

Maternity & Other Family Friendly Leave Policy

Document Governance

Ratified Date	11/09/2023	Version No	6	Expiry Date <i>Max. 3 years from ratification</i>	07/12/2025
Reason(s) for change (if not new at this edition)					
5.12 Updated to accurately reflect wording in NHS Terms & Conditions handbook					

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Document Grading:	High				
Document purpose:	This policy is intended to give the employee relevant information and provisions on maternity, paternity, adoption and shared parental leave. It also provides guidance for managers and staff on entitlements and other information relating to all aspects of family leave.				
Applicable to:	All Staff				

People/Groups Consulted:	HR & Staff Side Policy Group Jo Harrison (ED& I) Ian Wood (Staff side) Dr Lewis Turner (Lancashire LGBT)
Approval Group:	JNCC
Governance Assurance Meeting	People & Culture Committee

Other documents to be read in conjunction	Flexible working policy Leave Policy and procedure Expectant and New Mothers Procedures Organisational Change Policy
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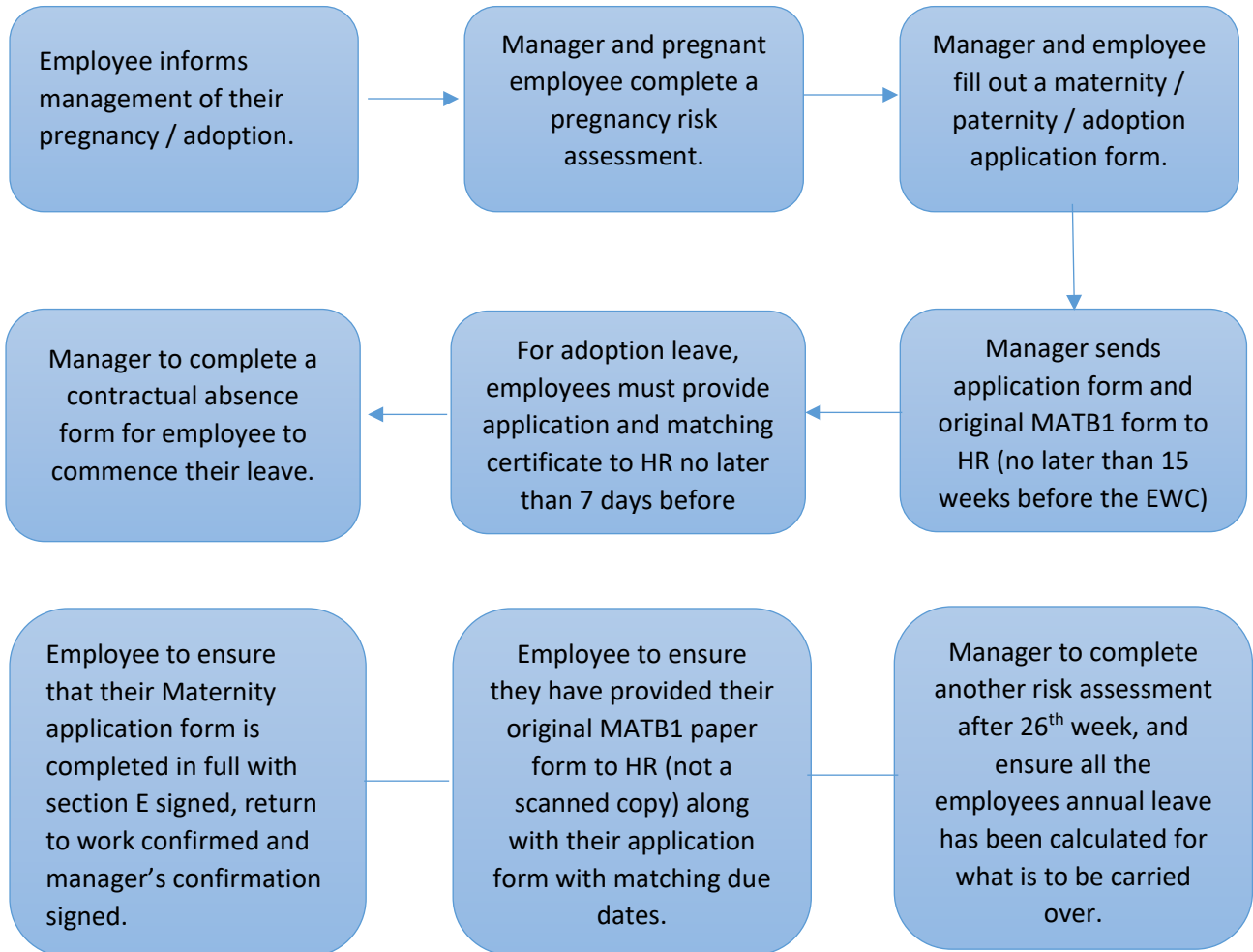
Version Control and Change Summary

Version	Date	Section	Author	Comments
1	April 2015			Policy updated with more detail on IVF and surrogacy. Merged 7 page Guidance document with Policy. Legal change from over age of child from 14 to 18 years old
2	Jan 2018			Reviewed and updated
3	Jan 2019			Updated
	April 2020			Inserted bridging statement to front pages of policy in response to Covid-19.
	March 2022			Removed COVID bridging statement.
4	Dec 2022			Review of policy at 3 yearly interval. Updated name of policy from Maternity Paternity and Adoption.
5	March 2023			Addition of Breastfeeding Guidance at Appendix 1
6	August 2023	5.12		Updated to accurately reflect wording in NHS Terms & Conditions handbook

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1.0 Introduction and Purpose

1.1 This Policy and Procedure is written to provide management and staff with information on the availability of all types of paid and unpaid leave of absence from work in regards to Maternity and other family friendly leave.

1.2 This document combines the Trust's Maternity Leave, Paternity and Adoption policies on the following types of leave:

- Maternity Leave
- Maternity Support (Paternity) Leave
- Assisted Conception (IVF) Leave
- Surrogacy
- Adoption Leave
- Foster to Adopt / Concurrent Care
- Parental Leave
- Shared Parental Leave

1.3 Lancashire & South Cumbria NHS Foundation Trust recognises its obligations under the relevant employment legislation to provide eligible employees with the appropriate time off for family and parental responsibilities.

1.4 The provisions outlined in this document may be amended from time to time, to reflect changes in legislation, NHS Terms and Conditions of Service Handbook provisions, relevant Terms and Conditions for Medical Staff or to reflect organisational needs.

1.5 The overall objectives of the Trust's Maternity, Paternity and Adoption Leave Policy and Procedure are:

- To provide staff with clear and consistent information on the various types of family leave they may be entitled to.
- To ensure a fair approach to supporting staff in balancing their domestic and work responsibilities.
- To provide information and guidance for managers dealing with requests for family related leave
- To ensure the Trust is aware of its statutory obligations under the relevant employment legislation.
- To ensure that all pregnant employees are not subject to discrimination

1.6 This policy and procedure is in line with the relevant legislation and the Advisory, Conciliation and Arbitration Service (ACAS) guidance set out as follows:

- Equality Act 2010
- Employment Rights Act (1996)
- Maternity and Parental Leave Regulations 1999
- Statutory Maternity Pay (General) Regulations 1986

2.0 Scope

2.1 This policy applies to all Trust employees, full-time or part-time and where applicable Bank workers. This policy is not applicable to Doctors in Training.

3.0 Definitions

3.1 Continuous Service – full or part-time employment with the Trust or any previous NHS employer, where there has not been a break in service (the length of break that would effectively break continuous service will depend on the specific provision or entitlement being claimed by the employee).

3.2 Reckonable Service – any full- or part-time employment with the Trust or any previous NHS employer, or recognised non-NHS organisation.

