

FOI Ref: 26/132

17th March 2026

Eastbourne District General Hospital

Kings Drive
Eastbourne
East Sussex
BN21 2UD

Tel: 0300 131 4500
Website: www.esht.nhs.uk

Further to your recent request for information made under the Freedom of Information Act (FOIA) 2000, I now set out our answers to your specific questions, and any clarifications sought and provided, as follows:

I am writing to request the following information relating to NHS England's National Pregnancy and Baby Loss People Policy Framework, published in March 2024. The framework applies to pregnant women and people who experience a pregnancy or baby loss before 24 weeks of pregnancy. This policy includes, but is not limited to: miscarriage, ectopic pregnancy, molar pregnancy, and termination of pregnancy.

1) Does this NHS Trust apply the above-named framework regarding staff who have experienced a pregnancy or baby loss before 24 weeks of pregnancy into local trust policy?

No.

2) Are all staff who disclose a pregnancy loss entitled up to 10 days annual leave (pro-rata)?

No.

3) What type of leave is given to those who disclose a pregnancy loss before 24 weeks of pregnancy (e.g. Sickness Leave, Compassionate Leave, Special Leave)?

Sickness Leave.

4) Are staff members who are partners of a woman or person who has experienced a pregnancy loss entitled up to 5 days leave (pro-rata)?

No.

5) Please provide any internal policy documents or guidance issued to staff regarding pregnancy and baby loss before 24 weeks of pregnancy, in an electronic format.

Please see the attached document - 'Family Leave Policy_Redacted'.

Please note that it is the Trust's FOI policy to only provide the names of staff that are grade 8a or above, therefore staff that are below that grade have been redacted from the attached policy.

Section 31(1)(a) has also been applied to the names of the Trust IT systems within this document; therefore, these have also been redacted.

Under Section 31(1)(a) of the Freedom of Information Act (FOIA), the Trust can confirm that it holds information relevant to your request, however, we are unable to disclose it for the reasons explained below.

Historically, we would disclose information relevant to the Trust's IT systems, infrastructure and software as part of our transparency agenda under the terms of the Freedom of Information Act (FOIA). However, in light of the recent cyber-attacks on NHS hospitals and the serious impact these have had on patient services and the loss of patient data, we are having to reconsider this approach. Please see several links to news articles about these recent cyber incidents provided below for your information.

- [*NHS England — London » Synnovis Ransomware Cyber-Attack*](#)
- [*NHS England confirm patient data stolen in cyber attack - BBC News*](#)
- [*Merseyside: Three more hospitals hit by cyber attack - BBC News*](#)

As a result of these attacks, thousands of hospital and GP appointments were disrupted, operations were cancelled, and confidential patient data was stolen which included patient names, dates of birth, NHS numbers and descriptions of blood tests.

When we respond to a Freedom of Information request, we are unable to establish the intent behind the request. Disclosure under the FOIA involves the release of information to the world at large, free from any duty of confidence. Providing information about our systems or security measures to one person is the same as publishing it for everyone. While most people are honest and have no intention of misusing information to cause damage, there are criminals who look for opportunities to exploit system weaknesses for financial gain or to cause disruption.

In the context of the FOIA, the term "public interest" does not refer to the private or commercial interests of a requestor; its meaning is for the "public good". The Trust receives a significant number of requests each year regarding our IT systems, infrastructure and cyber security measures. Most of these requests are commercially driven and serve no direct public interest. Information relevant to our IT portfolio is often requested by consultancy companies who then pass on this information to their client base. Many of these requests are submitted through the FOI portal whatdotheyknow.com who publish our responses, making this information available to an even wider audience. As a large NHS Trust we hold extensive personal data relevant to our patients and staff, much of which is considered very sensitive. A lot of this information is held electronically

on various administration and clinical systems. We have a duty under the Data Protection Act 2018 and the UK GDPR to protect this personal information and take all necessary steps to ensure this data is kept safe. This means not disclosing information that could allow criminals to gain unlawful access to our systems and infrastructure. The Trust can be heavily fined should it be found to have acted in a negligent way which results in a personal data breach. We need to demonstrate that we comply with our legal obligations under data protection and freedom of information legislation, but we must be careful that too much transparency does not result in harm to our patients or staff, or cause disruption to our services.

Moreover, under the Network and Information Systems (NIS) Regulations Act 2018, operators of essential services such as NHS organisations like ours have a legal obligation to protect the security of our networks and information systems in order to safeguard our essential services. By releasing information that could increase the likelihood or severity of a cyber-attack, the Trust would fail to meet its security duties as stated in Section 10 of the Network and Information Systems Regulations 2018. Should we not comply with these requirements regulatory action can be taken against the Trust. Further information about the Network and Information Systems (NIS) Regulations Act 2018 can be found here – [The Network and Information Systems Regulations 2018: guide for the health sector in England - GOV.UK](#)

Your request asks for policy documents which unfortunately mention specific details regarding our IT Systems which, for the reasons explained above, would be inappropriate to release into the public domain. If disclosed, it is possible that patient data as well as other confidential information would be put at risk. Such disclosure could also impact on the security of our systems and result in serious disruption to the health services we deliver to the local community. Section 31(1)(a) of FOIA provides that information is exempt if its disclosure would, or would be likely to, prejudice (a) the prevention or detection of crime. In this case, disclosure would be likely to prejudice the prevention of crime by enabling or encouraging malicious acts which could compromise the Trust's IT systems and infrastructure. The Trust's capacity to defend itself from such acts relates to the purposes of crime prevention and therefore Section 31(a) exemption is applicable in these circumstances. For these reasons, the Trust considers disclosure of the information you are seeking to be exempt under Section 31(1)(a) [*law enforcement*] of the FOIA and the names of the IT systems within the policy is being withheld. The full wording of Section 31 can be found here: [Freedom of Information Act 2000](#)

Section 31 is a *qualified* exemption and therefore we must consider the prejudice or harm that may be caused by disclosure of the information you have requested, as well as apply a public interest test that weighs up the factors in maintaining the exemption against those in favour of disclosure.

In considering the prejudice or harm that disclosure may cause, as explained should the Trust release information into the public domain which draws attention to any weaknesses relevant to the security of our systems or those of a supplier, this information could be exploited by individuals with criminal intent. Increasing the likelihood of criminal activity in this way would be irresponsible and could encourage malicious acts which could compromise our IT systems or infrastructure, result in the loss of personal data and/or impact on the delivery of our patient services. We consider these concerns particularly relevant and valid considering the increasing number of cyber incidents affecting NHS

systems in recent years and the view by government, the ICO and NHS leaders that the threat of cyber incidents to the public sector is real and increasing.

- [Organisations must do more to combat the growing threat of cyber attacks | ICO](#)

In the Government's Cyber Security Strategy 2022-2030, the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office states on page 7:

“Government organisations - and the functions and services they deliver - are the cornerstone of our society. It is their significance, however, that makes them an attractive target for an ever-expanding army of adversaries, often with the kind of powerful cyber capabilities which, not so long ago, would have been the sole preserve of nation states. Whether in the pursuit of government data for strategic advantage or in seeking the disruption of public services for financial or political gain, the threat faced by government is very real and present.

Government organisations are routinely and relentlessly targeted: of the 777 incidents managed by the National Cyber Security Centre between September 2020 and August 2021, around 40% were aimed at the public sector. This upward trend shows no signs of abating.”

With this in mind, we then considered the public interest test for and against disclosure. It should be noted that the public interest in this context refers to the public good, not what is 'of interest' to the public or the private or commercial interests of the requester. In this case we consider the public interest factors in favour of disclosure are:

- Evidences the Trust's transparency and accountability
- Provides information relevant to the IT systems and applications the Trust uses
- Reassures the public and partners that the Trust procures these systems in line with Procurement legislation
- Reassures the public and partners that the Trust's IT infrastructure and systems are secure

Factors in favour of withholding this information are:

- Public interest in crime prevention
- Public interest in avoiding disruption to our health services
- Public interest in maintaining the integrity and security of the Trust's systems
- Public interest in the Trust avoiding the costs associated with any malicious acts (e.g. recovery, revenue, regulatory fines)
- Public interest in complying with our legal obligations to safeguard the sensitive confidential information we hold

In considering all of these factors, we have concluded that the balance of public interest lies in upholding the exemption and not releasing the information requested. Although disclosure would provide transparency about our software systems and IT infrastructure,

this is outweighed by the harm that could be caused by people who wish to use this information to assess any vulnerabilities in our security measures and consequently use this information for unlawful purposes. Cybercrime can not only lead to major service disruption but can also result in significant financial losses. As a publicly funded organisation, we have a duty for ensuring our public funding is protected and spent responsibly. Moreover, as a public body the Trust must demonstrate that it keeps its confidential data and IT infrastructure safe and complies with relevant legislation, but at the same time we must be vigilant that transparency does not provide an opportunity for individuals to act against the Trust. In considering the impact that recent cyber-attacks have had on NHS services, including the cancellation of thousands of patient appointments and procedures as well as the loss of confidential patient data, we consider the overriding public interest lies in withholding this information. The private or commercial interests of a requester should not outweigh the public interest in protecting the integrity of our systems and continuity of our essential patient services. Although we appreciate there may be legitimate intentions behind requesting this information, we must take a cautious approach to requests of this nature and appreciate your understanding in this matter.

