: none"> • 13 weeks - you may be entitled to MA or other benefits • 13 weeks unpaid 	

Notes

*SAP entitlement relates to earnings; first 6 weeks are paid at Higher Rate, remaining 33 weeks at Lower Rate. If not eligible you may receive MA or other benefits. Higher rate SAP = 90% of average weekly earnings; Lower rate SAP = Lower of 90% of average weekly earnings or current set SAP amount

Continuous service – a break in service of three months or less will be disregarded (though not count as service)

Please return this form to together with Matching certificate to:-

ESR Data Management, Human Resources, C/o Education Centre, Cumberland Infirmary, Carlisle CA2 7HY (NCUH)

HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA (CPFT) or email MaternityLeave@cumbria.nhs.uk

APPENDIX 4 – APPLICATION FOR ORDINARY PATERNITY LEAVE

Full Name:	
Post Title:	Assignment No:
Site:	Dept:
Hours per week:	Contact Tel No:

<p>Expected date Paternity Leave to commence: Ordinary Paternity Leave cannot begin prior to the baby's birth/date of adoption</p>
<p>Period of leave <input type="checkbox"/> 1 week <input type="checkbox"/> 2 weeks Ordinary Paternity Leave must be taken in blocks of one or two weeks</p>

<p>I have read a copy of the Special Leave Policy and wish to apply for:</p> <p><input type="checkbox"/> Leave with full pay. I have completed at least 12 months continuous service by the date of the birth/adoption of the child</p> <p><input type="checkbox"/> Leave with Statutory Paternity Pay. I will have completed at least 26 weeks, but less than 12 months continuous service at the beginning of the 15th week before the child is due.</p> <p><input type="checkbox"/> Unpaid leave</p>	
<p>You must be able to tick both of the following boxes to be eligible Statutory Paternity Pay and Paternity Leave</p> <p>I declare that</p> <p><input type="checkbox"/> I am the child's biological/adoptive father, or married to the mother/adopter, or the partner of the mother/adopter, or living with the mother/adopter in an enduring family relationship but am not an immediate relative</p> <p><input type="checkbox"/> I have responsibility for the child's upbringing and will take time off work to support the mother or care for the child</p>	
Signed	Date:

This Section to be completed by the Manager

Name	Post Title
Signed:	Date:

Forward to : -

(NCUH) ESR Data Management, Human Resources, C/o Education Centre, North Cumbria University Hospitals NHS Trust, Cumberland Infirmary, Newtown Road, Carlisle CA2 7HY

(CPFT) HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA or email MaternityLeave@cumbria.nhs.uk

APPENDIX 5 - APPLICATION FOR ADDITIONAL PATERNITY LEAVE

You and your partner must complete all sections in full and submit the form at least 8 weeks before the intended date of the Leave. You must also provide within 28 days a copy of the birth certificate/official notification of adoption.

Section 1 – to be completed by the employee applying for Additional Paternity Leave

Additional Paternity Leave (APL) / Additional Statutory Paternity Pay (ASPP)

EMPLOYEE’S DETAILS (please complete in full)

Full Name:	
Post Title:	Assignment No:
Site:	Dept:
Hours per week:	Contact Tel No:

PATERNITY DETAILS (please complete in as appropriate)

<u>Birth of Child</u>	<u>Adoption</u>
Due date of birth:	Date of match:
Actual date of birth:	Date child was placed:

PATERNITY LEAVE DETAILS (please complete in full)

I wish to start APL on:
I wish to end APL on:
I wish to apply for ASPP (if applicable) to be paid from:

DECLARATION (please complete the appropriate part in full)

<u>Birth of Child</u>	<u>Adoption</u>
I declare that	I declare that
<input type="checkbox"/> I will care for the child during the leave period and	<input type="checkbox"/> I will care for the child during the leave period and
<input type="checkbox"/> I am the child’s father or I am the spouse, partner or civil partner of the mother and	<input type="checkbox"/> I have been jointly matched for adoption with my spouse, partner or civil partner who has taken adoption leave to care for the child and
<input type="checkbox"/> I have responsibility for the child’s upbringing and	<input type="checkbox"/> The information I have given is correct
<input type="checkbox"/> The information I have given is correct	
SIGNED:	DATE:

PTO

Section 2 – to be completed by the mother /joint adopter of the child

This is to provide the required declaration of the employee’s eligibility to take Additional Paternity Leave and, if applicable, to qualify for Additional Statutory Paternity Pay

Statutory Maternity Pay (SMP / Statutory Adoption Pay (SAP) / Maternity Allowance (MA)

MOTHER’S/ADOPTERS DETAILS (please complete in full)

Full Name of mother/adopter:
Address of mother/adopter:
National Insurance Number:
Start date of SMP/MA/SAP:
Date you intend to return to work::
End/intended end date of SMP/MA/SAP:

DECLARATION (please complete the appropriate part in full)

