# Family Leave Policy

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<th>CATEGORY:</th>
<th>Policy</th>
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<tr>
<td>CLASSIFICATION:</td>
<td>Human Resources</td>
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<tr>
<td>PURPOSE</td>
<td>To provide knowledge, to all staff, with issues relating to family leave</td>
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<td>Controlled Document Number:</td>
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<td>Version Number:</td>
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<td>Chief Workforce and International Officer</td>
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<td>Director of Human Resources</td>
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1. Introduction

1.1 University Hospitals Birmingham NHS Foundation Trust (the Trust) is committed to improving working lives of its staff by providing reasonable time off (both paid and unpaid) for members of staff to enable them to achieve a work life balance.

1.2 This policy embraces all relevant employment law, statutory entitlements and good practice guidance in this area but in line with the Trust initiative for “Improving Working Lives” these entitlements go beyond those recommended by the Department of Trade and Industry. Specific provisions with regard to family types of leave are also contained in the NHS Staff Council/NHS Staff Council Terms and Conditions. This policy does not override these provisions. It includes the following types of leave:

- Parental Leave;
- Paternity Leave and Ante-natal Leave; and
- Adoption Leave

1.3 The policy does not include Emergency/Special types of Leave, Urgent Domestic Circumstances, Carers/Dependent Leave, Compassionate Leave, Attendance at Court as a Witness/Jury Service, Leave for the Reserve and Cadet Forces, Attendance as a Witness at Internal Hearings, Leave for Public Duties, Investiture with an Honour or, Decoration, Other Special Leave. These are contained within the existing policy for Emergency/Special Leave. Guidance about Maternity Leave is contained within the Trusts Maternity Leave Guidance documentation.

2. General Conditions

2.1 This policy applies to all members of staff employed by the Trust. The service criterion for each type of leave is contained within each specific section of this policy.

2.2 The approval of the specific leave entitlements should be agreed with the line manager and where appropriate guidance sought from a Human Resources Manager/Advisor.

2.3 Where the nature of the leave is known in advance the specific notice identified in each section of the policy should be given by the member of staff, wherever possible.

2.4 All family leave covered by this policy should be requested on the appropriate forms. Please refer to each section. Once authorised the
application should be retained on the personal file. Any leave taken should be recorded on the standard department attendance record for the member of staff and appropriate notification sent to the Payroll Department.

2.5 The level of pay referred to as normal pay, which shall be applied to all types of leave (except where otherwise stated), shall be the level of pay the member of staff would have received for their normal contractual working hours, had they worked that shift or duty. This will include the unsocial hours supplement. It will not include overtime or excess contractual hours (unless the additional hours have been worked for more than four weeks). Nor will it include on call or standby payments unless they are part of the Contract of Employment. Maternity Leave provisions are detailed within separate guidance notes.

3. Managers Responsibilities

- To authorise either paid or unpaid leave in accordance with this policy, NHS Staff Council/NHS Staff Council terms and conditions of employment and statutory entitlements.
- To provide written reasons to the member of staff, within the timescales indicated in each section, in instances where leave is not supported.
- To maintain a full and up to date record of leave applied for, taken or not supported.
- To arrange for appropriate cover where necessary.
- To ensure staff are fully aware of the Policy and the procedure for requesting leave.
- To enter the relevant details on the Trusts financial payment systems.
- To jointly agree with the member of staff “keeping in contact” arrangements during periods of extended leave.

4. Employees Responsibilities

- To ensure that leave is requested following the appropriate procedure.
- To ensure that, where possible, managers are kept informed of potential leave requirements.
- To provide the appropriate certificated proof in support of the leave.
- To provide the appropriate notice, where applicable as identified in each section of the policy.
• To jointly agree with the manager “keeping in contact” arrangements during periods of extended leave.

5. Confidentiality

Inevitably details of a personal nature may need to be disclosed to the manager or in exceptional circumstances to the Human Resource Department as appropriate, by a member of staff requesting Family Leave under this Policy. Confidentiality of such information will be respected and maintained.

6. Appeals

In cases where a member of staff requests any type of family leave under the provisions of this Policy and is not satisfied with the response of their Manager, an attempt should be made to resolve the problem informally by discussion between the member of staff and the manager and where appropriate with advice from the Human Resources Department or relevant Staff Side organisation. If this fails to produce an agreement, the member of staff may seek resolution through the Trusts Grievance Procedure.

7. NHS Pension Scheme

It should be noted that pension contributions are payable by the member of staff during the periods of unpaid leave and are the responsibility of the member of staff. (Prior to taking Family Leave specific advice concerning this should be sought from the Pensions Department.)

