



<b>POLICY INFORMATION (Policy no HR002)</b>	
<b>Subject</b>	<b>Family Leave Policies and Procedures</b> <i>(This policy is non-contractual and is subject to periodic review and will be amended according to service development needs).</i>
<b>Applicable to</b>	All staff of Nottinghamshire Hospice
<b>Target Audience</b>	Others such as agents, consultants and other representatives of Nottinghamshire Hospice may be required to comply with the policy as a condition of appointment.
<b>Date issued</b>	30 Apr 2024
<b>Next review date</b>	30 Apr 2027
<b>Lead responsible for Policy</b>	Director of People Services
<b>Policy reviewed by</b>	Chief Executive Officer
<b>Notified to (when)</b>	Senior Leadership Team Dec 2023
<b>Authorised by (when)</b>	Senior Leadership Team Dec 2023
<b>CQC Standard if applicable</b>	
<b>Links to other Hospice Policies</b>	<a href="#">Flexible Working Policy HR030</a> <a href="#">Other Leave Policy and Procedures HR004</a>
<b>Links to external policies</b>	
<b>Summary</b>	This policy outlines the statutory leave entitlement for special events.
<b>This policy replaces</b>	Family Leave Policies and Procedures HR0002 2020-2022

#### **IMPORTANT NOTICE**

Staff should refer to the Hospice website for the most up to date Policy. If the review date of this document has passed it is still valid for 3 months. After that staff should seek advice from their clinical lead or manager.

<b>VERSION CONTROL</b>		
<b>Status</b>	<b>Date</b>	<b>Review date</b>
Original policy written by Angela Fallon, Head of HR	April 2011	April 2015
Policy ratified by Finance and Audit Subgroup	April 2011	
Policy reviewed by Donna Roberts, HR Manager - Review of current content and inclusion of additional content relating to time off for antenatal appointment, time off for adoption appointments and Shared Parental Leave.	June 2017	June 2019
Reviewed by Freeths Solicitors	Nov 2017	
Authorised by Donna Roberts, HR Manager	Nov 2017	Nov 2019
Updated control sheet and published on Policy Doc App	Dec 2018	
Reviewed by Donna Roberts	Sept 2020	Sept 2023
Reviewed by Chief Executive Officer	Dec 2023	
Reviewed by Director of People Services		
Authorised by Strategy and Corporate Governance Committee	30 Apr 2024	
Authorised by Senior Leadership Team	Dec 2023	Dec 2025
Logo updated and uploaded to website	March 2021	
Uploaded to website	Dec 2023	May 2024

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## **1. Antenatal Appointments**

This policy outlines the statutory right to take time off to attend antenatal appointments.

This policy applies to employees and agency workers. It does not apply to self-employed contractors.

If you are an agency worker, the rights set out in this policy only apply to you once you have worked in the same role with us for at least 12 continuous weeks (which may include more than one assignment). For these purposes we will ignore any breaks due to holiday or other leave to which you are entitled, breaks due to industrial action, breaks of up to 28 weeks in cases of sickness or jury service, and breaks of up to six weeks for any other reason. We will treat breaks due to pregnancy or childbirth up to 26 weeks after birth, and any statutory maternity, paternity or adoption leave, as time worked.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

### **Time off if you are pregnant**

If you are pregnant, you may take reasonable paid time off during working hours for antenatal appointments. Please try to give us as much notice as possible of the appointment. We may ask you to provide the following, unless it is the first appointment:

- a certificate from the doctor, midwife or health visitor stating that you are pregnant
- an appointment card

### **Time off for accompanying a pregnant woman**

#### **Eligibility**

You may take unpaid time off to accompany a pregnant woman to an antenatal appointment if you have a "qualifying relationship" with the woman or the child.

This means that either:

	<p><b>How to book time off</b></p> <p>Please give us as much notice of the appointment as possible. You must provide us with a signed statement providing the date and time of the appointment and confirming:</p> <ul style="list-style-type: none"> <li>• that you meet one of the eligibility criteria above</li> <li>• that the purpose of the time off is to accompany the pregnant woman to an antenatal appointment; and</li> <li>• that the appointment has been made on the advice of a registered medical practitioner, registered midwife or registered nurse.</li> </ul> <p><b>Amount of time off</b></p> <ul style="list-style-type: none"> <li>• You may take time off to accompany a pregnant woman to up to two antenatal appointments in relation to each pregnancy.</li> <li>• You must not take more than six and a half hours off for each appointment, including travel and waiting time.</li> <li>• Time off to attend these appointments is unpaid. If you wish to take time off to attend further antenatal appointments you should request annual leave.</li> </ul>
<p><b>2.</b></p>	<p><b>Adoption Appointments</b></p> <p>This policy outlines the statutory right to take time off to attend adoption appointments.</p> <p>This policy applies to employees and agency workers. It does not apply to self-employed contractors.</p> <p>If you are an agency worker, the rights set out in this policy only apply to you once you have worked in the same role with us for at least 12 continuous weeks (which may include more than one assignment). For these purposes we will ignore any breaks due to holiday or other leave to which you are entitled, breaks due to industrial action, breaks of up to 28 weeks in cases of sickness or jury service, and breaks of up to six weeks for any other reason. We will treat breaks</p>

due to pregnancy or childbirth up to 26 weeks after birth, and any statutory maternity, paternity or adoption leave, as time worked.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

### **Time off for an adoption appointment**

An adoption appointment is an appointment arranged by an adoption agency (or at the agency's request) for you to have contact with a child who is to be placed with you for adoption, or for any other purpose related to the adoption.

You may take time off to attend an adoption appointment once the agency has notified you that a child is to be placed with you for adoption but before the child is actually placed with you.

### **If you are adopting a child with another person**

When you and your partner are adopting a child, you must decide between you who will be treated as the primary adopter and who will be treated as the secondary adopter for the purposes of time off. You must tell us your decision the first time you request time off for an adoption appointment. This will affect how much time you can take off and whether it is paid.

You will usually choose to be the primary adopter if you intend to take adoption leave when the child is placed with you. You would not be able to take paternity leave if you have elected to be the primary adopter.

You will usually choose to be the secondary adopter if you intend to take paternity leave when the child is placed with you, although you may be able to take adoption leave if your partner is not taking it.

### **If you are adopting a child alone**

If you are adopting a child alone, you are treated as the primary adopter.

### **If you are adopting more than one child**

If the agency is placing more than one child with you as part of the same arrangement, this is treated as one adoption and will not increase the number of appointments you can take time off to attend. Any time off under this policy must be taken before the first child is placed with you.

### **Amount of time off**

If you are adopting on your own or have elected to be the primary adopter, you may take paid time off to attend an adoption appointment on up to five occasions in relation to any particular adoption.

