

Family Policy (Maternity, Paternity, Adoption)

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1 Introduction / Purpose

This policy and accompanying guidance set's out entitlements for all employees of the Trust regarding maternity, adoption, or paternity leave in accordance with their NHS Terms and Conditions and statutory rights within employment legislation. The provisions indicate what responsibilities and/or actions that are required by managers and staff at different stages of the application and leave processes.

This policy and any accompanying guides and procedures applies to all employees working in the Trust, excluding bank and agency workers, in accordance with their NHS Terms and Conditions and statutory rights and regulations within employment legislation relating to Maternity, Adoption, Paternity and Shared Parental Leave and Pay (1; 2).

This policy complies with the relevant legislation, Agenda for Change Terms and Conditions, Equality Act 2010 and Statutory Regulations relating to maternity, paternity, adoption, and shared parental leave. This policy and accompanying guides can give an indication of these rights.

This Policy should be read in conjunction with the Trust's Attendance Management policy, Annual Leave policy, Flexible Working Policy and Equality, Diversity and Inclusion Policy (3; 4; 5; 6).

2 General Principles / Target Audience

This policy is intended to give the employee relevant information and is not an exhaustive account of all the regulations. It outlines the provisions and provides guidance for managers and staff on both Statutory and Trust entitlements and benefits relating to:

- eligible pregnant employees
- eligible employees wishing to adopt a child who is newly placed for adoption
- eligible employees who wish to take paternity leave when their partner gives birth or adopts a child
- eligible employees who wish to choose how to share time off work after their child is born or placed

3 Definitions and Abbreviations

- 3.1. **Parent/Mother** – the person who would usually give birth to a child, or the adopter (the adopter means the person who is eligible for adoption leave and/or pay). They can be male or female.
- 3.2 **Parent/Partner** – the child's biological father or the partner of the mother / adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and child, including same sex relationships.
- 3.3. **Occupational Maternity / Adoption Leave (OM / AL)** – The entitlement to a period of 26 weeks leave regardless of how long an employee has worked for

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the NHS. This will be unpaid unless an employee qualifies for Statutory Maternity Pay or Maternity allowance (7; 8).

- 3.4. **Additional Maternity / Adoption Leave (AML / AAL)** – The entitlement to a further period of up to 26 weeks unpaid leave regardless of how long an employee has worked for the Trust.
- 3.5. **National Insurance (NI)** – contributions to build up a person’s entitlement to certain state benefits.
- 3.6. **Statutory Maternity / Adoption Pay (SMP / SAP)** – The minimum level of Maternity/Adoption Pay that an employee is entitled to through State provision if an employee has 26 weeks continuous service with this Trust by the 15th week before their EWC and paid sufficient National Insurance (NI) Contributions (9).
- 3.7. **Statutory Maternity / Adoption Allowance (SMA/SAA)** – Allowance paid by the Department of Work and Pensions to those employees who do not qualify for Statutory Maternity Pay. Eligibility is determined by the above Government Departments (9).
- 3.8. **Expected Week of Confinement / Childbirth (EWC)** – The week in which the baby is due to be born. This is calculated from Sunday to Saturday, i.e. the week in which the baby is due and confirmed on the MATB1 form.
- 3.9. **MATB1 Form** – The certificate provided by the employee’s GP or Midwife, anticipating the potential date of the birth of their baby. Usually issued to the employee between weeks 24 – 26 of the pregnancy. If the employee is overseas an acceptable version of the MATB1 can be provided as long as the information provided contains the same as the MATB1 and is signed by midwife or doctor on official notepaper and not issued prior to the 20th week of pregnancy (10).
- 3.10. **Keeping In Touch Days (KIT)** – The employee’s entitlement to KIT days which are mutually agreed with their line manager.
- 3.11. **Department for Work and Pensions (DWP)** – is responsible for welfare, pensions and child maintenance.
- 3.12. **Paternity Leave (Paternity Support) (PL)** – The entitlement of a father, or mother’s partner, to take 2 weeks leave up to 56 days from the birth of the child. (This also includes same sex partner) (11)
- 3.13. **Shared Parental Leave (SPL)** – a period of time off work which eligible mothers or partners may choose to share and/or split into blocks following a child’s birth or adoption placement (12).

AWE average weekly earnings
GP General Practitioner
MA Maternity Allowance
PaL Parental Leave

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OMP Occupational Maternity Pay
ShPP statutory shared parental leave pay

4 Responsibilities (Ownership and Accountability)

4.1 Employees

- Employees are responsible for co-operating with the Maternity, Adoption, Paternity and Shared Parental procedures and keeping the Trust notified of any changes to their circumstances as soon as is practicable.
- To complete the appropriate application form in accordance with the relevant notice periods when requesting Maternity, Adoption, Paternity or Shared Parental Leave.

4.2 Managers

- Any requests for Maternity, Adoption, Paternity or Shared Parental Leave should be dealt with as soon as possible to prevent any unnecessary delay on the part of the manager.
- Managers are responsible for ensuring appropriate documentation is completed in conjunction with the employee.
- Change of circumstance forms for commencement and end of leave period is completed and actioned if dates are different than those shown in the original application form
- Applications for shared parental leave are duly completed by both parents before submission to payroll.
- Termination form for non-returners
- Any applications should be viewed with an open mind and treat all employees fairly and consistently
- When an employee confirms they are returning to work an Assignment Change Form must be completed.
- Discuss appropriate support as this can be a stressful time for the employee. Occupational Health / Employee Assistance Programme provides a confidential service to help and support employees.

4.3 Workforce Directorate

The Workforce Directorate is responsible for the creation and maintenance of records for Maternity, Adoption, Paternity or Shared Parental Leave within the Trust.

- Where necessary support employees and managers through the procedures.
- Payroll will process and action the Maternity / Adoption MATB1 and application form (10).
- Where temporary redeployment occurs, it will also be necessary to risk assess the alternative post.

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- Any associated health and safety implications can be adequately addressed by means of normal health and safety management procedures and risk assessment.
- Staff who are released on paid leave or who are temporarily moved from night to day working will continue to receive their enhancements and protection (where applicable).

5 Risk Assessment

The Management of Health and Safety at Work Regulations 1999 (13) places a duty of care on employers to ensure that the health and safety of pregnant workers is risk assessed and action taken to control any risks identified.

5.1 The risk assessment should be carried out by the line manager, with the member of staff who is pregnant and in conjunction with Occupational Health. The risk assessment form can be found via the following link www.bfwh.nhs.uk/onehr (14). If necessary regular reviews should be carried out, and copies of these should be retained by the line manager until the member of staff returns from maternity leave and the 'new and breastfeeding women' form assessment is completed. Further information on the new and breastfeeding for women form can be found via the following link www.bfwh.nhs.uk/onehr (14).