I trust this information is helpful in its detail or explanation however, if you are dissatisfied with the response, then you have the right to request an internal review. If you wish to seek an internal review, please write to the Freedom of Information Team at esh-tr.foi@nhs.net quoting the above FOI reference number, within 40 working days. Please note the Trust is not obliged to accept a request for an internal review after this time period.

Yours faithfully

Freedom of Information (FOI) Team
East Sussex Healthcare NHS Trust
0300 131 4716
Core Hours of Business: Monday to Friday 9.00am to 4.00pm

Family Leave Policy

(Including Maternity leave, New Parent Support (Paternity) Leave, Shared Parental Leave, Adoption Leave, and Parental Leave)

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Compliance with any other external requirements (e.g. Information Governance):	ACAS Agenda for Change Terms & Conditions
Associated Documents:	New and Expectant Mothers Policy (Health and Safety Management arrangements) ESHT Work Life Balance Policy ESHT Health & Safety Policy

Did you print this yourself?

Please be advised the Trust discourages retention of hard copies of the policies and can only guarantee that the policy on the Trust website is the most up to date version

Version Control Table

Version	Date	Author	Reason for change	Descriptions of changes made
3.0	November 2018	[REDACTED]	Periodic review	Put into new format
3.1	June 2019	[REDACTED]	New afc terms & conditions	Introduction of Occupational Shared Parental Pay
V4	May 2022	[REDACTED]	Periodic review	Foster to adopt provision Surrogacy
V4.1	April 2024	[REDACTED]	New afc terms and conditions	changes to parent support leave (paternity leave) & Updated information regarding breastfeeding
V5	April 2025	[REDACTED]	Periodic review New statutory terms and conditions	Introduction of Neonatal Care Leave Updates to Adoption Leave
V5.1	January 2026	[REDACTED]	New statutory terms and conditions	Changes to statutory paternity leave and adoption leave for bereaved partners

Consultation Table

This document has been developed in consultation with the groups and/or individuals in this table:

Name of Individual or group	Title	Date
Operational HR		May 2025
WPPG		May 2025

This information may be made available in alternative languages and formats, such as large print, upon request. Please contact the document author to discuss.

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1. Introduction

Our People Strategy ([People Strategy \(esht.nhs.uk\)](https://www.esht.nhs.uk)), which is based on the NHS People Plan ([NHS England » NHS People Plan](#)), prioritises a culture that supports and grows our people.

Looking after our people means creating a positive, engaging working environment and keeping colleagues safe and healthy – both physically and psychologically. It is everyone's responsibility to contribute to an inclusive culture where all colleagues feel that they are treated according to trust values and demonstrate those values in our own compassionate behaviour, to inspire each one of us to thrive and develop to our full potential.

East Sussex Healthcare Trust is committed to ensuring that all staff achieve a work/life balance through access to Family Leave in accordance with the Children and Families Act 2014. This document sets out the provisions for Family Leave and applies to all staff employed by East Sussex Healthcare NHS Trust (known as the Trust), including all clinical staff/practitioners both medical and dental.

2. Purpose and scope

- 2.1 This policy is to ensure that Family Leave to be taken by colleagues is applied consistently throughout the East Sussex Healthcare Trust.
- 2.2 Family Leave for the purpose of this policy is considered to include: Maternity Leave, Shared Parental Leave, New Parent Support (Paternity) Leave, Adoption Leave and Parental Leave, Neonatal Care Leave.

3. Definitions

- 3.1 Maternity Leave – all pregnant colleagues are entitled to take up to 52 weeks leave. (Section 5.1 refers)
- 3.2 Statutory Maternity Pay (SMP) – for qualifying staff SMP is payable for 39 weeks. (Section 5.1 refers)
- 3.3 Occupational Maternity Pay (OMP) – for qualifying staff OMP is paid at full pay for 8 weeks (inclusive of SMP where eligible) then half pay for 18 weeks (plus SMP where eligible). (Section 5.1 refers)
- 3.4 Expected week of Childbirth – means the week, starting on a Sunday, during which the colleague's doctor or midwife expects her/them to give birth.
- 3.5 Qualifying Week – means the 15th week before the expected week of childbirth.
- 3.6 New Parent Support (Paternity) Leave – is provided for the purpose of caring for a newborn child and supporting the mother by the partner of the mother. (Section 5.2 refers)
- 3.7 Statutory Paternity Pay (SPP) for qualifying staff SPP is payable for 2 weeks. (Section 5.2 refers)

- 3.8 Occupational New Parent Support (Paternity) Pay (ONPSP) – for qualifying staff ONPSP is paid during the two-week New Parent Support (Paternity) leave period. (Section 5.2 refers)
- 3.9 Shared Parental Leave (SPL) – for qualifying staff, leave can be taken by both the mother and the partner of the mother and is provided for the purpose of caring for a child up to 50 weeks within the first year following childbirth/adoption. (Section 5.3 refers)
- 3.10 Statutory Shared Parental Pay (ShPP) - for qualifying staff, ShPP is payable for up to 37 weeks. (Section 5.3 refers)
- 3.11 Occupational Shared Parental Pay (OShPP) – for qualifying staff, OShPP is payable for up to 24 weeks. (Section 5.3 refers)
- 3.12 Adoption Leave – all colleagues who have primary carer responsibilities for the child will be able to take leave in line with the Trust's Maternity Leave. (Section 5.3 refers)
- 3.13 Statutory Adoption Pay (SAP) – for qualifying staff SAP will be payable for 39 weeks at the rate of SMP. (Section 5.3 refers)
- 3.14 Occupational Adoption Pay (OAP) – for qualifying staff OAP is paid in line with the Trust's OMP provisions. (Section 5.3 refers)
- 3.15 Ordinary Parental Leave – qualifying staff who are the parent or have acquired formal parental responsibility for a child under the age of 18 are entitled to up to 18 weeks unpaid ordinary parental leave. (Section 5.4 refers)
- 3.16 In Vitro Fertilisation (IVF) – treatment for infertility. (Section 5.5 refers)
- 3.17 Continuous NHS service – 12 months continuous service with one or more NHS employers. A break in service of three months or less will be disregarded.
- 3.18 Statutory Neonatal Care Leave – all colleagues who have parental responsibilities for the child, qualify for neonatal care leave for a maximum period of 12 weeks.
- 3.19 Statutory Neonatal Care Pay (SNCP) - for qualifying staff, SNCP will be payable for up to 12 weeks.

4. Accountabilities and Responsibilities

- 4.1 All Directors and Heads of Departments are responsible for ensuring that all line managers adhere to the Family Leave Policy.
- 4.2 It is the Line Managers' responsibility to adhere to the Family Leave policy where applications for leave fall within the policy and within timescales outlined.
- 4.3 The Human Resources Department will be responsible for providing expert guidance and training to managers and colleagues on the interpretation and application of the Family Leave Policy.

- 4.4 All colleagues are responsible for fulfilling their obligations under the Family Leave Policy including the accurate and truthful completions of any associated paperwork.

5. Procedures /course of Action required

5.1 Maternity Leave and Pay

5.1.1 Notification of pregnancy

On becoming pregnant, a colleague should notify her/their line manager as soon as possible. This is important as there are health and safety considerations for the colleague and the Trust.

By the end of the qualifying week (15th week prior to the expected week of childbirth - e.g. 25th week of pregnancy), or as soon as reasonably practicable afterwards, the colleague is required to inform the organisation in writing of:

- the fact that she/they are pregnant;
- her/their expected week of childbirth; and
- the date on which she/they intend to start her/their maternity leave.
- that she/they intend to return to work with the same or another NHS employer for a minimum period of three months after their maternity leave has ended

Process

- The colleague completes the application for maternity leave (**Appendix A – Application for Maternity Leave and Pay**)
- The pregnant individual should give their line manager their *MATB1 maternity certificate once they are 24 weeks pregnant (Given by GP or Midwife)
- The manager should sign the maternity application form, scan and email a copy along with the MATB1 document to esht.payrollliaisonteam@nhs.net (** Managers should keep the original documents in the colleagues personal file as it may be required at a later date*)
- The manager is required to submit a Staff Changes form confirming the maternity start date. Another Staff Changes form is required when the colleague returns to work.