If you are the secondary adopter, you may take unpaid time off to attend an adoption appointment on up to two occasions only.

You must not take more than six and a half hours off for each appointment, including travel and waiting time.

### **How to book time off**

Please give us as much notice of the appointment as possible. You must provide your manager with a signed statement or an email confirming:

- The date and time of the appointment
- That the appointment has been arranged or requested by the adoption agency
- Whether you are adopting a child alone or jointly with another person
- If you are adopting with another person, whether you are electing to take paid or unpaid time off

If you are an agency worker you may have to notify your agency as well. You should check with the agency.

	<p>We may sometimes ask you to try and rearrange an appointment where it is reasonable to do so. In exceptional circumstances we reserve the right to refuse a request for a particular appointment but we will not do so without good reason.</p>
<p><b>3. Maternity</b></p>	<p>This policy outlines the statutory rights and responsibilities of employees who are pregnant or have recently given birth and sets out the arrangements for pregnancy-related sickness, health and safety, and maternity leave. It does not apply to agency workers or the self-employed.</p> <p>Arrangements for time off for antenatal care and to accompany a pregnant woman to antenatal appointments are set out in our Time off for Antenatal Appointments Policy.</p> <p>In some cases you and your spouse or partner may be eligible to opt into the shared parental leave (SPL) scheme which gives you more flexibility to share the leave and pay available in the first year after birth. However, you must take a period of compulsory maternity leave first. Details of SPL are set out in our Shared Parental Leave below.</p> <p>This policy does not form part of any employee's contract of employment and we may amend it at any time.</p> <p><b>Entitlement to maternity leave</b></p> <p>All employees are entitled to up to 52 weeks' maternity leave which is divided into:</p> <ul style="list-style-type: none"><li>• Ordinary maternity leave of 26 weeks (OML)</li><li>• Additional maternity leave of a further 26 weeks immediately following OML (AML) provided they comply with the notification requirement set out below.</li></ul>



### **Notification of pregnancy**

You should inform us as soon as possible that you are pregnant. This is important as there may be health and safety considerations (see below Health and Safety).

Before the end of the fifteenth week before the week that you expect to give birth (Qualifying Week), or as soon as reasonably practical afterwards, you must tell us:

- That you are pregnant
- The week, starting on a Sunday, in which your doctor or midwife expects you to give birth (Expected Week of Childbirth)
- The date on which you would like to start your maternity leave (Intended Start Date).

You must provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming your Expected Week of Childbirth.

### **Sickness**

Periods of pregnancy-related sickness absence shall be paid in accordance with our Sickness Absence Policy in the same manner as any other sickness absence.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

If you are absent for a pregnancy-related reason during the four weeks before your Expected Week of Childbirth, your maternity leave will usually start automatically (see below Starting maternity leave).

### **Health and safety**

Once you have notified us of your pregnancy, we will carry out a risk assessment, and identify any preventive and protective measures that we

consider we need to take. We will take such steps as necessary to avoid any risks identified affecting your health and safety as a new or expectant mother or that of your baby. This may involve:

- changing your working conditions or hours of work
- offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable or
- suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work.

### **Starting maternity leave**

The earliest date you can start maternity leave is 11 weeks before the Expected Week of Childbirth (unless your child is born prematurely before that date).

You can postpone your Intended Start Date by informing us in writing at least 28 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.

You can bring forward the Intended Start Date by informing us at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.

Your maternity leave will start on the earliest of:

- your Intended Start Date (if notified to us in accordance with this policy).
- the day after any day on which you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth. If this happens you must let us know as soon as possible in writing. Maternity leave will be triggered unless we agree to delay it.
- the day after you give birth. If you give birth before your maternity leave was due to start, you must let us know the date of the birth in writing as soon as possible.

Shortly before your maternity leave starts, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave.

The law prohibits you from working during the two weeks following childbirth.

### **Maternity pay**

Statutory maternity pay (SMP) is payable for up to 39 weeks. SMP will stop being payable if you return to work (except where you are simply keeping in touch See below). You are entitled to SMP if:

- you have been continuously employed for at least 26 weeks at the end of the Qualifying Week and are still employed by us during that week
- your average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the government
- you provide us with a doctor's or midwife's certificate (MAT B1 form) stating your Expected Week of Childbirth
- you give at least 28 days' notice (or, if that is not possible, as much notice as you can) of your intention to take maternity leave and
- you are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.

SMP is calculated as follows:

- First six weeks: SMP is paid at the Earnings-Related Rate of 90% of your average weekly earnings calculated over the Relevant Period.
- Remaining 33 weeks: SMP is paid at the Prescribed Rate which is set by the government for the relevant tax year, or the Earnings-Related Rate if this is lower.

SMP accrues from the day on which you commence your OML and thereafter at the end of each complete week of absence. SMP payments are made on the next normal payroll date and income tax, National Insurance and pension contributions are deducted as appropriate.

You are still eligible for SMP if you leave employment for any reason after the start of the Qualifying Week (for example, if you resign or are made redundant). In such cases, if your maternity leave has not already begun, SMP starts to accrue in whichever is the later of:

- the week following the week in which employment ends; or
- the eleventh week before the Expected Week of Childbirth.

If you become eligible for a pay rise before the end of your maternity leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

#### Terms and conditions during OML and AML

All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to pay. In particular:

- Benefits in kind shall continue
- Annual leave entitlement under your contract shall continue to accrue (see below Annual Leave); and
- Pension benefits shall continue (see below Pensions).

## **Annual leave**

During OML and AML, holiday entitlement will accrue at the rate provided under your contract.

Our holiday year runs from 1 April to 31 March. In many cases a period of maternity leave will last beyond the end of the holiday year. Any holiday entitlement for the year that cannot reasonably be taken before starting your maternity leave can be carried over to the next holiday year and must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carryover to one week's holiday or less. Carry-over of more than one week is at your manager's discretion.

You should discuss your holiday plans with your manager in good time before starting your maternity leave. All holiday dates are subject to approval by your manager.

## **Pensions**

During OML and any further period of paid maternity leave we shall continue to make any employer contributions that we usually make into Nottinghamshire Hospice pension scheme, based on your normal salary as if you had not been on maternity leave provided that you continue to make contributions based on the maternity pay you are receiving. If you wish to increase your contributions to make up any shortfall from those based on your normal salary then please contact the pension provider.

During unpaid AML we shall not make any payments into the Nottinghamshire Hospice scheme. You do not have to make any contributions but you may do so if you wish, or you may make up for missed contributions at a later date.

## **Redundancies during maternity leave**

In the event that your post is affected by a redundancy situation, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment.

