

LEAVE PROCEDURES

Date to be reviewed:	April 2016	No of pages:	57
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Date approved:	March 2015		
Date activated (live):	March 2015		
Documents to be read alongside this document:	<ul style="list-style-type: none"> • NHS Terms and Conditions of Service Handbook • Employer Helpbook for Statutory Maternity Pay E15 • Employer Helpbook for Statutory Adoption Pay E16 • Expectant Mothers at Work- Health & Safety Guidance Page • Form SC3 - Statutory Paternity Pay/Paternity Leave • Form SC7 - Additional Statutory Paternity Pay/Paternity Leave - becoming a parent • WP14b All Wales Special Leave Policy • WP11 All Wales Sickness Absence Policy 		

Review	Purpose of Issue/Description of current changes:
A	Initial Issue
B	Changes in Legislation, Bank Holiday Amendments for 2011/2012 and minor amendments to wording following user feedback
C	Section B: Special Leave “Family Friendly” & “Civic Duties” deleted. Replaced by All Wales Special Leave Policy (WP14b)
D	Section A – Bank Holiday Amendments for 2012/2013, Section B Maternity Leave & Section C Adoption Leave - procedural amendments
E	Minor amendments to wording
F	Changes in Legislation, Bank Holiday Amendments for 2013/2014 and minor amendments to wording following user feedback
G	Amendments made to Section A & Section D
H	Bank Holiday Amendments for 2015/2016 – Section A

Summary:

The purpose of this document is to provide the basis for a clear understanding of the nature and period of leave, paid and unpaid, that will apply in particular circumstances and to ensure a fair, consistent and equitable process is followed taking all circumstances into consideration.

First operational:	April 2010				
Previously reviewed:	March 11	Oct 11	August 12	January 13	March 14 October 14
	March 15				
Changes made yes/no:	Yes	Yes	Yes	Yes	Yes
	Yes				

PROPRIETARY INFORMATION

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Content

1. Statement
2. Scope
3. Purpose
4. Aim
5. Principles
6. Records & Individual Monitoring
7. Monitoring
8. Review

Sections:

- A: Annual Leave
- B: Maternity Leave
- C: Adoption Leave
- D: Paternity (Maternity Support) Leave & Pay and Antenatal Leave
- E: Parental Leave
- F: Unpaid Leave

Leave Procedures

1. Statement

- 1.1 BCU HB is committed to achieving the highest standards of health care services for its people. This can be achieved through a highly trained, skilled and motivated workforce.
- 1.2 BCU HB recognises the need for employees to be able to take time away from the workplace and is committed to promoting fair and equal treatment. It is recognised that the provision of all forms of leave is key to the Health Board being able to demonstrate this commitment.

2. Scope

- 2.1 The procedure applies to all employees, regardless of their age, gender or gender identity, ethnicity or nationality, sexual orientation, religion or belief, whether they are disabled, married/in a civil partnership, or pregnant/on maternity leave, subject to any service requirements that may apply. Procedures applying to each form of leave are set out below:
 - a) Annual Leave
 - b) Maternity Leave
 - c) Adoption Leave
 - d) Paternity Leave
 - e) Parental Leave
 - f) Unpaid Leave
- 2.2 For Study Leave & Special Leave please refer to separate policy.

3 Purpose

- 3.1 The purpose of this document is to provide the basis for a clear understanding of the nature and period of leave, paid and unpaid, that will apply in particular circumstances.

4. Aim

- 4.1 To ensure a fair, consistent and equitable process is followed taking all circumstances into consideration.
- 4.2 To provide guidance and support to staff and managers

5. Principles

- 5.1 Managers will have the discretion to respond appropriately to individual circumstances where relevant

- 5.2 Managers must seek the advice of the appropriate Chief of Staff/Director when considering an extension to the normal conditions of leave to assist in securing an appropriate level of consistency and fairness whilst treating each case on its individual merits
- 5.3 Staff and Managers have a mutual responsibility to apply the provisions appropriately.
- 5.4 Individuals should always seek the appropriate authorisation prior to taking any type of leave.
- 5.5 Under normal circumstances, any appeals arising from the application of these procedures will be for resolution through the grievance policy and procedure. In the case of an emergency, Workforce & OD may be approached by either the manager or the member of staff to facilitate a speedier resolution of the issue.

6. Records & Individual Monitoring

- 6.1 Managers must:
 - a) Keep a record of leave requested, approved or denied in the individuals personal file and ensure leave is recorded on timesheets/monthly staff return/ESR
 - b) If leave has been turned down the reasons should be made clear to the individual and documented on leave application form.
 - c) If unpaid leave has been granted managers must ensure that a staff change form is processed, clearly indicating the reasons for the unpaid absence and the period of unpaid leave agreed – please refer to section F for more information.
 - d) Ensure that annual leave is allocated at appropriate levels during the course of the annual leave year. For example at the final quarter of the year managers should ensure that approximately three quarters of the entitlement has been used. In cases where significant leave is untaken managers will be required to allocate leave prior to the year end. Managers will, at all times be required to ensure employees are supported in the taking of their annual leave.

7. Monitoring

- 7.1 Each Clinical or Corporate Programme Group will establish a mechanism in partnership with the Trade Unions to monitor the application of these procedures, including analysis by protected characteristic, ensuring as far as possible a fair and consistent approach to the granting of any discretionary leave.
- 7.2 Results of this monitoring to be shared with BCU HB Partnership Forum with the aim of ensuring a consistent approach across the Health Board.

8. Review

- 8.1 This procedure will be reviewed at 3-yearly intervals in partnership with Workforce & OD, Trade Unions and Management or more frequently if monitoring suggests amendments are required and/or there are changes in legislation which impact upon its contents.

A. Annual Leave

1. Purpose

1.1 The aim of this section is to provide a uniform and equitable approach to the calculation of annual leave and Bank Holiday entitlements. This is also to support staff and managers in the planning and booking of annual leave.

2. Scope

2.1 This section applies to all employees. Revised leave entitlements are effective from 1st October 2004. Further details are contained within the A4C Terms and Conditions of Service Handbook, Section 13 Annual Leave and Public Holidays.

3. Entitlements

3.1 Separate provisions apply for:

- Medical & Dental Staff – please see Contract of Employment
- Very Senior Managers – please see Contract of Employment
- Bank/casual staff - please see Terms of Engagement/Contract

3.2 The basic annual leave provisions under Agenda for Change are as follows:

Length of service	Annual leave + Public (Bank) Holidays
On appointment	27 days + 8 days
After 5 years service	29 days + 8 days
After 10 years service	33 days + 8 days

The leave year runs from 1 April to 31 March.

3.3 New employees will be entitled to annual leave plus Bank Holidays in the year of joining/leaving the Health Board, on a pro-rata basis. Staff are permitted to anticipate the annual leave due to them in the current leave year.

3.4 Entitlement in the first/last year of employment is pro rata to number of days worked in the leave year. Annual leave calculations are based on days in post rather than completed months. Bank holiday entitlements will be based on the number remaining/taken in the current leave year from the date of joining/leaving.

Example: A full time member of staff working five shifts per week starts on 10 October 2004 and moves to another employer on 14 March 2005. The Health Board is their first NHS employer and their full time entitlement is 202.5 hours or 27 days. When they leave they have been employed for:

22 days in October	30 days in November
31 days in December	31 days in January
28 days in February	13 days in March

They have therefore spent 155 days in employment and their leave entitlement is:

$$155/365 \times \text{either } 27 \text{ days or } 202.5 \text{ hours}$$

$$= 11.5 \text{ days plus } 3 \text{ days for three Bank Holidays [Christmas/New Year]} = 14.5 \text{ days}$$

or

$$= 86 \text{ hours plus } 22.5 \text{ hours for three Bank Holidays [Christmas/New Year]} = 108.5 \text{ hrs}$$

- 3.5 If entitlement changes during the leave year (ie changing from part to full or full to part time, or long service increases) the annual leave entitlement must be recalculated. The revised full year entitlement will be based on completed days on the old and the new contracted hours/increased entitlement. Please see 3.3 for assistance with calculations.
- 3.6 Staff who work school term time only or operate an annualised hours system shall have their annual leave calculated in hours.

In the following example a nurse receives 0.75 of annual leave entitlement and receives 0.75 of full time pay each month of the year. S/he works in term time only [approx 38 weeks of the year]. S/he has a leave entitlement inclusive of bank holidays and takes her/his leave in the school holidays.

Calculations are based on 0.75 wte, 52 weeks in the year, and 7.5 hours in a nominal working day:

$$52 \times 5 = 260 \text{ maximum working days in year}$$

$$0.75 \times 260 = 195 \text{ working days in year for } 0.75 \text{ wte post}$$

0.75 x 35/37/41 [leave entitlement based on years service plus bank holidays]

	Less than 5 years service	more than 5 years	more than 10 years
	0.75 x 35 = 26.5 days leave	0.75 x 37 = 28	0.75 x 41 = 31
Deduct leave:	195 - 26.5 = 168.5	195 - 28 = 167	195 - 31 = 164
Days worked per year:	= 168.5	= 167	= 164
Hours worked per year:	168.5 x 7.5 = 1264 hr	167 x 7.5 = 1252.5	164 x 7.5 = 1230

Average working hours per week based on 38 weeks per year:

Under 5 years service: $1264 / 38 = 33.5$

More than 5 years service: $1252.5 / 38 = 33$

More than 10 years' service: $1230 / 38 = 32.5$

[Employee to record monthly/weekly hours with manager confirming deductions from annual total]

- 3.7 An appropriate deduction will be made from the final salary payment of any employee who, on leaving the Health Board, has exceeded their annual leave entitlement. Any untaken leave entitlement may be taken during the notice period or included in the final salary payment.
- 3.8 Pay during annual leave will include regular supplements (see section 13.9 NHS Terms & Conditions of Service Handbook)
- 3.9 On termination or change of role/discipline to other staff group, staff who were in Ancillary and Maintenance positions on 1 April 1989 will receive payment for any 'frozen' annual leave accrued at that date (unless taken or paid previously).
- 3.10 The estate of an employee who has died in service shall receive a payment for annual leave not taken at the time of death. No deductions from the final salary payment will be made in respect of annual leave taken in excess of entitlement at the date of death.
- 3.11 Staff who are changing jobs must have taken their outstanding leave (excluding any frozen leave) to date prior to commencing in their new post, any pre-booked holidays / frozen leave must be brought to the attention of the Hiring Manager at interview / appointment stage.

4. Bank Holidays

- 4.1 Employees working five days per week are entitled to 8 paid Bank Holidays each year, with the exception of 2015/16 where there will be 10 paid Bank Holidays

Christmas Day	Boxing Day	New Year's Day
Good Friday (03.04.15 & 25.03.16)	Easter Monday (06.04.15 & 28.03.16)	May Day
Spring Bank Holiday	August Bank Holiday	

- 4.2 A Bank Holiday is defined as a period of normal duty that starts within the period of 24 hours from midnight to midnight (e.g., midnight on Christmas Eve to midnight on Christmas Day would be the Christmas Day Bank Holiday).
- 4.3 The entitlement of part time staff, or staff working less than a five day week is pro rata to the full time allowance of 8 Bank Holidays (with the exception of 2015/16 where there will be 10), proportionate to hours/days/shifts worked and Bank Holidays will be combined with annual leave entitlement (see 5.2).
- 4.4 Staff required to work* or be on call on a Bank Holiday are entitled to equivalent time to be taken in lieu at plain time rates in addition to the appropriate payment for the duties undertaken. **Time in lieu is normally one standard shift.** (*Not applicable to staff with a leave entitlement inclusive of Bank Holidays.)
- 4.5 For staff with an annual leave entitlement inclusive of Bank Holidays (usually shift workers or part time workers), any unworked bank holiday taken as leave must be

deducted from the combined total. Where operationally possible an employee may change their days of working during a Bank Holiday week and therefore retain their leave entitlement in respect of the Bank Holiday, which can be taken as leave at another mutually agreed time.