3.3 Dependant – a spouse, civil partner, a child or parent of the employee, a person who lives in the same household (except tenants, lodgers, boarders and employees), or those who reasonably rely on the employee in an emergency/to make arrangements for the provision of care. This does not extend to domesticated animals or pets

3.4 Adoption Matching Week

This is the week (starting Sunday) in which you are notified the child will be placed with you for adoption

3.5 Adoptive Parent

The person who has been matched with a child for adoption, or part of a couple who have been matched jointly.

3.6 Concurrent Care

This is a particular type of fostering where babies and young children are placed with carers while intensive work is carried out by Trust social workers with the birth parents over an agreed period, to consider whether or not the child can quickly and safely return home.

3.7 Expected Week of Childbirth (EWC)

Expected Week of Childbirth – This is the week (starting Sunday) in which the baby is due to be born. For example, a child is due to be born on Wednesday 2nd February, the EWC would commence on Sunday 30th January

3.8 Keep In Touch Days (KIT Days)

These are days which can be taken during maternity/adoption leave to facilitate your return to work. A maximum of 10 KIT Days can be worked.

3.9 Matching Certificate

This is the document that you receive from the adoption agency which proves you are suitable to adopt.

3.10 Maternity Allowance (MA)

If you do not qualify for Statutory Maternity Pay you may be entitled to receive this through the Department for Work and Pensions

3.11 MAT B1

This is the document given to you by your midwife or GP around weeks 20-25 of your pregnancy, which provides medical confirmation of your pregnancy including the Expected Week of Childbirth.

3.12 Occupational Maternity Pay / Occupational Adoption Pay (OMP / OAP)

Occupational Maternity Pay / Occupational Adoption Pay – payment made to you by the Trust during the first 26 weeks of maternity/adoption leave, provided you have 12 months' continuous service with one or more NHS Employer (a break of 3 months or less will be disregarded) . You can only receive this if you are returning to work for at least 3 months after your maternity/adoption leave.

3.13 Ordinary Maternity Support (Paternity/Partner) leave

Two weeks leave to be taken 56 days of the baby's birth taken by the father, partner or adoptive partner

3.14 Shared Parental Leave (SPL)

Statutory provision enabling eligible mothers/birth parents, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption.

3.15 Parental Leave

Separate provision from maternity or maternity support (paternity/partner) or adoption leave providing a right to at least 18 weeks unpaid leave.

3.16 Occupational Paternity Pay (OPP)

Payment made to employee during period of one or two weeks' ordinary paternity leave.

3.17 Primary Adopter

The member of a couple who elects to take adoption leave.

3.18 Qualifying Week

The Qualifying Week commences on a Sunday and ends on a Saturday and is 15 weeks prior to the Sunday of the Expected Week of Childbirth (EWC), or in the case of adoption 26 weeks' continuous service continuing into the matching week.

3.19 Shared Parental Pay (ShPP)

Receivable during Shared Parental Leave.

3.20 Statutory Maternity Pay / Statutory Adoption Pay (SMP / SAP)

A Government payment made to the mother/adopter by the Trust, provided they meet the minimum earnings and continuous service criteria

4.0 Duties

4.1 Chief Executive & the Trust Board

4.1.1 The Trust Board and Chief Executive are responsible for endorsing and fully supporting this policy in its application.

4.1.2 Has principal responsibility for ensuring the content of this policy is applied consistently and fairly across the Trust.

4.2 Employees

4.2.1 Employees are responsible for co-operating with the Maternity, Adoption, Paternity, Shared Parental and all other leave covered in this policy's procedures and keeping the Trust notified of any changes to their circumstances as soon as is practicable.

4.2.2 To complete the appropriate application form and provide relevant supporting evidence in accordance with the relevant notice periods when requesting Maternity, Adoption, Paternity, **Shared Parental** Leave and all other leave covered in this policy.

4.2.3. Employees are responsible for requesting keeping in touch days should they wish to take advantage of these days

4.2.4 Are responsible for adhering to the terms of their individual leave agreement.

4.2.5 Must seek approval from their Line Manager for the granting of leave in accordance with this policy and procedure.

4.3. Line Managers

4.3.1 Any requests for Maternity, Adoption, Paternity or Shared Parental and all other leave covered in this policy should be dealt with as soon as possible to prevent any unnecessary delay on the part of the manager. Managers are responsible for ensuring appropriate documentation is completed in conjunction with the employee. Advice on this process and copies of forms are available on HR Advice centre. Relevant forms should be completed promptly to payroll

4.3.2 Submit the appropriate documentation/workforce notification to ensure Payroll/ESR/Health Roster are updated accordingly and confirmation in writing is actioned.

4.3.3 Undertake a pregnancy risk assessment with pregnant employee

4.3.4 Maintain contact with the employee during the period of maternity/adoption leave, the frequency and method should be agreed with the employee prior to the maternity leave period commencing.

4.3.5 Facilitate keeping in touch days if requested by the employee.

4.3.6 Contact payroll about non- returner that needs to pay back occupational maternity pay and complete termination form for them

4.3.7 Are responsible for liaising with HR to seek professional advice and guidance on the implementation of the policy.

4.3.8 Are responsible for ensuring that employees are aware of their responsibilities in relation to the policy and understand what is expected of them.

4.3.9 Are responsible for the dissemination and implementation of this policy within their teams

4.4 Human Resources Department

4.4.1 Is responsible for overseeing the introduction, operation, monitoring and reporting to of this policy.

4.4.2 Is responsible for ensuring the provision of training, guidance and support to Line Managers on the implementation of the policy.

4.4.3 Is responsible for promoting the adoption of consistent and fair application of the policy throughout the Trust.

5.0 The Policy/Procedure

5.1 Maternity

5.1.1 Time Off for Antenatal

5.1.2 Paid time off to attend all ante-natal classes and other pregnancy related appointments will be allowed for pregnant employees. Antenatal care may include relaxation and parent-craft classes as well as appointments for antenatal care. Except for the first appointment an employee will be asked to provide proof of appointments and to give their manager reasonable notice.

5.1.3 Maternity leave

5.1.4 All pregnant employees will be entitled to 52 weeks maternity leave, comprising of 26 weeks ordinary maternity leave followed by 26 weeks additional maternity leave, providing they meet the following conditions:

- a) They notify their manager of their intention to take maternity leave no later than the end of the 15th week before the Expected Week of Childbirth (EWC).
- b) They continue to be employed by the Trust until the Saturday immediately before the beginning of the 11th week before the EWC.
- c) They submit an original statement (the MATB1 certificate) which states the expected date of childbirth.

5.1.5 An employee should complete an 'Application for Maternity Leave', which should be signed by their manager and sent with their original MATB1 certificate to the HR Admin Team, at Sceptre Point. An employee can obtain their MATB1 certificate from their Doctor or Midwife. This application form is available on E-HR Infopoint via the Trust Intranet.