5.2 If a risk is identified, or the member of staff's GP, midwife or other registered practitioner deems their job to pose a risk, it will be necessary to undertake regular reviews and take steps to eliminate that risk. These steps may include:

- Reduced working hours
- A move of shift pattern, i.e., from night working to day working
- Temporary redeployment to a more suitable post

5.3 Where the line manager deems the steps above are not practical or cannot be facilitated, it may be necessary to release the member of staff on paid leave until such time that the risks can be eliminated, the member of staff's doctor deems them fit for the duties of their role, or maternity leave commences. Any paid leave of this kind will be reviewed at regular intervals.

6 Salary Sacrifice

If the employee is a member of a salary sacrifice scheme, they should contact the provider as soon as possible to avoid this having a negative impact on pay. Sacrificing part of their salary means they earn less, and this may affect pay.

The employee may decide to opt out of a salary sacrifice scheme for the calculation of pay; this must be done at the earliest opportunity and no later than 15 weeks before leave commences.

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7 Fraudulent claims

The organisation can, 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 was made, investigate the matter further in accordance with the Local Counter Fraud process, and without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010 (15).

8 Maternity - General Principles and Eligibility

An employee has protection against unfair treatment or dismissal on the grounds of pregnancy or childbirth. All employees regardless of their length of service are entitled to take up to 52 weeks maternity leave. An employee working full-time or part-time will be entitled to paid and unpaid maternity leave under the NHS contractual maternity pay scheme (1).

8.1 Employees may be entitled to either:

- Maternity Pay (including any Statutory Maternity Pay / Allowance) if they have 12-months continuous service with one or more NHS employers (A break in service of 3 months or less will be disregarded) and intend returning to work
- Statutory Maternity Pay
- Maternity Leave without pay if the mother is not entitled to either of the above. In this case the employee may qualify for Maternity Allowance or other National Insurance benefits claimed directly from the Department for Work and Pensions.

8.1.2. A pregnant employee should be eligible for time off to attend appointments for antenatal care if they meet the requirements detailed in Section 9 Maternity Antenatal Care.

8.1.3. Managers will ensure that risk assessments for new and expectant mothers will be carried out during the first, second and third trimester of pregnancy and on return to work, in accordance with the Management of Health and Safety at Work Regulations 1999 (13). Employees have a responsibility for protecting their own health at work whilst pregnant and should therefore advise the Trust of their pregnancy as soon as possible to enable a risk assessment to be carried out (see section 5 Risk Assessment of this Policy (16)).

8.1.4. An employee has a statutory right to return to work following a period of maternity leave upon meeting certain requirements (see section 14.1 Return to Work of this Policy).

8.1.5. In circumstances where the employee's baby is stillborn after week 24 of pregnancy, the employee will be entitled to the same amount of maternity leave and pay as if the baby was born alive.

8.1.6. Where an employee has a miscarriage before week 25 of pregnancy, normal sick leave provisions will apply as necessary.

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8.1.7. For further information and guidance regarding maternity refer to One HR portal on the Trust intranet site.

8.2 Maternity Leave

8.2.1. An employee will be entitled to a period of up to 52 weeks maternity leave if they satisfy the following requirements:

8.2.2. They notify their manager in writing before the end of the 15th week before the expected date of childbirth (week 25 of pregnancy) (or if this is not possible, as soon as is reasonably practicable thereafter)

- a) Of their intention to take maternity leave
- b) Of the date they wish to start their maternity leave – they can choose when to start their maternity leave – this can usually be any date from the beginning of the 11th week before the baby is born (week 29 of pregnancy)
- c) That they intend to return to work with the same or another NHS employer for a minimum period of three months after their maternity leave has ended
- d) And provides a MATB1 form from their midwife or GP giving the expected date of childbirth

8.2.3. The Maternity Application Form should be completed to confirm this information in writing and sent to payroll along with the MATB1 form.

8.2.4. If an employee subsequently wishes to change the start date of their maternity leave, they must give their manager 28 days' notice or if they wish to change their return date, they must give 8 weeks' notice.

8.2.5. The period of maternity leave should commence no earlier than the 11th week before the expected week of childbirth (week 29 of pregnancy) and no later than the day on which the employee gives birth (see section 8.3 Automatic Commencement of Maternity Leave of this Policy).

8.2.6. Sometimes there are complications and babies are born prematurely. If the birth has already occurred before the 15th week of the expected date of childbirth (week 25 of pregnancy) or the baby is stillborn after the 24th week of pregnancy, then the Trust recognises that it is not always possible for employees to provide the notification requirements above.

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8.3 Automatic commencement of Maternity Leave

8.3.1. The maternity leave period will commence immediately when:

- Childbirth occurs before the maternity leave period would otherwise commence
- The employee is absent from work wholly or partly because of pregnancy or childbirth after the beginning of the 4th week before the expected week of childbirth (week 36 of pregnancy).

In such circumstances, the Trust will not require the notice of commencement of maternity leave referred to above. However, the employee should notify her manager, as soon as is reasonably practicable, that she is absent wholly or partly because of pregnancy or she has given birth.

8.4 Interrupted Maternity Leave

8.4.1. Maternity leave will normally be a period of consecutive weeks. Exceptionally, an employee who has given birth prior to the 11th week before the expected week of childbirth (week 29 of pregnancy) and whose baby is in hospital, may split the maternity leave entitlement, subject to the agreement of their manager.

8.4.2. Whilst each case may be different and should be treated on its merits, interrupted maternity leave shall normally imply taking a short period of leave after the birth, then returning to work whilst the baby is hospitalised, and finally, resuming maternity leave upon the baby's discharge.

8.4.3. If an employee does more than ten days work for the Trust in their Statutory Maternity Pay period, the pay cannot be paid for any week in which they do such work and their maternity leave will come to an end.

8.5 Statutory Maternity Pay (SMP)

The charts in the 'Flow Chart to Maternity Entitlements' may be referred to and help explain in further detail rights to maternity pay. This can be found by accessing the following link www.bfwh.nhs.uk/onehr.