Employees in the following scenarios are given priority over suitable alternative

vacancies, where available during a redundancy process:

1. Pregnant employees who disclose their pregnancy to their employer on or after 06 April 2024
2. Employees returning from statutory maternity or adoption leave, where the leave concludes on or after 06 April 2024
3. Employees returning from at least six consecutive weeks of statutory shared parental leave (not already covered by maternity and adoption protection), where the leave commences on or after 06 April 2024
4. Employees with less than six weeks' shared parental leave will have the protection during their period of leave only.

Pregnant employees are safeguarded from the moment they inform their employer of their pregnancy.

Eligible parents returning from maternity, adoption, or shared parental leave are covered for 18 months following the expected week of childbirth, placement for adoption, or the child's birth, depending on individual circumstances.

### **Keeping in touch**

We may make reasonable contact with you from time to time during your maternity leave.

You may work (including attending training) for up to ten days during maternity leave without bringing your maternity leave or SMP to an end (Keeping in Touch Day). This is not compulsory and must be discussed and agreed with your line manager and the Human Resources Department. In any case, you must not work in the two weeks following birth.

You will be paid at your normal basic rate of pay for time spent working on a Keeping in Touch Day and this will be inclusive of any maternity pay entitlement.

## **Returning to work**

Once you have notified us in writing of your Intended Start Date, we shall send you a letter within 28 days to inform you of your Expected Return Date. If your start date has been changed (either because you gave us notice to change it, or because maternity leave started early due to illness or premature childbirth) we shall write to you within 28 days of the start of maternity leave with a revised Expected Return Date.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

- updating you on any changes that have occurred during your absence
- any training needs you might have; and
- any changes to working arrangements (for example if you have made a request to work part-time; see below Flexible working).

## **Changing your return date**

If you wish to return to work earlier than the Expected Return Date, you must give us eight weeks' notice. It is helpful if you give this notice in writing. If you do not give enough notice, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

If you wish to return later than the Expected Return Date, you should either:

- request unpaid parental leave in accordance with our Parental Leave Policy, giving us as much notice as possible but not less than 21 days or
- request paid annual leave in accordance with your contract, which will be at our discretion.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

### **Deciding not to return**

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract. The amount of maternity leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SMP.

### **Your rights when you return**

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.

However, if you have taken any period of AML or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

### **Switching to shared parental leave**

In some cases you and your spouse or partner may be eligible to opt into the SPL scheme, which gives you more flexibility to share the leave and pay available in the first year after birth. Your partner should check with their employer if they are eligible.

You would need to give us at least eight weeks' written notice to end your maternity leave and opt into SPL. You can give this notice before or after the birth, but you must remain on maternity leave until at least two weeks after birth. You would then be able to share any remaining leave with your partner. For further information about how SPL works, see our Shared Parental Leave (Birth) Policy.



	<p><b>Flexible working</b></p> <p>We will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our organisation. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in our Flexible Working Policy.</p>
<p><b>4.</b></p>	<p><b>Paternity</b></p> <p>This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it.</p> <p>You will not be discriminated against or subjected to a detriment for taking leave in accordance with this policy.</p> <p>This policy does not form part of any employee's contract of employment and we may amend it at any time.</p> <p>To be eligible for paternity leave you must have worked for the Hospice for 26 weeks by the end of the 15<sup>th</sup> week before the due date, or by the time you are matched with a child for adoption.</p> <p>Arrangements for time off to accompany a pregnant woman to antenatal appointments are set out in our Time off for Antenatal Appointments Policy.</p> <p>Arrangements for time off to attend adoption appointments are set out in our Time off for Adoption Appointments Policy.</p> <p>In some cases you may be eligible to opt into the shared parental leave (SPL) scheme which gives you and your Partner more flexibility to share the leave and pay available in the first year. Details of SPL are set out in our Shared Parental Leave (Birth) and Shared Parental Leave (Adoption) sections below.</p>

## **Frequently used terms**

The definitions in this paragraph apply in this policy.

- Partner: spouse, civil partner or someone (of either sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle.
- Expected Week of Childbirth: the week, beginning on a Sunday, in which their doctor or midwife expects your child to be born.
- Expected Placement Date: the date on which an adoption agency expects that it will place a child into your care with a view to adoption

## **Entitlement to paternity leave**

Paternity leave is available when a child is born or placed with you for adoption. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave. Further details of adoption leave are set out in our Adoption Policy.

Eligible fathers and partners are entitled to take leave at any point within the first 52 weeks after birth or adoption placement (so long as the baby is due / placed on or after 06 April 2024).

You are entitled to paternity leave if you meet all the following conditions:

- You have been continuously employed by us for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth or the week in which you or your Partner are notified by an adoption agency that you/they have been matched with a child.

You:

- Are the child's biological father and you expect to have some responsibility for the child's upbringing or
- Are the Partner of the child's mother or of someone who has been matched with a child by an adoption agency.

- Expect to have main responsibility (with the child's mother or co-adopter) for the child's upbringing.

The leave is for the purpose of caring for the child or supporting the child's mother or co-adopter in caring for the child.

### **Timing and length of paternity leave**

Paternity leave may be taken as a period of either, one week, two one-week blocks or two consecutive weeks of leave.

Paternity leave can be taken at any point within the first 52 weeks from the date of the child's birth or adoption placement (so long as the baby is due / placed on or after 06 April 2024).

### **Notification if you want to take paternity leave**

To take paternity leave you must give us written notice by the end of the 15th week before the Expected Week of Childbirth (or if this is not reasonably practical, as soon as possible) of your entitlement to take leave, but you do not have to confirm exact dates until at least 28 days before that period of leave is due to start or no more than seven days after you and/or your Partner were notified of having been matched with the child, or as soon as you reasonably can, stating:

- The Expected Week of Childbirth or the Expected Placement Date
- the date you would like your leave to start (which may be a specified date after the start of the Expected Week of Childbirth or the Expected Placement Date, the actual date of birth or a specified number of days after birth); and
- Whether you intend to take one week or two weeks' leave.

We may require a signed declaration from you that you are taking paternity leave to care for the child or to support the child's mother or co-adopter in caring for the child.

Changing leave dates or cancelling leave

You may vary the start date of your paternity leave if you give notice as follows:

- If you wish to start your leave on the day of the child's birth or on the day that the child is placed with you or the adopter, at least 28 days before the first day of the Expected Week of Childbirth or the Expected Placement Date.
- If you wish to start your leave on a specified number of days after the child's birth or placement, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth or the Expected Placement Date.
- If you wish to start your leave on a specific date that is different to the original start date you informed us of, at least 28 days before that date.

If you are unable to give us 28 days' written notice as set out above, you should do so as soon as you can.

### **Paternity pay**

In this paragraph, Relevant Period means the eight-week period ending with the Qualifying Week which is the 15th week before the Expected Week of Childbirth or the week in which you or your Partner were notified of being matched with the child.

