

Maternity, Paternity, and Adoption Leave and Pay Policy and Procedure

Version	V2
Supersedes:	V1
Date Ratified by Board:	27 th October 2016
Reference Number:	PC24POL47
Title & Department of originator:	Human Resources Department
Title of responsible committee/department:	Associate Director of Human Resources
Effective Date:	October 2016
Next Review date:	July 2022
Target audience:	All Staff
Impact Assessment Date:	31.05.2019
Summary	This policy governs the rules and procedures relating to maternity, paternity and adoption arrangements

Version	Date	Control Reason	Title of Accountable Person for this Version
V1	Oct 2016	New policy	HR Department
V2	July 2019	Changes to entitlements and revision to conform with Policy Management standard	HR Department
Reference Documents		Electronic Locations (Controlled Copy)	Location for Hard Copies
Consultation: Committees / Groups / Individual			Date
Quality and Workforce committee			25 th July 2019

Contents

1.0	PURPOSE.....	3
2.0	SCOPE OF THE POLICY.....	4
3.0	RESPONSIBILITIES.....	4
3.1	EMPLOYEE RESPONSIBILITIES.....	4
3.2	MANAGER RESPONSIBILITIES	4
3.3	ROLE OF HUMAN RESOURCES.....	5
4.0	POLICY PROCEDURES.....	5
4.1	MATERNITY	5
4.2	PATERNITY/PARTNER LEAVE	18
4.3	ADOPTION	22
4.4	SHARED PARENTAL LEAVE.....	31
5.0	RELATED POLICIES	39
6.0	MONITORING COMPLIANCE	39
7.0	INFORMATION, INSTRUCTION AND TRAINING	39
8.0	EQUALITY AND HEALTH INEQUALITIES	39
9.0	MAIN REFERENCES	40
	Appendix 1: Risk Assessment Standards and Guidance for New and Expectant Mothers	41

1.0 PURPOSE

Primary Care 24 is fully committed to helping working parents balance work and family life. Primary Care 24 will make any reasonable adjustments to accommodate employee needs in respect of reasonable time off for maternity, paternity or adoption purposes whilst ensuring it provides a smooth and continuous quality service.

Primary Care 24 recognises the many types of families our staff may be part of. This policy applies to all types of family units, e.g. same sex and different sex couples (whether civil partners, married or not) and single parent families. It applies to all staff whether heterosexual, lesbian, gay, or bisexual.

In implementing this policy, Primary Care 24 will ensure that employees:

- as far as reasonably possible, are able to combine their work and family responsibilities,
- will not be subject to any detriment because they took, or sought to take family-related leave,
- will not be disadvantaged in terms of their work based development needs or career development for having taken family-related leave and
- are aware of the family-related entitlements available to them and their responsibilities within those entitlements.

The Maternity, Paternity and Adoption procedures contain information for employees who are planning to become a parent, are a parent or have parental responsibility.

To briefly outline the difference between the types of family-related leave; maternity leave is for the expectant mother; adoption leave is for the lead adopter and paternity leave is for the expectant father, guardian, heterosexual or same sex partner (who is not taking adoption) whether lesbian, gay, bisexual or heterosexual.

The policy and procedure provides information for managers on Primary Care 24's legal responsibility, i.e. Health & Safety risk assessments, and outlines steps for processing maternity, adoption, paternity or parental leave.

2.0 SCOPE OF THE POLICY

This policy applies to all Primary Care 24 employees. The procedures do not apply to agency or casual workers, self-employed or those subcontracted to provide services to Primary Care 24.

3.0 RESPONSIBILITIES

3.1 EMPLOYEE RESPONSIBILITIES

Employees:

- must take responsibility for looking after their own well-being whilst pregnant and voluntarily seek advice from their doctor or midwife.
- are responsible for being aware of the procedures under-pinning this policy and reasonably following the expectations set-out within the procedures.
- are responsible for fulfilling their contracted hours and whilst Primary Care 24 will allow reasonable time off work to attend appointments, employees should attempt to make all appointments, where possible outside of their normal working hours. Where this is not feasible, as much notice as possible should be given to the line manager.
- Maintain communication with their line manager before and during periods of absence as agreed

3.2 MANAGER RESPONSIBILITIES

Line managers:

- should ensure that they understand the Maternity, Paternity and Adoption leave and Pay Policy and supporting procedures.
- are responsible for supporting the employee in preparation for and during their leave through meetings and communication. They will also take appropriate action to maintain smooth and effective service before and during the period of leave.
- must ensure that leave is accurately recorded and that all appropriate

correspondence is given to the employee and filed on their HR file in a timely manner.

- must preserve the confidentiality of any family related information they receive, agreeing with the employee any communication across their teams.

3.3 ROLE OF HUMAN RESOURCES

HR will:

- develop and provide clear policies and procedures for line managers and employees to refer to.
- ensure that policies and procedures are accessible on the intranet for easy access.
- assist line managers and employees by providing forms and letter templates to fulfil the necessary statutory obligations related to preparing for or taking family-related leave. ensure line managers receive training/coaching on how to handle and manage family-related absence.
- provide additional guidance to line managers on implementing the procedures during complex, exceptional or unusual circumstances.
- implement pay instructions regarding the identified family-related entitlements and deductions, upon receipt of the required paperwork.

4.0 POLICY PROCEDURES

4.1 MATERNITY

The Maternity Leave Procedure provides employees who are about to become new mothers with information on their entitlements.

Both the expectant mother and the line manager should be familiar with the content of the Maternity Leave Procedure as statutory and procedural requirements are non-negotiable.

Primary Care 24 has an obligation under the Management of Health and Safety at

Work Regulations 1999 (MHSW), and the Employment Rights Act 1996 to ensure that it protects the health and safety of its pregnant workers and breastfeeding mothers and, under the Equality Act 2010, that it does not discriminate against pregnant employees or those on maternity leave. This document sets out Primary Care 24's current maternity guidance which is intended, as a minimum, to reflect the statutory provisions. If there is any conflict between this procedure and the statutory provisions, the latter will prevail.

i. Notification of Pregnancy & H&S Risk Assessment

Expectant mothers should notify their line manager of their pregnancy as soon as practically possible to ensure that an initial Health and Safety Risk Assessment is completed at the earliest opportunity. Arrangements should also be put in place for a review.

Information and guidance on how to complete the Risk Assessment of a Pregnant Worker can be found as part of the Risk Assessment Standards and Guidance for New and Expectant Mothers (Appendix 1).

Expectant mothers are asked to discuss the risks associated with her particular job or discipline with her GP/doctor/midwife or other registered practitioner and to discuss these with their line manager in order that an appropriate risk assessment can be carried out. If a risk is identified this may require an alteration in the employee's working conditions or hours of work. In extreme circumstances, where the risk to the un-born baby cannot be avoided, then steps must be taken to find suitable alternative employment in another role.