The Maternity Certificate (MAT B1) enables a pregnant woman to claim:

- Statutory Maternity Pay (SMP) from the employer
- Maternity Allowance (MA) from Jobcentre Plus
- Sure Start Maternity Grant (SSMG) from Jobcentre Plus

The certificate:

- verifies the pregnancy
- confirms the date of the expected week of confinement (EWC)
- confirms the actual date of birth when completed after confinement.

Doctors or registered midwives must issue form MAT B1 free of charge to their pregnant patients for whom they provide clinical care.

Please refer to the Trust's maternity pack for further information Which can be requested from the Wellbeing team esht.wellbeingteam@nhs.net

5.1.2 Time off for antenatal care

Once a colleague has advised their line manager that she/they are pregnant, she/they will be entitled to not be unreasonably refused paid time off work to attend antenatal appointments as advised by her/their doctor, registered midwife or registered health visitor.

In order to be entitled to take time off for antenatal care, the colleague is required to produce a certificate from her/their doctor, registered midwife or registered health visitor, stating that she/they are pregnant. Except in the case of the first appointment, the colleague should also produce evidence of the appointment, such as a medical certificate, if requested to do so.

Antenatal care may include relaxation and parent craft classes that the colleague's doctor, midwife or health visitor has advised her/them to attend, in addition to medical examinations.

The colleague should endeavour to give her/their line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

5.1.3 Health and safety

The Trust has a duty to take care of the health and safety of all colleagues. The Trust is also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to her/their health and safety or the health and safety of her/their baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace. <http://eshealthcare/guideline/1236.pdf> .

If applicable, the Trust will provide the colleague with information as to any risks identified in the risk assessment. If the risk assessment reveals that the colleague would be exposed to health hazards in carrying out her/their normal job duties, the organisation will take such steps as are reasonably necessary to avoid those risks, such as altering the colleague's working conditions. In some cases, this may mean offering the colleague suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for the Trust to alter the colleague's working conditions to remove the risks to her/their health and there is no suitable alternative work available to offer her/them on a temporary basis, the Trust may suspend her/them from work on maternity grounds until such time as there are no longer any risks to her/their health.

This may be for the remainder of her pregnancy until the commencement of her/their maternity leave. If a colleague is suspended in these circumstances, her/their employment will continue during the period of the suspension and it does not in any way affect her/their statutory or contractual employment and maternity rights.

The colleague will be entitled to her/their normal salary and contractual benefits during the period of her/their suspension, unless she/they have unreasonably refused an offer of suitable alternative employment.

5.1.4 Maternity leave

All pregnant colleagues are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.

Ordinary maternity leave can start at any time after the beginning of the 11th week before the colleague's expected week of childbirth e.g. 29th week of pregnancy (unless her/their child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the colleague's chosen start date;
- the day after the colleague gives birth; or
- the day after any day on which the colleague is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the colleague gives birth before her/their maternity leave was due to start, she/they must notify the organisation in writing of the date of the birth as soon as reasonably practicable.

The law obliges all colleagues to take a minimum of two weeks of maternity leave immediately after the birth of the child (four weeks in the case of factory workers).

Colleagues are encouraged to take any outstanding annual leave due to them before the commencement of ordinary maternity leave.

Annual leave and bank holiday entitlement will accrue during both paid and unpaid maternity leave. Colleagues are encouraged to agree with the line manager in advance the amount of accrued leave they will take both before and after the maternity leave period.

5.1.5 Statutory Maternity Pay

During the period of ordinary maternity leave, the colleague's contract of employment continues in force and she/they are entitled to receive all her/their contractual benefits, except for salary.

In particular, any benefits in kind (such as laptop, mobile phone) will continue; contractual annual leave entitlement will continue to accrue; and pension contributions will continue to be made. Colleague contributions will be based on actual pay, while employer contributions will be based on the salary that the colleague would have received had she/they not gone on maternity leave.

Statutory maternity pay (SMP) is payable for up to 39 weeks during maternity leave. A colleague is entitled to SMP if she/they fulfil the following criteria:

- she/they have been continuously employed by the Trust for at least 26 weeks' service at the end of the qualifying week and she/they is still employed during that week;

- her/their average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date is not less than the lower earnings limit for national insurance contributions;
- she/they are still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- she/they provide a MAT B1 form stating her/their expected week of childbirth; and
- she/they give the Trust proper notification of her/their pregnancy in accordance with the rules set out above.

The first 6 weeks are paid at the equivalent of 90% of the colleagues average weekly earnings, the remaining 33 weeks are paid at the standard rate of SMP or 90 % of the average weekly earnings whichever is the lower.

The remaining 13 weeks of additional maternity leave are unpaid.

Statutory Maternity pay (SMP) is calculated on the amount of average weekly earnings during the 8-week period, 15 weeks prior to the expected date of confinement (weeks 17 to 25 of date of pregnancy) A 'salary sacrifice' arrangement will reduce the amount of salary that is liable to National Insurance Contributions, therefore any 'salary sacrifice' entered into during this 8 week period will reduce entitlement to SMP.

Colleagues who are taking a period of maternity or parental leave are encouraged to consider childcare arrangements for their return to work. Some colleagues may be entitled to claim funding for childcare hours, which can be accessed on the [Government website](#).

There are on site nurseries at EDGH and Conquest hospital; details of which can be found on the [Extranet](#). Application packs can be requested directly from the Nurseries and the wellbeing team can support colleagues if required. For further information regarding support with childcare cost www.gov.uk/help-with-childcare-costs or for information regarding salary sacrifice schemes for on-site provisions please contact the nurseries direct, EDGH esh-tr.adminrainbows@nhs.net or Conquest esh-tr.adminfirststeps@nhs.net

Pension contributions will continue to be made during the period when the colleague is receiving SMP but not during any period of unpaid additional maternity leave. When in receipt of Statutory Pay (e.g. Statutory Maternity Pay, Statutory Adoption Pay) pension contributions will be deducted on the amount of statutory pay.

During unpaid additional maternity leave pension contributions are accrued and recovered from the salary over the same number of months that the individual was unpaid on return. During unpaid leave pension contributions will be based on the rate of pensionable pay/reckonable pay/pension earnings immediately before any period of unpaid leave begins.

Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory maternity pay is payable whether or not the colleague intends to return to work after her/their maternity leave.

Colleagues who are not entitled to SMP may be entitled to receive maternity allowance payable directly by the Government. If a colleague is not entitled to SMP, [The Sussex Health and Care Payroll Hub](#) will provide the colleague with an SMP1 form to allow her/them to pursue a claim for maternity allowance.

5.1.6 Occupational Maternity Pay

A colleague will be eligible for Occupational Maternity Pay (OMP) if she/they fulfil the following criteria:

- She/they has 12 months continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth e.g. 29th week of pregnancy
- She/they notifies the Trust in writing before the end of the 15th week before the expected week of childbirth e.g. 25th week of pregnancy, her/their intention to take maternity leave and that she/they intends to return to a substantive post within the Trust for a minimum period of three months

OMP is paid at full pay for 8 weeks (inclusive of SMP where eligible) then half pay for 18 weeks (plus SMP where eligible). **(Appendix B – Table of leave and pay entitlements)**

The Sussex Health and Care Payroll Hub will confirm any entitlement to SMP and OMP further to receipt of your application for maternity leave and pay and at the beginning of the month maternity leave commences. Colleague requests to have maternity pay in equal instalments must be made directly to Sussex Health and Care Payroll Hub, prior to the commencement of maternity leave.

If however, the colleague changes their mind about returning to work once OMP has been received or for some reason is unable to return to work for the three months required, the colleague may be liable to repay any amount of the OMP. Sussex Health and Care Payroll Hub will inform the colleague of the amount of OMP due to be repaid and make arrangements on how it can be repaid.

In exceptional circumstances only and in cases where it can be proved that repayment of the OMP would cause severe hardship and distress, an application can be made to the Chief People Officer to review the amount to be repaid.

5.1.7 Fixed-Term or Training Contracts

Colleagues subject to fixed term contracts which expire after the 11th week before the expected week of childbirth and who satisfy the following criteria:

- has 12 months continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth
- notifies the Trust in writing before the end of the 15th week before the expected week of childbirth her/their intention to take maternity leave and that she/they have every intention to return to a post within the Trust; provides a MAT B1

shall have their contracts extended so as to allow them to receive the 39 weeks of paid maternity leave and the remaining 13 weeks of unpaid maternity leave.

If there is no right to return to the role because the contract would have ended had maternity leave not occurred, the repayment provisions set out in section 5.1.6 will not apply.

Colleagues on fixed term contracts who do not meet the 12 months' continuous service condition may still be entitled to statutory maternity pay.

Where the colleague is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, they shall have the right to return to work after a period of maternity, adoption or shared parental leave in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and childbirth/adoption/shared parental leave had not occurred. In such circumstances the colleague's contract will be extended to enable the practitioner to complete the agreed programme of training.