If you take paternity leave in accordance with this policy, you will be entitled to statutory paternity pay if, during the Relevant Period, your average weekly earnings are not less than the lower earnings limit set by the government.

Statutory Paternity Pay is paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact the Human Resources Department.

### **Terms and conditions during paternity leave**

- All the terms and conditions of your employment remain in force during paternity leave, except for the terms relating to pay. In particular:

- Benefits in kind shall continue.
- Annual leave entitlement under your contract shall continue to accrue.
- Pension benefits shall continue (see below Pensions).

### **Annual leave**

During paternity leave, annual leave will accrue at the rate provided under your contract.

Our holiday year runs from 1 April to 31 March. If you are taking a period of paternity leave that will continue into the next holiday year, any holiday entitlement for the year that cannot reasonably be taken before starting your paternity leave can be carried over to the next holiday year and must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carryover to one week's holiday or less. Carry-over of more than one week is at your manager's discretion.

You should discuss your holiday plans with your manager in good time before starting your paternity leave. All holiday dates are subject to approval by your manager.

### **Pensions**

During paternity leave we shall continue to make any employer contributions that we usually make into the Nottinghamshire Hospice pension scheme, based on your normal salary if you had not been on paternity leave provided that you continue to make contributions based on the paternity pay you are receiving. If you wish to increase your contributions to make up for any shortfall you should contact the pension provider.

### **Returning to work**

You are normally entitled to return to work following paternity leave to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.

However, if you have combined your paternity leave with a period of:

- Additional adoption leave; or
- Parental leave of more than four weeks,
- And it is not reasonably practicable for us to allow you to return to the same job, we will offer you a suitable and appropriate alternative position.

In any other case, a late return will be treated as unauthorised absence.

If you decide not to return you should give notice of resignation in accordance with your contract.

### **Flexible working**

We will deal with any requests by employees to change their working patterns (such as working part time) after paternity leave on a case-by-case basis. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. The procedure for making and dealing with such requests is set out in our Flexible Working Policy.

## **5. Adoption**

This policy sets out the arrangements for adoption leave and pay for employees who are adopting a child through a UK adoption agency. If you are adopting through an overseas adoption agency, see below Overseas adoptions.

If you have a child placed with you under a local authority "fostering for adoption" or "concurrent planning" arrangement, or you are entering into a surrogacy arrangement under which you will be applying for a parental order, you may also be entitled to adoption leave and pay. Please speak to Human Resources for further information.

Arrangements for time off to attend adoption appointments are set out in our Time off for Adoption Appointments section below.

In some cases you and your spouse or partner may be eligible to opt into the shared parental leave (SPL) scheme which gives you more flexibility to share the leave and pay available in the first year after the child is placed with you. However, one of you must take at least two weeks' adoption leave first. Details of SPL are set out in our Shared Parental Leave (Adoption) Policy.

This policy only applies to employees. It does not apply to agency workers or self-employed contractors. It does not form part of any employee's contract of employment and we may amend it at any time.

### **Entitlement to adoption leave**

You are entitled to adoption leave if you meet all the following conditions:

- You are adopting a child through a UK or overseas adoption agency.
- The adoption agency has given you written notice that it has matched you with a child for adoption and tells you the date the child is expected to be placed into your care with a view to adoption (Expected Placement Date).
- You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.
- Your spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave).

The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL).

### **Notification requirements**

Not more than seven days after the agency notifies you in writing that it has matched you with a child (or where that is not reasonably practicable, as soon as reasonably practicable), you must give us notice in writing of the Expected

Placement Date, and your intended start date for adoption leave (Intended Start Date).

We will then write to you within 28 days to inform you of your Expected Return Date assuming you take your full entitlement to adoption leave.

Once you receive the matching certificate issued by the adoption agency, you must provide us with a copy.

### **Overseas adoptions**

If you are adopting a child from overseas, the following will apply, in addition to the rest of this policy:

- You must have received notification that the adoption has been approved by the relevant UK authority (Official Notification).

You must give us notice in writing of:

- Your intention to take adoption leave
- The date you received Official Notification; and
- The date the child is expected to arrive in Great Britain.

This notice should be given as early as possible but, in any case, within 28 days of receiving Official Notification (or, if you have less than 26 weeks' employment with us at the date of Official Notification, within 30 weeks of starting employment).

You must also give us at least 28 days' notice in writing of your Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

You must also notify us of the date the child arrives in Great Britain within 28 days of that date.

We may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.



### **Starting adoption leave**

OAL may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.

If you want to change your Intended Start Date, please tell us in writing. You should give us as much notice as you can, but wherever possible you must tell us at least 28 days before the original Intended Start Date (or the new start date if you are bringing the date forward). We will then write to you within 28 days to tell you your new Expected Return Date.

Shortly before your adoption leave starts, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave.

### **Adoption pay**

Statutory adoption pay (SAP) is payable for up to 39 weeks. It stops being payable if you return to work sooner or if the placement is disrupted. You are entitled to SAP if:

- you have been continuously employed for at least 26 weeks ending with the week in which the agency notified you that you had been matched with the child (Qualifying Week) and are still employed by us during that week
- your average weekly earnings during the eight weeks ending with the Qualifying Week (Relevant Period) are not less than the lower earnings limit set by the government and
- You have given us the relevant notifications as outlined above.

SAP is calculated as follows:

- First six weeks: SAP is paid at the Earnings-related Rate of 90% of your average earnings over the Relevant Period.

- Remaining 33 weeks: SAP is paid at the Prescribed Rate which is set by the government for the relevant tax year, or the Earnings-related Rate if this is lower.

SAP accrues with each complete week of absence and payments are made on the next normal payroll date. Income tax, National Insurance and pension contributions are deducted as appropriate.

If you leave employment for any reason (for example, if you resign or are made redundant) you are still eligible for SAP if you have already been notified by an agency that you have been matched with a child. In such cases, SAP starts

- 14 days before the Expected Placement Date; or
- The day after your employment ends,
- Whichever is the later

If you become eligible for a back-dated pay rise which includes a sum in respect of the Relevant Period, you will be treated for SAP purposes as if the pay rise had been paid in the Relevant Period. This means that your SAP will be recalculated and increased retrospectively, or that you may qualify for SAP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise. Any future SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

#### **Terms and conditions during adoption leave**

- All the terms and conditions of your employment remain in force during OAL and AAL, except for the terms relating to pay. In particular:
- Benefits in kind shall continue
- Annual leave entitlement under your contract shall continue to accrue (see below Annual leave); and
- Pension benefits shall continue (see below Pensions).

## **Annual leave**

Annual leave will accrue at the rate provided under your contract.

