# 29 GB Leave Policy

<table>
<thead>
<tr>
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<tr>
<td>Policy number</td>
<td>29 GB</td>
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<tr>
<td>Version</td>
<td>3.0</td>
</tr>
<tr>
<td>Approved by</td>
<td>Governing Body</td>
</tr>
<tr>
<td>Name of author/originator</td>
<td>Toni-Dee Downer, Senior HR Manager</td>
</tr>
<tr>
<td>Owner (director)</td>
<td>Elaine Newton, Director of Governance and Compliance</td>
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<tr>
<td>Date of approval</td>
<td>April 2017</td>
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<td>July 2015</td>
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<td>April 2019</td>
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## Version control sheet

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<td>August 2013</td>
<td>Robert Champion</td>
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<td>December 2014</td>
<td>Toni Downer</td>
<td>Final Draft</td>
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<td>Toni Downer</td>
<td>Final</td>
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Equality statement

NHS Guildford and Waverley aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. We take into account the Human Rights Act 1998 and promote equal opportunities for all. This document has been assessed to ensure that no employee receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

Members of staff, volunteers or members of the public may request assistance with this policy if they have particular needs. If the member of staff has language difficulties and difficulty in understanding this policy, the use of an interpreter will be considered.

We embrace the four staff pledges in the NHS Constitution. This policy is consistent with these pledges.

See next page for an Equality Analysis of this policy.
Equality Analysis

Equality analysis is a way of considering the effect on different groups protected from discrimination by the Equality Act, such as people of different ages. There are two reasons for this:

- to consider if there are any unintended consequences for some groups
- to consider if the policy will be fully effective for all target groups

<table>
<thead>
<tr>
<th>Name of Policy:</th>
<th>Policy Ref:</th>
<th>Is this New? [ ] Or Existing?[X]</th>
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<tr>
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<td>Toni-Dee Downer, Senior HR Manager</td>
<td>April 2017</td>
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<th>Directorate:</th>
<th>Director’s signature:</th>
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Who is intended to follow this policy? Explain the aim of the policy as applied to this group.

This policy covers all employees within the CCG.

Who is intended to benefit from this policy? Explain the aim of the policy as applied to this group.

This policy describes the provisions for annual leave, leave and pay available for expectant parents, whose expected week of childbirth begins on or after 5th April 2015, for those who are adopting children who have been notified of a match on or after 5th April 2015 and intended parents in surrogacy who meet the appropriate criteria. This policy also describes the leave and pay available to those with the responsibility to care for a relative or friend. The policy also describes the provisions available for other types of leave such as for public duties and will be in accordance with Section 35 in the NHS Agenda for Change Terms and Conditions of employment. It also describes the procedures to be followed for agreeing such leave.

1. Evidence considered. What data or other information have you used to evaluate if this policy is likely to have a positive or an adverse impact upon protected groups when implemented?

Demographic data
The results of consultations or recent surveys
Comparison between your policies and functions and similar policies and functions in other public bodies
Analysis of complaints of discrimination (none received)
Recommendations of inspection and audit reports

2. Consultation. Have you consulted people from protected groups? What were their views?

The review of this policy has been consulted with Staff Partnership Forum and is in accordance with NHS terms and conditions of employment which is a
nationallly agreed terms of appointment for NHS staff; therefore this is compliant
to all equality requirements.

3. Promoting equality. Does this policy have a positive impact on equality?
   What evidence is there to support this? Could it do more?
Positive effect. As detailed in the Equality Statement, policies can be made
available in different formats for CCG staff with different communication needs,
on a case by case basis.

4. Identifying the adverse impact of policies
Identify any issues in the policy where equality characteristics require
consideration for either those abiding by the policy or those the policy is aimed to
benefit, based upon your research.

a) People from different age groups:
   No adverse impact predicted from this policy.

b) Disabled people:
   No adverse impact predicted from this policy.

c) Women and men:
   No adverse impact predicted from this policy.

d) Religious people or those with strongly help philosophical beliefs:
   No adverse impact predicted from this policy.

e) Black and minority ethnic (BME) people:
   No adverse impact predicted from this policy.

f) Transgender people:
   No adverse impact predicted from this policy.

g) Lesbians, gay men and bisexual people:
   No adverse impact predicted from this policy.

h) Women who are pregnant or on maternity leave:
   No adverse impact predicted from this policy.

i) People who are married or in a civil partnership:
   No adverse impact predicted from this policy.

5. Monitoring How will you monitor the impact of the policy on protected
groups?
Appeals and complaints made to line managers will be brought to the attention
of the Human Resources team and reported to the Governing Body.
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1. Introduction and Policy Objective

1.1. This Leave Policy incorporates all the CCG policies which apply to leave of absence, except for Sickness Absence which is covered separately in the Health and Wellbeing Policy.

1.2. This policy describes the provisions for annual leave, leave and pay available for expectant parents, whose expected week of childbirth begins on or after 5th April 2015, for those who are adopting children who have been notified of a match on or after 5th April 2015 and intended parents in surrogacy who meet the appropriate criteria. This policy also describes the leave and pay available to those with the responsibility to care for a relative or friend. The policy also describes the provisions available for other types of leave such as for public duties and will be in accordance with Section 35 in the NHS Agenda for Change Terms and Conditions of employment. It also describes the procedures to be followed for agreeing such leave.

2. Legislative Framework/ Core Standards

2.1. The CCG is committed to improving the working lives of its staff.

2.2. The CCG believes in flexibility in both its working and employment arrangements where managerially and financially possible and this will allow us to continue to provide an excellent, caring service to both patients and clients.

2.3. The CCG also recognises that many members of staff have domestic responsibilities, such as bringing up children or caring for a sick partner, elderly or infirm relative/friend.

2.4. The CCG is committed to ensuring that expectant parents and staff, who take leave to care for dependants, will not be discriminated against and will be treated fairly and equitably and continue to have equality of opportunity at work in relation to training and promotion.

2.5. The provision of family friendly working practices is essential if staff are to feel able to remain at work whilst starting a family or caring for children and/or other dependant people. The CCG recognises that expectant parents will need to take time away from work both during and after pregnancy and seeks to create an environment where staff will feel able to return to work at a time and in a capacity which is appropriate for them.
2.6. The purpose of this policy is:

2.6.1. To ensure that staff are aware of the process for booking and taking their leave entitlement.
2.6.2. To treat those who have caring responsibilities and wish to take leave, fairly and consistently.
2.6.3. To provide a supportive working environment, which will help NHS Guildford & Waverley CCG to retain staff, who are starting a family or who have caring responsibilities.
2.6.4. To ensure the safety of pregnant women and their unborn children.
2.6.5. To provide appropriate maternity leave to pregnant women.
2.6.6. To provide appropriate leave for individuals undergoing the adoption process
2.6.7. To provide appropriate Shared Parental Leave
2.6.8. To provide appropriate leave to expectant fathers.
2.6.9. To provide appropriate forms of leave to those who have caring responsibilities to children and other dependant people.
2.6.10. To provide for other types of leave such as that for public duties.