5.1.6 If an employee subsequently wishes to change the start date of their maternity leave they must give their manager 28 days notice

5.2 Maternity Leave Entitlements – Employees Returning to Work

Length of Service	Maternity Entitlements
<p>1. Less than 26 weeks continuous service with the Trust, continuing into the 15th week before EWC and no previous NHS service.</p>	<p>The employee is entitled to 26 weeks ordinary maternity leave and 26 weeks additional maternity leave which runs from the end of their ordinary maternity leave.</p> <p>The employee is not entitled to Occupational Maternity Pay (i.e. from the Trust) or Statutory Maternity Pay.</p> <p>* The employee may however be entitled to Maternity Allowance from the DWP. They will receive form SMP1 from the Payroll Department and fill a Maternity Allowance (MA1) claim form which can be found on the Gov.uk website then send their claim to the address on the form.</p>
<p>2. 26 weeks service with the Trust continuing into the 15th week before EWC, but not 12 months continuous NHS service at the beginning of the 11th week before the EWC.</p>	<p>The employee is entitled to 26 weeks ordinary maternity leave, and 26 weeks additional maternity leave, which runs from the end of their ordinary maternity leave.</p> <p>The employee is not entitled to Occupational Maternity Pay. They may be entitled to 39 weeks Statutory Maternity pay.*</p> <p>* If the employee is not entitled to SMP because they do not meet the earnings rule, they may be entitled to Maternity Allowance.</p>
<p>3. 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth.</p>	<p>The employee is entitled to 26 weeks ordinary maternity leave and 26 weeks additional maternity leave.</p> <p>The employee will be paid the following from the start of their ordinary maternity leave:</p> <ul style="list-style-type: none"> • 8 weeks at full pay, inclusive of SMP*(including any dependents allowances) and • 18 weeks at half pay plus SMP*, (including any dependents allowances) <p>This is followed by 13 weeks at Statutory Maternity Pay* rate</p> <p>* If the employee is not entitled to SMP because they do not meet the earnings rule,</p>

	The employee may be entitled to Maternity Allowance
4. Bank Workers	<p>The bank worker is entitled to 26 weeks ordinary maternity leave, and 26 weeks additional maternity leave, which runs from the end of their ordinary maternity leave.</p> <p>The bank worker is not entitled to Occupational Maternity Pay.</p> <p>The bank worker may be entitled to 39 weeks Statutory Maternity pay.* * If the bank worker is not entitled to SMP because they do not meet the earnings rule, the bank worker may be entitled to Maternity Allowance.</p>

5.2.1 In 3 above, if half pay, plus SMP, or other benefits, exceeds the employee's normal pay, payment will be adjusted so that the employee does not receive more than normal average pay. Please refer to the supporting documentation available on Trust HR Advice Centre on the Intranet for additional information (Expectant and New Mothers procedure) on pre- and post-natal risk assessments and section 5.8 of this document.

5.3 Commencement of Maternity Leave

5.3.1 Maternity Leave can commence at any time between the 11th week before the expected week of childbirth and the expected date of childbirth.

5.3.2 If an employee is absent from work with a pregnancy related illness, or becomes ill with a pregnancy related illness, during the last 4 weeks before their EWC, the maternity leave period will start automatically on the day after the first day of absence following the beginning of the fourth week before the EWC, or the beginning of the next week after they last worked, whichever is later.

5.3.3 If an employee's child is born before the intended maternity leave start date, it starts automatically on the day after the date of birth. If the child is born before the 11th week before the EWC and the employee has worked in the actual week of childbirth, the maternity leave period will commence on the first day of absence. If an employee's child is born before the 11th week before the EWC and the employee has been absent from work on certified sickness during the actual week of childbirth, the maternity leave period will commence on the day after the day of birth.

5.3.4 If an employee's baby is born prior to the 11th week before the expected week of childbirth and the baby is in hospital, the employee may split their maternity leave. They would therefore take a minimum of 2 weeks leave immediately after childbirth and the rest of the leave, following the child's discharge from hospital.

5.4 Stillbirth & Miscarriage

5.4.1 In the event of a stillbirth after the 24th week of pregnancy the employee shall be entitled to maternity pay and leave entitlements as if the birth had been live.

5.4.2 The following provisions also apply in the event of still born after 24th week of pregnancy

- birth father, partner of the birth mother/birth parent or adopter can get up to 2 weeks of paternity leave or pay
- They will both be entitled to 2 weeks of parental bereavement leave after they finish their maternity or paternity leave.

5.4.3 In the event of a miscarriage before the 25th week of pregnancy, the employee will be entitled compassionate leave in line with the leave policy. Any sickness absence the employee needs to take in relation to miscarriage will be considered a 'pregnancy-related illness'

5.4.4 In either of the above circumstances the employee's line manager will offer appropriate support and maintain contact with the employee. The employee will be provided with any appropriate support in respect to Occupational Health referrals and Employee Assistance Programme contact details.

5.4.5 Compulsory Maternity Leave

5.4.6 Following the birth an employee must take at least two weeks' maternity leave

5.5 Maternity Pay

5.5.1 Eligibility for Statutory and Occupational Maternity Pay is set out in the table in section 5.2 of this Policy and Procedure.

5.5.2 Maternity pay is based on the employee's average weekly earnings for 8 weeks prior to the 'qualifying week' except in the cases outlined below

- In the event of a pay award or move to a higher pay point being implemented before the paid maternity leave period begins, the maternity pay should be calculated as though the pay award or new pay point had effect throughout the entire Statutory Maternity Pay calculation period. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis;
- In the event of a pay award or move to a higher pay point being implemented during the paid maternity leave period, the maternity pay due from the date of the pay award or new pay point should be increased accordingly. If such a pay award was agreed retrospectively the maternity pay should be re-calculated on the same basis;
- In the case of an employee on unpaid sick absence or on sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings, in accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay as set out in employee terms and conditions
- in the case of an employee currently on maternity leave who intends to take a second period of maternity leave, either concurrently, or in close succession to the first, who is in receipt of:
Half of full pay (plus any Statutory Maternity Pay, or
Maternity Allowance (including any dependents' allowance) receivable) or
no pay
during the whole or part of the period used for calculating average weekly earnings, in accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings for the second period of maternity leave shall be calculated on the basis on notional full pay.

5.5.3 If the employee fails to return to this Trust or to take up other NHS employment within 15 months of beginning their maternity leave, for a minimum of three months, the employee will be liable to refund to the Trust the whole of the maternity pay less any Statutory Maternity Pay, or Maternity Allowance, received.

5.5.4 If the employee does not intend to return to work after the birth of their baby and the employee has 26 weeks service with the Trust at the 15th week before the Expected Week of Childbirth (EWC) the employee will be entitled to maternity leave with statutory maternity pay providing the employee meets the earnings rule. The employee will receive:

- a) For the first six weeks, 90% of the employee's average weekly earnings, then
- b) For a further 33 weeks, the lesser of either a flat rate sum or 90% of the employee's average weekly earnings

5.5.5 N.B. An employee may choose to have their Occupational Maternity Payments averaged out over an agreed period for example; a combination of full pay and half pay or a fixed amount spread evenly over the maternity leave period. The employee will need to contact Payroll to discuss; if the employee does not satisfy the conditions set out in options 2-4 (see 'maternity leave entitlements' table the employee may be able to claim Maternity Allowance from the Department for Work and Pensions (DWP) (see option 1 'maternity leave entitlements' table)The employee will receive form SMP1 from the Payroll Department, they will need to complete a Maternity Allowance (MA1) claim form which can be found on the [government website](#) .

5.6 Pregnant Employees on Fixed Term or Training Contracts

5.6.1 A pregnant employee who is on a fixed term or training contract which expires after the 11th week before their EWC, their contract will be extended to enable them to receive 26 weeks paid contractual Maternity Leave, including 39 weeks of SMP or maternity allowance if applicable, provided that:

- The employee has completed at least 12 months continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth.
- The employee has notified, in writing, to their Manager and HR of the intention to take maternity leave and the date the employee wishes to have the maternity leave to start, no later than the end of the 15th week before the EWC.
- The employee has provided a MATB1 form from their midwife or GP giving the expected date of childbirth.

5.6.2 If the employee is on a fixed term contract but they do not meet the 12 months continuous service condition above they may still be entitled to SMP.

5.6.3 Absence on maternity leave (paid or unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.

5.6.4 If there is no right to return because the fixed term contract would have come to an end if pregnancy and childbirth had not occurred, the repayment provisions for occupational maternity pay set out in this policy will not apply see paragraph 5.4.3.