8. Parental Leave

8.1 Parental Leave is aimed at enabling and supporting parents to spend more time with their children. Parental Leave is different from the leave provided within the Emergency/Special Leave Policy, which accommodates unforeseen emergency situations. Parental leave is an individual non-transferable entitlement for a member of staff to take planned time off work to look after a child or to make arrangements for the child’s welfare.

8.2 Parental Leave is unpaid leave.

8.3 A member of staff with 12 months or more NHS service will be entitled to the following:

• 18 weeks’ leave for each child and adopted child, up to their 18th birthday.
8.4 A member of staff cannot take more than four weeks leave (either continuous or otherwise) for each child in any year. Leave may be taken in weeks or part weeks.

8.5 A member of staff will be required to give at least 21 days notice to take Parental Leave, setting out the commencement and end date of Parental Leave – see application form at Appendix 1. However the manager can agree a lesser period of notice. Unforeseen and emergency situations are provided for within the Emergency/Special Leave Policy.

8.6 The right to take Parental Leave is available to those who are either named on the child’s birth certificate or who have, or expect to have nominated caring responsibility for the child.

8.7 Parental leave can with the agreement of the manager be added onto periods of Paternity leave, Maternity leave or Adoption leave but is a separate entitlement.

8.8 A member of staff is contractually entitled to return to work to the same job following Parental Leave.

8.9 A member of staff will retain all of their contractual rights except remuneration. Periods of Parental Leave will be regarded as continuous service.

8.10 The Trust will have the right to postpone the leave for up to six months from the date the member of staff wished to take the leave, in exceptional circumstances. An example might be where there were already high levels of leave booked within a department or due to other demands of the service. The manager should discuss the matter with the member of staff and where possible reach an agreement and confirm any postponement arrangements in writing no later than seven working days after the member of staff gave notice to take leave. The letter should state the reason for the postponement and set out the new dates of parental leave. Please also refer to section 6 regarding the appeals process.

8.11 In discussion with their line manager, a member of staff may also postpone or cancel leave which has been booked.

8.12 A member of staff and their manager should agree “keeping in contact” arrangements for the period of Parental leave.

9. Paternity Leave And Ante-Natal Leave (For the partner)

9.1 In respect of each birth, a member of staff has an entitlement to Paternity Leave to enable the member of staff to be present at the birth
of the child and/or to give family support when the mother and child leave the hospital.

9.2 In case of adoption, Paternity Leave will be provided to the member of staff to take care of the new child where the child has been newly placed or to support the child’s adopter, see application form at Appendix 2. (Advice should be sought from Human Resources regarding overseas Adoption) (Section 10 of this policy deals specifically with Adoption Leave).

9.3 In order to qualify for Paternity Leave the member of staff must:

- Have or expect to have responsibility for the newborn/expected child’s upbringing. *For Paternity Leave (birth) this will also include a baby stillborn after 24 weeks of pregnancy or a baby who has died; and
  *For Paternity Leave (birth) be the biological father or mothers’ husband or partner;

- *For Paternity Leave (adoption) be the adopter’s spouse or partner.

- For Paternity Leave (birth and adoption) under NHS Staff Council Provisions a nominated carer will also qualify for Paternity Leave in respect of the same birth or adoption.

9.4 Payment for Paternity Leave will be as follows;

9.4.1 Birth

- A member of staff who attains 12 months service will be entitled to 2 weeks leave at their normal full pay.

  * A member of staff with 26 weeks continuous service with the Trust ending with the 15th week before the week the baby is due will be entitled to up to 2 weeks paid Paternity Leave at Statutory Paternity Leave rates of pay if they fulfils the relevant criteria.

9.4.2 Adoption

- A member of staff who attains 12 months service will be entitled to 2 weeks leave at their normal full pay.

- A member of staff with 26 weeks continuous service with the Trust ending with the week in which the adopter is notified of being matched with a child will be entitled to 2 weeks paid
Paternity Leave at Statutory Paternity Pay rates if they fulfil the relevant criteria.

* Statutory Provisions

9.5 For both Paternity Leave (birth and adoption) leave must be taken within 56 days of the actual date of birth or placement. If the child is born early the leave must be taken within the period from the actual date of birth up to 56 days after the first day of the expected week of birth. In exceptional circumstances in relation to Paternity Leave under NHS Staff Council provisions local agreements may be made to be flexible regarding the 56 day period, e.g. in situations where there is a sick baby.

9.6 A member of staff is entitled to choose whether to take one or two consecutive weeks Paternity Leave. Leave may commence on any day of the week. However leave must be taken in weekly blocks, as part weeks may not be taken.