5. Part Time Staff

- 5.1 Part time workers are entitled to paid leave and Bank Holidays pro rata to full time workers, rounded up or down to the nearest half day.
- 5.2 Part time workers (if working less than five days per week) will have a combined annual leave and Bank Holiday entitlement. An unworked Bank Holiday taken as leave must be deducted from the combined total.

6. Carry Over of Leave in exceptional circumstances

- 6.1 All staff should be enabled to take their full annual leave entitlement in the current leave year. Where employees can demonstrate, by using the annual leave application process, that they have been prevented by the Health Board from taking the full allowance of annual leave before the end of the leave year they shall be allowed to take their outstanding leave during the following leave year at a time to be mutually agreed.
- 6.2 Where employees are allocated leave at dates not of their own choosing and are prevented by sickness/maternity/adoption from taking it before the end of the leave year they shall be allowed to make up the deficiency during the ensuing leave year at a time to be mutually agreed. Where employees are allocated leave or on a rota in the last three months of the leave year, the dates of leave shall be deemed to be not of their own choosing, notwithstanding that they might have a choice of dates limited to a prescribed period.
- 6.3 Where staff are currently on long term sickness absence or on maternity/adoption leave and so have been unable to plan or take their full annual leave entitlement as a result of this, managers will discuss this with the individuals concerned and arrangements will be made to utilise the untaken annual leave.
- 6.4 Where the employee has not taken their annual leave entitlement during the period of sickness absence, and where an employee's sickness absence spans two or more leave years, they will accrue annual leave for the period of their sick leave and can be asked to take all of their accrued, but untaken annual leave, by the end of the leave year in which they return. This should be managed carefully taking account the agenda for change provisions allowing carry over of statutory annual leave, the needs of the service and the practicalities of them being able to use up all of their entitlements in that leave year. The advice of Workforce and OD should be sought in all cases where it is not possible for all outstanding leave to be taken in the annual leave year of their return and a sensible and practicable approach in line with current case law should be adopted.
- 6.5 As all employees are expected to take their annual leave entitlement during the leave year and not normally to carry over annual leave, employees on long term sick leave

must be given the opportunity to take annual leave during their sick leave period so long as that leave is expected to support rather than hinder a recovery. The manager should seek the relevant medical advice at this point.

- 6.6 The employee must have the agreement of the manager prior to the commencement of the leave. The period of sick leave falling before and after the suspension will be treated as one episode. Sick pay will be suspended for this period and reinstated at the same point on the completion of the annual leave period. Employees who are on half-pay may find taking annual leave a useful method of supplementing their pay during a period of long term sickness absence.
- 6.7 Any remaining annual leave accrued at the time of the return to work may be taken as part of a phased return to work, in accordance with the relevant policies of the organisation.

7. Sickness during Annual Leave or Bank Holidays

- 7.1 When an employee falls sick during annual leave, they will be required to report that illness in line with normal notification procedures and produce a medical certificate from the first day of sickness. Subject to satisfactory medical certificates being received upon their return to work, the employee will be deemed to have been on sickness absence rather than annual leave from the date of this certificate.

Only in exceptional cases will a foreign medical certificate of more than one month will be accepted for payment purposes. A UK medical certificate should be obtained on return to the country.

- 7.2 There is no entitlement to an additional day off if sickness occurs on a Bank Holiday.

8. Reckonable Service

- 8.1 In addition, aggregated NHS service, ie any period of time that has been worked in the NHS, regardless of whether or not there has been a break in service, will count as reckonable service for annual leave.
- 8.2 For purposes of aggregated service, time spent in a **highly relevant** role in organisations other than the NHS, may, at the discretion of the Manager in conjunction with a Workforce & OD manager, be counted as aggregated service, eg GP practices, nursing homes, relevant overseas employment. Locum agency service will not count.
- 8.3 In order to have previous service regarded as reckonable service; staff must provide formal documentary evidence of any relevant, reckonable service.

9. General Information

- 9.1 The Health Board requires staff to be provided with the opportunity to take all their annual leave during the course of the leave year (unless prevented by sickness/maternity/adoption leave).
- 9.2 Managers must ensure that annual leave is awarded and recorded accurately, allocated fairly, taken appropriately and monitored regularly.
- 9.3 Managers are responsible for maintaining accurate and up to date individual leave records.
- 9.4 A Health Board 'Application For Annual Leave' (AL1) must be completed and submitted to the authorising officer/line manager on each occasion annual leave is required.

Best practice and the requirements of the e-rostering system indicate a minimum of 6 Week's notice, however, a shorter period of notice can be agreed where service needs allow. AL1 should be retained centrally wherever possible for regular management review e.g. with the line manager/nurse in charge.

Best practice also indicates that managers should respond, using the agreed process, to annual leave requests within a week of the request

- 9.5 Without exception, annual leave days/hours: a) taken, b) deducted from the overall total, c) pay claimed on time sheets, d) recorded on appropriate forms [including flexi/time owing sheets] must all be for the same amount.
- 9.6 Annual leave accrues during paid and unpaid maternity & adoption leave.
- 9.7 It may be necessary due to service needs for managers to request that staff cancel annual leave.

10. Calculations

- 10.1 Annual leave may be calculated/taken in hours, days or shifts. However when daily or weekly hours vary (ie long and short days worked) annual leave must **always** be calculated in hours.
- 10.2 Annual leave is directly proportionate to the hours worked, eg if an employee works 0.8 wte (30 hours) the annual leave is 0.8 of the appropriate hours/days entitlement.
- 10.3 The annual leave calculations in this document have been rounded up or down to the nearest half hour/day/shift.
- 10.4 The formula for calculating leave in hours is:

$$\frac{\text{Weekly hrs}}{365} \times \text{no. of days entitlement} \text{ eg } \underline{20} \times 27 = 108 \text{ hours leave per year}$$

Table A: Part Year Entitlements

Annual Leave (days/shifts)	Completed Months of Service										
	11	10	9	8	7	6	5	4	3	2	1
33	30.5	27.5	25	22	19.5	16.5	14	11	8.5	5.5	3
32	29.5	26.5	24	21.5	18.5	16	13.5	10.5	8	5.5	2.5
31	28.5	26	23.5	20.5	18	15.5	13	10.5	8	5	2.5
30	27.5	25	22.5	20	17.5	15	12.5	10	7.5	5	2.5
29	26.5	24	22	19.5	17	14.5	12	9.5	7.5	5	2.5
28	25.5	23.5	21	18.5	16.5	14	11.5	9.5	7	4.5	2.5
27	25	22.5	20.5	18	16	13.5	11.5	9	7	4.5	2.5
26	24	21.5	19.5	17.5	15	13	11	8.5	6.5	4.5	2
25	23	21	19	16.5	14.5	12.5	10.5	8.5	6.5	4	2
24	22	20	18	16	14	12	10	8	6	4	2
23	21	19	17.5	15.5	13.5	11.5	9.5	7.5	6	4	2
22	20	18.5	16.5	14.5	13	11	9	7.5	5.5	3.5	2
21	19.5	17.5	16	14	12.5	10.5	9	7	5.5	3.5	2
20	18.5	16.5	15	13.5	11.5	10	8.5	6.5	5	3.5	1.5
19	17.5	16	14.5	12.5	11	9.5	8	6.5	5	3	1.5
18	16.5	15	13.5	12	10.5	9	7.5	6	4.5	3	1.5
17	15.5	14	13	11.5	10	8.5	7	5.5	4.5	3	1.5
16	14.5	13.5	12	10.5	9.5	8	6.5	5.5	4	2.5	1.5
15	14	12.5	11.5	10	9	7.5	6.5	5	4	2.5	1.5
14	13	11.5	10.5	9.5	8	7	6	4.5	3.5	2.5	1
13	12	11	10	8.5	7.5	6.5	5.5	4.5	3.5	2	1

12	11	10	9	8	7	6	5	4	3	2	1
11	10	9	8.5	7.5	6.5	5.5	4.5	3.5	3	2	1
10	9	8.5	7.5	6.5	6	5	4	3.5	2.5	1.5	1

Table B: Part Time Leave Entitlements

Full time AL/BH Entitlement (Based on working 5 days/shifts per week)	*Days/Shifts Worked Per Week							
	4.5	4	3.5	3	2.5	2	1.5	1
27	24.5	21.5	19	16	13.5	11	8	5.5
28	25	22.5	19.5	17	14	11	8.5	5.5
29	26	23	20.5	17.5	14.5	11.5	8.5	6
30	27	24	21	18	15	12	9	6
31	28	25	22	18.5	15.5	12.5	9.5	6
32	29	25.5	22.5	19	16	13	9.5	6.5
33	30	26.5	23	20	16.5	13	10	6.5
34	30.5	27	24	20.5	17	13.5	10	7
35	31.5	28	24.5	21	17.5	14	10.5	7
36	32.5	29	25	21.5	18	14.5	11	7
37	33.5	29.5	26	22	18.5	15	11	7.5
38	34	30.5	26.5	23	19	15	11.5	7.5
39	35	31	27.5	23.5	19.5	15.5	11.5	8
40	36	32	28	24	20	16	12	8
41	37	33	28.5	24.5	20.5	16.5	12.5	8

***Each shift/day worked to be the same length**

Table C: Annual Entitlement in Hours (page 1)

Weekly basic Contracted Hours	On Appointment		After 5 Years Service		After 10 Years Service	
	27 Days	Inc BH's (35 days)	29 Days	Inc BH's (37 days)	33 Days	Inc BH's (41 days)
37.5	202.5	262.5	217.5	277.5	247.5	307.5
37.0	200.0	259.0	214.5	274.0	244.0	303.5
36.5	197.0	255.5	211.5	270.0	241.0	299.5
36.0	194.5	252.0	209.0	266.5	237.5	295.0
35.5	191.5	248.5	206.0	262.5	234.5	291.0
35.0	189.0	245.0	203.0	259.0	231.0	287.0
34.5	186.5	241.5	200.0	255.5	227.5	283.0
34.0	183.5	238.0	197.0	251.5	224.5	279.0
33.5	181.0	234.5	194.5	248.0	221.0	274.5
33.0	178.0	231.0	191.5	244.0	218.0	270.5
32.5	175.5	227.5	188.5	240.5	214.5	266.5
32.0	173.0	224.0	185.5	237.0	211.0	262.5
31.5	170.0	220.5	182.5	233.0	208.0	258.5
31.0	167.5	217.0	180.0	229.5	204.5	254.0
30.5	164.5	213.5	177.0	225.5	201.5	250.0
30.0	162.0	210.0	174.0	222.0	198.0	246.0
29.5	159.5	206.5	171.0	218.5	194.5	242.0
29.0	156.5	203.0	168.0	214.5	191.5	238.0
28.5	154.0	199.5	165.5	211.0	188.0	233.5
28.0	151.0	196.0	162.5	207.0	185.0	229.5
27.5	148.5	192.5	159.5	203.5	181.5	225.5
27.0	146.0	189.0	156.5	200.0	178.0	221.5
26.5	143.0	185.5	153.5	196.0	175.0	217.5
26.0	140.5	182.0	151.0	192.5	171.5	213.5
25.5	137.5	178.5	148.0	188.5	168.5	209.0
25.0	135.0	175.0	145.0	185.0	165.0	205.0
24.5	132.5	171.5	142.0	181.5	161.5	201.0
24.0	129.5	168.0	139.0	177.5	158.5	197.0
23.5	127.0	164.5	136.5	174.0	155.0	192.5
23.0	124.0	161.5	133.5	170.0	152.0	188.5
22.5	121.5	157.5	130.5	166.5	148.5	184.5
22.0	119.0	154.0	127.5	163.0	145.0	180.5
21.5	116.0	150.5	124.5	159.0	142.0	176.5
21.0	113.5	147.0	122.0	155.5	138.5	172.0
20.5	110.5	143.5	119.0	151.5	135.5	168.0
20.0	108.0	140.0	116.0	148.0	132.0	164.0