If suitable alternative employment cannot be identified, a pregnant staff member may be suspended on full pay and benefits. This is known as "maternity suspension" and may be considered in conjunction with advice from Occupational Health, the employee's own GP or midwife and HR.

A further risk assessment is required for employees returning to work who are breastfeeding to ensure that reasonable practicable steps are taken to control the risks to which the mother may be exposed.

ii. Right to Time Off for Ante-Natal Care

All expectant mothers are entitled to reasonable paid time off during working hours to attend appointments for antenatal care based on the advice of a registered medical practitioner, midwife or health visitor.

Such appointments are usually directly related to the health and wellbeing of the pregnant women and/or the unborn child. Where possible, the pregnant employee should arrange appointments at either end of the working day so as to cause minimum disruption to the smooth running of the workplace.

Employees may be required to provide evidence of appointments and are required to give as much notice as possible of the appointments.

iii. Meaning of Childbirth

The definition of childbirth, for the purpose of determining eligibility for both the maternity pay and leave, means the birth of a live child, or a still birth after a pregnancy lasting at least 24 weeks.

iv. Sickness Absence during Pregnancy

If an expectant mother is sick during her pregnancy with an illness unrelated to her pregnancy, her sickness absence will be treated as normal sickness absence and the Absence Management Policy will apply.

All pregnancy related sickness absence will be counted against her occupational sickness entitlement but will be discounted for absence monitoring purposes, as outlined in the Absence Management Policy.

Where an expectant mother is absent wholly or partly because of her pregnancy at any time after the start of the 4th-week before the expected week of Childbirth (EWC) the expectant mother's maternity entitlement will commence automatically.

v. Premature or Stillbirth

Where an employee's baby is born alive but prematurely i.e. at least 11 weeks before the due date, the employee can agree with the line manager for the Maternity, taking a minimum of two weeks leave immediately after the childbirth and the rest of the leave when the baby is discharged from Hospital.

In the event of a stillbirth occurring after the 24th week of pregnancy, the employee will be entitled to the same amount of Maternity Leave and pay as if her baby was born alive.

Where an employee has a miscarriage before the end of the 24th week of pregnancy, normal sick leave provisions will apply

vi. Maternity Leave Eligibility & Entitlement

All expectant mothers who meet the requirements are entitled to take up to 52 weeks maternity leave which comprises of 26 weeks' Ordinary Maternity Leave (OML) and 26 weeks' Additional Maternity Leave (AML) which is a combination of paid and unpaid leave.

All expectant mothers must take a period of "compulsory maternity leave", which is a minimum of two weeks commencing with the day the child is born (or stillborn if that occurs any time after 24 weeks of pregnancy).

The maternity entitlements are unchanged in the event of a multiple birth.

vii. Shared Parental Leave and Pay

For couples who meet the requirements, Shared Parental Leave enables sharing of the care of a child during the first year following birth or adoption. Please refer to section 4.4 for more information.

viii. Notification requirements for Maternity Leave

By the end of the 15th week before the expected week of childbirth (EWC), or as soon as reasonably practical, an employee should notify their line manager in writing of the following:-

- That she is pregnant.
- The Expected Week of Childbirth (EWC).
- The date on which she intends to commence her maternity leave which can start on any date within the 11th weeks before the EWC.

Written notification must be supported with a medical certificate (MATB1). This is issued by the employee's GP or midwife around the 26th week of pregnancy and confirms the expected week of childbirth. Payroll cannot process any maternity pay without a MATB1 so this must be provided before maternity commences.

Following written notification from the employee, the line manager should discuss maternity leave arrangements with the employee and confirm details of the discussion in writing.

Primary Care 24 will assume that the employee will take the full entitlement of 52 weeks unless stated otherwise.

An employee can bring forward or postpone the maternity leave start date as long as 28 days notification is provided unless this is not reasonably practicable.

ix. Starting Maternity Leave

Maternity leave can commence no earlier than the 11th week before the EWC and can start on any day of the week.

If an expectant mother is absent from work due to a pregnancy related sickness within four weeks of the EWC or if childbirth occurs earlier than anticipated, maternity leave will start automatically. In light of this the line manager will notify HR and Payroll and amend records where possible so that the maternity leave pay is calculated.

4.1.1 Entitlements during Maternity Leave

The employee is entitled to take up to a maximum of 52 weeks Maternity/Adoption Leave. This is made up of two parts;

1. Ordinary Maternity and Adoption Leave (OML) - the first 26 weeks of Leave is referred to as Ordinary Maternity / Adoption Leave. Employees are entitled to take 26 weeks ordinary Maternity or Adoption leave irrespective of their length of service or the number of hours worked each week, provided they comply with certain notification requirements.
2. Additional Maternity and Adoption Leave (AML) - employees who qualify for ordinary Maternity or Adoption leave will also qualify for Additional Maternity Leave (AML). This is a further 26 week period that starts the day after the OML ends.

Compulsory Maternity Leave - legislation prohibits mothers from returning to work during the two week period immediately after the birth of their child.

Commencement of Maternity Leave - The employee may commence maternity leave at any time from 11th week before the expected week of confinement up to the date of birth, provided that the notification procedures have been complied with. Maternity leave will automatically commence in the event of absence from work for any pregnancy related illness during the four weeks prior to the commencement of the EWC, regardless of when maternity leave was actually planned to begin. Maternity leave will begin automatically on the day after the first day of the employee's absence from work in such cases.

If an employee gives birth before the employee's maternity leave period was due to commence, she must notify the organisation in writing as soon as is reasonably practicable of the date on which she gave birth. In this instance, the maternity leave period will commence automatically on the day after the date of birth.

Once the organisation has been notified of the date on which the Maternity or Adoption leave is due to commence (see below), it is still possible to vary this date provided notification of the variation is given to their manager at least 28 days before the new date, (unless this is not reasonably practicable).

4.1.2 Maternity and Adoption Pay

Rates of pay for Maternity/Adoption Leave will be dependent upon the employee's individual situation.

Statutory Pay - if an employee has at least 26 weeks' continuous service at the start of the 15th week before their child is born, they will normally be entitled to receive Statutory Maternity and Adoption Pay (SMP & SAP) whether or not they intend to return to work.

Statutory Maternity and Adoption pay is payable at two rates for a maximum of 39 weeks. For the first six weeks the higher rate of either Statutory Maternity pay or 90% of salary will be paid.

After this time employees will be paid at the rate of Statutory Maternity Pay or 90% of their earnings, whichever is less. Statutory pay rates can be found on the HM Revenues and Custom website [here](#).