5.1.8 Bank Work

Colleagues working on the staff bank are not entitled to receive OMP; however she/they may be entitled to receive SMP if she fulfils the following criteria:

- she/they have been registered on the Bank for at least 26 weeks at the end of the qualifying week; the 15th week before the expected week of childbirth
- her /their average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earnings limit for national insurance contributions;
- she/they provides a MAT B1 form stating her/their expected week of childbirth; and completes a Maternity leave application form

5.1.9 Contact during maternity leave

Shortly before a colleague's maternity leave starts, the manager will discuss the arrangements for her/them to keep in touch during her/their leave, should she/they wish to do so. The Trust reserves the right in any event to maintain reasonable contact with the colleague from time to time during her/their maternity leave. This may be to discuss the colleague's plans for return to work, to discuss any special arrangements to be made or training to be given to ease her/their return to work or simply to update her/them on developments at work during her/their absence.

5.1.10 Keeping-in-touch days

A colleague must take a minimum of two weeks maternity leave. After the first two weeks of childbirth (four weeks in the case of factory workers), a colleague can agree to work for the Trust (or to attend training) for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of her/their maternity leave to an end and without loss of a week's SMP. These are known as "keeping-in-touch" days (KIT days). Payment will be made at the colleague's basic rate for the hours worked.

The Trust has no right to require the colleague to carry out any work, and the colleague has no right to undertake any work, during her/their maternity leave.

Any work undertaken is entirely a matter for agreement between the manager and the colleague. Colleagues will be entitled to full pay (including notional SMP) for the

time they attend work on a KIT Day. The line manager will record on [REDACTED] and inform payroll liaison of any hours worked on a KIT day, with the name, assignment number dates and hours worked. During a KIT Day a colleague will be paid their basic hourly rate for the hours worked only and not a full day's pay, unless they have worked a full day. On these occasions you will not receive more than a full day's pay and therefore your SMP will be adjusted for that day only. Payment will be made the month after the KIT Day is worked. Should you work more than 10 days your SMP will cease.

Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, the colleague will lose a week's SMP for any week in which she/they agrees to work for the Trust. It may also bring maternity leave to an end.

5.1.11 Returning to work

The manager will have formally confirmed in writing the date on which the colleague is expected to return to work further to her/their request for maternity leave being received. **(Appendix C – Management template letter)**

The colleague is expected to return on this date, unless she/they notifies the Trust otherwise. If she/they is unable to attend work at the end of her/their maternity leave due to sickness or injury, the Trust's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the colleague is under no obligation to do so, it would assist the Trust if she/they confirms as soon as convenient during her/their maternity leave that she/they will be returning to work as expected.

If the colleague wishes to return to work earlier than the expected return date, she/they must give the manager at least eight weeks' notice of her/their date of early return, preferably in writing. If she/they fails to do so, the Trust may postpone her/their return to such a date as will give the Trust eight weeks' notice, provided that this is not later than the expected return date.

If the colleague decides not to return to work after maternity leave, she/they must give notice of resignation as soon as possible and in accordance with the terms of her/their contract of employment. If the notice period would expire after maternity leave has ended, the Trust may require the colleague to return to work for the remainder of the notice period.

5.1.12 Transfer of maternity leave

If a colleague proposes to return to work by giving proper notification in accordance with the rules set out in section 5.3, her/their spouse, civil partner or partner may be eligible to take up to 52 weeks' Shared Parental Leave (and up to a maximum 37 weeks statutory Shared Parental Pay) on her/their return to work.

The earliest that Shared Parental Leave may commence is 2 weeks (or 4 weeks for factory workers) after the date on which the colleague's child is born and it must end no later than 12 months after the date of birth.

5.1.13 Rights on and after return to work

On resuming work after additional maternity leave, she/they is entitled to return to the same job as she/they occupied before commencing maternity leave on the same terms and conditions of employment as if she/they had not been absent (subject to organisational change). However, if it is not reasonably practicable for the Trust to allow the colleague to return to the same job, the Trust may offer the colleague suitable alternative work, on terms and conditions that are no less favourable than would have applied if she/they had not been absent.

A colleague who worked full-time prior to her/their maternity leave has no automatic right to return to work on a part-time basis or to make other changes to her/their working patterns.

However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Trust. If a colleague would like this option to be considered, she/they should write to her/their line manager setting out her/their proposals as soon as possible in advance of her/their return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in the Flexible Working Policy.

5.1.14 Neonatal Care Leave

ESHT are committed to supporting colleagues who experience the stress and challenges of having a baby in neonatal care.

Neonatal care is defined as medical care received in a hospital, care outside the hospital after discharge but under the direction of a consultant (including monitoring by and visits from healthcare professionals arranged by the hospital), and palliative or end-of-life care.

Maternity leave starts on the day a baby is born, and any neonatal care leave will be added onto the end of the maternity leave period.

Entitlement

Colleagues are entitled to Neonatal Care Leave, regardless of their length of service. To be eligible for Neonatal Care leave:

- The colleague must have parental responsibility
- The baby must be born on or after 6 April 2025
- The baby must have received at least 7 consecutive days of neonatal care within the first 28 days after birth

Colleagues will be entitled to take one week's neonatal care leave for every uninterrupted week their baby receives neonatal care and can be taken in week-long increments, up to a maximum of 12 weeks. This is in addition to existing parental leave entitlements and must be taken within a 68-week period from the baby's birth.

Eligibility for Statutory Neonatal Care Pay (SNCP)

Parents are eligible for statutory pay if they have 26 weeks or more of service by the end of the relevant qualifying week (15 weeks before the expected week of childbirth).

Eligible parents who meet minimum requirements relating to continuity of employment will receive the weekly rate of statutory neonatal care pay. This will be the rate of SNCP, or 90% of average weekly earnings (whichever is lower).

Notice

Colleagues should notify their line manager as soon as possible if they intend to take Neonatal Care Leave, using Appendix D – Template Letter. The following details will be required:

- A medical certificate or hospital confirmation verifying the neonatal care period.
- The expected duration of leave (in week blocks) and any changes to existing parental leave dates.

For parents on Paternity Leave, Neonatal Care Leave can be taken after their statutory paternity leave entitlement or other form of parental leave.

For adopters, Neonatal Care Leave will be added to the end of statutory adoption leave if the child meets the neonatal care criteria.

5.1.15 Maternity Complications

Sickness absence - If a colleague is absent from work during pregnancy owing to sickness, she/they will receive normal statutory or contractual sick pay in the same manner as she/they would during any other sickness absence provided that she/they has not yet begun ordinary maternity leave. If, however, the colleague is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her/their expected week of childbirth, her/their maternity leave will start automatically.

If the colleague is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she/they must notify the organisation in writing of this as soon as reasonably practicable.

Odd days of pregnancy-related illness during this period may be disregarded if the colleague wishes to continue working till the maternity leave date previously notified to the Trust.

Still Birth - where a colleague's baby is stillborn from the 24th week of pregnancy, the colleague will be entitled to the same amount of maternity leave and pay as if the pregnancy proceeded normally.

If your baby is born alive at any time during your pregnancy but does not survive, you retain your rights to maternity leave, and any maternity pay that you qualify for, even if your baby was born before 24 weeks' gestation.

Miscarriage – where a colleague's baby dies prior to the 24th week of pregnancy, normal sick leave provisions will apply.

The Trust recognises the support that you may require when complications arise. Various support options are available to you such as Occupational Health Department, Chaplaincy, your manager and the Human Resources Department.

5.1.16 Post-natal care and breastfeeding mothers

Women who have recently given birth should have paid time off for post –natal care, the colleague should endeavour to give her/their line manager as much notice as possible of any appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

The colleague should also produce evidence of the appointment, such as a medical certificate, if requested to do so.

Line managers are required to undertake a risk assessment for breastfeeding women. This can be found in the “new and expectant mothers’ policy”. Templates can be found at - [Health and safety forms and templates \(Health and Safety\) - tasks and guides \(esht.nhs.uk\)](https://www.esht.nhs.uk/Health-and-safety/forms-and-templates/Health-and-Safety-tasks-and-guides) The line manager will arrange suitable private rest facilities in a clean, healthy and safe environment (this should not be in toilets) for women to breastfeed/express milk and to store milk in an appropriate refrigerator. We recognise that our people work in both acute and community settings, we encourage our line managers in smaller community settings to make every effort to accommodate the needs of breastfeeding women, if difficulties arise please contact the Wellbeing Team esht.wellbeingteam@nhs.net for further support if needed.

Line managers should consider requests for flexible working arrangements in order to support the continuation of breastfeeding on return to work.

Line managers may find it beneficial to have discussions with other relevant team members regarding arrangements for their colleague and any temporary adjustments required.

Breastfeeding/Chest Feeding and Expressing breast milk during working hours.