8.5.1. An employee may be entitled to SMP, even if they do not intend to return to work after their baby is born, if they satisfy the following requirements:

- They have 26 weeks continuous employment up to and including the 15th week before the expected week of childbirth (week 25 of pregnancy)
- Their average earnings are at or above the lower earnings limit for the payment of National Insurance contributions for the 8 weeks up to and including the 15th week before the expected week of childbirth (week 25 of pregnancy)

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- They have produced a MATB1 form or equivalent from the midwife or doctor, either with their Maternity Application Form or when requested by their line manager, giving the expected date of childbirth
- They are still pregnant 11 weeks before the start of the expected week of childbirth (week 29 of pregnancy) or has already given birth.
- Notice is given at least 28 days before the date the employee should begin receiving SMP (or if that is not reasonably practicable, as soon as is reasonably practicable)
- They stop working for the Trust wholly or partly because of pregnancy or childbirth.

8.5.2. If the mother does not qualify for SMP they may be entitled to other statutory maternity benefits. This information is only advisory as rights to statutory benefits are very complex and subject to change by the Department for Work and Pensions.

8.5.3. You are entitled to 52 weeks maternity leave but SMP is only payable for a total of 39 weeks. SMP can start on any day of the week up to the date the date the baby is born. SMP is made up as follows:

- 6 weeks at the higher earnings related rate (90% of an employee's average weekly pay)
- 33 weeks at the lower earnings related rate (90% of an employee's average weekly pay)
- 13 weeks unpaid leave.

8.5.4. Rates are published by the Department for Work and Pensions at www.gov.uk/maternity.

8.5.5. Note that full Maternity Pay includes any SMP / Benefits.

8.6 Occupational Maternity Pay (OMP)

8.6.1. Maternity Pay is payable for 26 weeks as follows, which starts when the employee's period of maternity leave begins:

- 8 weeks at full Trust Maternity Pay which includes any Statutory Maternity benefits
- 18 weeks at half Trust Maternity Pay plus the lower earnings related rate for Statutory Maternity benefits
- You will also receive a further 13 weeks SMP/ benefits at the lower earnings related rate

8.6.2. Full Maternity Pay shall be the equivalent of a week's pay (based on the average earnings rule defined by the Department for Work and Pensions for

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calculating maternity pay i.e., the average for the 8 weeks, ending with the 15th week before the expected week of childbirth (i.e., during weeks 17-25 of the pregnancy).

- 8.6.3. Maternity Pay when added to the amount of any Statutory Maternity Pay or National Insurance benefits shall not exceed the employee's salary for the period, and Trust Maternity Pay shall be restricted accordingly.

9 Shared Parental Leave

9.1 General Principles and eligibility

- 9.1.1. Under the shared parental leave system parents will be able to choose how they share the care of their child during the first year after birth. The birth mother will be required take at least the first two weeks following the birth as maternity leave, after which the couple can choose to end the maternity leave and share the remaining leave and pay as flexible parental leave.
- 9.1.2. In order to access shared parental leave employees will be required to complete the appropriate forms which can be found at www.bfwh.nhs.uk/Onehr
- 9.1.3. Employing organisations may at their discretion require the individual to provide additional information on their circumstances where this is reasonable and necessary to determine entitlements.
- 9.1.4. Shared parental leave and pay must be taken within one year of the birth of the child, or the date the child was placed with the family in cases of adoption.
- 9.1.5. Following notification of their intention to take shared parental leave, you should provide notice to book a period of leave. The minimum period of notice to book or amend a period of leave shall be eight weeks.
- 9.1.6. You can provide up to three notices to book leave. This includes notices to vary a previously agreed pattern of leave.
- 9.1.7. Each of the three notices to book leave may include a single, continuous or discontinuous block of leave.
- 9.1.8. Requests for single blocks of leave cannot be refused.
- 9.1.9. Confirmed leave arrangements can be amended by the submission of a notice to vary the agreed period of leave. You can submit a notice to extend a period of leave, end it sooner than previously agreed or consolidate a number of discontinuous weeks in to a single block of leave using a variation notice. Eight weeks' notice must be given but flexibility should be provided in the event of early and late births.
- 9.1.10. In instances where discontinuous periods of leave are requested, employers are not bound to agree the requested pattern. A two-week discussion period between the employee and employer will commence on the date the employee

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submits the booking notice. The review will look at the requested pattern of leave and discuss possible alternatives. In the limited circumstances where the employer refuses the requested pattern, they will explain the reason for the refusal. The employee cannot be prevented from taking the amount of leave they have requested within that notice, but the employer has authority over how and when it is taken.

- 9.1.11. In instances where a discontinuous period of leave has been refused and an alternative period has not been agreed during the discussion period, the total combined weeks' leave requested on that notice may be taken as a single continuous block. This should commence on a date specified by the employee but be no less than eight weeks from the date the original notice was provided to the employer. The employee has five days from the end of the two-week discussion period in which to confirm the date their leave will commence. In instances where the employee specifies no date, leave will commence on the start date of the first period of discontinuous leave that was originally applied for.
- 9.1.12. An employee is not entitled to withdraw a notice for a single continuous block of leave but may do so with the employer's express permission.
- 9.1.13. An employee may withdraw their notice to book discontinuous blocks of leave within 15 days of submitting their notice providing an agreement has not been reached with their employer about when they will be absent from work. Once the 15th day has passed any changes to a period of leave must be made by using a variation notice and a minimum of eight weeks' notice must be provided.
- 9.1.14. If a notice is withdrawn it will not count towards the three booking notifications cap.
- 9.1.15. Payroll will write to the employee to confirm the details of the Shared Parental Leave.

9.2 Leave

- 9.2.1. Under the shared parental leave system parents will be able to choose how they share the care of their child during the first year after birth. The birth mother will be required take at least the first two weeks following the birth as maternity leave, after which the couple can choose to end the maternity leave and share the remaining leave and pay as flexible parental leave. However, Shared Parental Leave can only be used by two people:
- The mother / adopter and one of the following:
 - a) The father of the child (in the case of birth) or
 - b) The spouse, civil partner, or partner of the child's mother/adopter.
- 9.2.2. They can share up to 50 weeks of leave and up to 37 weeks of pay between them

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- 9.2.3. Both parents must share the main responsibility for the care of the child at the time of the birth / placement for adoption.
- 9.2.4. Additionally, an employee seeking to take SPL must satisfy each of the following criteria:
- a) The mother / adopter of the child must be / have been entitled to statutory maternity / adoption leave or if not entitled to statutory maternity / adoption leave they must be / have been entitled to statutory maternity / adoption pay or maternity allowance and must have ended or given notice to reduce any maternity / adoption entitlements
 - b) The employee must still be working for the organisation at the start of each period of SPL
 - c) The employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date
 - d) The employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and meet the earnings criteria which can be found in the following link [Shared Parental Leave and Pay: How it works - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/shared-parental-leave-and-pay-how-it-works) (12)
 - e) The employee must correctly notify the organisation of their entitlement and provide evidence as required.