Occupational Pay - those staff that have 12 months continuous service with the organisation at the beginning of the 11th week before the expected week of childbirth and intend to return to work for a minimum of 6 months after their leave are also entitled to Occupational Maternity and Adoption Pay. This is paid at 8 weeks full pay inclusive of Maternity and Adoption Allowance or Statutory Maternity and Adoption Pay, 18 weeks half pay plus Maternity and Adoption Allowance or Statutory Maternity and Adoption Pay.

Full pay is calculated by taking the average over the eight week period prior to the qualifying week. For monthly paid staff this will include all the pay the employee received in the 2 months up to and including the last normal pay day before the end

of the qualifying week. The qualifying week is 15 weeks before the expected week of childbirth.

Should the employee opt to receive Occupational Maternity/Adoption pay and then not return to undertake the 6 months of work required within this policy, they may be liable to repay the difference between Statutory Pay and the Occupational Pay received.

Maternity and Adoption pay will be paid into the employee's bank account on the same date that they would have received their salary and will be subject to the usual deductions for tax, National Insurance (NI) and pension contributions.

Maternity/Adoption Allowance - those who have less than 26 weeks continuous service at the start of the 15th week before their child is born/adopted will need to contact the Department for Work and Pensions to apply for payment of Maternity/Adoption Allowance. The Department for Work and Pensions website is:- www.dwp.gov.uk

If an employee is not eligible for Maternity or Adoption pay they may be entitled to claim Maternity Allowance direct from the Department for Work and Pensions by completing an SMP1 form, which, the payroll department will provide if the employee is not eligible for any maternity pay scheme.

If an employee is unsure as to what maternity/adoption leave they are entitled to it is their responsibility to contact the Department for Work and Pensions.

4.1.3 Terms and Conditions during Maternity Leave

During the full maternity leave period, the expectant mother remains an employee of Primary Care 24, unless her contract expires. Entitlements to maternity pay replace contractual entitlements to remuneration. The employee must therefore continue to abide by their contractual obligations.

During maternity leave, all employees must maintain a duty of good faith and abide by any terms relating to notice on termination, redundancy pay, disclosure of confidential information, the acceptance of gifts or other benefits, and involvement in any other business. Disciplinary and grievance procedures also continue to apply.

i. Ordinary Maternity Leave (OML)

During OML all terms and conditions continue with the exception of remuneration: the employee will receive the rates of pay set out in 4.1.2 above, provided she meets the qualifying requirements as set out above.

Employees continue to enjoy contractual benefits including the accrual of holiday entitlement.

ii. Additional Maternity Leave (AML)

During AML the contract of employment will continue unless either the mother or Primary Care 24 terminates the contract or it expires.

Primary Care 24's pension contributions towards the mother's pension will continue during AML however Primary Care 24 will be unable to make any employee pension deductions for that time. Employees will be required to make up outstanding contributions upon return to work in line with NHS Superannuation Regulations. Please see Finance for more details.

4.1.4 Annual Leave entitlements

Employees maintain their entitlement to contractual annual leave including bank and public holidays during Maternity Leave.

In the event that an employee's maternity leave straddles two leave years, particularly if the full 52 weeks is taken, expectant mothers should take all reasonable steps to use their current leave year entitlement prior to maternity leave. In addition expectant mothers should plan their leave entitlement prior to their return in conjunction with their line manager.

Unused holiday entitlement will usually be lost and no payment will be made for holiday entitlement not taken. In exceptional circumstances e.g. when the baby is born early (meaning maternity leave must commence) any outstanding leave would be carried forward.

4.1.5 Notice periods

Contractual notice periods remain during maternity leave and in the event of an employee being made redundant during their maternity leave the employee will be entitled to full contractual notice and any redundancy pay due.

4.1.6 Contact during Maternity Leave

Line managers may make reasonable contact with an employee during maternity leave. This may be to see how the employee is getting on; to discuss return to work plans including any training or special arrangements to ease their return to work or simply to update them on developments at work during their absence.

In the case of restructures or possible redundancies which may affect the employee on maternity leave, line managers must ensure that they are informed of and included in all consultations.

It is automatically unfair to make a woman redundant on the grounds that she is pregnant or absent from work due to OML/AML.

i. Keeping in Touch Days (KIT days)

An employee may work for Primary Care 24 (including training, team meetings/information sessions) for up to 10 days during the maternity leave period (but not during the period of compulsory leave), without bringing the period of maternity leave to an end and without losing a week's statutory pay.

These days are known as Keeping in Touch (KIT) days and may only be worked if both the employee and line manager agree in advance. Primary Care 24 does not have the right to require an employee to carry out work and the employee has no

right to undertake any work during maternity leave.

For any work undertaken, the employee will receive payment for one day's work, at the normal contractual rate of pay, with any contractual or statutory entitlements offset against it (for example SMP).

Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, the employee will lose a week's SMP for any week in which she agrees to work. Such situations should be discussed with the HR representative.

4.1.7 Returning to work following Maternity Leave

An employee has the automatic right to return to work following maternity leave and it is assumed that she will return to the same post unless stated otherwise (see below). The expected return date will be outlined in the Maternity acknowledgement letter, in line with the information provided by the employee.

If the employee has taken Ordinary Maternity Leave (OML) only, she is entitled to return to her original job on the same terms and conditions. If her post is at risk of redundancy whilst on leave, the mother will be consulted in accordance with Primary Care 24's Organisational Change Policy and offered suitable alternative vacancies within Primary Care 24.

If the employee has taken Additional Maternity Leave (AML) she is entitled to return to the same job on the same terms and conditions, or if that is not reasonably practicable, then to another suitable and appropriate job on terms and conditions which are no less favourable to the previous job.

The employee should contact their line manager in advance to discuss their return to work. Alternatively, the line manager may telephone or invite the employee for an informal meeting to discuss any material points concerning her return to work.

Where the employee decides not to return to work, she must notify her line manager of her decision immediately, giving written notice as per the terms of her contract.

4.1.8 Returning to work before the expected end date

An employee has the automatic right to return to work following maternity leave. The employee is required to give their line manager 8 weeks' notice of their intention to return to work.

An employee wishing to change her return date from her original intended date is required to give 8-weeks' notice prior the date she originally intended to return. If she changes the return date more than once, the notice period will be counted from the original return date.

If an employee attempts to return to work earlier than the end of the maternity leave period without giving the 8 weeks' notice, Primary Care 24 may postpone their return until the full 8 weeks' notice has been given. Primary Care 24 will not however, postpone the return to work date later than the end of the original 52 weeks.