Table C Annual Entitlement in Hours (page 2)

Weekly basic Contracted Hours	On Appointment		After 5 Years Service		After 10 Years Service	
	27 Days	Inc BHs (35 days)	29 Days	Inc BHs (37 days)	33 Days	Inc BHs (41 days)
19.5	105.5	136.5	113.0	144.5	128.5	160.0
19.0	102.5	133.0	110.0	140.5	125.5	156.0
18.5	100.0	129.5	107.5	137.0	122.0	151.5
18.0	97.0	126.0	104.5	133.0	119.0	147.5
17.5	94.5	122.5	101.5	129.5	115.5	143.5
17.0	92.0	119.0	98.5	126.0	112.0	139.5
16.5	89.0	115.5	95.5	122.0	109.0	135.5
16.0	86.5	112.0	93.0	118.5	105.5	131.0
15.5	83.5	108.5	90.0	114.5	102.5	127.0
15.0	81.0	105.0	87.0	111.0	99.0	123.0
14.5	78.5	101.5	84.0	107.5	95.5	119.0
14.0	75.5	98.0	81.0	103.5	92.5	115.0
13.5	73.0	94.5	78.5	100.0	89.0	110.5
13.0	70.0	91.0	75.5	96.0	86.0	106.5
12.5	67.5	87.5	72.5	92.5	82.5	102.5
12.0	65.0	84.0	69.5	89.0	79.0	98.5
11.5	62.0	80.5	66.5	85.0	76.0	94.5
11.0	59.5	77.0	64.0	81.5	72.5	90.0
10.5	56.5	73.5	61.0	77.5	69.5	86.0
10.0	54.0	70.0	58.0	74.0	66.0	82.0
9.5	51.5	66.5	55.0	70.5	62.5	78.0
9.0	48.5	63.0	52.0	66.5	59.5	74.0
8.5	46.0	59.5	49.5	63.0	56.0	69.5
8.0	43.0	56.0	46.5	59.0	53.0	65.5
7.5	40.5	52.5	43.5	55.5	49.5	61.5
7.0	38.0	49.0	40.5	52.0	46.0	57.5
6.5	35.0	45.5	37.5	48.0	43.0	53.5
6.0	32.5	42.0	35.0	44.5	39.5	49.0
5.5	29.5	38.5	32.0	40.5	36.5	45.0
5.0	27.0	35.0	29.0	37.0	33.0	41.0
4.5	24.5	31.5	26.0	33.5	29.5	37.0
4.0	21.5	28.0	23.0	29.5	26.5	33.0
3.5	19.0	24.5	20.5	26.0	23.0	28.5
3.0	16.0	21.0	17.5	22.0	20.0	24.5
2.5	13.5	17.5	14.5	18.5	16.5	20.5
2.0	11.0	14.0	11.5	15.0	13.0	16.5
1.5	8.0	10.5	8.5	11.0	10.0	12.5
1.0	5.5	7.0	6.0	7.5	6.5	8.0

Table C1 Annual Entitlement in Hours – Additional Bank Holidays for 15/16 (page 1)

Weekly basic Contracted Hours	On Appointment		After 5 Years Service		After 10 Years Service	
	27 Days	Inc BH's (37 days)	29 Days	Inc BH's (39 days)	33 Days	Inc BH's (43 days)
37.5	202.5	277.5	217.5	292.5	247.5	322.5
37.0	200.0	274.0	214.5	288.5	244.0	318.0
36.5	197.0	270.0	211.5	284.5	241.0	313.5
36.0	194.5	266.0	209.0	280.5	237.5	309.5
35.5	191.5	262.5	206.0	276.5	234.5	305.0
35.0	189.0	259.0	203.0	273.0	231.0	301.0
34.5	186.5	255.0	200.0	269.0	227.5	296.5
34.0	183.5	251.5	197.0	265.0	224.5	292.0
33.5	181.0	248.0	194.5	261.0	221.0	288.0
33.0	178.0	244.0	191.5	257.0	218.0	283.5
32.5	175.5	240.5	188.5	253.5	214.5	279.5
32.0	173.0	236.5	185.5	249.5	211.0	275.0
31.5	170.0	233.0	182.5	245.5	208.0	270.5
31.0	167.5	229.0	180.0	241.5	204.5	266.5
30.5	164.5	225.5	177.0	237.5	201.5	262.0
30.0	162.0	222.0	174.0	234.0	198.0	258.0
29.5	159.5	218.0	171.0	230.0	194.5	253.5
29.0	156.5	214.5	168.0	226.0	191.5	249.0
28.5	154.0	211.0	165.5	222.0	188.0	245.0
28.0	151.0	207.0	162.5	218.0	185.0	240.5
27.5	148.5	203.5	159.5	214.5	181.5	236.5
27.0	146.0	199.5	156.5	210.5	178.0	232.0
26.5	143.0	196.0	153.5	206.5	175.0	227.5
26.0	140.5	192.0	151.0	202.5	171.5	223.5
25.5	137.5	188.5	148.0	198.5	168.5	219.0
25.0	135.0	185.0	145.0	195.0	165.0	215.0
24.5	132.5	181.0	142.0	191.0	161.5	210.5
24.0	129.5	177.5	139.0	187.0	158.5	206.0
23.5	127.0	174.0	136.5	183.0	155.0	202.0
23.0	124.0	170.0	133.5	179.0	152.0	197.5
22.5	121.5	166.5	130.5	175.5	148.5	193.5
22.0	119.0	162.5	127.5	171.5	145.0	189.0
21.5	116.0	159.0	124.5	167.5	142.0	184.5
21.0	113.5	155.0	122.0	163.5	138.5	180.5
20.5	110.5	151.5	119.0	159.5	135.5	176.0
20.0	108.0	148.0	116.0	156.0	132.0	172.0

Table C1 Annual Entitlement in Hours – Additional Bank Holidays for 15/16 (page 2)

Weekly basic Contracted Hours	On Appointment		After 5 Years Service		After 10 Years Service	
	27 Days	Inc BHs (37 days)	29 Days	Inc BHs (39 days)	33 Days	Inc BHs (43 days)
19.5	105.5	144.0	113.0	152.0	128.5	167.5
19.0	102.5	140.5	110.0	148.0	125.5	163.0
18.5	100.0	137.0	107.5	144.0	122.0	159.0
18.0	97.0	133.0	104.5	140.0	119.0	154.5
17.5	94.5	129.5	101.5	136.5	115.5	150.5
17.0	92.0	125.5	98.5	132.5	112.0	146.0
16.5	89.0	122.0	95.5	128.5	109.0	141.5
16.0	86.5	118.0	93.0	124.5	105.5	137.5
15.5	83.5	114.5	90.0	120.5	102.5	133.0
15.0	81.0	111.0	87.0	117.0	99.0	129.0
14.5	78.5	107.0	84.0	113.0	95.5	124.5
14.0	75.5	103.5	81.0	109.0	92.5	120.0
13.5	73.0	100.0	78.5	105.0	89.0	116.0
13.0	70.0	96.0	75.5	101.0	86.0	111.5
12.5	67.5	92.5	72.5	97.5	82.5	107.5
12.0	65.0	88.5	69.5	93.5	79.0	103.0
11.5	62.0	85.0	66.5	89.5	76.0	98.5
11.0	59.5	81.0	64.0	85.5	72.5	94.5
10.5	56.5	77.5	61.0	82.0	69.5	90.0
10.0	54.0	74.0	58.0	78.0	66.0	86.0
9.5	51.5	70.0	55.0	74.0	62.5	81.5
9.0	48.5	66.5	52.0	70.0	59.5	77.0
8.5	46.0	62.5	49.5	66.0	56.0	73.0
8.0	43.0	59.0	46.5	62.5	53.0	68.5
7.5	40.5	55.5	43.5	58.5	49.5	64.5
7.0	38.0	51.5	40.5	54.5	46.0	60.0
6.5	35.0	48.0	37.5	50.5	43.0	55.5
6.0	32.5	44.0	35.0	46.5	39.5	51.5
5.5	29.5	40.5	32.0	43.0	36.5	47.0
5.0	27.0	37.0	29.0	39.0	33.0	43.0
4.5	24.5	33.0	26.0	35.0	29.5	39.0
4.0	21.5	29.5	23.0	31.0	26.5	34.5
3.5	19.0	25.5	20.5	27.0	23.0	30.0
3.0	16.0	22.0	17.5	23.5	20.0	25.5
2.5	13.5	18.5	14.5	19.5	16.5	21.5
2.0	11.0	15.0	11.5	16.0	13.0	17.5
1.5	8.0	11.5	8.5	12.0	10.0	13.5
1.0	5.5	7.5	6.0	8.0	6.5	8.5

**Betsi Cadwaladr University Health Board
 Application for Annual Leave**

This form must be maintained and kept by the individual. To request annual leave, this form must be forwarded to the manager for approval and record purposes.

Please Note:

Your Manager's agreement is required for all requests for annual leave.

Best practice and the requirements of the e-rostering system indicate a minimum of 6 Week's notice, however, a shorter period of notice can be agreed where service needs allow. AL1 should always be available for regular management review. Best practice also indicates that managers should respond, using the agreed process, to annual leave requests within a week of the request.

The leave year runs from 1 April to 31 March and you are expected to take all of your allocation within the annual leave year

ANNUAL LEAVE PERIOD 1 APRIL 20..... TO 31 MARCH 20.....

NamePost

CPG/Department/.....Base

Leave Entitlement Days/Hours Authorised Carried OverDays/Hours

Date leave requested	Days/ Hours Required	Dates		Annual Leave Remaining	Approved / Declined by Manager*	Signed by Line Manager
		From	To			

* Reason must be given if declined / over...

B. Maternity Leave

1. This section is fully compliant with existing statutory regulations relating to maternity provision. Furthermore NHS maternity entitlements are more generous than statutory entitlements detailed within relevant Government legislation.

1.1 Full details of NHS maternity entitlements are detailed within Section 15 [Maternity Leave and Pay] of the A4C NHS Terms and Conditions of Service Handbook at www.wales.nhs.uk

1.2 All pregnant employees have maternity rights, irrespective of hours of work or length of service.

2. Qualifying Periods

2.1 **To qualify for Occupational Maternity Pay the employee must have been:**

- continuously employed for a period of not less than 12 months (Bank staff are not eligible) at the beginning of the 11th week before the expected week of childbirth
 - with one or more employers
- and
- must have confirmed in writing their intention to return to work within the NHS for a minimum period of 3 months

Continuous employment in this context includes periods of service with any NHS employer which includes Health Authorities, NHS Boards, NHS Trusts, Primary Care Trusts and the Northern Ireland Health Services, provided that there are no breaks in service of 3 calendar months or more.

A break of 3 months or less will be disregarded (but not counted as service) for the purpose of eligibility for Occupational Maternity Pay.

2.2 **To qualify for Statutory Maternity Pay (SMP) the employee must have been employed:**

- within the Trust (including Bank staff)
 - for a continuous period of 26 weeks as at the end of the 15th week prior to the expected week of childbirth
- and
- her average pay within the relevant period prior to the 15th week must be above the lower earning level for NI purposes

Where the employee does not meet these criteria, Maternity Allowance may be payable by the Benefits Agency.