9.3 Pay

- 9.3.1. An employee working full-time or part-time will be entitled to paid shared parental leave under the NHS occupational shared parental leave and pay scheme if:
- they have 12 months' continuous service (see '4.2 Other information') with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth, or at the beginning of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby's due date if applying via a surrogacy arrangement;
 - they notify their employer of their wish to take shared parental leave and provide a minimum of eight weeks' notice, through the submission of the application form, which will confirm:
 - (a) their intention to take shared parental leave;
 - (b) the date(s) they wish to access shared parental leave (noting that two weeks compulsory maternity or adoption leave must be taken by the mother or primary adopter before they can access shared parental leave)

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- (c) that they intend to return to work with the same or another NHS employer for a minimum period of three months after their shared parental leave has ended
- (d) that the mother or primary adopter has returned to work following maternity or adoption leave or has provided the binding notice confirming that they intend to bring their maternity or adoption leave and pay entitlements to an early end.
- (e) they confirm that the other parent meets the statutory “employment and earnings test” by being an employed or self-employed earner in the UK for a total of 26 weeks (not necessarily continuously) in the 66 weeks preceding the week the child is due to be born or matched for adoption. The individual must have earned at least an average of £30 (gross) a week in 13 of those 26 weeks (not necessarily continuously). This amount can be amended from time to time by the Secretary of State.

9.3.2. Eligible employees will be entitled to claim up to 37 weeks of statutory shared parental leave pay (ShPP), less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay that has already been claimed by either partner. ShPP can be claimed following the birth or placement of the child, but not at the same time as the compulsory two weeks of leave following the birth or placement of the child. ShPP is paid at a rate set by the government each year.

9.3.3. Where an employee intends to return to work after a period of shared parental leave, the maximum joint entitlement of an eligible couple to occupational shared parental pay will be as set out below. The maximum entitlement will only apply where either parent has not already received statutory or occupational maternity pay, maternity allowance or statutory or occupational adoption pay in respect of the child. Where such pay (excluding pay during the compulsory two-week maternity / adoption leave period) has been received by either parent, the maximum joint entitlement set out below will reduce proportionate to the amount of maternity or adoption pay which has either been taken and paid to either parent, or notified as intending to be taken by either parent.

- for the first six weeks of absence the employee will receive full pay. Full pay is inclusive of any ShPP. The total receivable cannot exceed full pay;
- for the next 18 weeks of absence the employee will receive half of full pay plus any ShPP. The total receivable cannot exceed full pay;
- for the next 13 weeks, the employee will receive any ShPP that they are entitled to under the statutory scheme.
- for the final 13 weeks, the employee will receive no pay.

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

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

- 9.3.5. Employees are also entitled to take a further 13 weeks as unpaid leave to bring the total for shared parental leave to 50 weeks. However, this may be extended by local agreement in exceptional circumstances.

9.4 Calculation of Shared Parental pay

- 9.4.1. Shared Parental pay will be based on the average weekly earnings (AWE) during the 8 weeks including the payday that falls before the end of the qualifying week, in accordance with the statutory maternity pay regulations. For more detailed information about the calculation, visit <https://www.gov.uk/guidance/statutory-maternity-pay-manually-calculate-your-employees-payments>
- 9.4.2. All pay received from employment at the Trust, including sick pay, holiday pay, overtime and any allowances, will be taken into account when calculating average earnings.
- 9.4.3. In the event of a retrospective pay award and/or annual increment being implemented during the paid maternity leave period, the maternity pay will be recalculated and adjusted accordingly.

If you are absent due to sickness, and you are on half or no pay during the period when the AWE are calculated, your maternity pay calculations will be based on notional full sick pay.

9.5 Variations to arranged Shared Parental Leave

- 9.5.1. The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the organisation 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 employee, including notice to return to work early, will usually count as a new notification reducing the employee'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 employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

9.6 Terms and Conditions during Shared Parental Leave

- 9.6.1. During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as use of a company car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue.

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- 9.6.2. Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking SPL.

9.7 Annual Leave

- 9.7.1. Whilst on shared parental leave the employee will continue to accrue annual leave, including Public holidays. The opportunity will be given to enable the employee to use this annual leave either prior to coming back in to the workplace or once back at work with the agreement of their Line Manager.

9.8 Shared Parental Leave Kit Days

See section 16

9.9 Returning to work after Shared Parental Leave

- 9.9.1. The employee will have been formally advised in writing of the end date of any period of SPL. The employee is expected to return on the next working day after this date unless they notify their line manager otherwise. If they are unable to attend work due to sickness or injury, the organisation's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 9.9.2. If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give their line manager at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then their line manager does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.
- 9.9.3. On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity / adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.
- 9.9.4. If their maternity / paternity / adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.
- 9.9.5. If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last

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period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

- 9.9.6. If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

9.10 Fixed Term and Training Contracts

An employee who is on a temporary or fixed term contract may be eligible for Occupational or SMP.

- 9.10.1. An employee on a temporary, fixed term or training contract which expires after the 11th week before the expected week of childbirth (week 29 of pregnancy) and who satisfies the conditions below will have their contract of employment extended, if necessary, to allow them to receive the 52 weeks, which includes paid contractual and statutory maternity pay, and the remaining 13 weeks of unpaid maternity leave:

- a) The mother has 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth (week 29 of pregnancy). (If the employee does not meet the 12 months' continuous service condition, they may still be entitled to SMP)
- b) The mother notifies their employer in writing before the end of the 15th week before the expected date of childbirth (week 25 of pregnancy) (or if this is not possible, as soon as is reasonably practicable thereafter)
- c) of their intention to take maternity leave
- d) of the date when wishes to start their maternity leave – they can choose when to start their maternity leave – this can usually be any date from the beginning of the 11th week before the baby is born (week 29 of pregnancy) (but if the employee subsequently wants to change the date from which they wish their leave to start, they should notify their manager at least 28 days beforehand or if this is not possible, as soon as is reasonably practicable beforehand
- e) and provides a MATB1 form from their midwife or GP giving the expected date of childbirth.

- 9.10.2. Annual leave and bank holidays will be accrued during the 39-week pay period.

- 9.10.3. The contract will not be extended to cover a period of unpaid maternity leave and there will be no right to return to employment with the Trust following the end of maternity leave as the contract would have ended if pregnancy and

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childbirth had not occurred. The repayment provisions set out in the Failure to Return to Work (see Section 14.3 of this policy) will not apply. If, however the individual secures another position in the NHS within 52 weeks of the commencement of their maternity leave, then this absence will not be regarded as a break in service.