5.7 Rotational Training Contracts

5.7.1 If the employee is a medical practitioner, or other employee taking part in a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, the pregnant employee will have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. The contract will be extended to allow the employee to complete the agreed programme of training.

5.8 NHS Pension Contributions During Maternity Leave

5.8.1 If an employee is returning to work they must maintain their contributions to the scheme. During paid maternity leave deductions will be made as normal.

5.8.2 If an employee is undecided about returning and subsequently decides not to, the pension contributions will, unless they request otherwise, be returned to them and the period of leave will not count as pensionable service.

5.8.3 During unpaid leave the employee's pension contributions will accrue at the rate prior to their unpaid leave. The accumulated contributions will then be recovered from their pay, usually over the same length of time as the employee's unpaid leave.

5.8.4 If an employee has decided not to return to work, they are entitled to extend their pensionable membership for 39 weeks by paying pension contributions.

5.9 Employment during Maternity Leave

5.9.1 Employment with another Employer

5.9.2 If after childbirth an employee decides to take up employment with another employer they must inform their line manager and HR.

5.9.3 An employee's entitlement to Maternity Leave from the Trust would cease on the Saturday of the week before the week they commence work with the new employer. The Occupational Maternity Pay would not be affected if the employee remains with the NHS. If the employee does not return to work following maternity leave to NHS employment for a minimum of three months, they will be liable to refund to the Trust the whole of the maternity pay less any Statutory Maternity Pay, or Maternity Allowance, received.

5.9.4 Working During Maternity Leave

5.9.5 If following childbirth an employee carries out work for the Trust, including the Bank, during their maternity leave it will be deemed to have ended on the day prior to the day on which the employee came back to work. (This does not apply if the employee's baby is born prior to the 11th week before the expected week or childbirth and the baby is in hospital and the employee has opted to split the maternity leave (See 5.3.4). Nor does it apply if the work is classed as one of the 'keeping in touch days').

5.9.6 Working for Two Employers

5.9.7 If at the time of commencing maternity leave an employee has two separate contracts of employment they may be eligible to receive Statutory Maternity Pay from both employers.

5.9.8 Self Employed Work

5.9.9 An employee's SMP will stop, if, after the baby is born, but before the end of the Maternity Pay Period, they were not employed by the Trust in the qualifying week.

If an employee does any work in a self-employed capacity during the MPP, then such work will not affect the SMP.

5.10 Becoming Pregnant Again Whilst on Maternity Leave

5.10.1 Should an employee become pregnant again during their maternity leave period who intends to take a second period of maternity leave, either concurrently, or in close succession to the first, who is in receipt of:

- half of full pay (plus any Statutory Maternity Pay, or
- Maternity Allowance (including any dependents' allowance) receivable) or
- no pay

during the whole or part of the period used for calculating average weekly earnings, in accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings for the second period of maternity leave shall be calculated on the basis on notional full pay.

5.10.2 The employee will be expected to provide the usual documentation to their line manager (completed Application Form for Maternity Leave and MAT B1 certificate) within the normal timescales, this being no later than the end of the 15th week before the expected week of childbirth.

5.11 Returning from Maternity Leave

5.11.1 If the employees intends to return to work following their full period of maternity leave they will not be required to give any further notification.

However, if they wish to return early, they must advise their manager in writing at least 8 weeks before the date of their actual return.

5.11.2 The employee has the right to return to their job under their original contract and on no less favourable terms and conditions.

5.11.3 If at the end of their maternity leave period they wish to return on different hours management will endeavour to facilitate this, wherever possible, so that the employee's return to work on different hours in the same job. Employees wishing to apply for a flexible working pattern on a temporary or permanent basis are required to apply through the Trust's Flexible Working Policy. If they return to work on a flexible basis, for an agreed temporary period, this will not affect their right to return to their job under the original contract at the end of the agreed period. The Trust will aim to support flexible working for employees returning from maternity leave. The employee should discuss their intention to return to work on different hours with their manager, as soon as possible i.e. before they commence maternity leave.

5.12 Annual Leave

5.12.1 Employees with a contractual entitlement to annual/bank holiday leave continue to accrue annual leave and bank holidays during any period of paid and unpaid maternity / adoption / shared parental leave and as such are able to take these at a later date.

5.12.2 Where the amount of accrued annual/bank holiday leave exceeds normal carry over provisions, the employee can take this leave before and/or after the formal (paid and

unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed with the employee's line manager.

5.13 Breastfeeding

5.13.1 Facilities will be made available upon the employee's return to work to allow them to continue breastfeeding their child(ren) during the course of the working day.

5.13.2 The employee should inform their line manager of their intention to express milk at work, when they notify the manager of their intention to return. The line manager will then make arrangements for a suitable staff-only room to be made available to the employee (e.g. comfortable seating, able to be locked from the inside). The manager will also make arrangements for suitable storage facilities for the expressed milk. For more information please see Appendix 1 – Guidance on Breastfeeding and Expressing Milk on Return to Work.

5.14 Health and Safety

5.14.1 In circumstances where a pregnant employee, one who has recently given birth or is breastfeeding is unable to carry out an element of their role (for example Violence Reduction or working night shifts), following a pregnancy risk assessment or risk assessment of working conditions, the trust will try to provide suitable alternative work for which the employee will receive the normal rate of pay. Where an Occupational Health Physician considers, that an employee or the child would be at risk were they to continue with normal duties, the Trust will try provide suitable alternative work for which the employee will receive the normal rate of pay. In circumstances where the employees' normal work would attract enhancements (for example night shifts) the employee will not suffer any detriment. Where it is not reasonably practicable to offer any suitable alternative work the employee will be medically suspended on full pay. These provisions also apply to an employee who is breastfeeding if it is found that normal duties would prevent successful breastfeeding of the child.

5.14.2 Once the pregnant employee's manager is made aware that the employee is pregnant they will carry out a Pre- and Post-Natal Assessment or Risk Assessment with them. Please refer to the expectant and new mother's procedure for guidance and the risk assessment template. If an employee believes there is a risk to them, or their baby, which the line manager has not considered through this process, the employee should bring it to their attention or to the attention of a Health & Safety representative and HR.

5.14.3 Health and Safety for Pregnant Bank Workers

5.14.4 Where a bank worker has advised that they are pregnant it is the bank worker's responsibility to request that a Pre- and Post-Natal Assessment or Risk assessment to be undertaken by Temporary Staffing. It is the responsibility of the Temporary Staffing office to complete the Pre- and Post-Natal Assessment or Risk assessment where requested which will be a transportable assessment. Please refer to the expectant and new mothers procedure for guidance and the risk assessment template

5.14.5 It is the bank worker's responsibility to share this transportable assessment with each ward/ department they are assigned to. The assignment manager needs to assess whether they are able to mitigate the risks identified in the transportable assessment.

5.14.6 If it is found that the pregnant bank worker or their child would be at risk if they worked in a ward / team the Trust is not obliged to provide alternative bank work. However, the Temporary

Staffing team will endeavour to offer safe and suitable alternative bank work provided that the bank worker has skills that can be used in appropriate vacant bank assignments.

5.14.7 If the bank worker believes there is a risk to them, or their baby, which the assignment manager has not considered through this process, it is the responsibility of the bank worker to bring it to the assignment manager's attention, to the attention of a Health & Safety representative, or Temporary Staffing team

5.15 Maternity Support (Paternity) Leave

5.15.1 Ordinary Paternity Leave

5.15.1 The spouse/civil partner/partner of the pregnant employee or other parent of the expected child will be eligible for unpaid time off to attend up to 2 x 6.5 hour ante-natal classes and other pregnancy related appointments with the partner/spouse. Unpaid time off to attend antenatal appointments must be applied for using the application form found on HR Infopoint.