Our holiday year runs from 1 April to 31 March. In many cases a period of adoption leave will last beyond the end of the holiday year. Any holiday entitlement for the year that cannot reasonably be taken before starting your adoption leave can be carried over to the next holiday year and must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carryover to one week's holiday or less. Carry-over of more than one week is at your manager's discretion.

You should discuss your holiday plans with your manager in good time before starting your adoption leave. All holiday dates are subject to approval by your manager.

## **Pensions**

During OAL and any further period of paid adoption leave we shall continue to make any employer contributions that we usually make into Nottinghamshire Hospice pension scheme, based on your normal salary if you had not been on adoption leave provided that you continue to make contributions based on the adoption pay you are receiving. If you wish to increase your contributions to make up any shortfall from those based on your normal salary then please contact the pension provider.

During unpaid AAL we shall not make any payments into the Nottinghamshire Hospice pension scheme. You do not have to make any contributions but you may do so if you wish, or you may make up for missed contributions at a later date.

## **Redundancies during adoption leave**

In the event that your post is affected by a redundancy situation, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment..

Employees in the following scenarios are given priority over suitable alternative

vacancies, where available:

- Pregnant employees who disclose their pregnancy to their employer on or after 06 April 2024
- Employees returning from statutory maternity or adoption leave, where the leave concludes on or after 06 April 2024
- Employees returning from at least six consecutive weeks of statutory shared parental leave (not already covered by maternity and adoption protection), where the leave commences on or after 06 April 2024
- Employees with less than six weeks' shared parental leave will have the protection during their period of leave only.

Pregnant employees are safeguarded from the moment they inform their employer of their pregnancy.

Eligible parents returning from maternity, adoption, or shared parental leave are covered for 18 months following the expected week of childbirth, placement for adoption, or the child's birth, depending on individual circumstances.

### **Disrupted adoption**

Adoption leave is disrupted if it has started but:

- You are notified that the placement will not take place
- The child is returned to the adoption agency after placement or
- The child dies after placement

In case of disruption, your entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless your entitlement to leave or pay would have ended earlier in the normal course of events.

### **Keeping in touch**

We may make reasonable contact with you from time to time during your adoption leave.

You may work (including attending training) on up to ten days (Keeping in Touch Days) during adoption leave without bringing your adoption leave to an end. This is not compulsory and must be discussed and agreed with your line manager and the Human Resources Department.

You will be paid at your normal basic rate of pay for time spent working on a Keeping in Touch Day and this will be inclusive of any adoption pay entitlement.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

- Updating you on any changes that have occurred during your absence
- Any training needs you might have and
- Any changes to working arrangements (for example, if you have made a request to work part time, see below Flexible Working).

### **Returning to work**

Once you have notified us of your Intended Start Date, we shall send you a letter within 28 days to inform you of your Expected Return Date. We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your adoption leave, you are able to confirm that you will be returning to work as expected.

If you wish to return to work earlier than the Expected Return Date, you must give us at least eight weeks' notice. It is helpful if you give this notice in writing. If you do not give enough notice, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

If you wish to return later than the Expected Return Date, you should either:

- request unpaid parental leave in accordance with our Parental Leave Policy, giving us as much notice as possible but not less than 21 days or
- request paid annual leave in accordance with your contract, which will be at our discretion.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

In any other case, late return will be treated as unauthorised absence.

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been if you had not been absent. However, if you have taken any period of AAL or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return to the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

### **Deciding not to return**

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract. The amount of adoption leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SAP.

### **Switching to shared parental leave**

In some cases you and your spouse or partner may be eligible to opt into the SPL scheme, which gives you more flexibility to share the leave and pay available in the first year.

	<p>Your partner should check with their employer if they are eligible.</p> <p>You would need to give us at least eight weeks' written notice to end your adoption leave and opt into SPL. You can give this notice before or after the child is placed with you, but you must take at least two weeks' adoption leave. You would then be able to share any remaining leave with your partner. For further information about how SPL works, see the Shared Parental Leave (Adoption) section below.</p> <p><b>Flexible working</b></p> <p>We will deal with any requests by employees to change their working patterns (such as working part time) after adoption leave on a case-by-case basis. There is no absolute right to insist on working part time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. The procedure for making and dealing with such requests is set out in our Flexible Working Policy.</p>
<p><b>6.</b></p>	<p><b>Shared Parental Leave (Birth)</b></p> <p>This policy outlines the arrangements for shared parental leave and pay in relation to the birth of a child. If you are adopting a child, please see the Shared Parental Leave (Adoption) Policy instead.</p> <p>This policy applies to employees. It does not apply to agency workers or self-employed contractors.</p> <p>This policy does not form part of any employee's contract of employment and we may amend it at any time.</p> <p>Frequently used terms:</p> <ul style="list-style-type: none"> <li>• The definitions in this paragraph apply in this policy.</li> <li>• Expected week of childbirth (EWC): the week beginning on a Sunday, in which the doctor or midwife expects your child to be born.</li> </ul>

- Parent: One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
- Partner: your spouse, civil partner or someone living with you in an enduring family relationship, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- Qualifying Week: the fifteenth week before the EWC.

### **What is shared parental leave?**

Shared parental leave (SPL) gives you and your partner more flexibility in how to share the care of your child in the first year after birth than simply taking maternity and paternity leave. Assuming you are both eligible, you will be able to choose how to split the available leave between you and can decide to be off work at the same time or at different times. You may be able to take leave in more than one block.

### **Entitlement to SPL**

You are entitled to SPL in relation to the birth of a child if:

- you are the child's mother, and share the main responsibility for the care of the child with the child's father or with your partner
- you are the child's father and share the main responsibility for the care of the child with the child's mother or
- you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The following conditions must also be fulfilled:

- You must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken



- The other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks and
- You and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).

If you are the mother, you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

If you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

### **Opting in to shared parental leave and pay**

Not less than eight weeks before the date you intend your SPL to start, you must give us a written opt-in notice giving:

- Your name and the name of the other parent
- If you are the child's mother, the start and end dates of your maternity leave
- If you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period
- The total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken

- How many weeks of the available SPL will be allocated to you and how many to the other parent (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation)
- if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken)
- How many weeks of available ShPP will be allocated to you and how much to the other parent. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation)
- An indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions and
- Declarations by you and the other parent that you both meet the statutory conditions to enable you to take SPL and ShPP.

### **Ending your maternity leave**

If you are the child's mother and want to opt into the SPL scheme, you must give us at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. The notice must state the date your maternity leave will end. You can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth.

You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see Ending your partner's maternity leave or pay) or a written declaration that the other parent has given their employer an opt-in notice and that you have given the necessary declarations in that notice.

The other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.

The curtailment notice is binding and cannot usually be revoked. You can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:

- if you realise that neither you nor the other parent are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given
- if you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later or
- if the other parent has died.