2.7. The CCG will treat all staff who request leave for domestic reasons fairly and consistently, in accordance with this policy. Such requests will not be unreasonably denied.

2.8. The CCG will provide a range of family friendly and flexible working practices so that staff feels able to remain at work whilst raising a family or caring for dependants. These working practices can include part-time working, flexible working and child care vouchers. For details of flexible working arrangements available, please refer to the CCGs Flexible Working Policy or the Human Resources Department.

2.9. This policy will provide detailed advice to staff and managers on leave arrangements for pregnant women and staff who wish to take leave for caring responsibilities and the procedures to be followed in such cases.

2.10. In all cases, the CCG will seek to retain the member of staff, agreeing where possible for the member of staff to return to work at a time and in a capacity which is appropriate for them in the same or similar role. In the case of a woman returning after pregnancy, this may mean that she returns to her previous role, but for reduced hours or in a different working pattern.

2.11. The CCG will seek to retain the member of staff at work wherever possible until she wishes to commence her maternity leave. Her health, safety and welfare require particular attention during this time and the CCG will ensure that appropriate safeguards are in place.
2.12. The CCG will update this policy in the light of legislative changes, or as a result of consultation with staff and/or representatives.

3. Scope

3.1. This policy covers all employees within the CCG and will supersede all other relevant policies under previous terms and conditions of employment held by individuals who have transferred into Guildford & Waverley CCG from other NHS organisations.

3.2. It is the policy of Guildford & Waverley CCG to enable staff to undertake essential civic and public duties.

4. Roles and Responsibilities

4.1 Governing Body and Committees

4.1.1. The Guildford and Waverley CCG Governing Body is responsible for ensuring that sufficient resources are provided to support the requirements and application of the people management policies across the CCG and that compliance with the necessary legislation and professional conduct is maintained; monitoring the application of policies and outcomes, for equality.

4.1.2. GWCCG Governing Body is responsible for approving the policy and procedure and leading the development of a culture that embraces dignity and respect for all.

4.1.3. The Remuneration Committee will review and approve any recommended changes or updates to this policy biennially, to be ratified by the Governing Body.

4.2 Directors and Managers

4.2.1. Managers have the responsibility to adhere to the procedures contained in this policy and to bring this policy to the attention of all their staff. Managers also have the responsibility to ensure that it is consistently and fairly applied.

4.3 Human Resources

4.3.1. HR are responsible for ensuring that this policy is consistently and fairly applied to all staff and that all statutory and provisions are complied with.
4.4 All Staff

4.4.1. Staff have a responsibility to ensure that they are familiar with this policy and adhere to the procedures and timescales of this policy.

5. Procedures

5.1 Annual leave

5.1.1. The leave year is a fixed period of 12 months commencing on the 1st April each year, within which time employees must normally take their annual leave entitlement. For some groups of staff, not subject to Agenda for Change Terms and Conditions of Service, the start of the leave year may vary, and can be found within the terms and conditions of each of these groups.

5.1.2. New employees will be informed of their annual leave entitlement on appointment as part of their offer of employment.

5.1.3. New employees are entitled to annual leave on a pro-rata basis, calculated according to the number of completed months of service during their first leave year.

5.1.4. The taking of annual leave is at all times subject to the agreement of the appropriate manager, who will take into consideration how many people have requested leave at the same time and how the service provided will be affected by the absence. At peak periods of leave request, management will ensure appropriate cover is provided across teams/departments, cover arrangements are communicated to CCG staff and all requests for leave in peak periods are considered before any approval is made.

5.1.5. Local departmental arrangements should be in place for the administering and authorising of annual leave.

5.1.6. It is recommended that Directors and their Deputies should not arrange to take planned leave at the same time, except in exceptional circumstances where this is unavoidable due to unforeseen circumstances.

5.1.7. Executive Management team planned absence should consider that there are at least 2 Directors or Deputy Directors on site or available at all times.
5.1.8. Cover arrangements of the Executive Management Team planned leave should be communicated to all staff to outline the cover arrangements during periods of absence.

5.1.9. Employees leaving one NHS Authority to take up a post with the CCG will be considered to have continuous service for the purposes of calculating annual leave.

5.1.10. Annual Leave is usually considered to be any period up to two weeks, however, a maximum period of up to 3 weeks can be taken at one time, (e.g. for a person working a 5 day week this would be 15 working days).

5.1.11. Staff should ensure that they arrange their ‘out of office’ to be available to internal and external recipients on their email accounts, stating their return date and contact during their absence.

5.1.12. Distribution of leave: Employees should normally have taken 75% of their annual leave after 9 months of their leave year. Exceptional circumstances would be where a period of prolonged annual leave has been granted.

5.1.13. Peak Period: Employees will normally be granted no more than two weeks at peak periods. These will include periods such as Religious Holidays and the summer (July & August). Individuals cannot expect to be granted the same time off at peak periods each year. Each department may have their own arrangements for leave at peak periods. All employees will be treated equally.

5.1.14. Line managers will ensure that all leave granted is recorded on a leave card, which should run from the beginning of their leave year and this should be kept up to date. New employees will be issued a card on starting.

5.1.15. Staff must submit all leave requests on to their line manager for authorisation. Leave may not be taken without prior authorisation. If staff wish to take more than 3 days annual leave at one time, they must request this, ideally 4 weeks before the date their leave is to be taken, unless there are exceptional circumstances. Late requests for leave will be granted at the discretion of the manager. If the leave is not authorised then an explanation of why the leave has not been granted will be given within three working days. Staff not following the process outlined in this policy will be treated as absent without leave and could be subject to Disciplinary.
5.1.16. It is the staff member’s responsibility to make sure they have used their full annual leave entitlement before the end of the leave year. Managers will need to check that this has been done. Managers may need to allocate leave to an individual if it appears they have accumulated a large amount, although the individual will be expected to come up with possible dates themselves.

5.1.17. In extenuating circumstances, should an employee be unable to take their annual leave entitlement during the leave year, they should submit a written request to their manager, ideally 1 month before the end of the leave year, to carry leave over to the following leave year. In such circumstances and at the manager’s discretion, a maximum of one contractual week, of annual leave may be carried over to the following leave year. This means 5 days for full time staff and pro-rata of 5 days for part-time staff. Where an employee has received written permission to carry over annual leave, this leave will normally be taken within the first 2 months of the following leave year. Exceptions to this may be where an individual has carried the leave over to enable them to take a period of prolonged leave.