5.15.2 Ordinary Paternity Leave is available for all employees who are taking time off to look after a child(ren) and are one of the following:

- The father
- the husband or partner of the pregnant employee or Primary Adopter - this includes same-sex partners
- the intended parent (if you're having a baby through a surrogacy arrangement)
- There are extra conditions you need to meet to qualify for leave and pay as a surrogate.
- A 'nominated carer' (for the purposes of this policy) is defined as: "the person nominated by the employee giving birth to assist in the care of the child and to provide support to the employee giving birth at or around the time of birth

5.15.3 Eligible employees will be entitled to two consecutive weeks' (a maximum of 2 working weeks') paternity leave (pro-rata for part-time staff) to be taken within 56 days of the date the baby was born/placed for adoption.

5.15.4 To be eligible for ordinary paternity leave, the employee have been continuously employed for at least 26 weeks up to any day in the 'qualifying week' The 'qualifying week' is the 15th week before the baby is due. This is different if you adopt.

5.15.5 In accordance with NHS Terms and Conditions of Service Handbook and relevant Terms and Conditions for Medical Staff, employees must notify the Trust at least 28 days prior to commencement of leave, by completing the application form, and submitting it, along with a completed SC3 form/ SC4 form if you are the partner of the primary adopter (<https://www.gov.uk/paternity-pay-leave/how-to-claim>) to their line manager.

5.15.6 Leave can commence on any day of the week, but not before the baby has been born. The employee must take their leave in one go; it must be taken as a block of two weeks, and cannot be taken as two separate weeks or odd days.

5.16 Maternity Support (Paternity) Pay

5.16.1 Eligibility for Occupational Maternity Support Pay is 12 months' continuous service with the NHS at the beginning of the week in which the baby is due/the employee is told they have been matched with a child, for adoption in the UK or the child enters the UK, for overseas adoption

5.16.2 Employees who are not eligible for Occupational Maternity Support Pay, but have a least 26 weeks' continuous service with the Trust continuing into the 15th week before the expected week of childbirth/or the week of notification of placement for adoption, may be eligible to receive Statutory Paternity Pay.

5.16.3 For eligibility for Statutory Paternity Pay the employee must:

- Be employed by the trust up to the date of birth
- earn at least £123 a week (before tax)
- give the correct notice

5.16.4 In the event of a stillbirth after the 24th week of pregnancy the employee shall be entitled to paternity pay and leave entitlements as if the birth had been live.

5.17 Fostering for Adoption Including Concurrent Care

5.17.1 The Trust will be flexible and support employees with time off for the purpose undertaking a 'fostering for adoption' or concurrent care placement.

5.17.2 Employees with 12 months' continuous service with the Trust will be entitled to a maximum of 5 days' (pro-rata for part-time staff) paid time off in any 12 month period, to attend mandatory training and approval panels.

5.17.3 Authorised unpaid leave will be granted to employees with less than 12 months' continuous service with the Trust, or those who have used their full paid leave allowance. Alternatives may include annual leave, or the use of flexitime.

5.17.4 Employees must inform their line manager of their intention to take the leave, giving reasonable notice of the leave. The Special Leave Request form should be used to request and record time off for such purposes. Line managers reserve the right to request documentation in support of the request for leave.

5.17.5 Prospective adopters who have been approved by their adoption agency under a "concurrent" or "fostering for adoption" arrangement may choose to start their adoption leave when a fostering placement is made or when the child is matched with them for adoption. Only one set of adoption leave is payable per placement. Receipt of fostering allowances and payments during the fostering phase of placement will not affect any adoption pay payable under this agreement.

5.17.6 Employees who 'Foster to Adopt' or enter into a Concurrent Care arrangement and wish to start their adoption leave when the child is matched with them for adoption may alternatively choose to take unpaid leave from the point the child is placed in their care under a Fostering arrangement, up until the child is matched for adoption and the adoption leave begins.

- Granting of unpaid leave for 'Fostering for Adoption' will be limited to one episode in a period of 12 months.

- Once the child is permanently adopted, employees can then commence on 'Adoption Leave' and are entitled to paid 'Adoption Leave' which is based on earnings for the 8 weeks prior to the qualifying period, in line with maternity guidance and upon receipt of certificates.

5.18 Adoption Leave

5.18.1 Under NHS Terms and Conditions of Service Handbook and relevant Terms and Conditions for Medical Staff, all employees are entitled to take up to 52 weeks' Adoption Leave providing that they have been newly matched with a child by an adoption agency and have primary carer responsibilities for that child.

5.18.2 Where the child is below the age of 18, the specific entitlements to leave and pay for staff mirror the maternity leave provisions which can be found in this policy in paragraph 5.2. Eligibility for Occupational Adoption Pay is 12 months' continuous NHS service ending with the week of notification of being matched with the child for adoption.

5.18.3 Reasonable paid time off, to attend official meetings in the adoption process, should also be given according to legislation. This also covers the right to unpaid time off to attend pre-adoption meetings for eligible employees. Therefore as with section 5.16.2, employees with 12 months' continuous service with the Trust will be entitled to a maximum of 5 days' (pro-rata for part-time staff) paid time off in any 12 month period, to attend mandatory training and approval panels.

5.18.4 Adoption Leave can start either from the date the child starts living with the employee, or up to 14 days before the date it is expected the child will start living with the employee.

- In order to apply for adoption leave, employees must complete and sign the application form no later than 7 days following notification by the adoption agency of the match for adoption, ideally giving the Trust no less than 21 days' notice of the leave.
- Employees must provide written confirmation that they have been accepted for adoption. They must also provide written confirmation of the date the child/children come under their full-time care, (this may also include long-term fostering, which has the specific aim of leading to adoption) and that the child/children are new to the household.
- Employees must forward a copy of the Matching Certificate to the HR Department at the earliest possible opportunity.
- Adoption pay will be calculated using the average weekly earnings in the 8 weeks prior to the matching date except in circumstances outlined in paragraph 5.4.2.

5.18.5 The above provisions are conditional on employees returning to work for a minimum period of 3 months following their adoption leave. Failure to return will lead to the employee being required to refund any occupational adoption pay received during their period of adoption leave, less any statutory adoption pay received.

5.18.6 If adoption leave is cut short and if a child is no longer placed, they will be entitled to continue their adoption leave and pay (unless leave/pay has already been used up) after which they would be expected to return to work. It is advisable to keep employers informed if this should happen.

5.18.7 If an employee chooses to take a second adoption leave and a further child is placed for adoption during or shortly after an adoption leave; the prospective adopter is still employed, they are entitled to statutory adoption leave again. The trust cannot prevent adoption leave being taken.

5.18.8 You're not entitled to take adoption leave for a private adoption, for example, if you're adopting or fostering to adopt a relative.

5.19 Keeping in Touch

5.19.1 Before the employee commences their maternity and adoption leave they may find it helpful to agree, with their manager, ways that will help them keep in touch with developments at work. In agreement with their line manager, they may undertake a maximum of 10 days' work during their maternity leave, without bringing the maternity leave period to an end. These are referred to as 'keeping in touch days' and are paid at the employee's normal rate of pay. They could be used to cover a requirement for the employee to attend, for example, a conference, training event, or team meeting. Agreeing to undertake these days is not a mandatory requirement under the maternity leave regulations.

5.19.2 These 'keeping in touch days' cannot be taken within the first 2 weeks following the birth of employee's child(ren).

5.19.3 A risk assessment must be carried out for any employee who is breastfeeding and facilities must be provided in accordance with paragraph **5.13**.

5.20 Shared Parental Leave

5.20.1 Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) enables eligible pregnant employees, mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This could involve returning to work for part of the time and then resuming leave at a later date.

5.20.2 SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption).

5.20.3 Employees can start SPL if they are eligible and they or their partner end maternity or adoption leave or pay (or Maternity Allowance) early. The remaining leave will be available as SPL. The remaining weeks of pay will be available as ShPP.