Once you have revoked a curtailment notice you will be unable to opt back into the SPL scheme, unless booking your SPL dates applies.

### **Ending your partner's maternity leave or pay**

If you are not the mother, but the mother is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once she has either:

- returned to work
- given her employer a curtailment notice to end her maternity leave
- given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave) or
- given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

### **Evidence of entitlement**

You must also provide on request:

- A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth) and

- The name and address of the other parent's employer (or a declaration that they have no employer).

### **Booking your SPL dates**

Having opted into the SPL system, you must book your leave by giving us a period of leave notice. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.

The period of leave notice can either give the dates you want to take leave or, if the child has not been born yet, it can state the number of days after birth that you want the leave to start and end. This may be particularly useful if you intend to take paternity leave starting on the date of birth and wish to take SPL straight afterwards.

Leave must be taken in blocks of at least one week.

If your period of leave notice gives a single continuous block of SPL you will be entitled to take the leave set out in the notice.

If your period of leave notice requests split periods of SPL, with periods of work in between, we will consider your request as set out below.

You can give up to three periods of leave notices. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice).

### **Procedure for requesting split periods of SPL**

In general, a period of leave notice should set out a single continuous block of leave. We may be willing to consider a period of leave notice where the SPL is split into shorter periods with periods of work in between. It is best to discuss this with your manager and HR in good time before formally submitting your period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.

If you want to request split periods of SPL, you must set out the requested pattern of leave in your period of leave notice. We will either agree to the request or start a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, they will be combined into one 12-week period of leave).

Alternatively, you may:

- Choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period or
- Withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case the notice will not be counted and you may submit a new one if you choose).

### **Changing the dates or cancelling your SPL**

You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.

You can change the start date for a period of leave by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier.

You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date or the new end date, whichever is earlier.

You can combine discontinuous periods of leave into a single continuous period of leave. Since this will involve a change to the start date or end date of a period of leave, see above which set out how much notice is required.

You can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, see above which set out how much notice is required for the request. We do not have to grant your request but will consider it.

A notice to change or cancel a period of leave will count as one of your three period of leave notices, unless:

- it is a result of your child being born earlier or later than the EWC
- you are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period.
- it is at our request; or
- We agree otherwise.

### **Premature birth**

Where the child is born early (before the beginning of the EWC), you may be able to start SPL in the eight weeks following birth even though you cannot give eight weeks' notice. The following rules apply:

If you have given a period of leave notice to start SPL on a set date in the eight weeks following the EWC, but your child is born early, you can move the SPL start date forward by the same number of days, provided you notify us in writing of the change as soon as you can. (If your period of leave notice already contained a start date which was a set number of days after birth, rather than a set date, then no notice of change is necessary.)

If your child is born more than eight weeks early and you want to take SPL in the eight weeks following birth, please submit your opt-in notice and your period of leave notice as soon as you can.

### **Shared parental pay**

You may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SMP or MA claimed by you or your partner) if you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid by employers at a rate set by the government each year.

You should tell us in your period of leave notice(s) whether you intend to claim ShPP during your leave (and if applicable, for what period). If it is not in your period of leave notice you can tell us in writing, at least eight weeks before you want ShPP to start.

### **Other terms during shared parental leave**

Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

Annual leave entitlement will continue to accrue at the rate provided under your contract. If your SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over and must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carryover to one week's holiday or less. Carry-over of more than one week is at your manager's discretion. Please discuss your holiday plans with your manager in good time before starting SPL. All holiday dates are subject to approval by your manager.

If you are a member of the Nottinghamshire Hospice pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any shared parental pay you are receiving, unless you inform the pension provider that you wish to make up any shortfall.

### **Keeping in touch**

We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

You may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during your SPL. This is in addition to any KIT days that you may have taken during maternity leave. KIT days are not compulsory and must be discussed and agreed with your line manager and the Human Resources Department.

You will be paid at your normal basic rate of pay for time spent working on a KIT Day and this will be inclusive of any shared parental pay entitlement.

### **Returning to work**

If you want to end a period of SPL early, you must give us eight weeks' written notice of the new return date. If you have already given us three periods of leave notices you will not be able to end your SPL early without our agreement.

If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must give us a written period of leave notice at least eight weeks before the date you were due to return to work. If you have already given us three periods of leave notice you will not be able to extend your SPL without our agreement. You may instead be able to request annual leave or ordinary parental leave (see our Parental Leave Policy), subject to the needs of the organisation.

You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- if your SPL and any maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively) or



- if you took SPL consecutively with more than four weeks of ordinary parental leave.

If you want to change your hours or other working arrangements on return from SPL you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.

If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

### **Redundancies during shared parental leave**

In the event that your post is affected by a redundancy situation, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment.

Employees in the following scenarios are given priority over suitable alternative vacancies, where available:

1. Pregnant employees who disclose their pregnancy to their employer on or after 06 April 2024
2. Employees returning from statutory maternity or adoption leave, where the leave concludes on or after 06 April 2024
3. Employees returning from at least six consecutive weeks of statutory shared parental leave (not already covered by maternity and adoption protection), where the leave commences on or after 06 April 2024
4. Employees with less than six weeks' shared parental leave will have the protection during their period of leave only.

Pregnant employees are safeguarded from the moment they inform their employer of their pregnancy.

Eligible parents returning from maternity, adoption, or shared parental leave are covered for 18 months following the expected week of childbirth, placement for adoption, or the child's birth, depending on individual circumstances.

## 7. Shared Parental Leave (Adoption)

This policy outlines the arrangements for shared parental leave and pay in relation to the adoption of a child. If you or your partner are pregnant or have given birth, please see the Shared Parental Leave (Birth) Policy instead.

This policy applies to employees. It does not apply to agency workers or self-employed contractors.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

Frequently used terms

The definitions in this paragraph apply in this policy are:

- **Partner:** your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is placed for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- **Qualifying Week:** the week the adoption agency notifies you that you have been matched with a child for adoption.

### **What is shared parental leave?**

Shared parental leave (SPL) gives you and your partner more flexibility in how to share the care of your child in the first year after adoption than simply taking adoption and paternity leave. Assuming you are both eligible, you will be able to choose how to split the available leave between you and can decide to be off work at the same time or at different times. You may be able to take leave in more than one block.

### **Entitlement**

You may be entitled to SPL if an adoption agency has placed a child with you and/or your partner for adoption, or where a child is placed with you and/or your partner as foster parents under a "fostering for adoption" or "concurrent

planning" scheme. You must intend to share the main responsibility for the care of the child with your partner.

The following conditions must be fulfilled:

- You must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken
- Your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks and
- You and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP)
- Either you or your partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.