5.1.18. If an employee is sick during a period of annual leave, and can produce a certificate indicating that s/he was incapacitated during his/her leave, then the leave will be re-instated to be taken at another time. The individual should make contact with her/his line manager on the first day of such an illness, to inform him/her that the leave may be requested at another time. The certificate must be in English or be in the original language along with a translation and cover the exact dates of sickness. It should be noted that if an employee is sick on a Bank Holiday, there is no entitlement for this to be reinstated.

5.1.19. Employees will only be granted unpaid leave after they have exhausted their paid leave entitlement. Periods of unpaid leave are granted at the discretion of the manager and will depend on the needs of the service. The conditions for prolonged leave will apply.

5.1.20. Employees whose service is terminated on disciplinary grounds will receive payment in lieu of any annual leave owing to them, up to their termination date.

5.1.21. For employees who leave Guildford & Waverley CCG, their annual leave will be calculated in relation to their completed months of service during that leave year. Employees should arrange with their manager to take this leave wherever possible prior to their leaving date. If there are extenuating work circumstances that prevent
leave from being taken prior to their leaving date, their period of employment will be extended and the individual will be paid for this leave. Should an employee have taken more annual leave than that owing to them, an appropriate deduction will be made from their final salary.

5.1.22. Should an employee die in service, annual leave will be calculated according to the number of completed months of service during that leave year and payment will be made to the employee’s next of kin. Should the employee have taken more annual leave than that owing to them, no deduction will be made from their final salary.

5.1.23. Annual Leave Entitlement

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<th>Length of Service</th>
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<tr>
<td>On appointment</td>
<td>27 days + Bank Holidays*</td>
</tr>
<tr>
<td>After 5 years service</td>
<td>29 days + Bank Holidays*</td>
</tr>
<tr>
<td>After 10 years service</td>
<td>33 days + Bank Holidays*</td>
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*NOTE: The number of Bank Holidays per leave year can vary according to the timing of Easter. Bank holiday allowances will be added to leave cards.

5.1.24. Reckonable service for the purpose of annual leave entitlement is any previous employment with an NHS organisation in accordance with the Agenda for Change Terms and Conditions of Employment.

5.1.25. An employee’s previous service with an NHS organisation will count as reckonable service for annual leave entitlement. This includes continuous service with other employers when an individual has formally transferred to NHS employment under Transfer of Undertakings (Protection of Employment) Regulations (TUPE), or other statutory instruments that transfer individuals’ employment between one employer and another. This will be confirmed prior to confirmation of appointment of staff.

5.1.26. Where staff work standard a pattern other than 7.5 hours excluding meal breaks, annual leave and general public holiday entitlements will be calculated on an hourly basis to ensure that these staff are treated equitably.

5.1.27. Part-time employees are entitled to paid bank holidays pro-rata to the number of bank holidays for a full-time worker, rounded up to the nearest half day. Part-time workers’ bank holiday entitlement
should be added to their annual leave entitlement, and they can take bank holidays they would normally work as annual leave.

5.2 Maternity

5.2.1. All employees are entitled to 52 weeks maternity leave. All maternity leave counts towards continuous service and your contract of employment remains. To take advantage of the right to maternity leave, you must tell your manager and the Human Resources Department that you wish to take maternity leave, no later than the end of the 15th week before the week your baby is due, or if this is not possible, as soon as is reasonably practicable.

5.2.2. You will need to complete the Maternity Leave Application Form (available from the HR department or on the CCG’s intranet staff portal), agree this with your manager and then send it with the following details to the Human Resources Department:

a) Confirmation that you are pregnant and the expected week of childbirth. (This is usually done by supplying the MATB1 Certificate, which is a certificate from a registered medical practitioner/midwife/health visitor confirming that you are pregnant.

b) The date when you wish to start your maternity leave (which must be no earlier than the 11th week before the baby is due). The Human Resources Department will write to you within 28 days advising you of your entitlements to maternity leave and pay. You will also be advised of the date your maternity leave is due to end. You can change your mind about your maternity leave dates but you must give 28 day’s notice.

5.2.3. If you have your baby before you have told us you are pregnant, maternity leave will start the day after your baby is born. You should then let your manager and the Human Resources Department knows the details above as soon as practicable. If you are absent from work due to a pregnancy related sickness after the beginning of the fourth week before the week of childbirth then your maternity leave will start the day after the first day of absence, although odd days of sickness can be disregarded if you prefer to stay at work. Again, you will need to complete the Maternity Leave Application form and supply the details mentioned above as soon as is practicable.

5.2.4. The CCG is committed to facilitating employees return to work after maternity leave by supporting new mothers who wish to continue
breastfeeding whilst at work. Evidence indicates that organisations which support breastfeeding mothers on their return to work can benefit through;

a) Reduced parental absence  
b) Higher rate of return to work following maternity leave  
c) Increased staff loyalty and improved staff continuity

5.2.5. Maternity Pay is only payable when you are absent from work and usually begins on the day you start your maternity leave. However, if you have your baby before you have stopped work or you are absent from work for a pregnancy related illness in the four weeks before your expected week of childbirth, maternity pay will start the day after birth, or the day after the first day of absence. Also, you are able to work for up to 10 Keep in Touch days and more details on this can be found in the section below - Keeping in Touch. If a pay increase is implemented whilst you are on maternity leave your pay entitlement will automatically be recalculated to take this award into account.

5.2.6. If you have one year’s continuous NHS service at the beginning of the eleventh week before the expected week of childbirth, you will be entitled to Occupational Maternity Pay for 39 weeks of your maternity leave. If you have any queries with regard to whether you qualify, you should contact the Human Resources Department.

5.2.7. **Occupational Maternity Pay** is made up as follows:

a) The first 8 weeks Full Pay*  
b) The next 18 weeks Half Pay plus any Statutory Maternity Pay or Maternity Allowance payable, provided that this does not exceed full pay.  
c) The next 13 weeks Statutory Maternity Pay or Maternity payable.

5.2.8. On rare occasions when an employee transfers from another NHS employer before they have reached the qualifying period for statutory maternity pay with the new employer (i.e. six months before the 15th week before child-birth) full pay may only be 10% of normal pay. Any remaining weeks of your maternity leave are unpaid. Occupational Maternity Pay is only available to permanent staff who return to work for the CCG for a period of 3 months following Maternity Leave, within 12 months of the start of maternity leave, or for another NHS employer within 15 months.
5.2.9. By agreement with the CCG, you may receive your maternity pay in a different way, for example, spread in equal amounts over the maternity pay period.