2.3 Entitlements

2.3.1 For those employees who have confirmed their intention to return to work after a period of maternity leave (Bank Staff, please see 2.3.3) (see chart):

	QUALIFYING PERIOD	ENTITLEMENT
A	Less than 26 weeks service with NHS as at 15 th week before expected week of childbirth	52 weeks unpaid leave with benefit of contractual terms e.g. accrual of annual leave No entitlement to statutory or occupational maternity pay. Possible Maternity Allowance payable by the benefits agency See section 4.14 Pensions
B	Less than 1 year NHS service at 11 th week before expected week of childbirth But More than 26 weeks NHS service as at 15 th week before expected week of childbirth	SMP* at 90% of full pay for first 6 weeks and then SMP* at standard rate or at 90% of full pay (whichever is the lower) for next 33 weeks. A further 13 weeks unpaid leave is also available.
C	More than 1 years NHS service as at 11 th week before expected week of childbirth But Less than 26 weeks Health Board service as at 15 th week before expected week of childbirth	8 weeks full pay less Maternity Allowance and then 18 weeks half pay Maximum 26 weeks additional unpaid maternity leave.
D	More than 1 years NHS service as at 11 th week before expected week of childbirth And More than 26 weeks with the Health Board as at 15 th week before expected week of childbirth	8 weeks full pay and then 18 week at half pay plus SMP*/Maternity Allowance (nut not to exceed full pay) + 13 weeks SMP* at standard rate. Maximum 13 weeks additional unpaid maternity leave

2.3.2 **For those employees WHO DO NOT INTEND TO RETURN TO WORK with the NHS after Maternity Leave (Bank staff, please see 2.3.3)**

	QUALIFYING PERIOD	ENTITLEMENT
A	Less than 26 weeks service with NHS as at 15 th week before expected week of childbirth.	52 weeks unpaid leave with benefit of contractual terms e.g. accrual of annual leave No entitlement to statutory or occupational maternity pay. Possible Maternity Allowance payable by the benefits agency.
B	More than 1 years service with NHS as at 11 th week before expected week of childbirth But Less than 26 weeks with the Health Board as at 15 th week before expected week of childbirth	6 weeks Occupational Maternity Pay at 90% average earnings (less Maternity Allowance)
C	More than 26 weeks service with the Health Board as at 15 th week before expected week of childbirth But Less than 12 months NHS Service	6 weeks SMP* at 90% of full pay plus 33 weeks at standard rate SMP* (or 90% whichever is the lower)

2.3.3 **Bank Staff**

	QUALIFYING PERIOD	ENTITLEMENT
A	Less than 26 weeks service with NHS as at 15 th week before expected week of childbirth	Nil pay due. May be entitled to Maternity Allowance payable by the Benefits Agency
B	More than 26 weeks service with the Health Board as at 15 th week before expected week of childbirth	6 weeks SMP* at 90% of full pay plus 33 weeks at standard rate SMP* (or 90% which ever is the lower), if eligible, please see paragraph 2.2

SMP* Please read paragraph 2.2 for eligibility

Full details of NHS maternity entitlements are contained in Section 15 [Maternity Leave and Pay] of the A4C NHS Terms and Conditions of Service Handbook
If additional advice is required please contact Workforce & OD.
Maternity rights & statutory maternity benefits information is available at www.dti.gov.uk / www.dwp.gov.uk
Health & Safety Executive information for new and expectant mothers is available at www.hse.gov.uk.

3. How to Apply (for all employees and bank staff)

Employees are required to notify their line manager in writing before the end of the 15th week before the expected week of childbirth (or if this is not practicable as soon as reasonably practicable)

- of her intention to take Maternity Leave
- The date the employee wishes her maternity leave to begin (**Sunday date, unless baby's born early**)
- Whether or not there is an intention to return to work with the NHS for a minimum period of 13 weeks, which must be confirmed by completion of the ML1 form included within this procedure

Employees must also provide an original Maternity Certificate (MAT B1) giving the expected date of childbirth signed by either a Registered Medical Practitioner or Registered Midwife.

If the employee subsequently wants to change the date from which she wishes the leave to start, she should notify the manager and Payroll Department in writing at least 28 days beforehand (or if this is not possible as soon as is reasonably practicable)

4. Commencement of Leave

Maternity leave may begin at any time between the 11th week before the expected week of childbirth and the beginning of the expected week of childbirth provided the required notice has been given.

Any sickness, which occurs prior to the 4th week before the expected week of childbirth, will still be managed in accordance with the Health Board's Sickness Absence Policy. Absence prior to the last four weeks before the expected week of childbirth, when supported by a medical certificate or self-certificate shall be treated as sick leave in accordance with normal sick leave provisions.

However, sick leave due to a pregnancy related illness on or after the 4th week before the expected week of childbirth will mean that maternity leave will commence the day after the first complete day of sickness absence. The employee or manager must contact the Payroll Department to let them know if this occurs. Odd single days of pregnancy related illness during this period, may be disregarded if the employee wishes to continue working until the maternity leave start date previously notified to the manager.

It should be noted that a statutory minimum period of 2 weeks maternity leave after childbirth must be taken.

Before going on leave, the employee and their line manager should discuss and agree arrangements for maintaining contact during the maternity leave, including:

- I. Any arrangements that the employee may find helpful to keep in touch with development at work and nearer the time of return, to help facilitate the return to work.
- II. Keeping the manager in touch with any developments that may affect the intended date of return
- III. In accordance with the legislation in this area, there is an assumption that an employee will take the full amount of their maternity leave entitlement (both paid and unpaid) i.e. 52 weeks. If this is not the case, the employee must give at least 8 weeks notice of their intention to return to work at an earlier date.

5. Manager:

- a) Receives maternity leave application (ML1 Form) from employee
- b) Confirms employee entitlement to maternity leave by completing ML2 Form (letter from Manager to Employee, send a **copy** of the ML1, ML2 and MAT B1 forms to the employee and retain a copy for their personal file. Forward the **original forms** to the payroll department as soon as possible).
- c) Determines annual leave entitlement and discusses when it is to be taken. (Leave accrues during paid **AND** unpaid maternity leave and manager must accommodate full leave entitlement before and/or after maternity leave). Where maternity leave spans two leave years, arrangements should be made to take all the annual leave accrued in the first leave year prior to commencement of the maternity leave.
- d) Keeps in touch with employee throughout maternity leave, and writes congratulating employee when notified of birth.
- e) Ten optional 'Keeping in Touch' days may be worked and will be paid at their basic daily rate for the hours worked less appropriate maternity leave payment for KIT days worked during the maternity leave period. Managers are required to notify payroll of KT days/hours worked via the KIT days claim form (page 36)

5.1 Employee Returning to Work

On employee's return to work, manager completes Staff Changes Form electronically, prints, authorises and sends to the Payroll Department immediately, detailing return to work date and any contract changes (**remember: annual leave is a return to work**). **Late forms will result in employees not receiving their Salary on time.**

5.2 **Employees Not Returning to Work:**

When resignation received from Employee that they are not returning to work following Maternity Leave, Staff Leaving Form to be completed electronically, print and authorise and forward to payroll department (last day of paid maternity leave is last day of service) as soon as possible [to avoid overpayment] or no later than the end of paid maternity leave. Liaises with Workforce & OD/Payroll Services if unsure. Manager responds to Employee with best wishes and thanks for service.

Application for Maternity Leave

For ALL applicants, i.e. returning to work, not returning to work or undecided

Please return the completed form to your Head of Department by the 25th weeks of pregnancy. Original Form MATB1 'Maternity Certificate' from your GP or Midwife must be attached.

A. Maternity Leave Request

Please tick one box only:

- I am returning to work following maternity leave and intent to work for the BCUHB or other NHS employer for a minimum period of 3 months
- I am not returning to work following maternity leave
- I am undecided whether to return to work following maternity leave
- I am on a fixed term contract that is due to expire on and this has been extended in accordance with the NHS Terms & Conditions of Service 15.42-15.44 with a new expiry date of and would want to return to work
- I am on a fixed term contract that is due to expire on and this has been extended in accordance with the NHS Terms & Conditions of Service 15.42-15.44 with a new expiry date of and do not wish to return to work.

B. Employee Details

Name

Employee/ESR No:..... N I Number:.....

Home address

Telephone Number.....

Job title Ward/Department

Hospital/Base Full/pt time/bank Weekly hours worked

Date commenced in NHS Any breaks in service more than 3 months? Yes/No

If Yes please specify: from to

Reason/s for break in service

Expected date of confinement [Form MATB1 attached]

Proposed Date of Commencement of Maternity Leave, i.e. Sunday

Equal Payments Request:

Please tick if you wish your Occupational Maternity Pay only to be paid in equal payments [] (see section 6.9 prior to completing this section)

Please indicate the dates you would like your payments to be spread over:

From.....to..... (please insert dates) Number of weeks []

I confirm I will be governed by the BCU HB Maternity Leave Regulations:

Signature of Applicant..... Date.....

C. Authorisation by Head of Department

I confirm the maternity leave as indicated above has been checked/approved and will run as follows:

Commencing Maternity Leave From Sunday(insert date)

Signed Name [capitals]

Job title Date

Contact number / e-mail address for any queries.....

Following authorisation please send this form, ML2 manager's letter confirming entitlement and original MATB1 to Payroll Services as soon as possible. Please ensure the employee retains copies and that there is a copy of all documents for the personal file.

Letter from Manager to Employee Confirming Entitlement to Maternity Leave

Date:

Employee's Full Name.....

Employee No

Job Title/Base

[or address if not in work]

.....

.....

Application for Maternity Leave

Dear.....

I am pleased to inform you that your application for maternity leave has been approved in accordance with NHS Terms and Conditions of Service as indicated below:

Returning to work:		Entitlement: (please tick relevant box)
Under 26 weeks service	[]	52 weeks unpaid maternity leave [Maternity Allowance possible]
Between 26-52 weeks service	[]	39 weeks maternity leave and SMP (if eligible) and up to 13 weeks unpaid leave
Over 52 weeks service	[]	39 weeks NHS maternity leave/pay and up to 13 weeks unpaid leave

Not Returning to Work:

Under 26 weeks service	[]	May qualify for DSS Maternity Allowance
Over 26 weeks service	[]	39 weeks SMP and up to 13 weeks unpaid leave

Undecided
SMP only (if eligible), NHS Maternity pay is deferred until return to work []

Bank/Pool Staff
Entitlement subject to length of service and earnings []

The dates of your maternity leave are indicated on your maternity leave application form, however your maternity leave will start automatically the day following the birth if your baby is born before the date notified as the start of maternity leave. Please inform me as soon as is practicable if this is the case.

I will assume you will be returning to work at the expiry of your 52 weeks maternity leave/unpaid unless you advise me differently. If your intention is to return earlier than this, you need to provide 8 weeks notice in writing. As annual leave now accrues during paid and unpaid maternity leave it has been

mutually agreed that you will take your leave before/after your maternity leave (normally there is no **carry over** of untaken annual leave from one leave year to the next, however in exceptional circumstances, please refer to Section A – Annual Leave).

As part of your notification to return to work, we will need to meet to complete a staff change form to ensure you receive your correct salary. Can you please contact me to arrange a suitable date for this meeting which can also be an opportunity to arrange flexible working arrangements?

I attach a copy of the current Breastfeeding Policy which I hope you will find of use.*

Please accept my very best wishes for the coming months.

Yours sincerely

Head of Dept Signature **Name**

Job Title..... **Base**

cc Payroll Services / Personal File

* can also be found on Workforce & OD page on BCU HB intranet

6. General Information Relating to Maternity Leave

6.1 Annual Leave

Accrues during paid and unpaid maternity leave. All annual leave should be taken in the leave year in which it accrues. Bank holidays do accrue during paid and unpaid maternity leave. Unpaid maternity leave is classed as service for purposes of entitlement to long service. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual 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 between the employee and employer.

6.2 Ante Natal Care

Reasonable time off with pay is allowed for ante natal appointments [including relaxation and parentcraft classes]. After the first appointment proof of further visits should be produced to allow for ongoing service provision.

6.3 Break in Service [see Continuous Service]

Any break in NHS service of over 3 months is classed as a formal break in service and does not under normal circumstances count towards entitlement for maternity leave.

6.4 Car Users

6.4.1 Lease Car Users: can continue using the car by paying the monthly contributions or return it to the CPG/Corporate department for the duration of maternity leave. Employees not returning to work must relinquish the car at the end of paid maternity leave.