9.7 A member of staff is entitled to return to work to the same job following Paternity Leave.

9.8 A period of unpaid leave may be granted by the manager under the provisions of Parental Leave, see section 8 of this policy.

9.9 A member of staff is required to provide the Trust with the Inland Revenue form SC3 "Becoming a Parent" or form SC4 "Becoming an Adoptive Parent" at least 28 days before they wish the leave to commence. Forms SC3 and SC4 are available from Human Resources.

9.9.1 A member of staff is able to change their mind about the date they want the leave to commence providing at least 28 days notice is given (unless not reasonably practicable).

9.9.2 In relation to Paternity Leave under NHS Staff Council provisions members of staff who satisfy the conditions in 9.3 above will be granted time off to allow for up to 3 Ante-natal episodes.

10. Adoption Leave

10.1 The aim of Adoption Leave is to give one member of a couple, where a couple adopt jointly, regardless of their gender, time off when the adopted child arrives in the family home. Paid leave for up to 3 episodes/occasions will also be provided for staff to enable them to attend official meetings as part of the adoption process. See application form at Appendix 3.
10.2 Adoption Leave under section 10.4 will be available in circumstances where the child is initially unknown to the adoptive parents. If there is an established relationship with the child, such as fostering prior to adoption, time off for official meetings will only be provided. (See section 10.1)

10.3 Where the Trust employs both parents the period of leave may be shared. If one parent is identified as the primary carer then they should be entitled to the majority of the leave with the other person being entitled to Paternity Leave and pay.

10.4 Where the child is below age 18 and where the member of staff satisfies the NHS Staff Council criteria for Maternity Leave i.e. has more than 12 months continuous service (see Maternity Leave provisions) with one or more NHS employers at the beginning of the 11th week before the Adopter is notified of being matched, Adoption Leave and pay will be in line with the Maternity Leave and Pay Provisions. These are set out within NHS Staff Council provisions and the Trusts Maternity Leave guidance.

10.5 Where a member of staff does not have 12 months continuous service with one or more NHS employer at the beginning of the 11th week before the adopter is notified of being matched with a child Statutory Provisions will apply, i.e. up to 26 weeks ordinary Adoption Leave at Statutory Adoption Pay and up to 26 weeks additional Adoption Leave which is unpaid. Advice should be sought from the Human Resources Department with regard to the statutory provisions.

10.6 Where a member of staff has taken Paternity (adoption) Leave (under 9.4 of this policy) in relation to a match for adoption then they cannot also be entitled to Adoption Leave under this section as a principle carer.

10.7 Adoption Leave may commence on any day of the week.

10.8 A member of staff is required to inform the Trust as soon as possible of when the child is expected to be placed and when they want the leave to commence. The Trust will request the following evidence:-

- Date that they were notified of being matched; and

- A copy of the matching certificate

10.9 A member of staff is required to inform the Trust of their intention to take Adoption Leave within 7 days of being notified by the Adoption Agency that they have been matched with a child unless this is not reasonably practicable.
10.10 A member of staff will be able to change their mind about the day they want the leave to commence providing at least 28 days notice is provided (unless this is not reasonably practicable).

10.11 A member of staff who wants to return before the end of their Adoption Leave must provide at least 28 days notice of the date they intend to return.

11. Review

The content and application of this policy will be reviewed annually.
APPENDIX 1

PARENTAL LEAVE
Confidential

Application for Parental Leave

Section 1: To be completed by the member of staff

SURNAME: ……………………… FORENAME: ………………………
(Dr/Mr/Mrs/Miss/Ms)

JOB TITLE & GRADE: …………………………………… PERSONAL NO:
…………………………

PARENTAL LEAVE REQUESTED FOR:

NAME OF CHILD: …………………………………………… DATE OF BIRTH:
…………………………

AGE: ………………….

DOES YOUR CHILD HAVE A DISABILITY   YES / NO

IS THIS CHILD ADOPTED   YES / NO

PERIOD OF LEAVE FROM: ………………..TO ……………..

NUMBER OF WORKING DAYS/SHIFTS ……………………

PLEASE DECLARE ANY PARENTAL LEAVE FOR THE ABOVE CHILD ALREADY TAKEN WITH THIS TRUST OR PREVIOUS EMPLOYER

<table>
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<th>DATES OF LEAVE TAKEN</th>
<th>NAME ADDRESS AND TELEPHONE NUMBER OF EMPLOYER:</th>
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N.B. FOR MAXIMUM ENTITLEMENT PLEASE SEE SECTION 8.