We would encourage managers to provide a private space for colleagues to express breast milk this should not be within toilet areas. Where this is not possible people can use the childcare facilities available at EDGH and Conquest sites which provide a room/area for people to express milk during their breaks, or for their baby to be brought to them by their current childcare provider.

Conquest – feeding/ expressing room next to the friend’s shop, main entrance (green zone signposted toilets, the room is signposted “baby changing”) This is a space that staff / visitors can use, it has a lock. There are no storage facilities.

Eastbourne, EDGH – please contact the wellbeing team for details regarding facilities esht.wellbeingteam@nhs.net.

Both on site nurseries at EDGH and Conquest can be used for people to express milk, however if they are not a regular user of the nursery it is important that the following procedure is followed to ensure that people are able to access these facilities and that the nursery management team have all the relevant information about that staff member. This will always ensure access to our facilities whilst maintaining the safeguarding for all their regular users.

For more information and to register to attend please contact the nurseries directly

First Steps Nursery – Conquest Hospital esh-tr.adminfirststeps@nhs.net

Rainbows Nursery- EDGH site esh-tr.adminrainbows@nhs.net

5.2 New Parent Support Leave and Pay (Paternity Leave and Pay)

5.2.1 New Parent Support Leave (Paternity Leave)

A colleague who is the father of the child (including adoptive fathers), the mother's spouse or partner (whether opposite or same sex), or nominated carer, is entitled to two weeks' of new parent support leave provided that they have 26 weeks' continuous service with the Trust before they take their leave.

Only one period of new parent support pay is ordinarily available when there is a multiple birth.

New Parent Support leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take New Parent Support leave where the other adoptive parent has elected to take adoption leave. (Adoption leave is addressed further on in this policy). In respect of an adopted child, the colleague must have 12 months' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

To qualify for New Parent Support leave, the colleague must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

New Parent Support Leave is granted in addition to a colleague's normal annual holiday entitlement.

All eligible colleagues are entitled to two weeks of New Parent Support Leave which as a minimum can be split into two one-week blocks and can be taken at any time during the first year of the birth or the placement of the child for adoption. Colleagues who wish to take shared parental leave (see below) must take their period of New Parent Support (paternity) leave first. A colleague cannot take New Parent Support Leave if they have already taken a period of shared parental leave in relation to the same child.

In the event that the birthing parent or adopter dies in childbirth, or within 12 months of the birth or adoption, the partner of the birthing parent or adopter is entitled to statutory paternity leave from the first day of employment. In these circumstances, the usual requirement for 26 weeks' continuous service is disappplied, and the partner may take statutory paternity leave regardless of any period of shared parental leave already taken.

5.2.2 Notification of New Parent Support Leave

Where a colleague wishes to request New Parent Support Leave in respect of a birth child, they must give their line manager by the 15th week before the baby is due written notice of the date on which their partner's baby is due, the length of New Parent Support Leave they wish to take and the date on which they wish the leave to commence. **(Appendix L – Application for New Parent Support Leave)**

In the case of an adopted child, the colleague must give written notice of his/her/their intention to take New Parent Support Leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed

for adoption, the date the colleague intends to start New Parent Support Leave, the length of the intended New Parent Support Leave period and the date on which the adopter was notified of having been matched with the child. (**Appendix L – Application for New Parent Support Leave**)

If a colleague subsequently wishes to change the timing of the New Parent Support Leave, they must give 28 days' written notice of the new dates or as soon as practicably possible. The colleague must also, if so requested, complete and sign a self-certificate declaring that they are entitled to New Parent Support Leave and statutory paternity pay (SPP).

5.2.3 Statutory paternity pay (SPP)

Pay during New Parent Support leave will be at a standard rate of SPP, or at a rate equivalent to 90% of the colleague's average weekly earnings. However, colleagues whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for ordinary statutory paternity pay.

SPP is treated as earnings and is therefore subject to PAYE and national insurance deductions.

SPP can start from any day of the week in accordance with the date the colleague starts his/her/their paternity leave.

5.2.4 Occupational New Parent Support (Paternity) Pay – (ONPSP)

Colleagues with 12 months continuous NHS service before they take their leave are entitled to receive Occupational New Parent Support (Paternity) Pay during the two weeks leave period of Paternity pay. ONPSP will be the equivalent of full pay (inclusive of any SPP).

5.3 Shared Parental Leave and Pay

5.3.1 Overview of Shared Parental Leave (SPL)

Shared Parental Leave (SPL) enables eligible mothers, fathers/partners and adopters to choose how to share time for the care of their child during the first year of birth or adoption.

SPL will enable the mother or adopter to share some of their leave with their partner.

SPL may be taken at any time within one year from the birth or placement for adoption, providing two weeks' compulsory maternity or adoption leave has been taken first.

5.3.2. Eligibility to Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)

SPL can only be used by two people:

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

The mother/adopter and partner must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally to take SPL colleagues must satisfy each of the following criteria:

- Colleagues (or the mother/adopter of the child if you are the mother's/adopter's partner) must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- Colleagues must still be working for the Trust at the start of each period of SPL;
- Colleagues must have a minimum of 12 months continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth or at the beginning of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby's due date if applying via a surrogacy arrangement;
- Colleagues must notify their line manager of their wish to take shared parental leave and provide a minimum of eight weeks' notice, by completing Appendix E confirming the following;
 - (a) their intention to take shared parental leave;
 - (b) the date(s) they wish to access shared parental leave (noting that two weeks compulsory maternity or adoption leave must be taken by the mother or primary adopter before they can access shared parental leave);
 - (c) that they intend to return to work with Trust or another NHS employer for a minimum period of three months after their shared parental leave has ended;
 - (d) that the mother or primary adopter has returned to work following maternity or adoption leave, or has provided the binding notice confirming that they intend to bring their maternity or adoption leave and pay entitlements to an early end
 - (e) Partners must meet the 'employment and earnings test' which requires them in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks. This can be employed, self-employed or as an agency worker;
- Colleagues must correctly notify the Trust of their entitlement and provide evidence as required.

5.3.3. Entitlement to Shared Parental Leave

If colleagues are eligible then they may be entitled to take up to 50 weeks SPL during the child's first year.

The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks'

leave. If they reduce their maternity/adoption leave entitlement, then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

SPL can commence as follows:

- The mother can take SPL after she/they has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child but may first choose to exhaust any New Parent Support (paternity) leave entitlements (as the father/partner cannot take New Parent Support (paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother's partner/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the chosen start date specified on the Colleague form to provide a period of leave notice to take Shared Parental Leave form

If colleagues are eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see Shared Parental Pay below).

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

5.3.4 Entitlement to Statutory Shared Parental Pay (ShPP)

Eligible colleagues will be entitled to claim up to 37 weeks of statutory shared parental leave pay (ShPP), less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay that has already been claimed by either partner. ShPP can be claimed following the birth or placement of the child, but not at the same time as the compulsory two weeks of leave following the birth or placement of the child. ShPP is paid at a rate set by the government each year.

5.3.5 Entitlement to Occupational Shared Parental Pay (OShPP)

Where a colleague intends to return to work after a period of shared parental leave, the maximum joint entitlement of an eligible couple to occupational shared parental pay will be as set out below. The maximum entitlement will only apply where either parent has not already received statutory or occupational maternity pay or statutory or occupational adoption pay in respect of the child. Where such pay (excluding pay during the compulsory two-week maternity/adoption leave period) has been received by either parent, the maximum joint entitlement set out below will reduce proportionate to the amount of maternity or adoption pay which has either been taken and paid to either parent or notified as intending to be taken by either parent.

i) for the first six weeks of absence the colleague will receive full pay. Full pay is inclusive of any ShPP. The total receivable cannot exceed full pay;

ii) for the next 18 weeks of absence the colleague will receive half of full pay plus any ShPP. The total receivable cannot exceed full pay;

iii) for the next 13 weeks, the colleague will receive any ShPP that they are entitled to under the statutory scheme.

iv) for the final 13 weeks, the colleague will receive no pay.

5.3.6 How Shared Parental Leave can be Taken

Colleagues have the right to submit three notifications specifying the leave periods they intend to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where colleagues intend to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week.

Where colleagues return to work between periods of SPL, the next period of SPL can start on any day of the week.

Colleagues can take SPL at different times to their partner or share the leave between the two. If colleagues choose to take their leave at the same time, then during the eligible weeks both would receive ShPP.

5.3.7 Continuous leave notifications

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

Colleagues have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available and the Trust has been given at least eight weeks' notice.

Colleagues may submit up to three separate notifications for continuous periods of leave.

5.3.8 Discontinuous leave notifications

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where colleagues return to work.

Where there is concern over accommodating the notification, the line manager will arrange a meeting with the colleague to discuss the notification with a view to agreeing an arrangement that meets both the needs of the Trust and the colleague.