- 9.10.4. An employee on a temporary or fixed term contract who is participating in a planned rotation of appointments as part of a training programme shall have the right to return to work after a period of maternity leave, to the same or another post in the rotation. In this case, the contract will be extended to enable the employee to complete the agreed programme of training. NHS Employers have further information and guidance available to download regarding Maternity issues for Doctors in Training: www.nhsemployers.org

10 Maternity Antenatal Care

Antenatal care can include not only medical examinations but also, for example, relaxation, parent-craft or aqua-natal classes.

- 10.1.1. A pregnant employee is eligible for time off to attend appointments for antenatal care if they meet the following requirements:

- They must have made an appointment to receive antenatal care on the advice of a Registered Medical Practitioner, Registered Midwife, or Registered Health Visitor. For the second and subsequent appointment, they should, if the manager requests them to do so, produce a certificate from a doctor, midwife, or health visitor, stating that they are pregnant and an appointment card or other document, showing that the appointment has been made (Section 55 of the Employment Rights Act 1996 (17)).

- 10.1.2. The Trust shall not unreasonably refuse an eligible employee time off with pay to attend antenatal care appointments during working hours.

11 Sickness Absence Prior to Childbirth

Until the beginning of the 4th week before the expected week of childbirth (week 36 of pregnancy) an employee who is absent on health grounds will be entitled to sick pay in accordance with the Trust's Attendance Management Policy (3; 4).

- 11.1.1. From the beginning of the 4th week before the expected week of childbirth (week 36 of pregnancy)

- An employee who is absent due to an illness which is certificated as unrelated to their pregnancy will be entitled to receive sick pay until the date previously agreed that their maternity leave commences
- An employee who is absent due to a pregnancy related illness must begin their maternity leave immediately.

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11.1.2. At the end of their period of maternity leave, an employee will be entitled to sick pay in accordance with the Trust's Attendance Management Policy (3; 4). To qualify for sick pay the mother must submit a GP Certificate from a Registered Medical Practitioner, or a Self-Certificate, to cover absence from:

- The date they have notified the manager they will return to work following childbirth
- The date they and the manager have agreed they will return
- Where no date has been notified or agreed, the first day following the end of their maternity leave period.

12 Pre-term birth

Where an employee's baby is born alive prematurely, the employee will be entitled to the same amount of maternity leave and pay as if their baby was born at full term.

Where an employee's baby is born before the 11th week before the expected week of childbirth and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee's absence.

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

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

12.1 Still birth

In the event where an employee's baby is stillborn after the end of the 24th week of pregnancy, the employee will be entitled to the same amount of maternity leave and pay as if their baby was born alive. All bereaved parents will be eligible for a minimum of two weeks child bereavement leave, this includes adopted parents, and any other parent/child relationship that the Trust deems to be reasonable.

12.2 Miscarriage

In the event where an employee has a miscarriage before the start of the 25th week of pregnancy, normal sickness absence provisions will apply as necessary.

13 Employees undergoing fertility treatment

Where an employee male or female is undergoing programmes of infertility treatment, they are allowed time off up to 1 working week with pay in any given leave year, which must be taken in periods of no less than half days.

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Employees must discuss with their manager as soon as reasonably practicable dates of any planned treatments. Evidence of appointments may be required for the manager to authorise leave and this must be submitted in line with the Trust's Special Leave Policy (18).

14 Contractual Rights During Maternity Leave (including Annual Leave and Bank Holiday entitlements)

- 14.1.1 All employees have the right to 52 weeks maternity leave regardless of length of service. During the maternity leave period, an employee retains all their contractual rights, except remuneration.
- 14.1.2. Annual leave will continue to accrue during maternity leave, whether paid or unpaid. Where the amount of accrued annual leave would exceed normal carry over provisions, (see Trust's Annual Leave Policy (5)), it may be mutually beneficial to both the Trust and the employee for the employee to take annual leave before and/or after the formal maternity leave period. The amount of annual leave to be taken in this way should be discussed and agreed between the line manager and employee.
- 14.1.3. An employee does not have contractual rights to sick pay during maternity leave.
- 14.1.4. Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Pension Scheme Regulations 1995 (19). Employees may make superannuation contributions retrospectively for periods of unpaid leave, upon return from maternity leave, to preserve their superannuation contribution record (further advice may be obtained from the Trust Pensions Officer).
- 14.1.5. If the employee has a Salary Sacrifice Scheme, then advice should be sought from the Staff Benefits and Expenses Manager. (See section 6 Staff Benefits of this Policy)
- 14.1.6. Maternity leave, whether paid or unpaid, shall count as service for annual increment and for the purposes of any service qualification period for additional annual leave.
- 14.1.7. Payment provision set out in section 14.1 of this Policy will not apply.
- 14.1.8. Redundancy - The Trust will ensure that an employee will not be dismissed or selected for redundancy in preference to other comparable employees because she is pregnant or has recently given birth.

15 Return to Work

15.1 Employee Right to Return

An employee has the right to return from maternity leave but must satisfy certain requirements:

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- 15.1.1. An employee who wishes to return after maternity leave may do so at any time between 2 weeks after the actual date the baby is born and the end of her 52-week maternity leave period. However, if they wish to return before the end of the 52nd week of the maternity leave period, they must give her manager at least 8 weeks written notice of their return.
- 15.1.2. At the point of applying for maternity leave it is assumed in accordance with statutory rights that employees will take the full 52 weeks maternity leave and their application for maternity leave acts as written notice of this return date. If the employee wishes to change this date either on application for maternity entitlements or subsequently, they must ensure they give the required 8 weeks' notice.
- 15.1.3. In accordance with the Maternity (Compulsory Leave) Regulations 1994 (20), an employee entitled to maternity leave shall not work or be permitted to work by the employer during the period of two weeks beginning with the date the baby is born.
- 15.1.4. An employee who has notified their intention to return to work has the right to return to their job under their original contract and on no less favourable terms and conditions. However, they may negotiate to return to work on a flexible basis agreed with the manager, including part-time or job share. The Trust will, wherever possible, try to meet the expectation of the employee wanting to return under more flexible working arrangements. Procedures in the Trust's Flexible Working Policy (6) should be followed.
- 15.1.5. The Trust will ensure that, following maternity leave, employees returning part-time or as a job share, return at a grade commensurate with their leaving grade and to work of similar status.
- 15.1.6. At least 28 days' notice should be given to the line manager when wishing to breastfeed on return to work. This must be given in writing and included in the return to work after maternity leave letter. This will ensure that the employee and line manager can make the necessary arrangements to meet the request and the needs of the Service. For more information relating to Breastfeeding see (CORP/POL/226 (21)).