4.1.9 Changing working conditions

If an employee returning from maternity leave wishes to request a change to their working conditions, e.g. reduced hours or specific working patterns, this should be done through a Flexible Working request.

4.1.10 Employees on Temporary Contracts

Under the provisions of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 which came into force on 1 October 2002, employees on temporary contracts are, under normal circumstances, not to be treated less favourably than their permanent counterparts.

Accordingly, employees who are employed on temporary contracts will have the above entitlements, which as outlined are still dependent on their length of continuous service with Primary Care 24.

They must however continue to be employed by Primary Care 24 at the start of the

Maternity Pay Period. If their contract is due to expire whilst the staff member is on maternity leave, the contract will be terminated and the employment will end - unless there is a prior written agreement with Primary Care 24 that the contract is to be extended, and the employee should return to work at the end of her maternity leave.

4.1.11 Organisational Change

In the event that an employee is absent during any proposed organisational change that may have an impact on the employee, Primary Care 24's management will ensure that the employee is informed of the proposed changes and given opportunity to be meaningfully consulted during the formal consultation period. It may be necessary to arrange a Keeping in Touch day to inform and consult with the employee.

In the event that an employee has been provisionally selected for redundancy during her maternity leave she is entitled to be offered suitable alternative employment beginning on the day immediately following the day on which the employee's temporary contract came to an end. The new contract should be both suitable for the employee and appropriate for her to do in the circumstances.

The provisions of the new contract relating to the capacity and place in which the employee is to be employed, and the other terms and conditions of employment, would not be substantially less favourable to the employee than if she had continued to be employed under her previous contract.

In the event that an employee leaves Primary Care 24's employment due to redundancy before she is due to return to work following family-related leave, any statutory entitlement remaining will be paid in full on the usual pay date in the month that the redundancy is due to take effect, which will normally be when the notice period comes to an end.

4.2 PATERNITY/PARTNER LEAVE

The Paternity leave procedure provides employees who are about to become new parents or guardians with information on their entitlements. It applies equally to same sex and different sex couples.

The procedure applies to male and female staff whose partner is pregnant, or due to be the lead adoptive parent or guardian, who are employed by Primary Care 24.

4.2.1 Ante-natal Care

Spouses, partners and civil partners of a pregnant woman are entitled to unpaid time off during working hours to accompany her to 2 ante-natal appointments.

4.2.2 Eligibility for Paternity Pay

An employee will need to have been continuously employed by Primary Care 24 for at least 26-weeks ending with the week immediately preceding the 15th week (the qualifying week before the expected week of childbirth) or have 26 weeks continuous service by the week in which s/he is notified of being newly matched with a child for adoption and must meet the following criteria:

- Be either the biological father, or be the partner of the child's mother, or one of two parents jointly adopting a child (but not taking statutory adoption leave and pay)
- Have or expect to have responsibility for the upbringing of the child and, if not the child's biological father, the employee must have the main responsibility (alongside the mother/lead adopter).

In addition, the employee must have:

- Notified Primary Care 24 of their intention to take Paternity Leave
- Continued to work up to the date of birth or child placement
- Earn before tax at least an average of the lower earnings limit for National Insurance Contributions

- Been continuously employed by Primary Care 24 for at least 26 weeks up to any day in the 'qualifying week'
- Declared their eligibility for SPP (Statutory Paternity Pay) by completing a 'self-certificate' declaration form SC3 form (available from the [HMRC website](#)) at least 28 days before they want their SPP to start (or as soon as practicable)

4.2.3 Paternity Entitlements

If the above conditions have been satisfied an employee will be entitled to receive up to 2 weeks at full pay. The employee can choose to take either one week or two weeks. A "week" is the same amount of days you would usually work in a week.

Ordinary paternity leave must be taken within 56 days (8 weeks) of the birth/adoption placement and may start on any day of the week from the birth of the baby or the date of the child's placement.

4.2.4 Notification requirements for Paternity Leave

By the end of the 15th week before the expected week of childbirth (EWC) or no more than 7 days after notification of the match in the case of adoptions, the expectant father, mother's partner, or second adopter should notify their line manager in writing that they wish to take Paternity Leave. The letter should include:

- The expected date of the baby's birth or in the case of adoptions - the date the child is expected to be placed for adoption as stated on the matching certificate & the date the adopter was notified that they had been matched to a child
- Whether they wish to take one or two weeks' Paternity Leave
- When they would like their Paternity Leave to start
- A copy of the MATB1 should be sent with the letter

4.2.5 Changing Paternity Leave start date

If an employee intends to change their paternity leave start date once it has been notified s/he should give their line manager 28 days' written notice or where this is not possible, as much notice as is reasonably practicable.

4.2.6 Multiple Births / Adopted Children

The paternity entitlements are unchanged in the event of multiple birth or adoption.

4.2.7 Terms and Conditions Paternity Leave

During the paternity leave period, the individual remains an employee of Primary Care 24 unless their contract expires. Entitlements to paternity pay replace contractual entitlements to remuneration.

During Paternity Leave all contractual benefits continue, provided he/she meets the qualifying requirements as set out above.

Examples of contractual benefits the employee is entitled to continue to benefit from include the accrual of holiday entitlement and continuation of contributions towards her/his pension plan.

During paternity leave, all employees must maintain a duty of good faith and abide by any terms relating to notice on termination, redundancy pay, disclosure of confidential information, the acceptance of gifts or other benefits, and involvement in any other business. Disciplinary and grievance procedures also continue to apply.

.

4.2.8 Annual Leave

Employees continue to accrue annual leave including bank and public holiday entitlements throughout the duration of their paternity leave.

4.2.9 Contact during Paternity Leave

Line managers may make reasonable contact with an employee during paternity leave. This may be to see how the employee is getting on, to discuss return to work plans including any training or special arrangements to ease their return to work or simply to update them on developments at work during their absence.

4.2.10 Returning to work

An employee has the automatic right to return to work following paternity leave and it is assumed that s/he will return unless stated otherwise. The expected return date will be outlined in a letter from Primary Care 24 responding to the parent's notice to take paternity leave.

In terms of planning for an employee's return to work, s/he should contact their line manager in advance to discuss their return. Alternatively, the line manager may telephone or invite the employee for an informal meeting to discuss any material points concerning their return to work.

The employee is entitled to return to their original job. If the post is at risk of redundancy whilst on leave, the parent will be consulted in accordance with Primary Care 24's Change policy and offered any suitable alternatives.

4.2.11 Employees on Temporary Contracts

Under the provisions of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 which came into force on 1 October 2002, employees on temporary contracts are, under normal circumstances, not to be treated less favourably than their permanent counterparts.

Accordingly, employees who are employed on temporary contracts will have the above entitlements, which as outlined, are nevertheless still dependent on their length of continuous service with Primary Care 24.