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

5.3.9 Requesting Shared Parental Leave

To request SPL colleagues will need to complete all required declarations and period of leave notice forms. These must be submitted to your Line Manager a minimum of 8 weeks prior to the date that colleagues wish for the SPL to begin.

(Appendix E– Notice of Entitlement & Intention to take Shared Parental Leave/Pay, Appendix F– Notice to take or vary a period of Shared Parental Leave/Pay)

Once the Line Manager receives an application, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made. (Appendix I – Template letter confirming period of Shared Parental leave/Pay)

The line manager may arrange an informal meeting with colleagues as early as possible to discuss the request. (Appendix J – Template letter invite to discuss Discontinuous Shared Parental Leave request)

Where the request is for a single period of continuous leave, or where a request for discontinuous leave can be approved, without further discussion and in agreement with the terms stated in your application, a meeting may not be necessary.

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

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

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another colleague to be granted a similar pattern of SPL.

Colleagues will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made.

If a request for discontinuous leave cannot be approved then the Line Manager should provide to the colleague:

- Proposed alternative dates (wherever an option is viable) to be considered;
- Confirmation of the refusal and detail the reasons for the refusal;
- Clear information on what options are now available

If a discontinuous leave pattern is refused then colleagues may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If colleagues choose to take the leave in a single continuous block, colleagues have until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If you do not choose a start date then the leave will begin on the first leave date requested in the original notification. (Appendix K – Template letter declining Shared Parental Leave)

Once your application is agreed a copy of the form should be sent to the Payroll Liaison Department esht.payrollliaison@nhs.net by the Line Manager.

The Line Manager will need to complete a notification of staff changes form at the start and end of each period of SPL and send [to](#) ESR support who will notify Sussex Health and Care Payroll Hub.

Once agreed, any requests to change the start / end date of a block of SPL should be done through the line manager with a minimum of 8 weeks' notice.

5.3.10 Starting your Shared Parental Leave

For SPL to start, the colleague as the mother or adopter must do one of the following:

- end the maternity or adoption leave by returning to work or starting SLP
- give notice (a decision that cannot normally be changed) of the date when the maternity or adoption leave will end
- end maternity pay or Maternity Allowance

Colleagues can start SPL while the mother/adopter is still on maternity or adoption leave as long as they've given binding notice to end it.

Where applicable, colleagues must notify their Line Manager and Payroll Liaison Department esht.payrollliaison@nhs.net of the date that they wish to end their maternity leave and pay by completing (Appendix E – Notice of Entitlement & Intention to take Shared Parental Leave/Pay)

5.3.11 Variations to arranged Shared Parental Leave

Colleagues are permitted to vary or cancel an agreed and booked period of SPL, provided that they advise their line manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request. (Appendix F – Notice to take or vary a period of Shared Parental Leave/Pay)

Any variation or cancellation notification made, including notice to return to work early, will usually count as a new notification reducing the right to book/vary leave by one.

However, a change as a result of a child being born early, or as a result of the organisation requesting it be changed, and you being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the line manager.

5.3.12 Shared Parental Leave in touch (SPLIT) days

Colleagues should discuss and agree with their manager arrangements for keeping in touch during maternity / shared parental leave, including:

- Voluntary arrangements for keeping in touch with developments at work and nearer the time of return to help facilitate a smooth return to work
- Discussing entitlement to “shared parental leave in touch’ (or SPLIT)” days. Colleagues are entitled to 20 paid days’ work in their substantive role without it affecting their statutory entitlement. By mutual agreement colleagues could attend team meetings, training or other specific work event that will be helpful to both the colleague and the department/team.

- Any work colleagues do on a SPLIT day, even as little as half an hour, will be counted as a whole day for SPLIT purposes but colleagues will only be paid for the hours actually worked. colleagues can take SPLIT days as single days, in blocks of two or more days or they can be taken consecutively without affecting ShPP. Details of any SPLIT days worked should be recorded on a changes form or email with name, assignment number, dates and hours worked and sent to payroll Liaison Department esht.payrollliaison@nhs.net. Payment will be made in the month after hours are worked.
- Advising the manager of anything that might affect the intended date of return from maternity leave

5.3.13 labelling="Section-Header">Cancelling the decision to end Maternity or Adoption Leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- the planned end date hasn't passed
- they haven't already returned to work

One of the following must also apply:

- colleagues find out during the 8-week notice period that neither the mother/adopter or partner is eligible for SPL or ShPP
- the mother or adopter's partner has died
- the mother tells her/their employer less than 6 weeks after the birth (and she/they gave notice before the birth)

(Appendix G – Request to revoke the notice curtailing the Maternity/Adoption Leave)

5.3.14. labelling="Section-Header">Right to Return to Work

If colleagues wish to return to work earlier than the expected return date as agreed, they will need to provide a written notice to vary the leave and must give the Trust at least eight weeks' notice of the date of early return. This will count as one of the notifications. If colleagues have already used three notifications to book and/or vary leave, then the Trust does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so. **(Appendix F – Notice to take or vary a period of Shared Parental Leave/Pay)**

Colleagues should meet with their manager to discuss their intention to return to work, particularly if they wish to return on different hours (see Work/life Balance Policy).

5.4 Adoption Leave and Pay

5.4.1 labelling="Section-Header">Adoption Leave

A colleague who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave provided that he/she/they has at least 12 months continuous NHS service calculated as at the week in which notification of matching is given by the adoption agency.

The colleague's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The colleague's maximum entitlement is thus to take up to 52 weeks' adoption leave.

Adoption leave can only be taken by one parent. If both parents work for the Trust, one parent should be identified as the primary carer and be entitled to adoption leave and pay with the other parent entitled to New Parent Support (Paternity) Leave and New Parent Support (Paternity) pay.

All colleagues who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave subject to their following the correct notification procedures as set out below.

There is no entitlement to adoption leave or pay for adopting a stepchild.

5.4.2 Fostering for adoption

Prospective adopters who have been approved by a recognised adoption agency under a "concurrent" or "fostering for adoption" arrangement may choose to start their adoption leave when a new fostering placement is made or when the child is matched with them for adoption. Only one set of adoption leave is payable per placement provided.

5.4.3 Timing of adoption leave

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

In order to make administration as easy as possible, the colleague should discuss the timing of his/her/their adoption leave with his/her/their immediate manager as early as possible.

5.4.4 Notice requirements

In order to be entitled to take adoption leave and receive statutory adoption pay, the colleague is required to give the Trust written notification of his/her/their intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency.

Notice must be in writing to the line manager and must specify the date the child is expected to be placed with the colleague for adoption and the date the colleague intends his/her/their adoption leave to start. (Appendix N – Application for Adoption Leave)

The colleague is permitted to bring forward his/her/their adoption leave start date, provided that he/she/they advises their line manager in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

The colleague may also postpone his/her/their adoption leave start date, provided that he/she/they advises their line manager in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The colleague must also provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

Within 28 days of receiving the colleague's notice of intention to take adoption leave, the line manager will write to the colleague confirming the latest date on which the colleague must return to work after adoption leave.

Adoption leave can start:

- up to 14 days before the date the child starts living with you (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if you've used a surrogate to have a child)

5.4.5 Statutory Adoption Pay

Colleagues who qualify for adoption leave will also qualify for statutory adoption pay provided that their average weekly earnings are not less than the lower earnings limit for national insurance contributions. Statutory adoption pay (SAP) is payable for up to 39 weeks at a rate set by the Government for the relevant tax year, or at 90% of the colleague's average weekly earnings, if this figure is lower than the Government's set weekly rate.

You must provide proof of adoption to qualify for Statutory Adoption Pay.

The proof must show:

- your name and address and that of the agency
- the match date - for example the matching certificate
- the date of placement - for example a letter from the agency
- the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK - for example a plane ticket (overseas adoptions only)

You do not qualify for Statutory Adoption Leave or Pay if you:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member

If you're not eligible, we can provide you with a SAP1 form explaining why you cannot get Statutory Adoption Pay. You may get support from your local council instead, if you're adopting a child.

Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

5.4.6 Occupational Adoption Pay (OAP)

A colleague will be eligible for Occupational Adoption Pay (OAP) if he/she/they fulfils the following criteria:

- Has 12 months continuous service with one or more NHS employers as at the week in which notification of matching has been given by the adoption agency; or
- The 15th week before the baby's due date if applying via a surrogacy arrangement and where the colleague is eligible and intends to apply for a parental order
- Notifies the Trust in writing no later than seven days after the date on which notification of the match with the child was provided by the adoption agency

his/her/their intention to take adoption leave and that he/she/they intends to return to a substantive post within the Trust or another NHS employer for a minimum period of three months after their adoption leave has ended

- And provides written confirmation from their placing authority of the matching decision or a parental statutory declaration that they intend to apply for a parental order in the case of a surrogacy arrangement.

OAP is paid at full pay for 8 weeks (inclusive of SAP where eligible) then half pay for 18 weeks (plus SAP where eligible).