5.2.10. You do not have to decide whether you will return to work before you start maternity leave, as you may feel unable to make this decision until well after the baby is born. However, if you are sure you will not return to work after the baby is born, please let your manager know this. If you accept Occupational Maternity Pay and do not return to work, the CCG will seek repayment of the Occupational Maternity Pay minus the Statutory Maternity Pay. If you change your mind and decide to return to work, any Occupational Maternity Pay to which you were entitled will be paid to you.

5.2.11. Guildford & Waverley CCG has an obligation to pay Statutory Maternity Pay (SMP) to those who qualify. To qualify for Statutory Maternity Pay, you must have worked for the CCG for a continuous period of 26 weeks ending with the 15th week before the expected week of childbirth and have average weekly earnings in the eight weeks up to and including the qualifying week at least equal to the lower earnings limit for National Insurance contributions.

5.2.12. **Statutory Maternity Pay** is made up as follows:

   a) First 6 weeks 90% of your average weekly earnings (before tax)
   b) Remaining 33 weeks at Lower rate of SMP (£140.98 or 90%)
   c) The lower rate of SMP is a fixed sum and is reviewed annually. Please refer to the Payroll Department for the lower rate of SMP.

5.2.13. If you qualify for Occupational Maternity Pay, the CCG pays you Statutory Maternity Pay as part of your Occupational Maternity Pay.

5.2.14. If you do not qualify for Statutory Maternity Pay or Occupational Maternity Pay, you may be able to obtain Maternity Allowance from your Social Security Office /Jobcentre.

5.2.15. You will need to send your MATB1 to the Human Resources Department in the normal way. The Payroll Department will then issue you with an SMP1 form and return your MATB1 to you. You should obtain a Maternity Allowance form from your Social Security Office and return this completed form, together with your MATB1 and SMP1 to your Social Security Office who will contact you to advise you of your entitlements. Maternity Allowance is the lower of
the standard rate of Maternity Allowance or 90% of your average weekly earnings. Maternity Allowance is a fixed sum and is reviewed annually. Please refer to the Payroll Department for the rate of Maternity Allowance.

5.2.16. Staff who use childcare vouchers should contact payroll and/or the Human Resources as soon as possible. Childcare vouchers are based on a salary sacrifice scheme and your maternity pay may be reduced as a result.

5.2.17. You are entitled to time off to attend antenatal appointments. These may include relaxation and parent craft classes. You will be paid at your normal hourly rate for this time. If your hours of work vary from week to week, your hours will be averaged over the previous 12 weeks to provide your normal hourly rate. If you work part-time, you should endeavour, if, wherever possible, you could organise your time off for antenatal appointments outside your working hours.

5.2.18. You must give your manager enough notice to allow your shift to be covered and except in the case of your first appointment, your manager may ask to see your appointment card. Your manager also has the right to see your MATB1 (the certificate from a registered medical practitioner /midwife /health visitor confirming that you are pregnant). However, in normal circumstances, you should give the MATB1 to the Human Resources Department no later than the end of the 15th week before the week your baby is due, so if your manager requires sight of this document, please refer to the Human Resources Department.

5.2.19. If your baby is born prematurely, you will be entitled to the same amount of maternity leave as if your baby was born at full term. If your baby is born before the eleventh week before the expected week of childbirth and you have worked during the actual week of childbirth, maternity leave will start on the first day of your absence. If you are absent on certificated sickness absence during the actual week of childbirth, maternity leave will start at the beginning of the actual week of childbirth. If your baby is born before the eleventh week before the expected week of childbirth and the baby is in hospital, you may split your maternity leave entitlement. You will be required to take a minimum of two weeks leave immediately after your child is born and may then take the rest of your leave following the baby’s discharge from hospital.

5.2.20. Regrettably, if you have a miscarriage before the 24th week of pregnancy, normal sick leave provisions apply as necessary. In the unfortunate event you have a stillbirth, after the 24th week of
pregnancy; you will be entitled to maternity pay and leave as if your baby had been alive. We recognise that you will need a great deal of support in this situation. You should talk to your doctor and, the Occupational Health Department and the CCG also offers confidential counselling through this service. Your Doctor and the Occupational Health Department will advise when it is suitable for you to return to work.

5.2.21. The CCG has a duty to take reasonable care of your health and safety and that of your unborn child during pregnancy and your needs on returning to work following the birth of your child. The CCG will have already identified any risks associated with your work and listed them in the relevant CCG health and safety policies and the departmental health and safety policy.

5.2.22. As soon as you tell your manager you are pregnant, he or she will carry out a risk assessment followed by monthly reviews. Should this risk assessment identify any risks to your health, or that of your unborn child, steps will be taken to temporarily adjust your working conditions and /or hours or, if this does not remove the risk, you will be offered suitable alternative work if possible. If you are working nights and your doctor states that this could affect your health, you will be offered suitable alternative day work if possible.

5.2.23. In extreme circumstances it may be necessary to suspend you on full pay for the safety of you and your unborn child but this will only be done once all other measures have been exhausted. You must tell your manager if you think that there is a risk associated with your work which has not already been identified that might affect your health or that of your unborn child. These provisions also apply to an employee who is breastfeeding if it is found that her normal duties would prevent her from breastfeeding her child. These health and safety provisions apply when you are pregnant, for six months after the birth and when you are breastfeeding. The CCG aims to promote the benefits of breast feeding and encourage employees to make use of the facilities provided. The benefits to both mother and baby of breastfeeding have been widely accepted and the CCG is committed to encouraging mothers to continue breastfeeding on their return to work. The CCG will seek to offer adequate, comfortable facilities and provisions for breastfeeding and expressing milk during this period. Relevant information will be provided to pregnant employees at the earliest opportunity to allow them to consider using the facilities on offer when they return to work.
5.2.24. Reasonable requests for unpaid time off will normally be granted, giving access to facilities for the expressing and storage of breast milk. Employees should contact their team manager to discuss their requirements at least three weeks prior to their return to work, or the date from which they will require access to these facilities. Returning mothers who wish to continue breastfeeding will be afforded reasonable unpaid time off during working hours to breastfeed, if their baby is being cared for nearby. Managers should provide the flexibility to incorporate such breaks into the working patterns, subject to the need to deliver front-line services to patients.

5.2.25. Before the birth: if you are off sick for a non-pregnancy related reason (e.g. a cold / flu) you will receive sickness payments in accordance with the Sickness Absence Policy. However, if you are still off sick with the non-pregnancy related illness or reason at the time you have told us you wish to start Maternity Leave, your maternity leave and pay will start as planned. If you are absent from work for a pregnancy related illness in the four weeks before your expected week of childbirth, maternity pay will start the day after birth, or the day after the first day of absence.