15.2 Returning to Work on Flexible Working Arrangements

- 15.2.1. There is no automatic right for an employee to be granted a change to their terms and conditions of employment on resuming work. However, employees returning from maternity leave do have a right to request a change in their working pattern and the Trust has a duty to consider the request with consideration of service delivery. This should be done in accordance with the Work Life Balance Policy (22) via the website www.bfwh.nhs.uk/onehr .
- 15.2.2. Employees should apply in writing, using the Work Life Balance request form provided in the Flexible Working Policy on the website (23) <https://www.bfwh.nhs.uk/onehr/hr-policies-advice/flexible-working/> .

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If the manager is not able to accommodate the requested change in working pattern, the justification for not doing so should be discussed with the employee. The manager will be responsible for informing the employee in writing giving full details of the justification.

15.3 Failure to Return from Maternity Leave

In circumstances where an employee has:

- a) completed a period of maternity leave and does not return to work
- b) completed a maternity leave period and has notified their manager of their intention to return to work with the Trust and does not do so
- c) completed a maternity leave period and has notified their intention to return to another NHS employer, but fails to submit to the Trust a copy of their letter of appointment within 15 months of the beginning of their maternity leave
- d) not returned to work for at least 3 months for the same or another NHS employer (excluding Bank work) having previously stated their intention to do so. Then the employee shall be liable to refund the whole of any Occupational Maternity Pay paid to them, less any SMP to which they are entitled. In cases where recovery of Occupational Maternity Pay would cause undue hardship or distress, the manager should seek advice from the Workforce Advisory Service.

15.4 Deferred Return to Work Due to Sickness

Employees unable to return to work on the date notified, due to illness, must provide a self-certificate or doctor's certificate, whichever is appropriate, to cover their absence. Employees will be deemed as having returned from maternity leave and the period of absence classified as sick leave with normal sick pay provisions applying.

16 Parental Leave

- 16.1.1. This is a separate provision from either maternity, paternity or shared parental leave and provides for a non-transferable individual right to a maximum 18 weeks leave. Leave is unpaid and is granted subject to a maximum of 4 weeks in a rolling 12-month period.
- 16.1.2. Parental leave is applicable to any employee with 12 months service in the NHS who has nominated caring responsibility for a child under the age of 14 (18 in cases of the adoption of disabled children).
- 16.1.3. Leave arrangements need to be as flexible as possible so leave may be taken in a variety of ways by local agreement. Parental leave can be added to a period of paternity or maternity leave.
- 16.1.4. The Trust requires 21 days notice in writing to the line manager when requesting parental leave. The Trust will only postpone leave in exceptional

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circumstances and give written explanations. Employees may also postpone or cancel leave.

- 16.1.5. During parental leave the employee retains all of his/her contractual rights, except remuneration, and will return to the same job after the leave. Pension rights and contributions shall be dealt with in accordance with NHS Pension Regulations (19). Periods of parental leave will be regarded as continuous service.
- 16.1.6. The Trust will maintain contact with employees whilst they are on parental leave as required.

17 Keeping in Touch (KIT days)

- 17.1.1. Prior to the commencement of maternity/adoption / shared Parental leave the employee should discuss and agree with their manager any voluntary arrangements for keeping in touch during the leave.
- 17.1.2. This may include how the employee will be kept up to date with developments at work and how the Trust can be updated on any changes that may affect the employee's return to work date.
- 17.1.3. Subject to the Trust's agreement, employees should be encouraged should they wish to use up to 10 keep in touch days during their leave. Work can be undertaken on the keeping in touch days as well as training. Employees will be paid their basic daily rate plus the enhancements (if applicable), for the hours worked less appropriate maternity leave payment.
- 17.1.4. Should an employee work less than a full day (e.g., 2 hours) on a keeping in touch day, this will be counted as 1 keeping in touch day having been taken. Keep in touch days cannot be taken during the 2-week compulsory maternity pay period.
- 17.1.5. Normal processes for consultation and communication during any restructure / change to a Team / post should ensure that employees on Maternity, Adoption or Shared Parental Leave are included and given appropriate time to make arrangements to attend meetings if necessary.
- 17.1.6. An employee may work up to 10 'Keeping in Touch' days during their leave without it affecting their pay or being considered as a return to work. These are optional days and the nature and type of work is to be mutually agreed by the employee and manager before the employee goes on maternity, adoption or shared parental leave. The days could be worked in the employee's normal role thus helping the employee retain skills; for training; to attend a team meeting; or other Trust events.
- 17.1.7. Any pay in addition to their maternity, adoption or shared parental entitlements may not be made until an employee returns to work and may be offered as time off in lieu of payment. This should be agreed between the manager and employee before the days are worked.

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17.1.8. The recording of KIT Days should be completed via the relevant roster application.

18 Support

18.1 Support when on Maternity, Adoption and Paternity Leave

It is recognised that pregnancy can be a stressful time and that it may prove difficult to balance both domestic and work life balance. Further support is also available via the Occupational Health department via www.bfwh.nhs.uk/oneHR. Alternatively, the Employee Assistance Programme, which is a free 24-hour personal support service for employees. The telephone number is 0800 030 5182 or www.healthassuredeap.com (24).

18.2 Childcare Vouchers

The Childcare Voucher Scheme (25) offers staff a way of saving Tax and National Insurance on their childcare costs for children up to the age of 15, but this may affect your NHS Pension. Details are available via the following link www.bfwh.nhs.uk/onehr

19 Adoption Leave

19.1 General Principles and Eligibility

Adoption leave is an entitlement for staff who have the primary carer responsibility and who wish to adopt a child who is newly placed for adoption.

For the preadoption course employees should apply for special leave.

19.1.1. The maternity provisions under Section 6 of this policy (with the exception that OMP and SMP are replaced by Occupational Adoption Pay OAP and Statutory Adoption Pay SAP) apply to the adoption of a newly matched child, who is below the age of 18, and to the person who has primary care responsibilities for that child. The other parent may be entitled to paternity leave provisions as stated within this policy. Where both parents are employees of the Trust, the period of adoption leave may be shared.