<p><u>Birth of Child</u></p> <p>I declare that</p> <p><input type="checkbox"/> I am entitled to SMP or MA</p> <p><input type="checkbox"/> this is the only application of ASPP for this child</p> <p><input type="checkbox"/> I have told my employer the date I expect to return to work</p> <p><input type="checkbox"/> I agree that the information I have provided will be used by the Trust to work out entitlement to ASPP</p> <p><input type="checkbox"/> The information I have provided is correct</p>	<p><u>Adoption</u></p> <p>I declare that</p> <p><input type="checkbox"/> I am entitled to SAP</p> <p><input type="checkbox"/> this is the only application of ASPP for this child</p> <p><input type="checkbox"/> I have told my employer the date I expect to return to work</p> <p><input type="checkbox"/> I agree that the information I have provided will be used by the Trust to work out entitlement to ASPP</p> <p><input type="checkbox"/> The information I have provided is correct</p>
SIGNED:	DATE:

Section 3 - to be completed by the Manager

Name	Post Title
Signed:	Date:

Forward to : -

(NCUH) ESR Data Management, Human Resources, C/o Education Centre, North Cumbria University Hospitals NHS Trust, Cumberland Infirmary, Newtown Road, Carlisle CA2 7HY

(CPFT) HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA or email MaternityLeave@cumbria.nhs.uk

APPENDIX 6 - KEEPING IN TOUCH (KIT) CLAIM FORM

Maternity/Adoption/Additional Paternity Leave

Keeping In Touch Day Payment Form

Full Name: (please print)	Post:
Trust / Hospital / Department:	Department:
Assignment Number:	Contact Tel. Number:

Whilst on Maternity/Adoption/Additional Paternity leave, the above member of staff attended for Keeping in Touch day(s) (KIT) on the following date(s):

<u>Date</u>	<u>Start Time</u>	<u>Finish Time</u>	<u>Less Breaks</u>	<u>Total Hours to be Paid</u>

Signed:.....Employee

Print Name:.....Employee

Authorised:..... Authorised Officer

Print Name:.....Authorised Officer

Please return this form to ESR Data Management, Human Resources, C/o Education Centre, North Cumbria University Hospitals NHS Trust, Cumberland Infirmary, Newtown Road, Carlisle CA2 7HY (NCUH) / HR, Maglona House, Kingstown Broadway, Carlisle CA3 0HA (CPFT)

DOCUMENT CONTROL

Equality Impact Assessment Date	23/11/2018
Sub-Committee & Approval Date	Joint Partnership Forum 06/02/2019

History of previous published versions of this document:

Version	Ratified Date	Review Date	Date Published
CPFT	01/03/2017	01/03/2020	01/03/2017
NCUH	26/04/2011	03/10/2018	26/04/2011

Statement of changes made from previous versions

Version	Date	Section & Description of change
		CHANGES TO CPFT POLICY
V0.1	21/11/2018	<u>Policy Formatting</u> Changed in line with Joint Policy Template (i.e. as per Table of Contents)
		<u>GDPR Regulations</u> New guidance included as per General Data Protection Regulations
		<u>3.1 – Maternity Leave and Pay</u> Entitlement of maternity pay is not based on number of hours worked it's based on average weekly earnings - section amended.
		<u>3.2.1b – Risk Assessment</u> Wording added in line with NCUH Policy Occasionally, redeployment may not be possible and in this situation employees will be suspended from work on full pay for as long as is necessary to protect their safety or that of the unborn child (the employee will not however be paid if they have unreasonably refused alternative work).
		<u>3.1.2 – Continuous Service</u> Wording added in line with NCUH Policy For the purposes of calculating continuous service the provisions that will apply to calculate whether an employee meets the twelve months criteria with one or more NHS employers (as per NHS Terms and Conditions-Section 15).

		<p><u>3.2.2b – Commencement due to Premature Birth</u> Wording added in line with NCUH Policy Evidence of childbirth is required in the event of a premature birth when maternity leave is to be taken earlier</p>
		<p><u>3.2.3a Pay Progression (Pay-step points)</u> Wording added in line with NCUH Policy Maternity leave, whether paid or unpaid, shall count as service towards the time required to progress between pay steps points (increments), and for the purposes of any service qualification period for additional annual leave. The expectation is that any employee on maternity leave would progress through a pay step point on their pay step date, if concerns had not been raised about the ability to meet the expected standards for progression prior to maternity leave.</p>
		<p><u>3.2.3c Pension</u> Wording added in line with NCUH Policy Now signposts to Pensions Officer so it can't be construed HR are advising to leave the scheme. Pension rights and contributions are dealt with in accordance with the provisions of the NHS Pension Regulations. Employees should ensure that they contact the Pensions Officer for further information on their contributions and payment.</p>
		<p><u>3.2.3d Non-cash benefits e.g. childcare vouchers, salary sacrifice schemes</u> Childcare vouchers are only available for those who registered on or before 30/09/2018 and that the salary sacrifice scheme is closed to new applicants. When the employee is on SMP or unpaid maternity leave the Trust will no longer pay the vouchers on behalf on the employee, this has been brought line with NCUH who have not paid childcare vouchers on behalf of the employee since 2014.</p>
		<p><u>3.2.3f Professional Registration</u> Wording added in line with NCUH Policy Employees who are required to be professionally registered to carry out their job <u>must</u> maintain this registration throughout the period of leave, regardless of any differing guidance offered by the professional body.</p>
		<p><u>3.2.3g Right to Work and Remain in the UK</u> Wording added in line with NCUH Policy Employees must maintain their right to work and Leave to Remain (LTR) in the UK throughout the period of leave where applicable. Individuals must inform Human Resources or the Medical Workforce Team if LTR is due to expire during this period. For further guidance on Immigration please see: www.workingintheuk.gov.uk</p>
		<p><u>3.2.3h Working for more than one Employer</u> Wording added in line with NCUH Policy Where an employee works for more than one employer and satisfies the qualifying rules with each of them, they can receive SMP and OMP from each of the employers.</p>