5.20.4 Employees can share the leave with their partner if they are also eligible for SPL, and choose how much of the leave each of them will take.

***Example** A pregnant employee and their partner are both eligible for SPL. The pregnant employee ends their maternity leave after 12 weeks, leaving 40 weeks (of the total 52 week entitlement) available for SPL. The employee takes 30 weeks and their partner takes the other 10 weeks.*

5.20.5 SPL also lets employees suggest a flexible pattern of leave to their employer. Employees have the right to take SPL in up to 3 separate blocks.

5.20.6 Eligibility

5.20.7 Often only one parent in a couple is eligible to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). This means that they can't share the leave between them. If an employee is eligible then they can use SPL to book their leave in separate blocks even if their partner can't share it.

5.20.8 To qualify for Shared Parental Leave (SPL), employees must share care of the child with either:

- husband, wife, civil partner or joint adopter
- the child's other parent
- the employee's partner (if they live with them and the child)

5.20.9 Employees or their partner must be eligible for maternity pay or leave or Maternity Allowance or adoption pay or leave.

5.20.10 Employees must also:

- have been employed continuously for at least 26 weeks by the end of the 15th week before the due date (or by the date they are matched with their adopted child)
- be employed by the same employer while they take SPL

5.20.11 Partner's Eligibility

5.20.12 During the 66 weeks before the baby is due the partner must:

- Have been working for at least 26 weeks (they don't need to be in a row)
- Have earned at least £30 a week on average in 13 of the 66 weeks. They can be employed, self-employed or an agency worker.

5.20.13 Statutory Shared Parental Pay

5.20.14 Employees will also qualify for ShPP if one of the following applies:

- They qualify for Statutory Maternity Pay or Statutory Adoption Pay
- They qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity

5.20.15 Allowances

5.20.16 If employees are eligible and they or their partner end maternity or adoption leave and pay (or Maternity Allowance) early, then they can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL) take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

5.20.17 For the current rate of ShPP visit: <https://www.gov.uk>. The employee will be paid at the current rate a week or 90% of an employee's average weekly earnings, whichever is lower. This is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever they earn (with no maximum).

5.21 Starting Shared Parental Leave

5.21.1 An employee or their partner can only start Shared Parental Leave (SPL) once the child has been born or adopted. The pregnant employee or adopter must have either:

- ended any maternity or adoption leave by returning to work
- given 'binding notice' (a decision that can't normally be changed) to their employer of the date when they plan to end any maternity or adoption leave

5.21.2 The employee giving birth must take a minimum of 2 weeks' maternity leave following the birth.

5.21.3 An employee can start SPL while their partner is still on maternity or adoption leave as long as they've given binding notice to end it. A pregnant employee can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth.

Example A pregnant employee and their partner are both eligible for SPL. The pregnant employee goes on maternity leave 10 weeks before the baby is born. The employee decides that they will take 16 weeks of maternity leave and gives notice to their employer. Since the pregnant employee has given binding notice, their partner can start SPL as soon as the baby has been born (as long as they've given at least 8 weeks' notice).

5.22 Shared Parental Leave Process

5.22.1 Employees must give the Trust written notice of their entitlement to SPL and ShPP and complete shared parental leave application form, including:

- partner's name
- start and end dates for maternity or adoption leave and pay
- the total amount of SPL and ShPP available and how much the employee and their partner intend to take
- confirmation that the employee is sharing childcare responsibility with their partner

5.22.2 Employees must also include a signed declaration from their partner stating:

- their name, address and National Insurance number
- that they satisfy the qualifying requirements for SPL and ShPP
- that they agree to the employee taking SPL and ShPP

Requirements listed in section 5.23.1 and 5.23.2 must be sent to the line manager and HR department within notice stated in section 5.23.4

5.22.3 After receiving this notice, the Trust has 14 days if they want to ask for:

- a copy of the child's birth certificate
- the name and address of the partner's employer
- notice period

5.22.4 Employees must give at least 8 weeks' notice of any leave they wish to take. If the child is born more than 8 weeks early, this notice period can be shorter. Employees have the right to book a maximum of 3 separate blocks of leave, although the Trust can agree to more.

5.23 Cancelling the Decision to End Maternity or Adoption Leave

5.23.1 The employee giving birth or adopter may be able to change their decision to end maternity or adoption leave early if:

- the planned end date hasn't passed
- The employee giving birth or adopter must give notice to the Trust (at least 8 weeks) to end maternity or adoption pay, or to Jobcentre Plus to end Maternity Allowance.
- Employees must provide this information within 14 days.
- They haven't already returned to work

5.23.2 One of the following must also apply:

- Employees find out during the 8 week notice period that neither they or their partner is eligible for SPL or ShPP
- The employee giving birth or adopter's partner has died
- The employee giving birth tells the Trust less than 6 weeks after the birth (and gave notice before the birth)

5.23.3 Shared parental leave in touch (SPLIT) days

5.23.4 Employees and their partner can both work up to 20 days during SPL. These are called 'shared parental leave in touch' (or SPLIT) days. These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave. Keeping in touch days are optional and both the employee and the Trust must agree to them.

5.23.5 Blocks of Leave

Employees can book up to 3 separate blocks of Shared Parental Leave (SPL) instead of taking it all in one go, even if they aren't sharing the leave with their partner. If an employee's partner is eligible for SPL, they can take leave at different times or both at the same time.

5.24 Assisted Conception (IVF) Leave

5.24.1 In Vitro Fertilisation (IVF) is the process of fertilisation which happens outside the body. This process can typically take between 4 and 7 weeks for one cycle. IVF does not always result in a pregnancy.

5.24.2 Following implantation the person is regarded as being pregnant. If the IVF is unsuccessful, the protected period ends 2 weeks after the end of the pregnancy i.e. 2 weeks after the date the person was informed that implantation was not successful. If implantation is not successful, the employee's line manager will offer appropriate support. The employee will be provided with any appropriate support in respect to Occupational Health referrals and Employee Assistance Programme contact details.

5.24.3 The Trust will support employees with time off for the purpose of undergoing programmes of treatment.

5.24.4 Time off for IVF treatment

5.24.5 Employees with 12 months' continuous service with the Trust will be entitled to a maximum of 5 days' (pro-rata for part-time staff) paid time off in any 12 month period, to attend appointments and programmes of treatment. There is no requirement for the time off to be taken in full-day blocks.

Where an employee requires more than 5 days' time off, as outlined above, this may be facilitated through the use of annual leave or unpaid authorised leave with management agreement.

5.24.6 Authorised unpaid leave will be granted to employees with less than 12 months' continuous service with the Trust, or those who have used their full paid leave allowance. Alternatives may include annual leave, or the use of flexitime.

5.24.7 Employees must inform their line manager of their intention to take the leave, giving reasonable notice of the leave. The Special Leave Request form should be used to request and record time off for such purposes. Line managers reserve the right to request documentation in support of the request for leave.

5.25 Surrogacy

5.25.1 Surrogacy is when another someone else carries and gives birth to a baby for the intended parents.

5.25.2 If you use a surrogate, the surrogate will be the child's legal parent at birth. Intended parent must apply to become the legal parent within 6 months of the child's birth to get surrogacy rights, leave and pay. Parental responsibility can be transferred by either an adoption or parental order.

- A Parental Order must be applied for to become the legal parents of the child - if the intended parents are genetically related to the baby.
- An Adoption Order must be applied for where intended parents are not genetically related, and they must use a registered adoption agency throughout the surrogacy process.
- Antenatal appointments - employees who intend to apply for a parental order have the right to unpaid time off work to accompany the birth parent to 2 antenatal appointments.