They must however continue to be employed by Primary Care 24 at the start of the

Paternity Pay Period. If the contract is due to expire whilst the staff member is on paternity leave, the contract will be terminated, and the employment will end - unless there is a prior written agreement with Primary Care 24 that the contract is to be extended, and the employee should return to work at the end of their paternity leave.

4.2.12 Changing working conditions

If an employee returning from paternity leave wishes to try and change their working conditions, e.g. reduced hours or specific working patterns, this must be done through a Flexible Working request.

4.2.13 Notice periods

Contractual notice periods remain during paternity leave.

4.3 ADOPTION

4.3.1 Introduction

The Adoption leave Procedure provides employees who are about to adopt with information on their entitlements. It applies equally to same sex and different sex couples.

Adoption leave and pay are only available where a child is newly matched via an approved agency. Adoption leave and pay are not applicable where a step parent is adopting a partner's child.

4.3.2 Entitlements for Adopters

All lead adopters are eligible for the same entitlements as in Section 4.1, Maternity, and are under the same conditions.

For couples who meet the requirements, Shared Parental Leave enables sharing of the care of a child during the first year following birth or adoption. Please refer to the Shared Parental Leave Policy for more information.

4.3.3 Multiple adopted children

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.

4.3.4 Notification requirements

An employee wishing to take adoption leave should inform their line manager in writing within 7 days of being notified by their adoption agency that they have been matched with a child for adoption.

The employee should provide a letter to their line manager confirming:

- When the child is expected to be placed with them.
- The date adoption leave should start
- The date adoption leave should end

The notification should be supported by a Matching Certificate from the adoption agency as evidence of their entitlement to statutory adoption leave and pay.

Following receipt of an Adoption Notification letter and matching certificate, the line manager is required to write to the employee within 28 days or as reasonably practicable to confirm the adoption leave arrangements.

Line managers must ensure that the following are sent to Payroll and copies to employee's personnel file:

- Matching certificate
- Adoption notification letter
- Copy of Adoption Leave Confirmation letter

4.3.5 Starting Adoption Leave

Adoption leave may commence from the date of the child's placement (whether this is earlier or later than expected). If the placement is notified earlier than anticipated, and prior to the planned adoption leave period, the line manager should be informed as soon as possible.

4.3.6 Changing Adoption Leave start date

If an employee intends to change their adoption leave start date once it has been notified s/he should give their line manager 28 days' written notice or where this is not possible, as much notice as is reasonably practicable.

4.3.7 Adoption Eligibility and Pay

i. Statutory Adoption pay (SAP)

To qualify for Statutory Adoption Leave (SAL) and Pay (SAP), the lead adopter must have:

- 26 weeks continuous service with Primary Care 24 up to and including the week in which (s)he is notified of being newly matched with a child for adoption: and
- Average weekly earnings in the eight weeks ending before the relevant week (as appropriate) at or above the lower earnings limit for the payment of National Insurance Contributions (current rates are available from the [HMRC website](#))
- Provided an Adoption Confirmation letter

In the case of where two people have been jointly matched with a child, they must choose which partner is to become the lead adopter for the purposes of adoption leave as only one can qualify, even when employed by different employers. The partner may qualify for paternity and/or parental leave.

To be eligible for adoption leave an employee must have notified the adoption agency that they agree to have the child placed with them and have agreed to the placement.

Adoption leave and pay are only available where a child is newly matched via an approved agency. Adoption leave and pay are not applicable where a step parent is adopting a partner's child.

Eligibility is the same whether the adoption is via a UK or overseas adoption agency, although there may be slight amendments to procedures when the adoption is from outside the UK.

If the above conditions have been satisfied, the lead adopter would be entitled to receive:

- 39 weeks at standard rate of SAP (rate set by Government or 90% of average weekly earnings if this is lower than the Government's set weekly rate).
- SAP rates are normally reviewed by the Government and apply from April each year.

4.3.8 Pre-adoption visits

Employees who have been notified that they have been matched with a child for adoption have the right to take time off before the placement to attend appointments arranged by the adoption agency for the purpose of having contact with the child or for any other purpose connected with the adoption.

An employee who is the main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments (the manager will require advance notice and evidence of appointments i.e. appointment card or letter).

4.3.9 Terms and Conditions during Adoption Leave

During the full adoption leave period, the individual remains an employee of Primary Care 24 unless the contract expires. Entitlements to adoption pay replace contractual entitlements to remuneration.

i. During Ordinary Adoption Leave (OAL)

During your OAL all contractual benefits would continue with the exception of remuneration: you will receive SAP instead, provided you meet the qualifying requirements as set out above.

Examples of contractual benefits you are entitled to continue to benefit from include the accrual of holiday entitlement and continuation of contributions towards your pension plan.

During adoption leave terms relating to Primary Care 24's duty of trust and confidence, and any terms that relate to notice of termination, redundancy pay, and grievance and disciplinary procedures continue to apply.

Employees must maintain their duty of good faith, abiding by terms relating to notice on termination, disclosure of confidential information, acceptance of gifts or benefits, and involvement in any other business as outlined in the Contract of Employment.

ii. During Additional Adoption Leave (AAL)

During AAL the contract of employment will continue unless either the parent or Primary Care 24 terminates the contract or it expires.

Primary Care 24's pension contributions towards the mother's pension will continue during AML however Primary Care 24 will be unable to make any employee pension

deductions for that time. Employees will be required to make up outstanding contributions upon return to work in line with NHS Superannuation Regulations.

4.3.10 Annual Leave

Employees continue to accrue annual leave including bank and public holiday entitlements throughout the whole duration of their adoption leave.

In the event that an employee's adoption leave straddles two leave years, particularly, if the full 52 weeks is taken, lead adopters should take all their current leave year entitlement prior to adoption leave. In addition lead adopters should plan their leave entitlement prior to their return in conjunction with their line manager.

4.3.11 Contact during Adoption Leave

Line managers may make reasonable contact with an employee during adoption leave. This may be to see how the employee is getting on; to discuss return to work plans including any training or special arrangements to ease their return to work or simply to update them on developments at work during their absence.

In the case of restructures or possible redundancies which may affect the employee on adoption leave, line managers must ensure that they are informed of and included in all consultations.

iii. Keeping in Touch Days (KIT days)

An employee may work for Primary Care 24 (including training, team meetings/information sessions) for up to 10 days during the adoption leave period, without bringing the period of adoption leave to an end and without losing pay.

These days are known as Keeping in Touch (KIT) days and may only be worked if both the employee and line manager agree in advance. Primary Care 24 does not have the right to require an employee to carry out work and the employee has no right to undertake any work during adoption leave without agreement from Primary Care 24.