6.4.2 Regular Car Users: will be paid can claim full lump sum payments for the month in which maternity leave commences and for the next 3 months. 50% of the lump sum amount can be claimed for the following 3 months or until the end of the maternity leave, whichever is less. No payment will be made if the car is out of use for 6 months or longer. Employees not returning to work will receive lump sum payment for the duration of paid maternity leave only. Regular User Allowance will only be re-instated on confirmation from Employee's manager when actually returned to work.

6.5 Continuous Service [see Break in Service]

Service with any NHS organisation without a break of three months or more is classed as continuous service. Continuous service is calculated at the 29th week of pregnancy for NHS maternity pay or the 25th week of pregnancy for SMP. Paid/unpaid maternity leave is classed as continuous service. Should an employee apply for NHS maternity pay and cease working for the Health Board before the qualifying 29th week of pregnancy she will be eligible for SMP only.

6.6 Contracts of Employment

Temporary, fixed term or training contracts may be extended to allow employees to receive SMP and/or NHS maternity pay/leave. [Full details paras 15.42 – 15.45 A4C NHS TCS Handbook.]

http://www.nhsemployers.org/SiteCollectionDocuments/Afc_tc_of_service_handbook_fb.pdf

6.7 Commencement of Maternity Leave

The employee chooses to commence maternity leave between the 29th week of pregnancy [earliest date] to the expected date of confinement [latest date]. For pay purposes maternity leave normally commences on a Sunday. If the baby is born before the maternity leave application form has been submitted or before the notified maternity leave start date, maternity leave will normally commence the day following the birth. A written declaration of fitness is no longer required to work beyond the 29th week of pregnancy.

6.8 Childcare Vouchers

If you do receive childcare vouchers, it may be beneficial to withdraw from the childcare voucher scheme in **early pregnancy**, as by doing this, it would increase the Occupational maternity pay due, and may also impact on the eligibility of SMP (if you require further details, please contact a Senior Member of staff from Workforce & OD).

Should you decide to continue to receive the vouchers, any Occupational maternity pay you would otherwise have received will be reduced by an equivalent value. Childcare vouchers will always be a personal lifestyle choice, and are therefore a completely optional benefit. Without the adjustment, employees who have opted for (and continue to receive) the childcare vouchers may otherwise receive a greater remuneration package in their maternity leave period, than their colleagues who have not.

6.9 Equal Payments

Prior to commencing maternity leave, you may choose to have your occupational maternity leave pay calculated over the whole period in the format of equal payments to you. The minimum period you can choose is 26 weeks, usually other options available are 39 or 52 weeks.

e.g. If you earn £1000 Gross per month during the qualifying periods, your OMP would be calculated at £230.76 Gross per week ($£1000 \times 12 \div 52$)

For your	8 weeks @ full pay =	£1846.08	(8x £230.76)
	18 weeks @ ½ pay =	<u>£2076.84</u>	(18x £230.76 ÷ 2)
		£3992.92	

If you decided to have the equal payments split over 39 weeks then the weekly figure would be £100.58 gross per week ($£3922.92 \div 39$)

If you decided to have the equal payments split over 52 weeks then the weekly figure would be £75.44 gross per week ($£3922.92 \div 52$)

For the first 8 weeks of your Maternity Leave when you would have received Full Pay, you will only receive the equal payments amount, then from weeks 9 to 39 you would receive the equal payments figure plus Statutory Maternity Pay (SMP, if entitled) at the relevant rate.

If you are taking the extended Maternity Leave up to 52 weeks and you have requested your equal payments over the 52 weeks, then you will get the equal payments figure only for weeks 40 to 52.

6.10 Income Tax

All maternity pay is subject to the normal rate of income tax.

6.11 Incremental Points

Incremental pay progression/dates will not be affected by paid or unpaid maternity leave.

6.12 Keeping in Touch

To help facilitate the employee's return to work and ensure she is kept in touch with work developments, voluntary arrangements for keeping in touch during maternity leave should be discussed before the maternity leave. 10 optional 'Keeping in Touch' days may be worked and will be paid at their basic daily rate for the hours worked less appropriate occupational maternity leave payment for KIT days worked during the maternity leave period. Managers required to notify payroll of KIT days/hours worked by completing the KIT days claim form (page 36). KIT days are aimed at easing your return to work and may be used, with the agreement of your line manager, not just for carrying out your usual job, but also for attendance at mandatory training sessions or updating on new technology. This work may be carried out at any time during the statutory leave period, except during the two-week compulsory leave period immediately following placement.

6.13 Pay / Awards

In the event of a Pay Award or Annual Increment being implemented during the Maternity Leave period, the Occupational Maternity Pay due from the date of the Pay Award/Annual Increment will be increased accordingly.

6.14 Pension Scheme

As maternity leave is counted as continuous service contributions to the scheme must be maintained. Contributions are due as follows:-

During full pay and half pay– contributions are deducted on pay actually received.

Where SMP only is being paid, contributions are due on SMP only.

During unpaid maternity leave contributions are based on the rate of pay immediately before any period of unpaid leave begins (this could be SMP only).

Where there is no entitlement to SMP or OMP, contributions are based on the rate of pay immediately before any period of unpaid leave begins ie full pay.

KIT days – Contributions are due on the pay received for KIT day(s). After the KIT days, contributions are once more payable based on the amount immediately before the KIT day(s). For any period of unpaid leave contributions will normally be collected on return to work and will be spread over the same period of time as the unpaid maternity leave.

6.15 Premature Birth

If the baby is born before the 29th week of pregnancy maternity leave will start the day following the birth (paragraph 15.29 + 15.30 T&C Handbook). The employee may then choose to split her maternity leave, initially taking a short period of leave then the balance following the baby's discharge from hospital. By opting for this, for pay purposes, the employee will have Occupational Maternity Pay split, but under HMRC Regulations, she would not receive her full 39 weeks SMP e.g. an employee returning to work for 6 weeks would only receive 33 weeks SMP.

6.16 Protection from Exposure to Risks

The Health Board has a statutory duty to assess any health and safety risks to pregnant or breast feeding workers. A risk assessment should be undertaken by the manager and consideration given to transferring the employee (in line with NHS Terms & Conditions of Service Handbook section 15.34 & 15.35) from any workplace where it is agreed she or her unborn child is at an unacceptable risk of illness/injury. The employee will continue to receive her normal rate of pay during redeployment.

6.17 Return to Work

Immediately following childbirth there is a compulsory 2-week maternity leave period. If she wishes to return before the end of full maternity leave the employee must inform her manager in writing of her return to work date, at least 28 days in advance.

Following maternity leave the employee has the right to return to the same or equivalent job. Subject to service requirements she may return on any basis agreed with her manager including part time and job sharing. The manager has a duty to facilitate returning to work on different hours in the same job wherever possible. Written, objectively justified reasons must be provided if this is not possible. Any temporary change or reduction in hours will not affect the employee's right to return to her usual job at the end of the agreed period.

A Staff Change Form specifying the return date and any contractual changes [i.e. reduction in hours] MUST be sent to Payroll Services when the employee returns to work.

A Staff Leaving Form is required if the employee is not returning to work. If neither form is received Payroll Services will assume the employee is taking unpaid maternity leave. Paid and unpaid maternity leave must be taken in one continuous block. Taking annual leave directly after maternity leave is classed as a return to work.

If an employee fails to return to work for a minimum period of 3 months, for the Health Board or other NHS employer after notifying the Health Board of her intention to do so, she will be liable to refund her maternity pay less any SMP to which she is entitled. [Full details para 15.41 A4C NHS TCS Handbook].

6.18 Flexible Working

It is recognised that the birth or legal adoption of a child is one reason for an individual re-considering his/her working hours, and therefore a point when employees might be considering making requests for more flexible arrangements in line with the policy.

The key points to note are:

- a) All women, regardless of length of service, have the right to return to their existing job on the same terms and conditions after a period of 39 weeks paid or unpaid maternity leave.
- b) Following maternity leave the employee may wish to return to work on different hours. The Health Board has a duty to accommodate this where at all possible.
- c) If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period this will not affect the employees right to return to her job under her original contract at the end of the agreed period.
- d) If, in the event of organisational change, the original job is no longer available the Health Board will make every effort to provide an alternative job on similar terms and conditions, i.e. same payband, and status.

Common types of flexible working are:

- a) part-time: working less than the normal hours, perhaps by working fewer days per week
- b) flexi-time: choosing when to work (there's usually a core period to be worked)
- c) annualised hours: hours are worked out over a year (often set shifts with the employee deciding when to work the other hours)
- d) compressed hours: working agreed hours over fewer days
- e) staggered hours: different starting, break and finishing times for employees in the same workplace
- f) job sharing: sharing a job designed for one person with someone else
- g) home working: working from home

For further information please discuss with your manager and obtain a copy of (WP13 Flexible Working Policy & Procedures) and complete the Flexible Working Application.

6.19 Staff not returning to work, but subsequently wishing to do so

If you have completed the maternity leave application form and stated that you will not be returning to work, but subsequently wish to do so, then you should notify the health board within 8 weeks after the birth and every consideration will be given to the request. There can be no guarantee of either the same job or indeed any other job being available, but the Health Board will do all it can to assist.

6.20 Sickness Absence

If the employee works beyond the 36th week of pregnancy and has a pregnancy related illness, maternity leave will commence but sick leave provisions apply to:

- a] a non-pregnancy related illness until commencement of maternity leave and
- b] sickness absence on or after the return to work date. Normal sick leave provision applies in the event of a miscarriage before the 25th week of pregnancy.

6.21 Still Births / Miscarriage

Where an employee has a miscarriage before the 24th completed week of pregnancy – normal sick leave provisions will apply as necessary.

Should a still birth occur after the 24th week of pregnancy the employee will be entitled to maternity leave and pay as if the birth had been live.

6.22 Telephone Rental

Reimbursement throughout maternity leave will continue providing the employee has declared her intention to return to work.

6.23 Subscriptions

If you have any subscriptions deducted directly from your pay, such as Union subscription, you must inform your Union representative if you intent to take any unpaid maternity leave.

6.24 Post-natal Care and Breastfeeding Mothers

Women who have recently returned to work following child birth are allowed paid time off for post-natal care e.g. attendance at health clinics.

6.25 Supporting employees to continue breastfeeding on return from maternity leave

Staff commencing maternity leave will be given a copy of the breastfeeding policy and if breastfeeding upon returning to work will be supported to enable breastfeeding to continue. The Health Board recognises that Health and Safety and anti-discrimination legislation protect a woman's right to be supported in continuing breastfeeding on return to work and will make every effort to accommodate her needs.

The Health Board will provide breast-feeding women with suitable rest facilities which include:

- a) A private and comfortable area where staff may be allowed time away from normal duties to express and store breast milk in order to maintain supply;
- b) Provision of dedicated fridge space for safe storage of expressed milk;
- c) Hand washing facilities.

Staff returning from maternity leave should inform their manager in writing of their intention to continue breastfeeding on return to work and are encouraged to discuss their needs with their manager prior to return. Options to be considered include:

- a) Flexible working hours
- b) Agreement on feeding the baby in workplace or in a local crèche/childminders
- c) Facilities and reasonable time to express milk in private
- d) Storage of expressing equipment and expressed milk

6.26 Childcare Providers in the Area

Conwy:

<http://213.210.8.20/live/index.jsp?dBody=Conwy&dType=CIS&dLanguage=English>

E-mail: plant.children@conwy.gov.uk

Tel: (01492) 876260

Gwynedd:

http://www.gwynedd.gov.uk/gwy_doc.asp?cat=2928&doc=8202

E-mail: gwybodaethplant@gwynedd.gov.uk

Tel: (01286) 675570

Ynys Môn:

<http://213.210.8.20/live/index.jsp?dBody=Anglesey&dType=CIS&dLanguage=English>

E-mail: cis@anglesey.gov.uk

Tel: (01248) 752699

Wrexham:

http://www.wrexham.gov.uk/english/community/cib/parents_guide.htm

E-mail: fis@wrexham.gov.uk

Tel: (01978) 292094

Denbighshire:

<http://www.denbighshire.gov.uk/en-gb/DNAP-6ZQL6F>

E-mail: mailto:fis@denbighshire.gov.uk

Tel: (01824) 708220

Flintshire:

[http://www.flintshire.gov.uk/wps/portal/english/services?WCM_GLOBAL_CONTEXT=/w eb+content/flintshire/english/services/100010/200016/family+information+service+flintsh ire+\(fisf\)](http://www.flintshire.gov.uk/wps/portal/english/services?WCM_GLOBAL_CONTEXT=/w eb+content/flintshire/english/services/100010/200016/family+information+service+flintsh ire+(fisf))

E-mail: fisf@flintshire.gov.uk

Tel: (01244) 547017

Bwrdd Iechyd Prifysgol
 Betsi Cadwaladr
 University Health Board
KIT Days Claim Form

Name:

Band:

Employee No:.....