If however, the colleague changes their mind about returning to work once OAP has been received or for some reason is unable to return to work for the three months required, the colleague may be liable to repay any amount of the OAP. Sussex Health and Care Payroll Hub will inform the colleague of the amount of OAP due to be repaid and make arrangements on how it can be repaid.

In exceptional circumstances only and in cases where it can be proved that repayment of the OAP would cause severe hardship and distress, an application can be made to the Human Resources Director to review the amount to be repaid.

5.4.7 Time off for Official Meetings

Once a colleague has advised their line manager that he/she/they is adopting, he/she/they will be entitled not to be unreasonably refused paid time off work to attend official meetings.

The colleague should endeavour to give his/her/their line manager as much notice as possible of official meetings and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

5.4.8 Rights during adoption leave

During ordinary adoption leave and additional adoption leave, all terms and conditions of the colleague's contract except normal pay will continue. Salary will be replaced by statutory adoption pay if the colleague is eligible for it.

All other benefits will remain in place, holiday entitlement will continue to accrue and pension contributions will continue to be paid.

Colleagues are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Colleagues are reminded that holiday must be taken in the year that it is earned.

5.4.9 Contact during adoption leave

The Trust reserves the right to maintain reasonable contact with colleagues during adoption leave via the line manager. This may be to discuss colleagues' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

5.4.10 Keeping-in-touch days (KIT)

Colleagues can agree to work for the Trust (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end

and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" (KIT) days.

Any work carried out on a day, regardless of the actual time spent at work, shall constitute a day's work for these purposes.

The Trust has no right to require the colleague to carry out any work, and the colleague has no right to undertake any work, during Adoption leave.

Any work undertaken is entirely a matter for agreement between the manager and the colleague. Colleagues will be entitled to full pay (including notional SAP) for the time they attend work on a KIT Day. The line manager needs to record on [REDACTED] and email Payroll Liaison Department with name, assignment number, dates and hours worked on a KIT day. Payment will be made the month after the hours are worked. esht.payrollliaison@nhs.net

Any KIT days worked do not extend the period of Adoption Leave. Once the KIT days have been used up, the colleague will lose a week's SAP for any week in which he/she/they agrees to work for the Trust. It may also bring Adoption Leave to an end.

5.4.11 Returning to work after adoption leave

The colleague may return to work at any time during ordinary adoption leave or additional adoption leave, provided that he/she/they gives the appropriate notification. Alternatively, the colleague may take his/her/their full period of adoption leave entitlement and return to work at the end of this period. If the colleague wishes to return before the full period of adoption leave has elapsed, he/she/they must give at least eight weeks' notice in writing to their line manager of the date on which he/she/they intends to return.

The colleague has the right to resume working in the same job if returning to work from ordinary adoption leave (subject to organisational change). Further to full consultation regarding any organisational change, the Trust may offer the colleague suitable alternative work, on terms and conditions that are no less favourable than would have applied if he/she/they had not been absent.

If the colleague returns to work after a period of additional adoption leave, he/she/they is entitled to return either to the same job, or if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the colleague is sick and produces either a self-certificate or a current medical certificate before the end of the adoption leave period.

If the colleague decides during adoption leave that he/she/they does not wish to return to work, he/she/they should give written notice of resignation to their line manager as soon as possible and in accordance with the terms of his/her /their contract of employment.

5.4.12 Transfer of adoption leave

If a colleague proposes to return to work, his/her/their spouse, civil partner or partner may be eligible to take shared parental leave and pay once he/she/they has returned to work by giving proper notification.

Further details should be obtained from the colleague's spouse's or partner's employer. He/she/they will be required to submit a written and signed declaration form to that employer, which may also make additional enquiries of the Trust to verify its colleague's entitlement to shared parental leave and pay.

5.4.13 Complications during adoption leave

Should the adoption break down ('be disrupted') once the colleague has commenced Adoption Leave and the child is no longer matched with the colleague; the colleague is required to give written confirmation to their line manager of the situation as soon as possible and no later than four weeks after the colleague has been advised the child is to be removed from the family.

The colleague will be entitled to continue their adoption leave and receive the appropriate payment for that time.

The Trust recognises the support that you may require when complications arise. Various support options are available to you such as Occupational Health Department, Chaplaincy, your manager and the Human Resources Department and British Association for Adopting and Fostering www.baaf.org.uk.

5.4.14 Overseas adoption

You must notify the Trust of the date of your 'official notification' and when you expect the child to arrive in the UK. You must do this within 28 days of getting the notification. You can only take longer if you've worked for your employer for less than 26 weeks. Tell them within 28 days of the Sunday in your 26th week.

You must also notify your line manager of:

- the actual date the child arrives in the UK - within 28 days of this date
- how much leave you want and your start date - giving your employer 28 days' notice

If you're adopting a child from overseas, you must also sign [form SC6](#) if you're adopting from overseas with a partner. This confirms you're not taking paternity leave or pay.

5.5 Ordinary Parental Leave

5.5.1 Ordinary Parental Leave

To qualify for ordinary parental leave, colleagues must have completed at least one year's continuous service with the NHS.

A colleague is entitled to up to 18 weeks' (subject to any statutory increases) unpaid parental leave per child if he/she/they:

- is the parent of a child who is under 18 years of age;

- has adopted a child under the age of 18 (the right to parental leave lasts for a period of five years from the date of adoption or until the child's 18th birthday, whichever is the sooner); or
- has acquired formal parental responsibility for a child who is under 18 years of age.

5.5.2 Rights during Ordinary parental leave

Qualifying colleagues will be entitled to a maximum of 18 weeks' ordinary parental leave to be taken up until the child's 18th birthday. (All contractual rights, except remuneration will be retained during Ordinary Parental Leave).

5.5.3 Conditions of leave

A colleague may not exercise any entitlement to ordinary parental leave unless he/she/they has complied with any request made by the line manager to produce evidence as to his/her/their entitlement (e.g. parental responsibility or expected responsibility for the child in question; the child's date of birth or date on which placement for adoption began).

The colleague must give proper written notice of the period of leave that he/she/they proposes to take. This notice must be given to the line manager at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end. **(Appendix N– Application form for Ordinary Parental Leave)**

Where the colleague is the father of the child in respect of whom the leave is to be taken and he requests ordinary parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The colleague must give this notice at least 21 days before the expected week of childbirth.

Where the ordinary parental leave is in respect of an adopted child and is to begin on the date of the placement, the colleague's notice must be given to the organisation at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of ordinary parental leave requested.

The line manager may postpone a period of ordinary parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the line manager considers that the service would be unduly disrupted if the colleague were to take leave during the period requested.

In such a case, the line manager will allow the colleague to take an equivalent period of ordinary parental leave beginning no later than six months after the commencement of the period originally requested. The line manager will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the colleague to take ordinary parental leave. Such notice will be given no more than seven days after the colleague's notice was given to the line manager.

Colleagues may not take ordinary parental leave in blocks of less than one week (except in relation to a child who is disabled).

Colleagues may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the colleague first becomes entitled to ordinary parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

5.5.4 Return from leave

At the end of ordinary parental leave, the colleague will be entitled to return to the same job provided that the leave was for a period of four weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave).

If the period of ordinary parental leave was longer than four weeks (or followed on immediately from a period of additional maternity or adoption leave), then the colleague will be entitled to return to the same job (subject to organisational change) or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

5.5.5 Pension Contributions

During the period of unpaid ordinary parental leave any pension contributions will be accrued and deducted over the same period of time as the leave when the colleague returns to work.

5.6 In Vitro Fertilisation (IVF)

5.6.1 IVF Treatment

For those staff undergoing IVF treatment please refer to the Work Life Balance policy in regard to allocated time off from work whilst receiving treatment.

Upon confirmation from the consultant that the staff member is then pregnant they should then refer to the Maternity section of this policy.

5.7 Surrogacy

Surrogacy is when another woman carries and gives birth to a baby for the intended parents. The woman who gives birth to the child will be treated as the mother. However, parental responsibility can be transferred by either an adoption or parental order. Surrogates are the legal mother of any child they carry - even if they're not genetically related, until they sign a parental or adoption order following the birth of the child, this transfers their rights to the intended parents

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

5.7.1 Intended parents

One of the intended parents in a surrogacy arrangement may be eligible for adoption leave and pay if they attend to apply for and expect to obtain (or have already obtained) a Parental Order for their child under the Human Embryology and Fertilisation Act 2008.

The intended parents can apply for a Parental Order 6 weeks after the child is born, and before the child is 6 months old.

5.7.2 Parental or adoption order criteria

Intended parents must be genetically related to the child to be able to apply for a parental order. Adoption using a registered adoption agency, will be necessary for intended parents to become the legal parents if neither are genetically related.

Adoption leave and pay is available to eligible colleagues who become the legal parents following an application for adoption or parental order.