For any work undertaken the rate of pay is a matter for agreement between Primary Care 24 and the employee but would normally be the contractual rate of pay with any contractual or statutory entitlements set off against it.

Any KIT days worked do not extend the period of leave or pay. Once the KIT days have been used up, the employee will lose a week's SAP for any week in which they agree to work. Such situations should be discussed.

4.3.12 Returning to Work

An employee has the automatic right to return to work following adoption leave and it is assumed that s/he will return unless stated otherwise. The expected return date will be outlined in a letter from Primary Care 24 responding to the parent's notice to take adoption leave.

In terms of planning for an employee's return to work, s/he should contact their line manager in advance to discuss their return. Alternatively, the line manager may telephone or invite the employee for an informal meeting to discuss any material points concerning their return to work.

If the employee has taken Ordinary Adoption Leave (OAL) only, s/he is entitled to return to their original job. If their post is at risk of redundancy whilst on leave, the parent will be consulted in accordance with Primary Care 24's Organisational Change policy and offered suitable alternative vacancies within Primary Care 24.

If the employee has taken Additional Adoption Leave (AAL), s/he is entitled to return to the same job on the same terms and conditions, or if that is not reasonably practicable, then to another suitable and appropriate job on terms and conditions which are no less favourable to the previous job.

Where the employee decides not to return to work, s/he must notify their line manager of their decision immediately, giving written notice in accordance with the terms of their contract.

4.3.13 Returning to Work Before the Expected End Date

An employee wishing to return to work before their leave entitlement has ended must give at least 8 weeks' notice prior to the date on which s/he intends to return.

An employee wishing to change their return date from her originally intended date is required to give 8-weeks' notice prior the date s/he originally intended to return. If s/he changes their return date more than once, the notice period will be counted from the original return date.

If an employee attempts to return to work earlier than the end of the adoption leave period without giving the 8 weeks' notice, Primary Care 24 may postpone their return until the full 8 weeks' notice has been given. Primary Care 24 will not however, postpone the return to work date later than the end of the original 52 weeks.

4.3.14 Employees on Temporary Contracts

Under the provisions of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 which came into force on 1 October 2002, employees on temporary contracts are, under normal circumstances, not to be treated less favourably than their permanent counterparts.

Accordingly, employees who are employed on temporary contracts will have the above entitlements, which as outlined, are nevertheless still dependent on their length of continuous service with Primary Care 24.

They must however continue to be employed by Primary Care 24 at the start of the Adoption Pay Period. If the contract is due to expire whilst the staff member is on adoption leave, the contract will be terminated, and the employment will end - unless there is a prior written agreement with Primary Care 24 that the contract is to be extended, and the employee should return to work at the end of their adoption leave.

4.3.15 Changing working conditions

If an employee returning from maternity leave wishes to try and change their working conditions, e.g. reduced hours or specific working patterns, this must be done through a Flexible Working request.

4.3.16 Organisational Change

In the event that an employee is absent during any proposed organisational change that may have an impact on the employee, PC24's management will ensure that the employee is informed of the proposed changes and given opportunity to be meaningfully consulted during the formal consultation period. It may be necessary to arrange a Keeping in Touch day to inform and consult with the employee.

In the event that an employee has been provisionally selected for redundancy during his or her adopter leave he/she is entitled to be offered suitable alternative employment and this role would begin on the day immediately following the day on which the employee's previous contract came to an end. The work to be done under the new contract would be both suitable for the employee and appropriate for him or her to do in the circumstances.

The provisions of the new contract relating to the capacity and place in which the employee is to be employed, and the other terms and conditions of employment, would not be substantially less favourable to the employee than if he or she had continued to be employed under his or her previous contract.

In the event that an employee leaves Primary Care 24's employment due to redundancy before s/he is due to return to work following family-related leave, any statutory entitlement remaining will be paid in full on the usual pay date in the month that the redundancy is due to take effect, which will normally be when the notice period comes to an end.

4.3.17 Notice Periods

Contractual notice periods remain during adoption leave and in the event of an employee being made redundant during their adoption leave the employee will be entitled to full contractual notice.

4.4 SHARED PARENTAL LEAVE

Shared Parental Leave (SPL) is a legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5th April 2015. This replaces additional paternity leave, which applied in respect of a baby due on or after 3rd April 2011. Ordinary paternity leave still applies (as outlined in section 4.2). This is separate from the right to parental leave (see Special Leave Policy) and does not replace maternity and adoption leave and pay regimes. Parents are not obliged to take SPL and the default position on the birth of the child will be that both the compulsory maternity leave of 2 weeks and the further 50 weeks maternity leave will remain in place for the mother.

SPL provides eligible parents with the opportunity to consider the best arrangement to care for their child during the child's first year in their family. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. The weeks taken would be added together and taken from the total available. The amount of SPL to which an individual is entitled will depend on when the mother/adopter brings her maternity/adoption leave period to an end and the amount of leave the other parent takes in relation to the child. The untaken weeks of maternity/adoption leave can be taken as shared parental leave if the mother/adopter or their partner is eligible for this. For example, if a mother ends her maternity leave after the 12 weeks following her child's birth then there are 40 weeks remaining. The mother may choose to take 30 weeks' leave and her partner 10 weeks' leave, or the couple could 'double up', taking 20 weeks of leave at the same time or 20 weeks leave consecutively. Any SPL not taken by the first birthday of the child or the first anniversary of placement for adoption is lost.

For the purposes of Shared Parental Leave, the entitlements detailed for the “mother” and “lead adopter” will be the same.

The earliest that SPL can commence is two weeks after the date on which the child is born, or two weeks after the date of placement of the child for adoption. The maximum amount of leave that can be shared is 50 weeks. SPL is in addition to the statutory right to two weeks’ paternity leave for fathers or partners. Paternity leave must therefore be taken before employees taking any SPL.

4.4.1 Contact during Shared Parental Leave

Before a member of staff’s SPL begins, their manager will discuss the arrangements for them to keep in touch during their leave. The Organisation reserves the right in any event to maintain reasonable contact with staff from time to time during their SPL. This may be to discuss the member of staff’s plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

4.4.2 Eligibility criteria

To trigger the right to SPL for one or both parents, the mother must:

- Have a partner
- Be entitled to maternity/adoption leave; or to statutory maternity/adoption pay or maternity allowance (if not eligible for maternity/adoption leave)
- Have curtailed, or given notice to curtail, their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave)

A parent who intends to take SPL must:

- Be an employee
- Share the primary responsibility for the child with the other parent/partner at the time of the birth or placement for adoption
- Have properly notified the Organisation of their entitlement and have provided the necessary declarations and evidence

In addition, a parent wanting to take SPL is required to satisfy the 'continuity of employment test' and their partner must meet the 'employment and earnings test'.