Month:.....

Ward/Dept:

Contract Hours:

Kit Day	Day	Date	Actual Hours		Actual Hours worked (excluding meal breaks)	Enhancements			Certified Manager / Nurse in Charge (or description / reason for work staff working in isolation)
			Start	Finish		Saturday Nights Unsocial	Sundays	Bank Holidays	
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
Totals									

I declare that I have worked the above hours in full and that the information I have given on this form is correct and complete and that I have not claimed elsewhere for the hours/shifts detailed on this timesheet. I understand that if the timesheet contains false information, the appropriate action will be taken. To enable the NHS to check into this and prevent/detect fraud and other irregularity, I understand that relevant information from this timesheet maybe subject to review by the Betsi Cadwaladr University Heath Board LCFS Team and/or NHS Protect. **Employees are advised that in the event of an intentional false claim being made for time/payment appropriate action may include criminal, civil and/or disciplinary proceedings.**

Signature of Employee:.....

Date:.....

Signature of Authorisation:.....

Print Designation:.....

Date:.....

C. Adoption Leave

1. This section is fully compliant with existing statutory regulations relating to Adoption provision. Furthermore NHS Adoption entitlements are more generous than statutory entitlements detailed within relevant Government legislation.
- 1.1 Full details of NHS Adoption entitlements are detailed within Section 35.18 [Adoption Leave and Pay] of the A4C NHS Terms and Conditions of Service Handbook at www.wales.nhs.uk
- 1.2 Applies to all contracted members of staff who require leave in the process of adopting a child/children.
- 1.3 To reflect recent legislative changes to the Work and Families Act with respect to Statutory Adoption Pay, this document sets out the relevant definitions and provisions concerning Adoption Leave and related benefits. Leave will be available to people wishing to adopt a child up to 18 years of age, who have primary care responsibilities for that child and where the child is newly placed for adoption from within the UK. If there is an established relationship with the child, such as fostering prior to adoption, time off for official meetings only should be considered. Where a couple adopt jointly, the couple may choose which partner takes adoption leave. The partner of an individual who adopts or the other member of a couple who are adopting jointly will be entitled to paternity leave and pay.
 - (Para 35.24 AfC) If the same employer employs both parents, the period of leave and pay may be shared. One parent should be identified as the primary carer and be entitled to the majority of the leave.
- 1.4 Please read it carefully so that you understand your entitlements and obligations. If you have any queries about any aspect you are strongly advised to speak to your manager and/or the relevant Workforce & OD Adviser who will assist and advise you accordingly.

2. Qualifying Periods

2.1 To qualify for Occupational Adoption Pay the employee must have been:

- Continuously employed for a period of not less than 12 months, with one or more employer (Bank staff are not eligible) ending with the week in which they are notified of being matched with the child for adoption. This will cover the circumstances where employees are newly matched with the child by an adoption agency. (Para 35.22 AfC) and
- must have confirmed in writing their intention to return to work within the NHS for a minimum period of 3 months, after her Adoption Leave has ended.

Continuous employment in this context includes periods of service with any NHS employer which includes Health Authorities, NHS Boards, NHS Trusts, Primary Care Trusts and the Northern Ireland Health Services, provided that there are no breaks in service of 3 calendar months or more.

A break of 3 months or less will be disregarded (but not counted as service) for the purpose of eligibility for Occupational Adoption Pay.

2.2 To qualify for Statutory Adoption Pay (SAP) the employee must have been employed:

- within the BCULHB (including Bank staff) for a continuous period of 26 weeks continuing into the matching week, and
- their average pay within the relevant period prior to the matching week must be above the lower earnings level for NI purposes

Where the employee does not meet these criteria, Adoption Allowance may be payable by the Benefits Agency.

2.3 Entitlements

2.3.1 For those employees who have confirmed their intention to return to work after a period of Adoption leave (Bank Staff, please see 2.3.3) (see chart):

	QUALIFYING PERIOD	ENTITLEMENT
A	Less than 26 weeks service with NHS as at matching week	52 weeks unpaid leave with benefit of contractual terms e.g. accrual of annual leave No entitlement to statutory or occupational adoption pay. Possible Adoption Allowance payable by the benefits agency
B	Less than 1 year NHS service at Matching Week But More than 26 weeks NHS service as at the matching week and qualify for SAP	SAP* at 90% of full pay for first 6 weeks and then SAP* at standard rate or at 90% of full pay (whichever is the lower) for next 33 weeks. A further 13 weeks unpaid leave is also available.
C	More than 1 years NHS service as at the Matching week But Less than 26 weeks Health Board service as at matching week	8 weeks full pay less Adoption Allowance and then 18 weeks half pay Maximum 26 weeks additional unpaid Adoption leave.

D	<p>More than 1 years NHS service as at Matching Week</p> <p style="text-align: center;">And</p> <p>More than 26 weeks with the Health Board as at Matching week</p>	<p>8 weeks full pay and then 18 week at half pay plus SAP*/Adoption Allowance (must not exceed full pay) + 13 weeks SAP* at standard rate.</p> <p>Maximum 13 weeks additional unpaid Adoption Leave</p>
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2.3.2 For those employees **WHO DO NOT INTEND TO RETURN TO WORK** with the NHS after Adoption Leave (Bank Staff, please see 2.3.3)

	QUALIFYING PERIOD	ENTITLEMENT
A	<p>Less than 26 weeks service with NHS as at the Matching Week.</p>	<p>52 weeks unpaid leave with benefit of contractual terms e.g. accrual of annual leave</p> <p>No entitlement to statutory or occupational Adoption pay. Possible Adoption Allowance payable by the benefits agency.</p>
B	<p>More than 1 years service with NHS as at the Matching Week</p> <p style="text-align: center;">But</p> <p>Less than 26 weeks with the Health Board as at the Matching week</p>	<p>6 weeks Occupational Adoption Pay at 90% average earnings (less Adoption Allowance)</p>
C	<p>More than 26 weeks service with the Health Board as at the Matching week</p> <p style="text-align: center;">But</p> <p>Less than 12 months NHS Service</p>	<p>6 weeks SAP* at 90% of full pay plus 33 weeks at standard rate SAP* (or 90% whichever is the lower)</p>

2.3.3 Bank Staff

	QUALIFYING PERIOD	ENTITLEMENT
A	Less than 26 weeks service with BCULHB as at the Matching Week	Nil pay due. May be entitled to Adoption Allowance payable by the Benefits Agency
B	More than 26 weeks service with the Health Board as at the Matching Week	6 weeks SAP* at 90% of full pay plus 33 weeks at standard rate SAP* (or 90% which ever is the lower), if eligible, please see paragraph 2.2

SAP* Please read paragraph 2.2 for eligibility

Full details of NHS Adoption entitlements are contained in Section 35.18 [Adoption Leave and Pay] and Section 15 (Maternity Leave and Pay) of the A4C NHS Terms and Conditions of Service Handbook

If additional advice is required please contact Workforce & OD.

Adoption rights & Statutory Adoption benefits information is available at www.dti.gov.uk / www.dwp.gov.uk

3. How to Apply (for all employees & Bank Staff)

No more than 7 days after the date in which you are notified of having been matched with the child for the purpose of adoption, you are required to confirm with your manager your intention to take Adoption Leave and the dates.

You must then complete an Adoption Leave application form (AL1), detailing the commencement of your leave and your intentions.

Employees MUST also provide an original Matching Certificate, this must include:

- Name and address of the adoption agency,
- Name and address of the employee
- Date that the child is expected to be placed for adoption, or the date the child was placed for adoption.
- Date the employee was told by the adoption agency that they had been matched with a child.

4. Commencement of Leave

Where possible the Employee should tell their manager 28 days before they want their Adoption Leave to commence. Adoption leave cannot begin more than 14 days before the expected placement date, and must start no later than the date the child is placed, or the day after if the employee was in work on that day. Or in the case of a child being adopted from abroad, it can be the day the child enters the UK or the following day.

Employees can change their mind about the start date, but they should give 28 days notice of their intended start date, this would be because of the differences between the expected date of placement and the actual date of placement.

Before going on leave, the employee and their line manager should discuss and agree arrangements for maintaining contact during the Adoption leave, including:

- IV. Any arrangements that the employee may find helpful to keep in touch with development at work and nearer the time of return, to help facilitate the return to work.
- V. Keeping the manager in touch with any developments that may affect the intended date of return
- VI. In accordance with the legislation in this area, there is an assumption that an employee will take the full amount of their Adoption leave entitlement (both paid and unpaid) i.e. 52 weeks. If this is not the case, the employee must give at least 8 weeks notice of their intention to return to work at an earlier date.

5. Manager:

- a. Receives Adoption leave application (ADL1 Form) from employee
- b. Confirms employee entitlement to Adoption leave by completing ADL2 Form (letter from Manager to Employee, send a **copy** of the ADL1, ADL2 and Matching Certificate forms to the employee and retain a copy for their personal file. Forward the **ORIGINAL FORMS** to the payroll department as soon as possible).
- c. Determines annual leave entitlement and discusses when it is to be taken. (Leave accrues during paid **AND** unpaid Adoption leave and manager must accommodate full leave entitlement before and/or after Adoption leave). Where Adoption leave spans two leave years, arrangements should be made to take all the annual leave accrued in the first leave year prior to commencement of the Adoption leave.
- d. Keeps in touch with employee throughout Adoption leave.
- e. Ten optional 'Keeping in Touch' days may be worked and will be paid at their basic daily rate for the hours worked less appropriate Adoption leave payment for KIT days worked during the Adoption leave period. Managers are required to notify payroll of KIT days/hours worked via the KIT days claim form (page 36)

5.1 Employee Returning to Work

On employee's return to work, manager completes Staff Changes Form electronically, prints, authorises and sends to the Payroll Department immediately, detailing return to work date and any contract changes (**remember: annual leave is a return to work**). **Late forms will result in employees not receiving their Salary on time.**

5.2 **Employees Not Returning to Work:**

When resignation received from Employee that they are not returning to work following Adoption Leave, Staff Leaving Form to be completed electronically, print and authorise and forward to payroll department (last day of paid Adoption leave is last day of service) as soon as possible [to avoid overpayment] or no later than the end of paid Adoption leave. Liaise with Workforce & OD/Payroll Services if unsure. Manager responds to Employee with best wishes and thanks for service.

Application for Adoption Leave

For ALL applicants, i.e. returning to work, not returning to work or undecided

Please return the completed form to your Head of Department no later than 7 days after the date in which you are notified of having been matched with the child for the purposes of Adoption. **Original Matching certificate must be attached.**

A. Adoption Leave Request

Please tick one box only:

- I am returning to work following adoption leave and intend to work for the BCUHB or other NHS employer for a minimum period of 3 months
- I am not returning to work following Adoption leave
- I am undecided whether to return to work following Adoption leave
- I am on a fixed term contract that is due to expire on and this has been extended in accordance with the NHS Terms & Conditions of Service 15.42-15.44 with a new expiry date of and would want to return to work
- I am on a fixed term contract that is due to expire on and this has been extended in accordance with the NHS Terms & Conditions of Service 15.42-15.44 with a new expiry date of and do not wish to return to work.