I DECLARE THAT THIS INFORMATION IS A TRUE AND ACCURATE RECORD

SIGNATURE: ……………………………………… DATE:
…………………………

Version: 2.2

Family Leave Policy

Controlled Document Number: 40

Issue Date: 29.8.19
I agree to the leave requested

NAME: .........................................  JOB TITLE: ........................................

SIGNATURE: ...............................  DATE: ........................................

IF THE REQUEST HAS BEEN REFUSED YOU ARE REQUIRED TO STATE THE REASONS

.....................................................................................................................

.....................................................................................................................

A copy of this form should be retained on the member of staff’s personal file.
APPENDIX 2

PATERNITY LEAVE
Confidential

Application for Paternity Leave

Section 1: To be completed by the member of staff

SURNAME: ……………………….    FORENAME: ………………………
(Dr/Mr/Mrs/Miss/Ms)

JOB TITLE & GRADE: ……………………………………..   PERSONAL NO:
……………………

Paternity Leave – Birth* (Please also complete form SC3)

EXPECTED DATE OF CONFINEMENT  ………………..

LEAVE REQUESTED FROM ………………… TO ……………………………….

Paternity Leave – Adoption* (Please also complete form SC4)

EXPECTED DATE OF PLACEMENT ………………….

LEAVE REQUESTED FROM ………………… TO ……………………………….

*For qualifying service please see Section 9.4 of the Improving Working Lives Policy
for Family Leave.

I declare that this information is true and accurate

SIGNATURE: ………………………………………….
DATE: ………………………………

Section 2: To be completed by the Manager

Original of SC3 (Birth) or SC4 (Adoption) sent to Payroll on ………/……/……….

Copy of SC3/SC4 and this form to be retained on the Employee’s Personal File

I agree to the leave requested

NAME: …………………………………..   JOB TITLE: …………………………….

SIGNATURE: ………………………..   DATE: ……………………………..
APPENDIX 3

ADOPTIVE LEAVE
ADOPTION LEAVE NOTIFICATION

Note to the Employee

- Please complete this form indicating which option you wish to choose A, B, or C and return to your Manager together with a signed matching certification from your adopting agency (see overleaf).
- You should complete this form no later than 7 days after you have been notified by your adopting agency that you have been matched with a child.

Surname: ………………………………. First Names: …………………………..
Address: ……………………………………………………………………………….
Job Title: ………………………………. Division / Dept: ………………………..
Personal No: ………………………….. Expected Date of Placement: ……….

Option A    Occupational Adoption Pay including return to work

I hereby apply for adoption leave under the provisions of the NHS Terms and Conditions of Service and/or Statutory Adoption Pay. It is my intention to absent myself from duty on ……………………………..I agree to return to work in the service of this or another NHS Trust / Health Authority for a minimum period of 3 months after expiry of this leave. I undertake to refund the adoption pay and overtaken annual leave to which I will not be entitled should I fail to fulfill this undertaking to return to work.

Option B    Statutory Adoption Pay Benefits – RESIGNATION

I hereby apply for adoption pay due to me under the provisions of the NHS Terms and Conditions of Service and / or Statutory Adoption Pay. It is not my intention to return to work after the placement. My last working day will be ……………………
I *wish / *do not wish to pay pension contributions during my adoption leave.

Employee’s Signature …………………………………. Date …………………

Option C    Statutory Adoption Pay Benefits ONLY including return to work (don’t know option)

I hereby apply for adoption leave under the provisions of the NHS Terms and Conditions of Service and / or Statutory Adoption Pay and I wish to retain my right to return in accordance with the conditions described in (B). I shall, therefore absent myself from duty on …………………….. I understand that any balance of maternity pay will be paid to me on my return to work.
I *wish / *do not wish to pay pension contributions during my adoption leave.
Employee’s Signature ........................................ Date .........................

Note to the Manager

- Please sign this Form, forward a copy with signed Matching Certification Form to Payroll, and retain one copy on the employee’s personal file.

Manager’s Signature ........................................ Date .........................

* Delete as appropriate
MATCHING CERTIFICATION

This Certificate should be completed by the Employee’s Adoption Agency to confirm that the Employee has been matched with a child for adoption.

Name & Address of adoptive parent(s)

I confirm that the person(s) named above has been matched by this agency with a child for adoption and, they were notified of this on:

It is expected that the child will be placed with them on:

The child has already been placed with them, this occurred on:

Agency Name & Address

Agency Stamp

This is an adoption agency within the meaning of the Adoption Act 1976 or the Adoption (Scotland) Act 1978

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