- Continuity of employment test – the employee has worked for the Organisation for at least 26 weeks at the 15th week before the child's expected due date/matching date and is still working for the employer at the start of each period of leave.
- Employment and earnings test – In the 66 weeks up to the baby's expected due date/matching date, the individual has worked for at least 26 weeks and earned an average of at least the lower earnings limit for the payment of National Insurance Contributions (current rates are available from the [HMRC website](#))

It is the member of staff's responsibility to check that they are eligible for SPL and ShPP. Staff can assess their entitlement [here](#).

If both parents are employees and both meet the qualifying requirements then there will be a joint entitlement and the parents will have to determine how to divide the leave entitlement once the mother has decided to curtail their maternity/adoption leave.

The mother can share her leave with only one other person.

i. Shared Parental Pay (ShPP)

If all above eligibility criteria are met, ShPP will be enhanced to the same levels as occupational maternity / adoption pay.

ii. Procedure for Shared Parental Leave and Pay for the Mother/Prime Adopter

Please speak with a member of the HR team for all forms referring to Shared Parental Leave.

The mother must complete a Maternity Leave Curtailment Form 8 weeks before the expected start date of SPL, which can be given before or after the birth. If notice is given after the birth, the notice is binding. However, if notice is given before the birth, the mother is able to revoke the notice up to six weeks after the birth, in case an unplanned situation arises following the birth of the child.

Staff considering taking SPL are encouraged to discuss this with their manager as early as possible and ask their partners to do the same with their employer to agree a pattern before the formal notice of intention is submitted.

It is recommended that the Notice of Entitlement and Intention Form is completed at the same time and no later than 8 weeks before the expected start date of SPL. SPL can start on any day of the week. Each notice must be given at least 8 weeks before the start of a period of leave using the Notice of Entitlement and Intention Form.

iii. Procedure for Shared Parental Leave and Pay for the Partner

The Notice of Entitlement and Intention (Partner) Form must be completed 8 weeks before the expected start date of SPL.

iv. Blocks of Shared Parental Leave

The mother can return to work after maternity leave and take SPL at a later date, or dates. The father also can take SPL at any time after ordinary paternity leave, and it does not need to start as soon as the mother has given notice to curtail her entitlement to maternity leave or returned to work. Each notification may contain either a single period of weeks of leave or two or at least one week of discontinuous leave, where the member of staff intends to return to work between periods of leave.

SPL must be taken in blocks of at least one week and within a one year period beginning with the date of the baby's birth or the child's placement for adoption. Each eligible parent can request up to three periods of leave where the request is for discontinuous blocks, and parents can be on leave at the same time. Staff need to have their line manager's agreement to take discontinuous periods of leave.

The manager will discuss the request with the member of staff to determine if it can be accommodated although this request cannot be guaranteed. At the meeting the member of staff may, if they wish, be accompanied by a workplace colleague or trade union representative. A representative from HR may also attend the meeting. The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the member of staff is away from work. Where there is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the member of staff and the Organisation, and what the outcome may be if no agreement is reached.

The manager will then notify the member of staff in writing of the decision either to allow the leave requested, confirm an alternative pattern of leave which can be agreed, or refuse to allow the leave. All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the member of staff and to the operational needs of the Organisation. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another member of staff to be granted a similar pattern of SPL.

The written response will be provided no later than the 14th day after the leave request was made.

If no agreement is reached within 2 weeks of the period of leave notice being submitted staff can:

- Take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
- Take the continuous block starting on a new date, as long as this date is later than the original date, and staff notify the manager of the new date within 5 days of the 2 week period referred to above
- Withdraw the request at any time up to the 15th day after it was originally made. If the request is withdrawn in these circumstances it will not count as one of the three requests.
- The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the member of staff does not choose a start date then the leave will begin on the first leave date requested in the original notification.

If a request for discontinuous leave is refused then the total amount of leave requested in the notice will automatically become a continuous block unless it is withdrawn.

Eligible parents can request to take one continuous block of SPL, and are entitled to take SPL on these dates as long as the notice requirements are adhered to. Staff will receive notification in writing of the Organisation's acceptance of the request for a single block of SPL.

v. Requesting further evidence of eligibility

The Organisation may, within 14 days of the SPL entitlement notification being given, request:

- The name and business address of the partner's employer (where the employee's partner is no longer employed or is self employed their contact details must be given instead)

- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the Organisation's request.

vi. Withdrawing Notice to End Maternity or Adoption Leave and Pay

Once the mother has given notice to end maternity/adoption leave and either parent has informed their employer of their entitlement to take SPL, then the notice to end maternity/adoption leave is binding and cannot be withdrawn unless:

- It transpires that neither the mother/adopter or their partner qualifies for SPL or ShPP
- If the notice was given before birth and the mother changes her mind up to 6 weeks after the birth (but she can opt back into SPL with the same partner at a later date if she wishes)
- In the event of the partner's death

vii. Variations to arranged Shared Parental Leave

The parents may vary the amount of SPL they intend to take by giving written notice to the Organisation. There is no limit on the number of times the parents may make a variation to a notice of entitlement, provided that they advise their manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the member of staff, including notice to return to work early, will usually count as a new notification, reducing the staff's right to book/vary leave by one. However, a change as a result of a child being

born early, or as a result of the Organisation requesting it be changed, and the member of staff being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing.

Please speak to a member of the HR team if there are any queries about changes in staff circumstances in relation to SPL.

viii. Keeping in Touch – SPLIT days

SPLIT days are voluntary and can be taken to carry out normal work, attend any training or other activities which enable staff to keep in touch with the workplace, or to assist with a return to work without losing out on ShPP. Staff will be paid at their normal salary for the hours worked on SPLIT days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

A maximum of 20 Shared Parental leave In Touch (SPLIT) days are available without bringing SPL to an end, which can be shared between the mother/adopter and the partner. SPLIT days will not extend the SPL period. The 20 SPLIT days available during SPL are in addition to the 10 KIT days available during maternity and adoption leave.

The manager must inform Payroll of the dates of any SPLIT days undertaken.

ix. Fraudulent claims

The Organisation may, where there is a suspicion that fraudulent information may have been provided or where the Organisation has been informed by the HMRC that a fraudulent claim has been made, investigate the matter further in relation to with the Disciplinary Policy & Procedure.