B. Employee Details

Name

Employee/ESR No:..... N I Number:.....

Home address

Telephone Number.....

Job title Ward/Department

Hospital/Base Full/pt time/bank Weekly hours worked

Date commenced in NHS Any breaks in service more than 3 months? Yes/No

If Yes please specify: from to

Reason/s for break in service

Expected date of placement [**Matching Certificate Attached**]

Proposed Date of Commencement of Adoption Leave,

I confirm I will be governed by the BCU HB Adoption Leave Regulations:

Signature of Applicant..... Date.....

C. Authorisation by Head of Department

I confirm the Adoption leave as indicated above has been checked/approved and will run as follows:

Commencing Adoption Leave from(insert date)

Signed Name [capitals]

Job title Date

Contact number / e-mail address for any queries.....

Following authorisation please send this form, ADL2 manager's letter confirming entitlement and original Matching Certificate to Payroll Services as soon as possible. Please ensure the employee retains copies and that there is a copy of all documents for the personal file.

Letter from Manager to Employee Confirming Entitlement to Adoption Leave

Date:

Employee's Full Name.....

Employee No

Job Title/Base

[or address if not in work]

.....

.....

Application for Adoption Leave

Dear.....

I am pleased to inform you that your application for Adoption leave has been approved in accordance with NHS Terms and Conditions of Service as indicated below:

Returning to work:		Entitlement: (please tick relevant box)
Under 26 weeks service	[]	52 weeks unpaid Adoption leave [Adoption Allowance possible]
Between 26-52 weeks service	[]	39 weeks Adoption leave and SAP (if eligible) and up to 13 weeks unpaid leave
Over 52 weeks service	[]	39 weeks NHS Adoption leave/pay and up to 13 weeks unpaid leave

Not Returning to Work:		
Under 26 weeks service	[]	May qualify for DSS Adoption Allowance
Over 26 weeks service	[]	39 weeks SAP and up to 13 weeks unpaid leave

Undecided
SAP only (if eligible), NHS Adoption pay is deferred until return to work []

Bank/Pool Staff
Entitlement subject to length of service and earnings []

The dates of your Adoption leave are indicated on your Adoption leave application form. Employees can change their mind about the start date, but you should give 28 days notice of the intended start date, this would be because of the differences between the expected date of placement and the actual date of placement. Please inform me as soon as is practicable if this is the case.

I will assume you will be returning to work at the expiry of your 52 weeks Adoption leave/unpaid unless you advise me differently. If your intention is to return earlier than this, you need to provide 8 weeks notice in writing.

Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

As annual leave now accrues during paid and unpaid Adoption leave it has been mutually agreed that you will take your leave before/after your Adoption leave (normally there is no **carry over** of untaken annual leave from one leave year to the next, however in exceptional circumstances, please refer to Section A – Annual Leave).

As part of your notification to return to work, we will need to meet to complete a staff changes form to ensure you receive your correct salary. Can you please contact me to arrange a suitable date for this meeting which can also be an opportunity to arrange flexible working arrangements?

Please accept my very best wishes for the coming months.

Yours sincerely

Head of Dept Signature **Name**

Job Title..... **Base**

cc Employee / Personal File

* can also be found on Workforce & OD page on BCU HB intranet

6. General Information Relating to Adoption Leave

6.1 Adopting a child from abroad

To claim SAP (if eligible) when adopting from abroad the employee **MUST** supply the following documents along with a completed ADL1 Form:-

- a. Official Notification that the relevant UK Authority has issued a certificate of Eligibility to the overseas authority involved in the adoption.
- b. Provide evidence that the child has entered the UK to live with them, such as plane tickets or copies of entry clearance documents (as per HMRC Regulations).
- c. Form SC6 (available to download from HMRC)

6.2 Annual Leave

Accrues during paid and unpaid Adoption leave. All annual leave should be taken in the leave year in which it accrues. Bank holidays do accrue during paid and unpaid Adoption leave. Unpaid Adoption leave is classed as service for purposes of entitlement to long service. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual 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 between the employee and employer

6.3 Time off to attend Official Meetings

You are allowed reasonable time off, including travelling time, to attend official meetings in the adoption process. This time will be paid subject to you producing evidence of the meeting on request and notifying your immediate Manager / Supervisor. This condition will also apply if you are part-time if the meeting coincides with your normal working hours.

6.4 Break in Service [see Continuous Service]

Any break in NHS service of over 3 months is classed as a formal break in service and does not under normal circumstances count towards entitlement for Adoption leave.

6.5 Car Users

6.5.1 Lease Car Users: can continue using the car by paying the monthly contributions or return it to the CPG/Corporate department for the duration of Adoption leave. Employees not returning to work must relinquish the car at the end of paid Adoption leave.

6.5.2 Regular Car Users: will be paid can claim full lump sum payments for the month in which Adoption leave commences and for the next 3 months. 50% of the lump sum amount can be claimed for the following 3 months or until the end of the Adoption leave, whichever is less. No payment will be made if the car is out of use for 6 months or longer. Employees not returning to work will receive lump sum payment for the duration of paid Adoption leave only. Regular User Allowance will only be re-instated on confirmation from Employee's manager when actually returned to work.

6.6 Continuous Service [see Break in Service]

Service with any NHS organisation without a break of three months or more is classed as continuous service. 12 months continuous service is calculated up to the week in which you are notified that you are being matched with the child for purposes of Occupational Adoption Pay. Paid/unpaid Adoption leave is classed as continuous service. To qualify for SAP, you must have been continuously employed for at least 26 weeks continuing into the Matching week and meet the criteria for earnings set by HMRC.

N.B. If you qualify for OAP but leave your employment with the BCU HB after the 15th week but before the 11th week before EWP, you will lose all contractual rights and entitlements, and would only qualify for SAP consideration.

6.7 Contracts of Employment

Temporary, fixed term or training contracts may be extended to allow employees to receive SAP and/or NHS Adoption pay/leave. [Full details paras 15.42 – 15.45 A4C NHS TCS Handbook.]

http://www.nhsemployers.org/SiteCollectionDocuments/Afc_tc_of_service_handbook_fb.pdf

6.8 Commencement of Adoption Leave

Where possible the Employee should tell their manager 28 days before they want their Adoption Leave to commence. Adoption leave cannot begin more than 14 days before the expected placement date, and must start no later than the date the child is placed, or the day after if the employee was in work on that day. Or in the case of a child being adopted from abroad, it can be the day the child enters the UK or the following day.

Employees can change their mind about the start date, but they should give 28 days notice of their intended start date, this would be because of the differences between the expected date of placement and the actual date of placement.

6.9 Childcare Vouchers

If you do receive childcare vouchers, it may be beneficial to withdraw from the childcare voucher scheme, as by doing this, it would increase the Occupational Adoption pay due, and may also impact on the eligibility of SAP (if you require further details, please contact a Senior Member of staff from Workforce & OD).

Should you decide to continue to receive the vouchers, any Occupational Adoption pay you would otherwise have received will be reduced by an equivalent value. Childcare vouchers will always be a personal lifestyle choice, and are therefore a completely optional benefit. Without the adjustment, employees who have opted for (and continue to receive) the childcare vouchers may otherwise receive a greater remuneration package in their Adoption leave period, than their colleagues who have not.

6.10 Disrupted Placement during OAL

In the unfortunate circumstances where the adoptive child dies or the placement is terminated, for whatever reason, adoption leave and pay will remain available for 8 weeks following the week in which you are notified of the termination of the child's placement or the child dies. Additionally, where an expected placement does not take

place, but you have already started your leave period, you will still be able to take 8 weeks adoption leave following notification that the child will not be placed with you. Written evidence must be submitted to your manager as soon as is practicable.

6.11 Income Tax

All Adoption pay is subject to the normal rate of income tax.

6.12 Incremental Points

Incremental pay progression/dates will not be affected by paid or unpaid Adoption leave.

6.13 Keeping in Touch

To help facilitate the employee's return to work and ensure she is kept in touch with work developments, voluntary arrangements for keeping in touch during Adoption leave should be discussed before the Adoption leave. 10 optional 'Keeping in Touch' days may be worked and will be paid at their basic daily rate for the hours worked less appropriate occupational Adoption leave payment for KIT days worked during the Adoption leave period. Managers required to notify payroll of KIT days/hours worked by completing the KIT days claim form (page 36). KIT days are aimed at easing your return to work and may be used, with the agreement of your line manager, not just for carrying out your usual job, but also for attendance at mandatory training sessions or updating on new technology.

6.14 Pay / Awards

In the event of a Pay Award or Annual Increment being implemented during the Adoption Leave period, the Occupational Adoption Pay due from the date of the Pay Award/Annual Increment will be increased accordingly.

6.15 Pension Scheme

Pension contributions are payable for any period of Adoption Leave, whether paid or unpaid. This is to avoid a break in service and the possible loss of pension rights already accrued. You should take this into account in thinking about your finances during and after Adoption Leave. You may wish to discuss this with the Pensions Team before your leave commences. When you return to duty After your Adoption Leave, the amount of contributions owing for any period of unpaid leave will be recovered on a return basis. For example: If you take 3 full months unpaid Adoption Leave, the outstanding contributions will be recovered over a 3 month period.

6.16 Return to Work

If s/he wishes to return before the end of full Adoption leave the employee must inform his/her manager in writing of her return to work date, at least 28 days in advance.

Following Adoption leave the employee has the right to return to the same or equivalent job. Subject to service requirements she may return on any basis agreed with his/her manager including part time and job sharing. The manager has a duty to facilitate returning to work on different hours in the same job wherever possible. Written, objectively justified reasons must be provided if this is not possible. Any temporary change or reduction in hours will not affect the employee's right to return to their usual job at the end of the agreed period.

A Staff Change Form specifying the return date and any contractual changes [i.e. reduction in hours] MUST be sent to Payroll Services when the employee returns to work.

A Staff Leaving Form is required if the employee is not returning to work. If neither form is received Payroll Services will assume the employee is taking unpaid Adoption leave. Paid and unpaid Adoption leave must be taken in one continuous block. Taking annual leave directly after Adoption leave is classed as a return to work.

If an employee fails to return to work for a minimum period of 3 months, for the Health Board or other NHS employer after notifying the Health Board of his/her intention to do so, s/he will be liable to refund Adoption pay less any SAP to which s/he is entitled. [Full details para 15.41 A4C NHS TCS Handbook].

6.17 Flexible Working

It is recognised that the birth or legal adoption of a child is one reason for an individual re-considering his/her working hours, and therefore a point when employees might be considering making requests for more flexible arrangements in line with the policy.

The key points to note are:

- a) Any primary adoptive parent, regardless of length of service, have the right to return to their existing job on the same terms and conditions after a period of 39 weeks paid or unpaid Adoption leave.
- b) Following Adoption leave the employee may wish to return to work on different hours. The Health Board has a duty to accommodate this where at all possible.
- c) If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period this will not affect the employees right to return to her job under her original contract at the end of the agreed period.
- d) If, in the event of organisational change, the original job is no longer available the Health Board will make every effort to provide an alternative job on similar terms and conditions, i.e. same payband, and status.

Common types of flexible working are:

- a) part-time: working less than the normal hours, perhaps by working fewer days per week
- b) flexi-time: choosing when to work (there's usually a core period to be worked)
- c) annualised hours: hours are worked out over a year (often set shifts with the employee deciding when to work the other hours)
- d) compressed hours: working agreed hours over fewer days
- e) staggered hours: different starting, break and finishing times for employees in the same workplace
- f) job sharing: sharing a job designed for one person with someone else
- g) home working: working from home

For further information please discuss with your manager and obtain a copy of (WP13 Flexible Working Policy & Procedures) and complete the Flexible Working Application.