19.1.2. If an employee is adopting a newly placed foster child, they must be matched for adoption by a recognised agency to be eligible for Adoption Leave or Pay. If the foster child is not newly placed and has been under their care for some time, you will not be entitled to receive Adoption Pay or Leave. You will not be entitled to receive Adoption pay or leave for adopting a stepchild. However, in both cases you may be entitled to other forms of leave, for official appointments. Appointment cards or letters will need to be provided as per the relevant policy. In order to claim the benefits of this policy, employees must:

- a) have 26 weeks continuous service with the Trust by the week in which they are notified of being newly matched with a child for adoption for Statutory Adoption Leave and Pay.

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- b) have 52 weeks continuous service with one or more NHS employers at the time they are notified of being newly matched with a child for full Trust adoption leave and pay.
- c) be identified as the primary carer for the child
- d) be adopting a child who is under eighteen years of age who is newly placed for adoption
- e) complete an Adoption Leave application and forward to payroll with the Matching Certificate.

19.1.3. If both parents are employed by the Trust, the period of leave and pay may be shared. One parent should be identified as the primary carer and be entitled to the majority of the leave. The partner of the primary carer is entitled to paternity leave and pay.

19.1.4. The earliest date on which adoption leave can begin is 14 days before the expected date of placement. The latest date on which leave can commence is the date the child is placed for adoption.

19.2 Notification Requirements for Adoption Leave

19.2.1. Adoptive parent(s) must notify their manager of their intention to take adoption leave within 7 days of being matched with a child. They must give details of the expected placement date and start date of leave, by completing the Application for Adoption Leave form available via the following link www.bfwh.nhs.uk/onehr. They must also provide a matching certificate form a recognised UK adoption agency and forward to payroll.

19.2.2. Leave should be granted to cover official meetings in the adoption process as well as time after the adoption itself. Proof of attendance of any appointment by way of an appointment card or letter must be provided to your managers upon request.

19.2.3. Adoption leave can be taken from a maximum of 4 weeks before the date of the adoptive child's placement with the employee. The date of adoption should be given to the local manager as soon as it is known. The date when the employee intends to begin their adoption leave should be given in writing to the Manager at least 28 days' notice prior to commencing leave.

19.2.4. Notification of return to work after adoption leave is as per the maternity requirements.

19.3 Overseas adoption

For an employee to qualify for adoption leave and or pay resulting from an overseas adoption, they must:

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- 19.3.1 tell their employer the date of the official notification (permission from a UK authority for an adoption abroad) and the estimated date that the child will arrive in the UK. This must be done within 28 days of receipt of the official notification.
- 19.3.2 tell their employer the actual date the child arrives in UK within 28 days of this date;
- 19.3.2 provide their employer with a minimum of 28 days' notice of when they wish to commence their adoption leave and pay (noting that adoption leave can only commence after the child has entered the UK and must start no later than 28 days after the child has entered the UK);
- 19.3.3. provide appropriate documentation and proof of the adoption to the employer including but not limited to the official notification and evidence that the child has entered the UK.

20 Adoption Leave – Breakdown of Arrangements

20.1. Adoption disruption

Should the adoption break down (“Be disrupted”) the employee will be entitled to continue their adoption leave and receive the appropriate payment for that time.

21 Surrogacy

- 21.1.1 If a member of Trust staff becomes pregnant as part of a Surrogacy agreement they will be managed under the maternity arrangements within this policy.
- 21.1.2. If you are the intended parent and primary carer of a child born through a surrogacy arrangement, your eligibility to leave will be the same as Adoption leave (See Section 18 Adoption leave of this Policy).
- 21.1.3. The pay entitlement will depend on the circumstances of each case. However, please note that there are currently no provisions for Statutory Surrogacy Pay (26).
- 21.1.4. Adoption / surrogacy leave and pay is available to one member of a couple where a couple jointly adopt. The other member of the couple may be entitled to Paternity Leave and pay (11).

The most up to date information relating to Surrogacy can be found at:

[Surrogacy: legal rights of parents and surrogates: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/surrogacy-legal-rights-of-parents-and-surrogates)

22 Paternity Leave

22.1 General Principles and Eligibility

All employees regardless of their length of service are entitled to 2 weeks paternity leave at a time when their partner gives birth or adopts a child. In addition to the 2 weeks paternity leave employees may be entitled to take up shared parental leave if their partner

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has returned to work. However, leave can commence any time after the birth of the child but must be completed within 56 days of the birth, or if the child is born early. Leave can commence within the period from the actual date of birth up to 56 days after the first day of the week in which the birth was expected.

Only one period of leave may be taken irrespective of whether more than one child is born as a result of the same pregnancy.

22.1.1 In accordance with the employees' terms and conditions, Paternity Leave, referred to as Maternity Support (Paternity) Leave, applies to the partner of the child (including adoptive partner), the mother's spouse and or partner (whether opposite or same sex), or nominated carer.

22.1.2. Employees with 26 weeks continuous service with the Trust (excluding Bank or locum work) by the end of the 15th week before the baby is due, or the date of adoption, may be entitled to receive Statutory Paternity Pay for this leave.

22.1.3. Employees with 12 months continuous NHS Services by the beginning of the week the baby is due, or the date of adoption, will be entitled to full Trust Paternity Pay.

22.1.4. The Trust will provide maximum 2 week's Occupational and Statutory Paternity pay and/or leave to eligible employees around the time of their partner giving birth or the placement of the child for adoption.

To be entitled to a period of paternity leave the employee must also satisfy the following requirements:

- a) They inform their manager in writing (on the Trust Paternity Leave Application Form) at least 28 days before the period of paternity leave begins (or as soon as is reasonably practicable) of the fact that their partner is pregnant and of their expected week of child birth, or the expected date of adoption or, if the birth has already occurred, of the date of the birth
- b) Produce, when requested by the Manager, a certificate (MATB1) from a Registered Medical practitioner or a Registered Midwife stating the expected week of child birth, or letter of adoption
- c) Give their manager at least 28 days' notice, in writing (or as much notice as is reasonably practicable) of the date on which they intend paternity leave to begin and complete the Trust's Paternity Leave Application form.

22.2 Paternity Leave Pay

22.2.1. Employees with less than 26 weeks continuous service with the Trust 15 weeks before the expected week of childbirth / adoption placement will be entitled to 2 weeks unpaid paternity leave.