If your partner is taking adoption leave and/or claiming SAP, you may be entitled to two weeks' paternity leave and pay (see above). You should consider using this before taking SPL. Paternity leave is additional to any SPL entitlement you may have, but you will lose any untaken paternity leave entitlement once you start a period of SPL.

The total amount of SPL available is 52 weeks, less the weeks of adoption leave taken by either you or partner (or the weeks in which your partner has been in receipt of SAP if they were not entitled to adoption leave).

Opting in to shared parental leave and pay

Not less than eight weeks before the date you intend your SPL to start, you must give us a written opt-in notice which includes:

- your name and your partner's name
- if you are taking adoption leave, your adoption leave start and end dates

- if you are not taking adoption leave, your partner's adoption leave start and end dates, or if your partner is not entitled to adoption leave, the start and end dates of their SAP
- the total SPL available, which is 52 weeks minus the number of weeks' adoption leave or SAP taken or to be taken by you or your partner
- how many weeks of the available SPL will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation)
- if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of SAP taken or to be taken)
- how many weeks of the available ShPP will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation)
- an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions and
- declarations by you and your partner that you both meet the statutory conditions to enable you to take SPL and ShPP.

### **Ending your adoption leave**

If you are taking or intend to take adoption leave and want to opt into the SPL scheme, you must give us at least eight weeks' written notice to end your adoption leave (a curtailment notice). The notice must state the date your adoption leave will end. You can give the notice before or after adoption leave starts, but you must take at least two weeks' adoption leave.

You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that your partner has given their

employer an opt-in notice and that you have given the necessary declarations in that notice.

If your partner is eligible to take SPL from their employer, they cannot start it until you have given us your curtailment notice.

The curtailment notice is binding on you and cannot usually be revoked. You can only revoke a curtailment notice if your adoption leave has not yet ended and one of the following applies:

- if you realise that neither you nor your partner are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given
- if your partner has died.

Once you have revoked a curtailment notice you will be unable to opt back into the SPL scheme.

### **Ending your partner's adoption leave or pay**

If your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your partner has either:

- Returned to work
- Given their employer a curtailment notice to end adoption leave or
- Given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave)

### **Evidence of entitlement**

You must provide on request:

- One or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
- The name and address of your partner's employer (or a declaration that they have no employer)

## **Booking your SPL dates**

Having opted into the SPL system, you must book your leave by giving us a period of leave notice. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.

The period of leave notice can either give the dates you want to take SPL or, if the child has not been placed with you yet, it can state the number of days after the placement that you want the SPL to start and end. This may be particularly useful if you intend to take paternity leave starting on the date of placement and wish to take SPL straight afterwards.

Leave must be taken in blocks of at least one week.

If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.

If your period of leave notice requests split periods of SPL, with periods of work in between, we will consider your request as set out below.

You can give up to three period of leave notices. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice.

## **Procedure for requesting split periods of SPL**

In general, a period of leave notice should set out a single continuous block of leave. We may be willing to consider a period of leave notice where the SPL is split into shorter periods with periods of work in between. It is best to discuss this with your manager and HR in good time before formally submitting your period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.

If you want to request split periods of SPL, you must set out the requested pattern of leave in your period of leave notice. We will either agree to the request or start a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached agreement, you will be entitled to take the full amount of requested SPL as one continuous block,

starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, you may:

- Choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period or
- Withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

### **Changing the dates or cancelling your SPL**

You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.

You can change the start date for a period of leave by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier.

You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date or the new end date, whichever is earlier.

You can combine discontinuous periods of leave into a single continuous period of leave. Since this will involve a change to the start date or end date of a period of leave, see above which sets out how much notice is required.

You can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, see above which sets out how much notice is required for the request. We do not have to grant your request but will consider it.

A notice to change or cancel a period of leave will count as one of your three periods of leave notices, unless:

- the variation is a result of the child being placed with you earlier or later than the expected placement date
- you are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period
- the variation is at our request or we agree otherwise.

### **Shared parental pay**

You may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SAP claimed by you or your partner) provided you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year.

You should tell us in your period of leave notice(s) whether you intend to claim ShPP during your leave (and if applicable, for what period). If it is not in your period of leave notice you can tell us in writing, at least eight weeks before you want ShPP to start.

### **Other terms during shared parental leave**

Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

Annual leave entitlement will continue to accrue at the rate provided under your contract. If your SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over and must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carryover to one week's holiday or less. Carry-over of more than one week is at your manager's discretion. Please discuss your holiday plans with your manager in good time before starting SPL. All holiday dates are subject to approval by your manager.



If you are a member of Nottinghamshire Hospice pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any shared parental pay you are receiving, unless you inform the pension provider that you wish to make up any shortfall.

### **Keeping in touch**

We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

You may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during your SPL. This is in addition to any KIT days that you may have taken during adoption leave. KIT days are not compulsory and must be discussed and agreed with your line manager and the Human Resources Department.

You will be paid at your normal basic rate of pay for time spent working on a KIT Day and this will be inclusive of any shared parental pay entitlement.

### **Returning to work**

If you want to end a period of SPL early, you must give us eight weeks' written notice of the new return date. If you have already given us three period of leave notices you will not be able to end your SPL early without our agreement.

If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must give us a written notice at least eight weeks before the date you were due to return to work. If you have already given us three period of leave notices you will not be able to extend your SPL without our agreement.

You may instead be able to request annual leave or ordinary parental leave (see our Parental Leave Policy), subject to the needs of our organisation.

You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not

reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- if your SPL and any adoption or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively) or
- if you took SPL consecutively with more than four weeks of ordinary parental leave.

If you want to change your hours or other working arrangements on return from SPL you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.

If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

**8. Parental Leave**

The law recognises and we respect that there will be occasions when working parents wish to take time off work to care for or spend time with their child or children.

This policy reflects the statutory right of employees with at least one year's continuous service to take up to 18 weeks' unpaid parental leave in respect of each child.

This policy applies to employees. It does not apply to agency workers or self-employed contractors.

You will not be subjected to a detriment for taking or seeking to take parental leave in accordance with this policy.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

## **Entitlement to parental leave**

Employees who meet the criteria set out below are entitled to take up to 18 weeks' parental leave in relation to each child for whom they are responsible.

To take a period of parental leave in relation to a child, you must:

- Have at least one year's continuous employment
- Have or expect to have responsibility for the child and
- Be taking the leave to spend time with or otherwise care for the child.

You have responsibility for a child if you:

- Are the child's biological mother or father (whether or not you are living with the child)
- Are the child's adoptive parent or
- Otherwise have legal parental responsibility for the child, for example, if you are the child's guardian, or a stepparent who has a parental responsibility agreement or parental responsibility order.