5.25.3 Pregnant employees have the right to 52 weeks maternity leave, and to return to their job after maternity leave. Whatever the birth parent does with the child in a surrogacy arrangement following the birth it has no impact on their right to maternity leave.

5.25.4 Adoption leave and pay is available to eligible employees who become the legal parents following an application for adoption or parental order. Intended parents will be entitled to 2 unpaid antenatal appointments to enable them to accompany the birth parent. Adoption leave can start the day of the birth or the day after. Employees must tell their employers at least 15 weeks before the baby is due and that they intend to take adoption leave.

5.25.5 Paternity leave and pay is available for those parents who are genetically related to the child/partner of primary adopter and who meet the qualifying conditions. Paternity leave is normally 2 weeks, and can be taken up to 56 days after the child is born. Paternity leave cannot start before the child is born.

5.25.6 Shared parental leave and pay will also be available for eligible parents. Intended parents in a surrogacy arrangement may qualify providing they qualify for adoption leave and pay.

5.25.7 Parental Leave is available for eligible employees to take time off to look after a child's welfare, this leave is normally unpaid. The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later. Employees can take it at any time up to the child's 18th birthday.

5.26 Surrogacy Overseas

5.26.1 If the surrogate gives birth abroad, parental orders can only be applied for if the intended parents are living in the UK. As different countries have different rules for surrogacy arrangements it can be complicated and may take several months to complete. A visa will be required for the child while visiting the country during the process. The child will also need to get a passport. The parental order will need to be applied for in the UK to transfer legal rights from the surrogate parent to the intended parents.

5.26.2 Adoption leave and pay for intended parents who qualify and intend to apply for adoption or parental order can start the day the child is born or the day after when a surrogate is used.

5.27 Parental Leave

5.27.1 Eligible employees can take **unpaid** parental leave to look after their child's welfare, for example to:

- spend more time with their children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family, such as visiting grandparents

5.27.2 Parental Leave is applicable to any employee in the NHS who has nominated caring responsibility for a child under the age of 18 (also in cases of adoption or disabled children). A 'nominated carer' (for the purposes of this policy) is defined as: "the person nominated by the employee giving birth to assist in the care of the child and to provide support to the employee giving birth at or around the time of birth" The nominated carer includes the child's father or the partner of the employee giving birth.

5.27.3 Employees are entitled to 18 weeks' leave parental leave for each child and adopted child, up to their 18th birthday.

5.27.4 In the case of multiple births, 18 weeks will be provided for each child.

5.27.5 Parental leave will be available on the following basis:

- In blocks of one week at a time (pro-rata) or multiples of one week, up to a maximum of 4 weeks in a year (for each child). Exceptions to this will be considered under exceptional circumstances, for example, if the child is disabled.
- The Trust has the right to postpone the leave for up to a maximum of 6 months from the date when the employee wishes to take the leave subject to service needs. This should only be in exceptional circumstances and reasons for this should be provided in writing. Leave cannot be postponed when an employee gives notice to take such leave at the time of birth/adoption of the child.
- During parental leave the employee retains all of their contractual rights, except remuneration and should return to the same job after it. Pension rights and contributions shall be dealt with in accordance with NHS Superannuation Regulations. Periods of parental leave should be regarded as continuous service.

- The employee is required to give at least 21 days' notice of the leave, by submitting a completed application form.

6.0 Monitoring

Standard	Time frame/ format	How this will be monitored	By whom
Style and format	Review of existing.	<p>All policies and procedures will be quality assured prior to approval: the template has been applied and the document governance section is complete.</p> <p>The governance of this Policy, including the reviews, monitoring and reporting will be overseen by Trust's Partnership Group and/or HR Delivery and Governance Group. The reviews will be undertaken in accordance with the review date set out within the Policy or at appropriate intervals when required.</p>	Policy Officer

7.0 References

Maternity, Paternity and Adoption Policy and Procedure

ACAS <https://www.acas.org.uk/holiday-sickness-leave>

Government website <https://www.gov.uk/>

NHS Terms and Conditions of Service Handbook

Sheffield Health and Social Care NHS Foundation Trust Parenting leave policy

Devon Partnership NHS Trust Maternity, Paternity, Adoption and Shared Parental Leave Policy

8.0 Implementation plan

Category	Action(s)	Target date	Responsible person
Engagement	<ul style="list-style-type: none"> • <i>Upload new policy onto intranet</i> • <i>Communicate the new policy through HR Business partners and advisors and Trust Comms</i> 		
Training			
Other e.g. resources			

Appendix 1 – Guidance on Breastfeeding and Expressing Milk on Return to Work

Contents

1. Introduction
2. Purpose
3. Guidance on Breastfeeding / Expressing breaks
4. Guidance on work schedules
5. Guidance on provision of private rooms
6. Manager's responsibilities
7. Training

1. Introduction

Breastfeeding/Expressing Milk is an important consideration for mothers who have chosen to return to work. The Trust is happy to support employees to be able to continue breastfeeding/ giving breastmilk for the optimum period of time.

Recommendations include exclusive breastfeeding for the first six months of life (DoH 2003) with continuation of breastfeeding/ expressing breastmilk as part of the infant's diet throughout the first one to two years and beyond. This guidance has been created to support employees who wish to return to work and continue to breastfeed/express milk.

The Trust respects an employee's right to continue breastfeeding/ giving breastmilk when they return to work, and every effort will be made to accommodate their needs. Time and suitable facilities will be provided for them to breastfeed or to express milk (and store it), and managers have a responsibility to look at how they could accommodate a breastfeeding employee to express milk or breastfeed so that business operations can be planned around this.

2. Purpose

The purpose of this guidance is to:

Ensure that managers recognise the benefits of supporting members of staff who wish to continue to feed their child breastmilk upon their return to work, inform them accordingly, and develop creative ways of working to enable this to happen.

To create awareness and support an environment where more employees choose to feed their babies/child breastmilk and are supported by colleagues/managers at the Trust.

As well as there being certain legal obligations, supporting breastfeeding also has business' benefits including:

- Increased staff morale and loyalty resulting in a smoother and potentially earlier return to work
- Lower recruitment and training costs / higher staff retention
- An extra incentive to offer potential employees
- Less sickness of employees due to health gains of breastfeeding their babies i.e. reduced breast and ovarian cancer, and less risk of osteoporosis
- Supporting the Trust's intention to be a great place to work.

The guidance requires all employees of the Trust to respect a colleague's choice to feed their baby breast milk and support them to manage this in their working hours.

It is essential that all staff adhere to this guidance to avoid conflict and discrimination. It should be implemented in conjunction with existing guidelines on maternity rights. Pregnant employees will be provided with information during their pregnancy, in relation to their right to continue breastfeeding/expressing breastmilk upon their return to work. Managers and employees can use this guidance in order to support employees returning to work who wish to continue to breastfeed/express milk.

3. Guidance on Breastfeeding / Expressing breaks

If on return to work a mother is continuing to breastfeed/ expressing breastmilk, time will be available (in addition to meal breaks) either to feed their baby, if this is practicable, or to express their milk.

A breastfeeding/ expressing employee will be allowed breaks at the same times of day that they would normally feed the baby at home, although needs of the service may sometimes have to take priority. The number of breaks needed and their length are expected to vary over time.

If the employee is not able to take the necessary breaks due to needs of the service regularly taking priority, then the employee should arrange a meeting with their manager and Return to Work Breastfeeding Advocate to resolve this.