		<p>3.2.3i Car Parking Permit Wording added in line with NCUH Policy If the employee has a car parking permit and does not wish to continue to pay through deductions from pay, the permit must be returned to Interserve (CIC) or Finance (WCH).</p>
		<p>3.2.6 Not Returning to Work Wording added in line with NCUH Policy If the employee decides that they do not wish to return to work after maternity leave then they must resign, giving the normal period of notice. If the employee originally declared that they intended to return to work and claimed occupational maternity pay and then does not return to work for the Trust or another NHS employer within 15 months of the beginning of their leave, they will be liable to refund the whole of the occupational maternity pay, less any statutory pay received.</p>
		<p>3.4.1 NHS Occupational Maternity Pay/Occupational Adoption Pay Removal of reference that you must qualify for normal sick pay as not relevant.</p>
		<p>3.4.2 Eligibility for SMP /SAP Removal of employee having to inform manager if they go outside the European Economic Area.</p>
		<p>Appendix 1 - Guidance for Managing Maternity Leave - Foundation Programme Not previously included in CPFT Policy.</p>
		<p>Appendix 4/5 – Paternity Leave Application for Ordinary Parental Leave and Additional Paternity Leave have been split into separate forms.</p>
		<p><u>Changes to NCUH Policy</u></p>
V0.2	21/11/2018	<p>Policy Formatting Changed in line with Joint Policy Template (i.e. as per Table of Contents)</p>
		<p>GDPR Regulations New guidance included as per General Data Protection Regulations</p>
		<p>3.2.5b Health and Safety Removal of the requirement to attend OH to obtain medical clearance on returning from maternity leave (NCUH Policy only). Risk assessment on return to work only required if it is less than 6 months' since giving birth and/or still breast feeding.</p>
		<p>3.5 Paternity Leave/Pay Wording added in line with CPFT Policy Eligibility of pay to include partners with responsibility for the child's upbringing.</p>
		<p>Appendix 4/5 – Paternity Leave Application for Ordinary Parental Leave and Additional Paternity Leave have been split into separate forms.</p>

Changes Following Consultation Period

V0.3	04/01/2019	Full address of ESR Data Management (NCUH) to be included to avoid forms being sent to incorrect address.
		3.2.1b – Risk Assessment Where redeployment is not possible the employee is suspended from work on full pay. Further clarification inserted that this will include enhancements.
		3.2.2c and 3.2.2d Miscarriage and Still Birth Further clarification inserted regarding pay and leave entitlement.
		3.2.5b Health and Safety Sentence included that suitable rest areas for breastfeeding should be agreed locally with the line manager.
		3.2.3a Pay Progression (Pay-step points) Someone on maternity that doesn't have the ability to meet the expected standards. Will it be discriminatory not to allow someone to automatically progress through a pay step given they will not have the opportunity to improve the same as an employee in work. Wording has been left as taken direct from NHS Terms and Conditions Section 15.48.
		3.2.5a – Flexible Working Arrangements Wording amended to ensure all flexible working requests are carried formally through the correct policy rather than coming to an informal arrangement with their manager. This will ensure that the policy is applied fairly to all and prevent any issues further down the line when we find someone has been on it for years without review.
V0.4	19/03/2019	Minor amendments following Policy Management Group meeting: <ul style="list-style-type: none"> • Monitoring section page 28 amended “Audit Committee” to “Audit and Risk Committee”. Added name of committee to text under the monitoring table. • Section 6 page 29 added the other Policies listed in the body of the document. • Section 7 replaced hyperlinks with pathnames • Section 8.2 Added the name of the Executive Director to the title • Section 8.9 Added the name of the approving committee as Partnership Forum

List of Stakeholders who have reviewed the document

Name	Job Title	Date
CPFT Children and Families Care Group	Governance and Network Management Teams	December 2018 via email
CPFT Mental Health Care Group	Senior Management Team	December 2018 via email

Name	Job Title	Date
CPFT Community Care Group	Senior Management Team	December 2018 via email
CPFT Specialist Care Group	Senior Management Team	December 2018 via email
NCUH Medicine	Senior Management Team	December 2018 via email
NCUH Surgery	Senior Management Team	December 2018 via email
CPFT/NCUH Corporate Services & Estates and Facilities Management	Senior Management Team	December 2018 via email
Joint Partnership Forum	Union Representatives	February 2019