Any parental leave taken while working for another employer counts towards the 18-week entitlement. If you have taken parental leave during previous or concurrent employment, you should provide details to your line manager and Human Resources.

## **Taking parental leave**

You can take parental leave before the child's 18th birthday.

You may not take more than four weeks' parental leave each year in relation to each child. A year for this purpose begins on the date when you became entitled to take parental leave in relation to the child in question.

Parental leave must be taken in blocks of a whole week or a whole number of weeks, unless the leave is to be taken in respect of a disabled child.

For the purposes of this policy, a disabled child means a child who is entitled to a disability living allowance, armed forces independence allowance or personal independence payment.

### **Notification requirements**

You must give your line manager and Human Resources notice of your intention to take parental leave. It would be helpful if you can give this notice in writing.

The notice requirements are as follows:

- If you wish to take parental leave commencing immediately on the birth of a child, you must give notice of this intention at least 21 days before the start of the expected week of childbirth (EWC). The notice must specify the EWC and the duration of the period of leave required.
- If you wish to take parental leave commencing immediately on the adoption of a child, you should give notice of this intention at least 21 days before the start of the expected week of placement (EWP). If this is not possible, you must give as much notice as you can. The notice must specify the EWP and the duration of the period of leave required.
- In all other circumstances, you must give notice of your intention to take parental leave at least 21 days before you intend the leave to start. The notice must specify the dates on which the period of leave is to begin and end.

If you wish to take a period of parental leave immediately after a period of paternity leave, it would be helpful if you could give your line manager and Human Resources notice of that intention at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, you should give as much notice as you can. If you do not give notice at least seven days before your period of paternity leave starts, we might not allow you to take the period of parental leave requested. However, we shall consider each case on its merits.

### **Evidence of entitlement**

Before you take a period of parental leave under this policy, we may ask to see evidence of:

- your responsibility or expected responsibility for the child, such as a birth certificate, adoption or matching certificate, parental responsibility agreement or court order
- the child's date of birth or date of adoption placement.

For details of what evidence is required in your particular circumstances, or if you have difficulties obtaining the evidence, please contact Human Resources.

### **Our right to postpone parental leave**

Although we will always try to accommodate your request for parental leave, we might postpone a requested period of parental leave for up to six months where the requested leave would unduly disrupt our organisation, for example, where:

- You wish to take parental leave during a peak period
- a number of employees wish to take leave at the same time
- Your work at that time is of importance to a time-critical project or
- Cover for your work cannot be found before the date on which your parental leave is due to start.

If we need to postpone your request for parental leave, we will consult with you about alternative dates. We will notify you in writing of the reason for postponement and the new start and end dates for your parental leave, no more than seven days after receipt of your request for leave.

We will not postpone parental leave if you have requested it to start immediately on the birth or adoption of a child.

We will not postpone parental leave if the postponement would result in the leave being taken after the child's 18th birthday.

### **Terms and conditions during parental leave**

Parental leave under this policy is unpaid. Your contractual provisions relating to pay and benefits are suspended during parental leave.

However, during parental leave you are entitled to benefit from any terms and conditions in relation to being given notice, redundancy compensation and disciplinary and grievance procedures. Holiday entitlement will continue to accrue.

During parental leave you will remain bound by your obligation of good faith towards us, any contractual terms relating to the giving of notice, and any contractual restrictions on the disclosure of confidential information, the acceptance of gifts and benefits, or participation in another business (for example, by working for a third party).

### **Pensions**

If you are a member of the Nottinghamshire Hospice pension scheme, we shall not make contributions during a period of unpaid parental leave.

### **Returning to work**

You are normally entitled to return to work following parental leave to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.

However, where your period of parental leave has been longer than four weeks or has been combined with a period of additional maternity or adoption leave, it might not be possible in some cases for you to return to the same job. In such circumstances, we will offer you a suitable and appropriate alternative position on no less favourable terms.

We will deal with any requests by employees to change their working patterns (such as working part-time) after parental leave on a case-by-case basis, in accordance with our Flexible Working Policy. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs

	<p>of our organisation. It is helpful if flexible working requests are made as early as possible.</p> <p><b>Abuse of this policy</b></p> <p>Where an employee takes a period of parental leave under this policy for purposes other than spending time with or otherwise caring for their child, this will be dealt with as a disciplinary issue under our Disciplinary Procedure.</p>
<p><b>9. Dependents</b></p>	<p>The law recognises and we respect that there may be occasions when you will need to take time off work to deal with unexpected events involving one of your dependents.</p> <p>This time off for dependents policy gives all employees the right to take a reasonable amount of unpaid time off work to deal with certain situations affecting their dependents.</p> <p>No-one who takes time off in accordance with this policy will be subjected to any detriment.</p> <p>This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.</p> <p>This policy does not form part of any employee's contract of employment and it may be amended at any time.</p> <p><b>Reasonable time off</b></p> <p>You have a right to take a reasonable amount of time off work when it is necessary to:</p> <ul style="list-style-type: none"><li>• Provide assistance when a dependent falls ill, gives birth, is injured or assaulted</li><li>• Make longer-term care arrangements for a dependent who is ill or injured</li><li>• Take action required in consequence of the death of a dependent</li></ul>

- Deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependent (such as a child-minder falling ill) and/or
- Deal with an unexpected incident involving your child while a school or another educational establishment is responsible for them.

A dependent for the purposes of this policy is:

- Your spouse, civil partner, parent or child
- a person who lives in the same household as you, but who is not your tenant, lodger, boarder or employee or
- Anyone else who reasonably relies on you to provide assistance, make arrangements or take action of the kind referred to above.

This policy applies to time off to take action which is necessary because of an immediate or unexpected crisis. This policy does not apply where you need to take planned time off or provide longer-term care for a dependent. If this is the case, you should take advice from the Human Resources Department.

Whether action is considered necessary will depend on the circumstances, including nature of the problem, the closeness of the relationship between you and the dependent, and whether anyone else is available to assist. Action is unlikely to be considered necessary if you knew of a problem in advance but did not try to make alternative care arrangements.

Reasonable time off in relation to a particular problem will not normally be more than one or two days. However, we will always consider each set of circumstances on their facts.

### **Payment during Time Off for Dependents**

Time off will be unpaid unless it falls under the following criteria:

Up to 3 days paid time off may be granted in the event of the death of a dependent. This will be at the discretion of your line manager or the Chief



	<p>Executive (see Other Leave Policy).</p> <p>Up to 3 days paid time off may be granted in the circumstance that a dependent is critically ill or involved in a critical event. This will be at the discretion of the Chief Executive or in their absence the most senior manager available (see Other Leave Policy).</p>
<b>10.</b>	<p><b>Equality Impact Assessment (EIA)</b></p> <p>An EIA has been completed.</p>