Return to work Breastfeeding Advocacy is available to expecting mothers and new mums and managers. Support can be offered prior to going on maternity leave to plan and prepare for future return to work. Expecting mothers and new mothers can contact Return to Work Breastfeeding Advocates at Stephanie.Glover@LSCFT.nhs.uk and Jane.Manwaring@LSCFT.nhs.uk. For further information, please visit <https://lancsyongpeoplefamilyservice.co.uk/returning-to-work-breastfeeding/>

4. Guidance on Work schedules:

Consideration will need to be given in relation to those mothers returning who work shifts/rotas, this includes night work. Managers should discuss the needs with the member of staff and seek to accommodate a change in working patterns if the current working pattern would have a detrimental effect on the staff member's ability to sustain breastfeeding/expressing of breast milk. Changes to working patterns and hours are likely to be of a temporary nature, there is no requirement to make changes to an employee's contractual hours / salary. Should permanent changes be required, the Flexible Working Policy should be applied.

Consideration should be given in relation to attendance on courses or meetings that will involve an excessively long working day or nights spent away from home.

The Trust will support employees whilst they continue to breastfeed/ express breastmilk and arrangements to support the employee will be reviewed frequently during the first twelve months, ideally every 3 months. An initial review should be scheduled within the first few weeks of the employee returning to ensure there are no issues. After 12 months, if breastfeeding/ expressing breastmilk continues, the employee will be required to discuss their needs with their manager. There will be no limits suggested to employees regarding how long they should breastfeed/ express breastmilk for. It would be the responsibility of the member of staff to update their manager should their needs change prior to any scheduled review.

5. Guidance on provision of private room:

Once managers are aware that an employee will be returning to work whilst continuing to breastfeed/ express breastmilk they will ensure the following points are actioned, according to the needs of the employee:

- An agreed warm, comfortable and private room is made available to the mother for either breastfeeding or expressing without interruptions. Managers will take responsibility for ensuring this room is made available
- An agreed time will be made for the employee to use the room during their working day. The employee should use their own expressing equipment which the employer is not responsible for.
- Agree a safe place to store any expressed breast milk. A fridge will need to be available which is in a safe place away from members of the public.
- Any breast milk stored in the fridge should be double wrapped and well labelled. The fridge should run at 0 – 4 degrees Celsius and should house a fridge thermometer – the employee will be responsible for checking the temperature of the fridge. The employee is responsible for removing the breast milk at the end of the working day.
- The Trust does not take responsibility for incorrect handling or labelling of expressed breast milk.

6. Manager's responsibilities:

Managers are responsible for;

- Signposting and creating awareness for relevant guidance and policies.
- Applying this guidance when supporting any employee who is returning to work as a mother who is feeding their baby breast milk.
- Arranging a pre-return to work meeting to discuss their needs and requirements such as if there is anything regarding their work which would affect or compromise the feeding / expressing of milk and how many times in the day the employee would anticipate needing to express milk. Ideally this meeting should take place at least 4 weeks prior to the employee returning to provide adequate time for any actions required to be completed. If there is a requirement to look at and re-think working patterns, there might be the requirement to have a pre-return meeting earlier (i.e. 8 weeks prior to return) to enable adequate time for cover to be considered.
- Conducting a risk assessment for the breastfeeding mother and their child/mother who is expressing her milk. Consideration should be given to individual circumstances, storage and the working environment.
- Considering where to find this employee somewhere to rest, express and store milk, or breastfeed their baby if this is required.

- Supporting the employee as they return to work, checking that arrangements are suitable and that they are being supported to continue to feed their baby breast milk.
- Ensuring workplace colleagues are supportive of any staff wishing to continue to feed their baby breast milk.

The Trust recognises that for some employees the language in this guidance might not be relevant or preferable and terms such as lactating parent or chest feeding are examples that may be appropriate. In such circumstances it is likely that a manager would already have some context and should always use the employees preferred language.

Appendix i: Equality Impact Assessment: this MUST be done in collaboration with the Trust Equality and Diversity Lead

When completing, remove all guidance text like this but do not alter or delete any elements of this assessment

LSCFT puts equality, inclusion, and human rights at the centre of the design and delivery of inclusive services for the diverse communities we serve, and the empowering culture we create for our staff.

The legal case is set out in the Equality Act 2010 and the practice is embodied by our staff every day, without exception.











We are stronger together.
Equality@lscft.nhs.uk



This assessment applies to any Trust procedural document, or activity required in a document which will have an impact on people. Please refer to the Equality Impact Assessment (EIA) Form Guidance which can be found via the link [here](#) and includes a recording how to complete an EIA form. This assessment must be done in collaboration with the E & D Lead.

<p>1. What is the title of the Procedural document and purpose of the activity in requires or involves that needs to be considered and assessed for its impact on people?</p> <p>Maternity & other family friendly leave policy - to provide management and staff with information on the availability of all types of paid and unpaid leave of absence from work in regards to Maternity and other family friendly leave.</p>
<p>2. Which group/s of people is/are being considered?</p> <p> <input type="checkbox"/>Patients / Service Users <input checked="" type="checkbox"/>Staff <input type="checkbox"/>Public <input type="checkbox"/>Partner agencies </p> <p><input checked="" type="checkbox"/>Other Staff side representatives</p>

3. Which of the following protected characteristics may or are likely to be affected by this policy?
(* in any box as needed)

Age	Disability	Gender-reassignment	Marriage/Civil Partnership in employment only	Pregnancy & Maternity	Race	Religion or Belief	Sex	Sexual Orientation	Other Detail below
									
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other:

4. What engagement is taking place or has already been undertaken with those who are likely to be affected?

Consultation has been carried out with the following group

- Equality, diversity and inclusion Team
- Policy Group
- Women's network
- LGBT lancs

They were sent a copy of the draft policy and provided comments

5. What impact or potential impact has been identified through the consultation?

Language used in the policy was identified however Gender neutral language has been used as much as possible whilst maintaining recognised terms for familiarity. Heteronormative language has also been avoided.

6. What further steps are needed to mitigate or safeguard against the impact/potential impact identified?

Training material will use Gender neutral language as used in the policy to ensure consistency

Outcome of the assessment	Action/s Required	Timescale	Accountability
Outcome 1: No change(s) required <i>When the scoping exercise has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.</i>	No further steps identified		
Outcome 2: Adjustments to remove barriers that were identified in the consultation <i>We need to be satisfied that the proposed adjustments will remove the barriers identified.</i>			
Outcome 3: There is still potential for adverse			

<p>impact or missed opportunities to promote equality. <i>This requires the consideration of 'reasonable adjustments' under the law to adapt and enable people to engage in or access the activities/practices required by the policy. In this case, the justification for continuing must be described here and should also be in line with the duty to have 'due regard'. For the most important relevant policies, compelling reasons will be needed. We need to demonstrate that there are sufficient plans to reduce the negative impact with 'reasonable adjustments' and/or plans to monitor the actual impact</i></p>			
<p>Outcome 4: Stop and rethink. <i>When an EIA shows actual or potential unlawful discrimination you will now need to make changes to the policy and practices it requires.</i></p>			

<p>How will we monitor this and to whom will we report outcomes? The Chief Officer of the policy must be made aware of this assessment and any monitoring or rewriting in relation to outcomes 2,3 or 4 <i>Risks identified throughout the assessment process and controls designed to address them, must be described and rated and recorded on Datix or in service risk registers in line with Trust processes. Assurance mechanisms should be developed for each activity to ensure that equality and diversity compliance is achieved on an ongoing basis</i></p>	<p>The Policy Owner is aware that this EIA has been undertaken as part of the policy review process. Any future reviews will be undertaken by the policy author.</p>
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7. Who undertook this assessment and when?

Name: Ibukun Bosson	
Job Title: HR Advisor	Date assessment started: 21/07/2022
Service: HR Operations	Date assessment completed: 10/08/2022
Sign off: High – to be signed off by E&D Team	EIA Grade: High

8. Authorised by (Signature): Jo Harrison, Equality Diversion & Inclusion Manager

Date: 19/08/2022