5.2.26. Following the birth: if you are sick on or after the date you are due to return to work, normal sick leave provisions will apply in line the Health and Wellbeing Policy.

5.2.27. If you are returning to work at the end of your 52 weeks maternity leave you do not need to tell your manager or the Human Resources Department of your date of return to work. This will be calculated from your maternity leave form and included in the advice given concerning your entitlements to leave and pay. If you wish to return to work before the end of your Maternity Leave, you will need to give your manager at least 28 days’ notice of the date you wish to return. You should also let the Human Resources Department know at the same time. If you do return early from maternity leave your maternity leave is deemed to have stopped and you cannot choose to restart it. If you decide not to return to work at the end of your maternity leave you should provide the normal notice as stated in your contract of employment. You have the right to return to your previous job following your period of maternity leave. You may wish to return to work on reduced hours or with a different working pattern and in this case you should refer to the Flexible Working Policy. Such requests will be treated fairly and every effort will be made to accommodate your wishes either within your existing department or another department of the CCG. You may wish to agree with your manager to return on a flexible
basis temporarily and if so, you will retain the right to return to your previous job and hours at the end of the agreed period. All requests for flexible working must be balanced with service need, and more information can be obtained from the Flexible Working Policy in this regard. You may also wish to consider taking Parental Leave at the end of your Maternity leave, and you should refer to the ‘Parental Leave’ section if this is the case.

5.2.28. Before your maternity leave begins you should discuss and agree with your manager any arrangements that will help you to keep in touch with developments at work. Such arrangements are entirely voluntary and are intended to support you in your return to the workplace. You may work for up to 10 Keep In Touch days at your normal rate of pay, without compromising your right to Statutory Maternity Pay. These days might be especially helpful to keep you up to date with developments at work and assist with a smooth return to work. You may not work for two weeks after your baby is born, but after that, Keep In Touch days can be arranged at any time. Keep in Touch days do not bring your maternity leave to an end neither do they extend the period of maternity leave.

5.2.29. There is a possibility of splitting your maternity leave with your partner. This should be discussed with both your managers.

5.2.30. If you are subject to a fixed term contract which expires after the 11th week before the expected week of childbirth, your contract of employment will be extended to allow you to receive the maternity leave and pay to which you are entitled in accordance with this policy.

5.2.31. If you are subject to a fixed term contract which expires after the 11th week before the expected week of childbirth, your contract of employment will be extended to allow you to receive the maternity leave and pay to which you are entitled in accordance with this policy.

5.2.32. During maternity leave, your contract of employment continues and you are entitled to benefit from all the terms and conditions that apply to you apart from your entitlement to pay. Listed below are some of the benefits that may be relevant to you. If you are in any doubt about your entitlements, please contact the Human Resources Department.
5.2.33. You will retain your incremental date during your maternity leave in accordance with Agenda for Change Terms and Conditions of Service.

5.2.34. You will continue to accrue annual leave (and bank holidays) in line with your usual annual leave entitlement during your Maternity Leave. You should take this annual leave either at the beginning or at the end of your maternity leave and indicate your wishes on your Maternity Leave Application Form. Exceptionally, you may be able to carry five days of this leave over into another annual leave period after you have returned to work. This is not an entitlement and must be agreed with your manager.

5.2.35. Your maternity leave is calculated as continuous service for the purposes of your pension. During unpaid maternity leave, your missed pension contributions will be calculated and automatically deducted from your pay when you resume work, unless you specifically opt out of paying pension contributions for this period. If you do so, this will result in reduced pensionable service by the period of unpaid maternity leave. Please contact the Payroll Department if you have specific questions relating to pensions.

5.2.36. The CCG expects you to tell us within certain periods of time when you wish to take maternity leave and when you wish to return to work. These notice periods are clearly identified below. It is important that you read this policy carefully, together with the information below. Failure to do so may affect your rights.

5.2.37. To take advantage of the right to maternity leave you must tell your manager and the Human Resources Department that you wish to take maternity leave, no later than the end of the 15th week before the week your baby is due.

5.2.38. You will need to supply the following details to your Manager:

a) Your completed Maternity Leave Application Form
b) Your MATB1 (the certificate from a registered medical practitioner/midwife /health visitor confirming that you are pregnant)

5.2.39. Your manager will forward your Maternity Leave Application Form and your MATB1 to the Human Resources Department. The Maternity Leave Application Form includes details of when you wish to take any outstanding annual leave. You must agree this with your manager and you may take your annual leave before you start or at the end of maternity leave but not during your maternity
leave. The Human Resources Department will respond within 28 days. They will confirm they have received your Maternity Leave Application Form and advise you of your entitlements to Maternity Leave and Pay. Your manager will also be told about your entitlements so they can plan to cover your absence.

5.2.40. Once you have had your baby, you may wish to let your manager know your baby's name and how you are both doing. With your permission, your manager will share this information with your colleagues.

5.2.41. If you wish to return to work before the end of your Maternity Leave, you must tell your manager at least 28 days before you wish to do so. Please note that if you do not return to work for the CCG or another NHS employer for a period of 3 months, you will be liable to repay any Occupational Maternity Pay paid to you.

5.3 Adoption

5.3.1. Adoption leave will be available to people wishing to adopt a child who have primary care responsibilities for that child. The leave should cover official meetings in the adoption process as well as time after the adoption itself.

5.3.2. If you have been newly matched with a child for adoption by an approved adoption agency, you will be entitled to 52 weeks Adoption Leave.

5.3.3. Where the child is under the age of 18, Adoption Leave will be in line with Maternity Leave already described in this policy. However, if there is an established relationship with the child, such as fostering prior to the adoption, or when a step-parent is adopting a partner’s children, leave with pay will be provided for official meetings.

5.3.4. If you have one year’s continuous service with the NHS ending with the week in which you are notified of being matched with a child for adoption, you will be entitled to Occupational Adoption Pay in line with Occupational Maternity Pay. However, if you have less than one year’s service, you may still be entitled to Statutory Adoption Pay. Statutory Adoption Pay is paid as a flat rate, the same as Statutory Maternity Pay for 39 weeks. For eligibility, refer to the Maternity Pay section.

Please note: if you do not return to work for the CCG or another NHS employer for a period of 3 months following Adoption Leave
you will be liable to repay the full pay element of money paid to you during your Adoption Leave (but not the Statutory Adoption Pay).

5.3.5. You should tell your manager and the Human Resources Department that you wish to take Adoption Leave within 7 days of being notified by the Adoption Agency. You will need to tell us when you expect the child to be placed with you and when you wish your Adoption Leave to start.