22.2.2. Employees with at least 26 weeks continuous service with the Trust 15 weeks before the expected week of childbirth/adoption placement may be entitled to

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Statutory Paternity Pay. This is dependent on the employee having average weekly earnings at or above the lower earnings limit for National Insurance. Payment is for two weeks at the Lower Rate Statutory Paternity Pay

- 22.2.3. Employees with at least 12 months continuous NHS service before the expected week of childbirth/Adoption placement are entitled to Trust Paternity Pay and shall receive pay for paternity leave at full basic rate (pro-rata for part-time). Full pay will be calculated on the basis of the average weekly earnings rules used for calculating maternity pay.
- 22.2.4. Trust Paternity Pay will include any entitlement to Statutory Paternity Pay for employees with 12 months service.
- 22.2.5. The paternity pay period starts when the employee's period of paternity leave begins.

23 Still Birth

In circumstances where the employees' partner has a stillbirth or neonatal death within the first week of the child being born at or after the 16th week before the expected week of childbirth, the employees' entitlement to paternity leave (maternity support) will be the same as if the baby had survived. All bereaved parents will not be required to demonstrate an eligibility criterion in order to access bereavement leave or pay.

24 Car Parking Arrangements

- 24.1.1 You can suspend your parking permit when you commence maternity leave. You should complete the Surrender or Suspension of Permit Form (accessible on www.bfwh.nhs.uk/onehr (27)) and forward to the Car Parking Office with your permit.
- 24.1.2 On receipt of the form and permit, charges will cease during your absence. When you return to work, you will need to complete an application form, and state that you have been on maternity leave and have suspended your permit. The application will be processed immediately, and a permit will be re-issued.
- 24.1.3 If you choose to keep your car park permit for the maternity leave period, payments will continue to be deducted from your salary during the period of paid maternity leave. When you return to work following a period of unpaid leave, payments owed will normally be deducted from pay over a period equivalent to that of the unpaid leave.

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Appendix 1: Equality Impact Assessment Form

All documents must be developed taking into consideration the Equality Impact Assessment Process (Equality Analysis, CORP/PROC/482), using the Equality Analysis Assessment Tool (Appendix 6). This is essential in order to ensure all procedural documents comply with the Equality Act 2010 and eliminates unlawful racial discrimination, promote equality of opportunities and to promote good race relations.

Following the initial Equality Analysis (Appendix 6) if there is any negative or adverse impact identified, a full Equality Analysis and Action Plan (Appendix 7) must be completed. Please refer to the Equality Analysis Procedure for further detail (CORP/PROC/482).

Department	Workforce Advisory Service	Service or Policy	CORP/POL/523	Date Completed:	June 2022
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GROUPS TO BE CONSIDERED

Deprived communities, homeless, substance misusers, people who have a disability, learning disability, older people, children and families, young people, Lesbian Gay Bi-sexual or Transgender, minority ethnic communities, Gypsy/Roma/Travellers, women/men, parents, carers, staff, wider community, offenders.

EQUALITY PROTECTED CHARACTERISTICS TO BE CONSIDERED

Age, gender, disability, race, sexual orientation, gender identity (or reassignment), religion and belief, carers, Human Rights and social economic / deprivation.

QUESTION	RESPONSE		IMPACT	
	Issue	Action	Positive	Negative
What is the service, leaflet or policy development? What are its aims, who are the target audience?	The Policy Document is to ensure that all members of staff have clear guidance on processes to be followed. The Target audience is all staff across the Organisation who undertake this Policy.	Raise awareness of the Organisations format and processes involved in relation to the Policy document	This document should have a positive impact on any member of staff irrespective of any protected characteristic.	
Does the service, leaflet or policy/ development impact on community safety • Crime • Community cohesion	Not applicable to community safety or crime.	N/A	N/A	
Is there any evidence that groups who should benefit do not? i.e. equal opportunity monitoring of service users and/or staff. If none/insufficient local or national data available consider what information you need.	There is currently no evidence that any group who should benefit do not. Regular reviews will assist in identifying any relevant changes to be incorporated into this document.	Regular reviews and updates to ensure the document remains fit for purpose.	Positive	
Does the service, leaflet or development/ policy have a negative impact on any geographical or sub group of the population?	No negative impact has been identified at this point.	Regular document review to ensure document is remains fit for purpose.	Positive	
How does the service, leaflet or policy/ development promote equality and diversity?	This document ensures an inclusive approach to support staff across the organisation, following the birth or adoption of a child. e	Review regularly to ensure the policy remains inclusive and relevant for all staff.	Positive	
Does the service, leaflet or policy/ development explicitly include a commitment to equality and diversity and meeting needs? How does it demonstrate its impact?	The Policy includes a completed EIA, which provides the opportunity to highlight any potential for a negative or adverse impact and is accessible to all staff.	This policy is to ensure staff, who require support following the birth or adoption of a child, receive relevant support in line with their needs irrespective of any protected characteristic.	Positive	
Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups	Our workforce is reflective of the local population: White 96.3% and BME 3.3% in the community and for staff 12.4% BME and White 81.43%, with 6.17% not declared. The Trust employs people from all backgrounds and cultures irrespective of any protected characteristic.	To continue monitoring the local population in comparison to staff and ensure equal opportunities are given to any protected characteristic group or background.	Positive	

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Will the service, leaflet or policy/development i. Improve economic social conditions in deprived areas ii. Use brown field sites iii. Improve public spaces including creation of green spaces?	N/A	N/A		
Does the service, leaflet or policy/development promote equity of lifelong learning?	N/A	N/A		
Does the service, leaflet or policy/development encourage healthy lifestyles and reduce risks to health?	Yes			
Does the service, leaflet or policy/development impact on transport? What are the implications of this?	N/A	N/A		
Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home?	N/A	N/A		
Are there any groups for whom this policy/ service/leaflet would have an impact? Is it an adverse/negative impact? Does it or could it (or is the perception that it could) exclude disadvantaged or marginalised groups?	This policy should create a positive impact and does not exclude any specific group. No evidence has been identified which will disadvantage or marginalise any group including those with protected characteristics.	Regular reviews will ensure any changes are identified allowing the policy to be amended.	Positive	
Does the policy/development promote access to services and facilities for any group in particular?	This policy promotes access to support mechanisms for staff in relation to maternity and adoption services.	Regular reviews of the policy will assist in identifying and changes leading to the updating of this policy.		
Does the service, leaflet or policy/development impact on the environment ● During development ● At implementation?	None currently identified	N/A		
ACTION:				
Please identify if you are now required to carry out a Full Equality Analysis			No	
Name of Author: Signature of Author:	Deborah Booth, Workforce Business Partner Andrea Middleton, Senior HR Advisor	Date Signed:	June 2022	
Name of Lead Person: Signature of Lead Person:	Lauren Newton, HR Manager	Date Signed:	July 2022	
Name of Manager: Signature of Manager	Jayne Taylor, Workforce Business Partner	Date Signed:	July 2022	

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