6.18 Staff not returning to work, but subsequently wishing to do so

If you have completed the Adoption leave application form and stated that you will not be returning to work, but subsequently wish to do so, then you should notify the health board within 8 weeks after the placement and every consideration will be given to the request. There can be no guarantee of either the same job or indeed any other job being available, but the Health Board will do all it can to assist.

6.19 Telephone Rental

Reimbursement throughout Adoption leave will continue providing the employee has declared his/her intention to return to work.

6.20 Subscriptions

If you have any subscriptions deducted directly from your pay, such as Union subscription, you must inform your Union representative if you intend to take any unpaid Adoption leave.

6.21 Childcare Providers in the Area

Conwy:

<http://213.210.8.20/live/index.jsp?dBody=Conwy&dType=CIS&dLanguage=English>

E-mail: plant.children@conwy.gov.uk

Tel: (01492) 876260

Gwynedd:

http://www.gwynedd.gov.uk/gwy_doc.asp?cat=2928&doc=8202

E-mail: gwybodaethplant@gwynedd.gov.uk

Tel: (01286) 675570

Ynys Môn:

<http://213.210.8.20/live/index.jsp?dBody=Anglesey&dType=CIS&dLanguage=English>

E-mail: cis@anglesey.gov.uk

Tel: (01248) 752699

Wrexham:

http://www.wrexham.gov.uk/english/community/cib/parents_guide.htm

E-mail: fis@wrexham.gov.uk

Tel: (01978) 292094

Denbighshire:

<http://www.denbighshire.gov.uk/en-gb/DNAP-6ZQL6F>

E-mail: <mailto:fis@denbighshire.gov.uk>

Tel: (01824) 708220

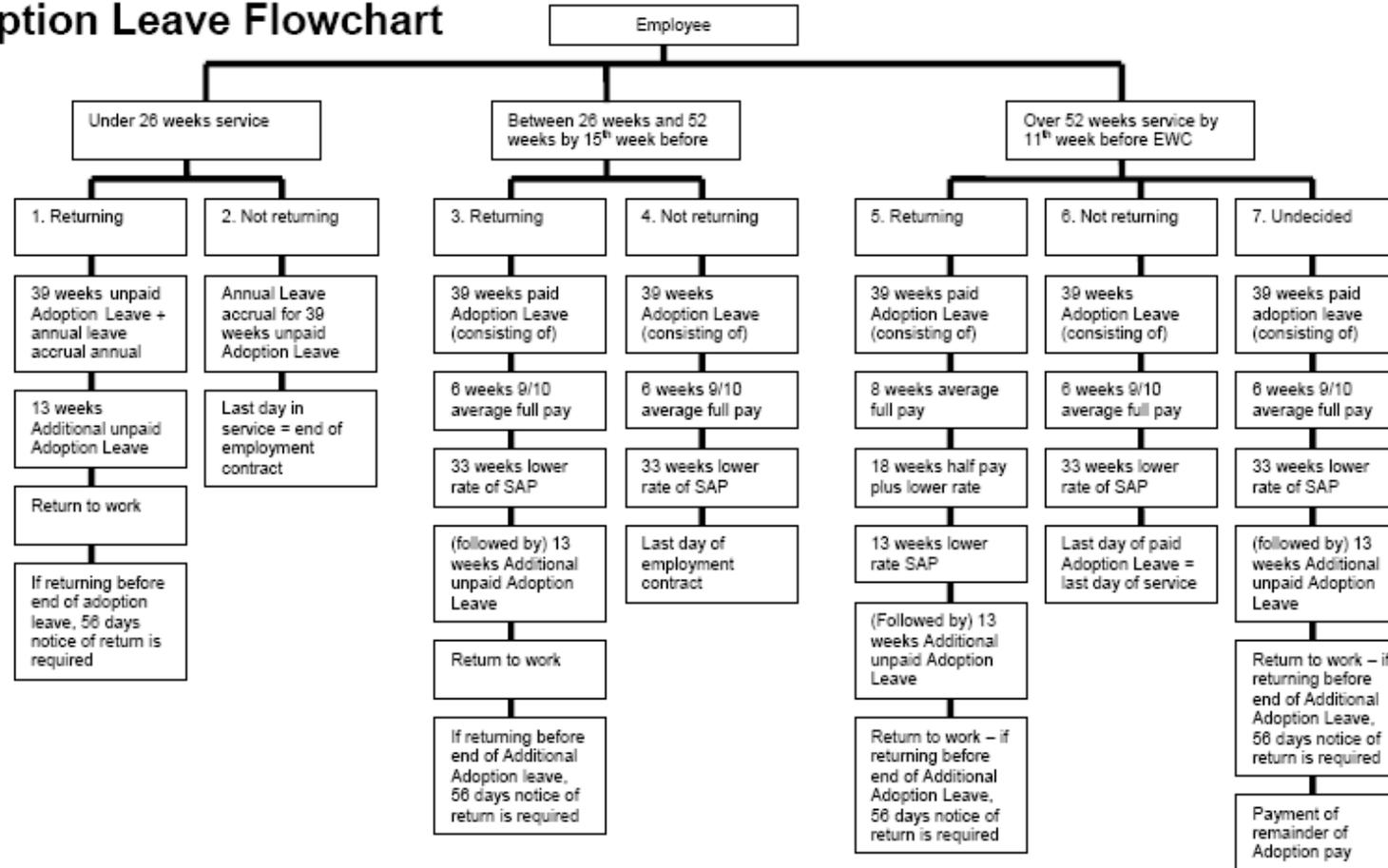
Flintshire:

[http://www.flintshire.gov.uk/wps/portal/english/services?WCM_GLOBAL_CONTEXT=/web+content/flintshire/english/services/100010/200016/family+information+service+flintshire+\(fisf\)](http://www.flintshire.gov.uk/wps/portal/english/services?WCM_GLOBAL_CONTEXT=/web+content/flintshire/english/services/100010/200016/family+information+service+flintshire+(fisf))

E-mail: fisf@flintshire.gov.uk

Tel: (01244) 547017

Adoption Leave Flowchart



D. Paternity (Maternity Support) Leave and Pay and Antenatal Leave

1. Scope

1.1 This will apply to biological and adoptive fathers, nominated carers and same sex partners, and in exceptional circumstances may be granted to estranged husbands/partners where a need or support is identified (This benefit reflects the provision outlined in NHS Terms & Conditions of Service Section 35.11 and is in addition to that outlined in Form SC7 which does *not* include ‘nominated carers’ for taxation purposes).

1.2 An individual seeking such leave must ensure that:

- a) their line manager is advised of the expected week of the birth at the earliest opportunity and that they provide a copy of the certificate (Mat B1)
- b) written request is submitted by the 25th week of pregnancy or as soon as is reasonably practicable. Form SC3 ‘Statutory Paternity Pay/Leave’ on the Direct.Gov website [\[https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3\]](https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3) must also be completed
- c) their line manager is advised at the earliest opportunity on the day of confinement

2. Provisions

2.1 The provisions allow for qualifying employees with over 26 weeks service to receive two weeks Statutory Paternity Leave with Statutory Paternity Pay (SPP). Those with over 52 weeks service, with one or more NHS Employers, at the beginning of the week the baby is due/or child placement start date, are entitled to two week’s paternity leave at full pay. Full pay will be calculated on the basis of the average weekly earnings rules used for calculating occupational Maternity Pay entitlements. The employee will receive full pay less any statutory paternity pay receivable. Only one period of occupational paternity pay is ordinarily available when there is a multiple birth.

	QUALIFYING PERIOD	ENTITLEMENT
A	Less than 26 weeks service with the NHS	No entitlement
B	More than 26 weeks service, but less than 52 weeks service with the NHS	Up to 2 weeks Statutory Paternity Leave with 2 weeks SPP taken consecutively
C	Over 52 weeks service with the NHS	Up to 2 weeks Statutory Paternity Leave at full pay taken consecutively.

- 2.2 This will include time to attend the birth, when it is recognised that the normal provisions of notice for taking leave may not be possible.
- 2.3 Reasonable paid time off to attend ante natal classes will also be given.
- 2.4 The provisions of paternity leave should normally be taken within 8 weeks following the birth.
- 2.5 This allowance is additional to any annual leave that may be taken. Applications for unpaid leave of absence will, subject to the requirements of the service, also be considered (see Parental Leave below).

3. Additional paternity leave

- 3.1 Employees with babies due on or after 3 April 2011 are entitled to take additional paternity leave. In addition, those adopting a child after this date will also be entitled to take additional paternity leave.
- 3.2 Additional paternity leave (APL) can be taken when your partner returns to work from a period of statutory maternity leave or statutory adoption leave without taking his or her full entitlement. The outstanding entitlement transfers to you. If your partner has not taken his or her full SMP or SAP this will also transfer to you when you commence APL.
- 3.3 To qualify for APL you must be the father of the baby, or be married to or the common law partner of the mother or adopter of the baby, or expect to have responsibility for the child. This includes same sex partners. You must give eight weeks' notice of your intention to take APL.
- 3.4 In addition, to qualify for APL you (in the case of birth) must have worked for BCUHB for at least 26 continuous weeks by the 14th week before the baby is due and still be employed by BCUHB in the week before APL is due to start. Or, (in the case of adoption), you must have worked for BCUHB for at least 26 continuous weeks by the week in which you are notified that you are being matched with a child, and still be in employment with BCUHB in the week before APL is due to start.
- 3.5 APL must be for a minimum of two weeks, and a maximum of 26 weeks. It must not start until 20 weeks have passed since the birth or placement of the child. It must not end later than 12 months after the birth/placement. APL must be taken in multiples of complete weeks.
- 3.6 If you wish to take APL you must inform your line manager. You will be required to complete self certification forms (SC3) to confirm your entitlement to take the leave and BCUHB will have the right to check the accuracy of any information supplied.

E. Parental Leave

1. Scope

- 1.1 Parental leave is a separate provision from either maternity leave or paternity(maternity support) leave. Parental Leave is applicable to any employee in the NHS who has nominated caring responsibility for a child under age 14 (18 in cases of adoption or disabled children).

2. Provisions

- 2.1 The provisions allow for up to 18 weeks unpaid leave for **each** child. (Thus, for example, in the case of twins there would be an entitlement of up to 26 weeks unpaid leave).
- 2.2 This right can be exercised by **both** parents/nominated carer in respect of **each** child. Parental Leave can be added to periods of Maternity or Paternity (Maternity Support) Leave.
- 2.3 Employees may take periods of parental leave in blocks of at least one week according to what is mutually agreed subject to the balance of service needs and individual entitlement. As with annual leave, the manager can expect at least six weeks notice, of a leave request. However, a shorter period can be considered. The manager should respond to any such request within 7 days. The manager may, in the light of service requirements, ask the individual to postpone such leave. Employers should only postpone leave in exceptional circumstances and should give written reasons for doing so. Postponement should not last for more than 3 months and must not last for more than 6 months. Employees may also postpone or cancel leave that has been booked with local agreement.
- 2.4 During parental leave the employee retains all of their contractual rights, except remuneration. After the expiry of the leave, the employee will be entitled to return to his/her substantive position. If that is not possible s/he will be entitled to return to a position equivalent in terms of status and salary.
- 2.5 Approval of parental leave will only be granted on production of a copy of the certificate Mat B1 and (when it is available) the birth certificate or copies of the documentation confirming the adoption.

F. Unpaid Leave

1. In considering requests for unpaid leave, no account need be taken of annual leave available to an employee, As annual leave is not normally carried over it may be necessary to plan with the individual how leave, unpaid and annual, is to be used during the leave year to support any of the above special leave arrangements.
2. Any period of unpaid leave of one month or more will not count towards the calculation of annual leave entitlement. Furthermore, staff who contribute to the NHS Pension Scheme and who take unpaid leave will be required to make up their pension contributions over an agreed period following their return to work.