5.3.6. You may take your Adoption Leave up to 14 days before the expected date of placement. You should use the Adoption Leave Application Form to apply for Adoption Leave and send this with your “Matching Certificate” to the Human Resources department. You may change your mind about when you wish to take your leave. In these circumstances you should give your manager at least 28 days’ notice. If you return to work at the end of your Adoption Leave you need do nothing more. If you wish to return to work before the end of Adoption Leave you must give 28 days’ notice.

5.4 Paternity Leave

5.4.1. This applies to biological and adoptive fathers, nominated carers and same sex partners. For the parents/carers/partners of Employees will need to take their paternity leave within 56 days of the actual date of birth of the child. The leave must have finished by the child’s first birthday. A minimum of two weeks and a maximum of 26 continuous weeks' leave can be taken.

5.4.2. To qualify the baby's mother must also:

   a) Be entitled to statutory maternity leave, statutory maternity pay or maternity allowance.
   b) Return to work at least two weeks after the child's birth, but with at least two weeks of unexpired statutory maternity leave entitlement remaining.

5.4.3. Employees meeting the above criteria will be eligible to receive statutory paternity pay which is which is £140.98 (April 2017) per week or 90 per cent of your average weekly earning, if that is less. providing that:

   a) They are taking time off to care for their child during their partner's 39 week statutory maternity pay, maternity allowance or statutory adoption pay.
   b) Their partners have returned to work
5.4.4. The first two weeks of paternity pay will be paid at the full rate of basic pay entitlement, and the remainder employees may be entitled to Statutory Paternity Pay. Further advice on eligibility criteria and the application process may be obtained from Human Resources.

5.5 Parental Leave

5.5.1. This is a separate provision from either maternity or paternity leave. How to apply: You must give your manager 21 days notice that you wish to take Parental Leave. This will be done by completing the Parental Leave Application Form (available from HR or on the CCG’s intranet staff portal) which needs to be countersigned by your manager and returned to the Human Resources Department.

5.5.2. **Eligibility:** This is available to any staff member with one year’s continuous service, if they have nominated caring responsibility for:

   a) A child under 18 years old.
   b) A child with disability, under the age of 18 years.
   c) An adopted child under the age of 18 years.

5.5.3. **Allowance:** Staff who qualify, have the right to 18 weeks unpaid Parental Leave per child up to the age of 18 years; for a child with disability the allowance is 18 weeks unpaid leave up to the age of 18 years. The Human Resources Department keeps records of all Parental Leave taken by individual members of staff. This information will be shared with future employers if they request it. You may transfer any untaken leave to your new employer. Within reason the CCG can delay requests for Parental Leave for up to six Months (Fathers wishing to be present at the birth of their child are covered by Paternity Leave).

5.5.4. Parental Leave must be taken in one-week periods. A maximum of four weeks of the allowance (9.3) can be taken in any one year. Exceptions: Parents of children with disability can take shorter periods of leave (e.g. one day) if they wish. Where Parental Leave is taken directly after a period of maternity leave or the child has a disability, the whole 13 weeks entitlement may be taken in one year.

5.5.5. Your contract of employment continues during Parental Leave and if you take only 4 weeks per year then you have the right to return to your previous job role. If you take more than 4 weeks Parental Leave, or you add your Parental. Leave on to the end of Maternity
Leave, you will have the right to return to your previous job role unless it is not reasonably practicable to do so. In that case you will be offered suitable alternative employment.

5.5.6. Before your Parental leave begins you should discuss and agree with your manager any arrangements which will help you to keep in touch with developments at work. Such arrangements are entirely voluntary and are intended to support you in your return to the workplace.

5.6 Shared Parental Leave (SPL)

5.6.1. SPL is a legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015.

5.6.2. Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This section sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

5.6.3. SPL can only be used by two people:

   a) The mother/adopter and
   b) One of the following:
      - the father of the child (in the case of birth) or
      - the spouse, civil partner or partner of the child's mother/adopter.

5.6.4. An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.

5.6.5. Part of the eligibility criteria requires the employee to provide the CCG with correct notification. Notification must be in writing and requires each of the following:

   a) the name of the employee;
   b) the name of the other parent;
   c) the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
d) the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;

e) the amount of SPL the employee and their partner each intend to take

f) a non-binding indication of when the employee expects to take the leave.

5.6.6. The employee must provide the CCG with a signed declaration stating:

a) that they meet, or will meet, the eligibility conditions and are entitled to take SPL;

b) that the information they have given is accurate;

c) if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;

d) that should they cease to be eligible they will immediately inform the CCG.

5.6.7. The employee must provide the CCG with a signed declaration from their partner confirming:

a) their name, address and national insurance number (or a declaration that they do not have a national insurance number);

b) that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;

c) that they satisfy the ‘employment and earnings test’ (see “Who is eligible for Shared Parental Leave?” above), and had at the date of the child’s birth or placement for adoption the main responsibility for the child, along with the employee;

d) that they consent to the amount of SPL that the employee intends to take;

e) that they consent to the CCG processing the information contained in the declaration form; and

f) (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
5.6.8. The CCG may, within 14 days of the SPL entitlement notification being given, request:

a) the name and business address of the partner’s employer (where the employee’s partner is no longer employed or is self-employed their contact details must be given instead)
b) in the case of biological parents, a copy of the child’s birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
c) in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were was notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

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

5.6.10. The CCG can, where there is a suspicion that fraudulent information may have been provided or where the CCG has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

5.6.11. An employee considering/taking SPL is encouraged to contact their line manager and HR department to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the CCG to support the individual.

5.6.12. The HR department may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.

5.6.13. Upon receiving a leave booking notice the HR department will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee’s notice booking leave, a meeting may not be necessary.
5.6.14. Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.

5.6.15. At the meeting the employee may, if they wish, be accompanied by a workplace colleague, trade union representative or even a personal friend or family member.

5.6.16. The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the CCG, and what the outcome may be if no agreement is reached.

5.6.17. In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

5.6.18. The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

5.6.19. SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

5.6.20. The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

5.6.21. A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
5.6.22. An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks’ notice.

5.6.23. An employee may submit up to three separate notifications for continuous periods of leave.

5.6.24. A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

5.6.25. Where there is concern over accommodating the notification, the CCG or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the CCG.

5.6.26. The CCG will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

5.6.27. Once the line manager and HR department receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

5.6.28. All notices for continuous leave will be confirmed in writing.

5.6.29. All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the CCG against any adverse impact to the business.

5.6.30. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
5.6.31. The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the CCG may propose a modified version of the request.

5.6.32. If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

5.6.33. The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the CCG in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

5.6.34. Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee’s right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the CCG requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the CCG.

5.6.35. Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

5.6.36. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

5.6.37. In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

a) the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have
reduced their maternity/adoption pay period or maternity allowance period;
b) the employee must intend to care for the child during the week in which ShPP is payable;
c) the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child’s expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
d) the employee must remain in continuous employment until the first week of ShPP has begun;
e) the employee must give proper notification in accordance with the rules set out below.