It is the responsibility of the member of staff to check if they are eligible for SPL and ShPP. If it is found that staff do not meet the eligibility criteria after a declaration has been made, disciplinary action may be taken including dismissal. Staff can assess their entitlement at <https://www.gov.uk/pay-leave-for-parents>

5.0 RELATED POLICIES

Equality and Diversity Policy PC24POL11

Annual Leave Policy PC24POL69

Flexible Working Policy PC24POL75

Special Leave Policy PC24POL85

6.0 MONITORING COMPLIANCE

Compliance with this policy will be monitored via the application of payroll processes and management supervision to ensure that all applicable staff members receive the correct remuneration and leave allowance.

7.0 INFORMATION, INSTRUCTION AND TRAINING

This policy will be communicated via existing methods to all staff members and will be available on the organisation's intranet for reference. Human resources staff members will also be available for advice and guidance when needed.

8.0 EQUALITY AND HEALTH INEQUALITIES

PC24 is committed to an environment that promotes equality and embraces diversity in its performance as an employer and service provider. It will adhere to legal and performance requirements and will mainstream equality and diversity principles through its policies, procedures and processes. This policy has been implemented with due regard to this commitment. To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010 this policy has been screened for relevance during the policy development process and a full equality impact analysis conducted where necessary. PC24 will take remedial action when necessary to address any unexpected or unwarranted disparities and monitor practice to ensure that this policy is fairly implemented.

9.0 MAIN REFERENCES

Below is a list of the relevant statutory provisions which influence Primary Care 24's operation in relation to the policy/procedure:

Equality Act 2010.

Health & Social Care Act 2012.

Data Protection Act 2018.

Appendix 1: Risk Assessment Standards and Guidance for New and Expectant Mothers

Urgent Care 24 are committed to supporting the health and safety of all workers within the organisation. This policy document sets out the particular considerations relating to new and expectant mothers.

Health and safety requirements relating to new and expectant mothers at work are mainly contained in Regulations 16 to 18 of the Management of Health and Safety at Work (MHSW) Regulations 1999 (SI 1999/3242).

The phrase 'new or expectant mother' means a worker

- who is pregnant or
- who has given birth within the previous six months or
- who is breastfeeding

For the purpose of regulation and this policy the phrase 'Given birth' means having delivered a living child or, after 24 weeks of pregnancy, a stillborn child.

A pregnant worker is someone whom has given her line Manager a letter or MATB1 form from a doctor or midwife certifying pregnancy. Pregnant workers are a particularly sensitive risk group and should be protected against hazards at work. In particular, the impact on pregnancy of working activities regarding exposure to chemical, physical or biological agents should be evaluated.

In addition, for all new and expectant mothers, working hours and conditions, where the nature of the activity could endanger their health, safety and welfare should be adapted, without a reduction in pay or employment rights.

Workplace Regulations require employers to provide suitable rest facilities for workers who are pregnant or breastfeeding. The facilities should be suitably located (e.g. near to toilets) and where necessary should provide appropriate facilities for the new or expectant mother to lie down.

Responsibilities

Managers

- Be aware of the policy and guidelines for new and expectant mothers
- Risk assess all new and expectant mothers in line with this policy
- Carry out regular reviews with all new and expectant mothers
- Seek specialist advice and guidance as and when required

Employee

- Advise manager of pregnancy (or the fact they have given birth within the past six month or are breast feeding) in line with Urgent Care 24 Policy
- Advise manager of any changes in circumstances including ant pregnancy related health issues

Human Resources

- Provide advice and specialist support as and when required

HSWS

- Provide advice and specialist support as and when required

Standards

When an employee provides written notification (regulation 18 of MHSW) to her employer stating that she is pregnant, or that she has given birth within the past six months or that she is breastfeeding, the employer should immediately take into account any risks identified in their workplace risk assessment. If that risk assessment has identified any risks to the health and safety of a new or expectant mother, or that of her baby, and these risks cannot be avoided by taking any necessary preventive and protective measures under other relevant health and safety legislation, then employers must take action to remove, reduce or control the risk.

If the risk cannot be removed employers must take the following actions:

- Action 1 - Temporarily adjust her working conditions and/or hours of

work; or if that is not possible

- Action 2 - Offer her suitable alternative work (at the same rate of pay) if available, or if that is not feasible;
- Action 3 - Suspend her from work on paid leave for as long as necessary, to protect her health and safety, and that of her child

All new and expectant mothers will have an individual risk assessment.

The risk assessment will be conducted in consultation with the New or Expectant Mother in private by the Manager within 21 days of being notified of pregnancy through receipt of the MATB1 Form

The manager will carry out regular reviews in consultation with the New or Expectant Mother

Additional advice can be obtained from Human Resources or HSWS.

Guidance

It is Urgent Care 24 policy that work involving new and expectant mothers is subject to an appropriate individual risk assessment. The objective of this procedure is to ensure a coherent approach to such work across Urgent Care 24 as a contribution to a culture of proactive protection.

The employee must be personally involved in the Risk Assessment/Review process.

Review Process- Initial Review

The first risk assessment will be carried out by the individual's line manager as soon as practical and within 21 days of notification by the employee at the latest. This risk assessment involves a review of the specific work and processes carried out by the employee and an examination of the working environment. An electronic copy of the risk assessment is completed by the line manager. A copy

will be printed out and signed by the employee and the line manager.

It is the employee's responsibility to raise any pregnancy related health issues with her line manager at all reviews. The manager must consider the information provided by the employee or her midwife/medical team as well as the workload and working environment of the employee.

The manager and the employee should review the employee's workload and make suitable adjustments if required.

Consideration must be given to the general work environment to take account of accessibility, comfort etc. particularly during pregnancy (e.g. work stations, chair types etc. to ensure the welfare of the expectant mother).

Additional rest periods should be agreed between the line manager and the employee.

Be aware that many employees feel guilty because they are not able to work as long without feeling tired. They may feel that they are letting their colleagues down. With good support from the manager this feeling of guilt should not happen. The tired feeling is the body's way of protecting the baby.

Review Process - Ongoing Review

A review of the initial assessment must be carried out on a regular basis. This review is generally monthly in the early stages of pregnancy changing to every two weeks or even weekly as the pregnancy progresses, around the 6 month stage.

More regular reviews in early pregnancy may be required if the employee has any medical problems or expresses concerns. The employee's medical team may advise Urgent Care 24 that a particular activity should not be carried out i.e. the employee should not drive or work extended days. This advice will be in writing and usually comes on a form similar to a Statement of Fitness for Work. Where the manager is unsure of the medical advice given, further information should be obtained (with the

employee's permission) from Urgent Care 24's occupational health providers.

The regular reviews continue until the employee commences maternity leave. This can be from 11 weeks prior to the expected date of delivery. If, when the employee returns to work after the birth, they are breast feeding the reviews will continue, assuming they inform Urgent Care 24 of this fact.

Any resultant additional risks are evaluated and additional levels of protection implemented as necessary.