5.6.38. Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

5.6.39. In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

a) the start and end dates of any maternity/adoption pay or maternity allowance;
b) the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
c) a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the CCG should they cease to be eligible.
d) It must be accompanied by a signed declaration from the employee’s partner confirming:
e) their agreement to the employee claiming ShPP and for the CCG to process any ShPP payments to the employee;
f) (in the case whether the partner is the mother/adopter) that they have reduced their maternity/adoption pay or maternity allowance;
g) (in the case whether the partner is the mother/adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
5.6.40. Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

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

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

5.6.43. SPL is granted in addition to an employee’s normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee’s holiday year.

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

5.6.45. An employee can agree to work for the CCG (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

5.6.46. The CCG has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee’s SPL. Any work undertaken is a matter for agreement between the CCG and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively ‘topped up’ so that the individual
receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

5.6.47. An employee, with the agreement of the CCG, may use SPLIT days to work part of a week during SPL. The CCG and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

5.6.48. The employee will have been formally advised in writing by the CCG of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the CCG otherwise. If they are unable to attend work due to sickness or injury, the CCG’s normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

5.6.49. If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the CCG at least eight weeks notice of their date of early return. This will count as one of the employee’s notifications. If they have already used their three notifications to book and/or vary leave then the CCG does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

5.6.50. On returning to work after SPL, the employee is entitled to return to the same job if the employee’s aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

5.6.51. If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

5.6.52. If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee’s right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the
aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

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

5.6.54. In certain situations an employee’s rights and requirements regarding SPL and ShPP may change. In these circumstances the CCG will abide by any statutory obligations and an employee should refer to the documents listed below and/or clarify any issues or queries with HR department.

5.7 Time off for domestic cover / emergency reasons / compassionate leave

5.7.1. The CCG recognises that staff who care for dependants may need to take time away from work, in certain circumstances, to care for those dependants. A dependant may be a child, a partner or civil partner, a person living in your house as part of your family or anyone who relies upon you for assistance.

5.7.2. You will be allowed reasonable time off to make crisis care arrangements for a dependant. Whenever possible, you must tell your manager at least two hours before your shift in the case of clinical areas and at the start of your normal working day for other areas of the CCG. You will be allowed reasonable time off to make emergency arrangements for a domestic crisis which requires immediate action, e.g. burst water pipe.

5.7.3. If you have 12 months continuous service, you may be permitted to take up to 3 days per year, and exceptionally 6 days per year with full pay, at the discretion of your manager. After that you may negotiate with your manager to take paid annual leave or unpaid Leave. Your manager may require evidence to support your request for Leave.

5.7.4. Compassionate Leave: Such leave with pay is available in cases of severe personal distress such as bereavement. The period authorised on general and humanitarian grounds is normally up to three working days. In exceptional circumstances managers may consider extending the period to a maximum total of 10 days in any one year.
5.8 Leave for other purposes

5.8.1. Trade Union or other staff representative leave: Employees appointed to represent a Trade Union or Professional Organisation recognised by Guildford & Waverley CCG should be given reasonable paid leave to attend trades union training and matters related to their role within Guildford & Waverley CCG. Application will be authorised at the manager’s discretion and subject to service needs.

5.8.2. Medical and Dental Appointments: You are expected to arrange medical and dental appointments in your own time wherever possible. You are entitled to time off with pay to attend outpatient appointments where these cannot be arranged outside normal working hours. You should tell your manager as soon as you receive your outpatient appointment and show your manager the appointment card.

5.9 Volunteer Reserve Forces

5.9.1. Training - Members of the Volunteer Reserve Forces (VRF) have a commitment to training once a week and on 30 other days through the year, made up of weekends and a 15-day continuous training period. Special leave with 5 days’ pay will be given to enable attendance at the annual two week “camp”. Managers should arrange rotas to allow staff weekends off for their weekend training.

5.9.2. Mobilisation - If a Volunteer Reservist seeks voluntary mobilisation the manager has to give consent before it can take place. While there is no legal obligation to release the reservist, managers should facilitate this wherever possible within the needs of the service. In the case of compulsory mobilisation, employers have no statutory warning period prior to an issue of mobilisation. However, the Services aim to provide both the employer and the volunteer reservist with at least 3 week’s warning of the date they are required to report for mobilisation. A manager has the right to seek exemption from, or deferral of, mobilisation if the employee’s absence will cause serious harm to the service.

5.9.3. The reservist will be on special unpaid leave until his/her return to work. Annual leave entitlement will not accrue during unpaid leave. The period of special leave will count towards incremental credit and other terms and conditions linked to length of service. Where a reservist has been on active service, the reservist will be provided
with a return to work plan, which may include a phased return to work. This plan will be initiated by the employee's line manager and developed through discussions between the reservist, the line manager, HR and Occupational Health.

5.10 Special Leave for Public Duties

5.10.1. An employee who wishes to undertake public duties should discuss this in principle with their manager in the first instance. If it is agreed that the employee may be released for public duties, he/she may, subject to the exigencies of the service and the agreement of their line manager, be granted special leave with pay, not exceeding 6 days in any 12 months, for the purpose of carrying out these duties. Exceptionally, a further 10 days may be agreed without pay. This leave may be taken in days or half-days as required.

5.10.2. The prior consent of the line manager should be obtained on each occasion.

5.10.3. Examples of public duties for which special paid leave shall be given are:

a) serving as a justice of the peace
b) membership of a local authority
c) membership of the Broads Authority
d) membership of a Board of Prison Visitors
e) membership of the governing body of a school or college
f) membership of any statutory tribunal
g) membership of the National Rivers Authority
h) membership of any statutory body

5.10.4. Further special leave without pay in excess of the 18 days' paid leave may be granted at the discretion of the line manager.

5.10.5. Special leave with pay for up to ten days a year will be granted to those in the reserve or cadet forces. Further unpaid leave may be given at the discretion of the manager.

5.10.6. An employee who attends court as a witness in a non-professional capacity, either with the consent of the Authority, or on a subpoena or witness summons, or otherwise as a legal obligation, shall be granted special leave with pay for that purpose on the understanding that any witness fees received (as distinct from allowances for travelling and subsistence expenses) are handed
over by the employee to the CCG. No travelling or subsistence allowances shall be paid by the CCG

5.10.7. Employees who are called for jury service shall be granted special leave with pay for the purpose, on the understanding that any court fees received (as distinct from allowances for travelling and subsistence expenses) are handed over by the employee to Guildford & Waverley CCG. No travelling expenses or subsistence allowances shall be paid by Guildford & Waverley CCG. When an employee who has been called for jury service is released from duty by the court for a period in excess of a half-day, the employee should return to work (or undertake work from home if this is a more sensible use of time).

5.10.8. Where Guildford & Waverley CCG considers that absence on jury service would result in significant operational problems and taking account of any jury service regulations/guidelines applicable at the time, Guildford & Waverley CCG may request that the employee apply for jury service to be deferred. Guildford & Waverley CCG expects that any employee selected for jury service will not volunteer to accept longer periods of jury service.

5.10.9. The line manager is responsible for agreeing requests for special leave in consultation, where appropriate, with the Human Resources department. All requests and approvals for special leave for public duties should be recorded on the leave card.

5.10.10. Any appeals arising from the application of this policy should be resolved through the Grievance Procedure.

6. References

6.1. Reference has been made to the following to ensure statutory and regulatory compliance:

6.1.1. The Shared Parental Leave Regulations 2014
6.1.2. The Shared Parental Pay (General) Regulations 2014
6.1.3. The Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014
6.1.4. Employment Rights Act 1996
6.1.5. Child and Families Act 2014
6.1.6. Equality Act 2010
6.1.7. ACAS
6.1.8. NHS Employers
7. Approval, ratification and review process

7.1. This policy will be subject to review every 2 years and at any stage at the request of either management or the consultative committee.

7.2. Human Resources will review this policy, with any recommendations or required changes being presented to the Staff Partnership Forum for consultation, the Remuneration Committee for approval and the Governing Body for ratification.

7.3. High level employee relations activity is reported to the Governing Body on a biannual basis and within the CCG publically published Annual Report.

8. Dissemination and implementation of the Policy

8.1. This document will be disseminated as follows:

   a) Copies will be made available on the CCG’s Intranet
   b) The policy will be brought to the attention of all staff periodically through team brief and ebrief and monitored in line with normal assurance processes.
   c) Awareness and understanding required on an annual basis for all staff through Appraisal and PDP discussions
9. Appendix 1 Procedural Document Checklist for Approval

<table>
<thead>
<tr>
<th>Procedural document checklist for approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>To be completed and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title of document being reviewed:</th>
<th>Yes/No/Unsure</th>
<th>Comments</th>
</tr>
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<tbody>
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<td>A</td>
<td>Is there a sponsoring director?</td>
<td>Yes</td>
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1. Title

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<th>Is the title clear and unambiguous?</th>
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<tbody>
<tr>
<td>Is it clear whether the document is a guideline, policy, protocol or standard?</td>
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2. Rationale

| Are reasons for development of the document stated? | Yes |

3. Development Process

<table>
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<th>Is the method described in brief?</th>
<th>Yes</th>
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<td>Are individuals involved in the development identified?</td>
<td>Yes</td>
</tr>
<tr>
<td>Do you feel a reasonable attempt has been made to ensure relevant expertise has been used?</td>
<td>Yes</td>
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<tr>
<td>Is there evidence of consultation with stakeholders and users?</td>
<td>Yes</td>
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4. Content

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<tr>
<th>Is the objective of the document clear?</th>
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<tr>
<td>Is the target population clear and unambiguous?</td>
<td>Yes</td>
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<tr>
<td>Are the intended outcomes described?</td>
<td>Yes</td>
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<tr>
<td>Are the statements clear and unambiguous?</td>
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5. Evidence Base

<table>
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<tr>
<th>Is the type of evidence to support the document identified explicitly?</th>
<th>Yes</th>
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<tr>
<td>Are key references cited?</td>
<td>Yes</td>
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<tr>
<td>Are local/organisational supporting documents referenced?</td>
<td>Yes</td>
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6. **Approval**

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<th>Question</th>
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<tr>
<td>Does the document identify which committee/group will approve it?</td>
<td>Yes</td>
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<tr>
<td>If appropriate, has assurance been sought?</td>
<td>Yes</td>
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7. **Dissemination and Implementation**

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<td>Is there an outline/plan to identify how this will be done?</td>
<td>Yes</td>
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<tr>
<td>Does the plan include the necessary training/support to ensure compliance?</td>
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8. **Document Control**

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<tr>
<td>Have archiving arrangements for superseded documents been addressed?</td>
<td>Unknown</td>
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9. **Process for Monitoring Compliance**

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<th>Comments</th>
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<tr>
<td>Are there measurable standards or KPIs to support monitoring compliance of the document?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Is there a plan to review or audit compliance with the document?</td>
<td>Yes</td>
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10. **Review Date**

<table>
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<tr>
<th>Question</th>
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<tbody>
<tr>
<td>Is the review date identified?</td>
<td>Yes</td>
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<tr>
<td>Is the frequency of review identified? If so, is it acceptable?</td>
<td>Yes</td>
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11. **Overall Responsibility for the Document**

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<thead>
<tr>
<th>Question</th>
<th>Yes/No/Unsure</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>Is it clear who will be responsible for</td>
<td>Yes</td>
<td></td>
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<tbody>
<tr>
<td>coordinating the dissemination, implementation and review of the documentation?</td>
<td></td>
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Director Approval

On approval, please sign and date it and forward to the chair of the committee/group where it will receive final approval.

Name: Elaine Newton
Date: 
Signature: 

Committee Approval

On approval, Chair to sign and date so it can then be forwarded to the person with responsibility for disseminating and implementing the document and the person who is responsible for maintaining the organisation’s database of approved documents.

Name: Phelim Brady
Date: 
Signature: 

### 10. Appendix 2 Compliance and Audit Table

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Measurable</th>
<th>Frequency</th>
<th>Reporting to</th>
<th>Action Plan/ Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Systems in place to ensure that Policy Owners/Authors follow the process outlined in this Guidance document</td>
<td>Policy review schedule proposed. Once approved, to be added to the Governing Board agenda as required</td>
<td>Biennial</td>
<td>Remuneration Committee</td>
<td>Monitoring</td>
</tr>
<tr>
<td>Systems in place for: • Distribution (including version control) • Monitoring of Implementation Plan • Implementation • Timely review of all policies and procedures including equality analysis • Archiving/Retention/DeSTRUCTION of policies</td>
<td>Database showing status of HR current policies On internet/intranet site and referenced in Appraisals/PDP Gaps in information Timescales met? Result of Audit</td>
<td>Biannually</td>
<td>Remuneration Committee/Governing Body</td>
<td>HR Report</td>
</tr>
<tr>
<td>Iterative development of Policy responding to comments received regarding the viability of policy implementation</td>
<td>Number of comments received Implementation review with staff</td>
<td>Biannually</td>
<td>Remuneration Committee/Governing Body following review with DGC</td>
<td>Action Plan to address comments</td>
</tr>
</tbody>
</table>