6. Equality and Human Rights Analysis

An EHRA has been completed at Appendix R.

7. Training

There is no specific training required for this document. Human Resources will give ongoing support and advice regarding the application of this policy to manager and staff.

8. Data protection

When managing colleagues under the Family Leave Policy, the Trust processes personal data collected in accordance with its Data Protection Policy. Data collected from the point at which the Trust commences processes under the Policy is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their Family Leave Requests. Inappropriate access or disclosure of colleague data constitutes a data breach and should be reported in accordance with the organisation's Data Protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's Disciplinary Procedure.

9. Monitoring Compliance with the Document

Monitoring Table

Element to be Monitored	Lead	Tool for Monitoring	Frequency	Responsible Individual/Group/ Committee for review of results/report	Responsible individual/ group/ committee for acting on recommendations/action plan	Responsible individual/group/ committee for ensuring action plan/lessons learnt are Implemented
No. of staff on Family Leave	HRBPs	Workforce Reports	Daily	Divisional meetings	HRBP	HRBP and Divisional Snr Mgt Teams

10. References

Children and Families Act 2014
Civil Partnership Act 2004
Equality Act 2010
Employment Act 2002
Employment Rights Act 1996
Maternity Leave and Parental Leave (Amendment) Regulations 2014
Maternity Leave and Parental Leave (Amendment) Regulations 2001
Maternity Leave and Parental Leave (Amendment) Regulations 2002
Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006
Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2008
Paternity and Adoption Leave Regulations 2002
Paternity Leave (Amendment) Regulations 2024
Shared Parental Leave Regulations 2014
Statutory Maternity Pay (General) (Amendment) Regulations 2005
Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002
Statutory Shared Parental Pay (General) Regulations 2014
Work and Families Act 2006
ACAS
Afc Terms & Conditions
Direct.gov Maternity Leave & Pay
Acas. Accommodating breastfeeding colleagues in the workplace.
Accommodating breastfeeding colleagues in the workplace | Acas (October 2023)
Health and Safety Executive. Protecting pregnant workers and new mothers, [Protecting pregnant workers and new mothers - Rest and breastfeeding at work \(hse.gov.uk\)](https://www.hse.gov.uk/protecting-pregnant-workers-and-new-mothers-rest-and-breastfeeding-at-work/) (October 2023)
Neonatal Care (Leave and Pay) Act 2023

11. Associated Documentation

ESHT New and Expectant Mothers Policy (Health and Safety Management arrangements)
ESHT Work Life Balance Policy
ESHT Health & Safety Policy

East Sussex Healthcare NHS Trust
Application for Maternity Leave/Pay

Please ensure you have read the contents of the Family Leave Policy carefully	
Name of colleague	
Staff Number	
Hospital/Directorate	
Ward/Department	
Date of commencement of employment	
I wish to inform you that I am pregnant and I intend to take maternity leave as follows:	
My last day of work will be on	
I will start my maternity leave on	
I wish my maternity leave to finish on	
My expected date of childbirth is	
I enclose herewith my MAT B1/medical certificate issued by my doctor/midwife/recognised medical practitioner confirming when my baby is due.	
I believe that I am entitled to statutory maternity pay. *	
I intend to return to work for East Sussex Healthcare NHS Trust or another Employing Authority after my maternity leave for a minimum period of three months (I understand that if I do not return to work I shall be liable to refund any amount of overpaid Occupational Maternity Pay). *	
I would not like my maternity pay averaged	
I would like my maternity pay averaged over (specify number) of weeks	
I do not intend to return to work after my maternity leave and I therefore confirm that I wish to resign from my employment with East Sussex Healthcare NHS Trust and leave on the last day prior to the commencement of my maternity leave.*	
(*delete as appropriate)	
Declaration	
I will notify my manager if: I work for another employer whilst on maternity leave I am taken into legal custody	
Signed	
Dated	

To qualify for maternity leave, you must return this form together with your Mat B1 to your manager by no later than the Saturday of the 15th week prior to your expected week of childbirth.

Your maternity leave cannot begin prior to the eleventh week before your expected week of childbirth

For completion by Line Manager

Signed

Print name

Dated

Title

Photocopy of Application form taken Y/N Date:

Submission of start date/end date via Notification of Staff Changes to ESR Y/N Date:

Upon completion of this form please forward to the payroll liaison team

Department as soon as possible esht.payrollliaisonteam@nhs.net

Appendix B

Maternity Pay and Leave Entitlement if Returning to Work (not for bank staff)

Length of Service	Occupational Maternity Pay	Statutory Maternity Pay (SMP) if average earnings over NI limit.	Total Pay Entitlement (this will not exceed normal full pay)	Total Leave Entitlement
At least 12 months continuous NHS service* of which at least 26 weeks have been with Trust**	8 weeks full pay and 18 weeks half pay.	6 weeks at 90% full pay and 33 weeks flat rate SMP or 90% of average earnings if this is less than one weeks SMP	8 weeks full pay; 18 weeks half pay plus SMP, 13 weeks SMP only. Total 39 weeks paid.	Up to 52 weeks leave.
At least 12 months continuous NHS service* but less than 26 weeks with Trust**	8 weeks full pay and 18 weeks half pay.	Nil	8 weeks full pay and 18 weeks half pay (may also be entitled to Maternity Allowance on application to Benefits Agency).	Up to 52 weeks leave.
Less than 12 months continuous NHS service* but 26 weeks or more with Trust**	Nil	If earnings are enough 6 weeks at 90% full pay and 33 weeks flat rate SMP or 90% average earnings if this is less than one weeks SMP	6 weeks at 90% full pay and 33 weeks flat rate SMP or 90% average earnings if this is less than one weeks SMP	Up to 52 weeks leave.
Less than 12 months continuous NHS service* and less than 26 weeks with Trust**	Nil	Nil	May be entitled to Maternity Allowance on application to Benefits Agency.	Up to 52 weeks leave.

* At the beginning of the 11th week before the week in which the baby is due.

** At the beginning of the 15th week before the week in which the baby is due (the 'qualifying week')

Maternity Pay and Leave Entitlement if NOT Returning to Work (not for bank staff)

Length of Service	Occupational Maternity Pay	Statutory Maternity Pay (SMP) if average earnings over NI limit.	Total Pay Entitlement (this will not exceed normal full pay)	Total Leave Entitlement
At least 12 months continuous NHS service* of which at least 26 weeks have been with Trust**	6 weeks at 90% full pay.	6 weeks at 90% full pay and 33 weeks flat rate SMP or 90% of average earnings if this is less than one weeks SMP	6 weeks at 90% full pay and 33 weeks flat rate SMP or 90% average earnings if this is less than one weeks SMP	Up to 39 weeks leave.
At least 12 months continuous NHS service* but less than 26 weeks with Trust**	6 weeks at 90% full pay.	Nil	6 weeks at 90% full pay.	Up to 39 weeks leave.
Less than 12 months continuous NHS service* but 26 weeks or more with Trust**	Nil	If earnings are enough 6 weeks at 90% full pay and 33 weeks flat rate SMP or 90% average earnings if this is less than one weeks SMP	6 weeks at 90% full pay and 33 weeks flat rate SMP or 90% average earnings if this is less than one weeks SMP	Up to 39 weeks leave.
Less than 12 months continuous NHS service* and less than 26 weeks with Trust**	Nil	Nil	May be entitled to Maternity Allowance on application to Benefits Agency.	Up to 39 weeks leave.

* At the beginning of the 11th week before the week in which the baby is due.

** At the beginning of the 15th week before the week in which the baby is due (the 'qualifying week')

Appendix C

Date

Private & Confidential

<<name>>

<<address>>

Dear

I am writing to confirm the arrangements for your maternity leave as we discussed at our meeting of <<date>>.

Your expected date of return to work is <<date>>.

*(if you were unable to give me an earlier date, this date is based on your 52 week entitlement to paid/unpaid maternity leave due to you under Section 15 of AFC handbook)

I confirm that you will have accrued <<number of hours/days>> of annual leave which we have agreed will be taken following the end of your formal maternity leave period.

I need to remind you that if you wish to change the date of your return to work you need to give me at least 8 weeks' notice.

I wish you well in the coming weeks and will be in touch with you in the near future as we have agreed.

Yours sincerely

(Manager)

Appendix D

<<Date>>

Strictly Private and Confidential

<<Name>>

<<Address>>

Dear <<Line manager>>

RE: Notification of Neonatal Care Leave and application of Pay

I am writing to give notice of my intention to take Neonatal Care Leave under the Neonatal Care Leave and Pay Act 2023. I wish to take Neonatal Care Leave for *insert number of weeks you intend to take* weeks, beginning on *insert date you intend to start your period of leave*.

I intend to take Neonatal Care Leave in order to take care of my child who was born on *insert child's date of birth, or replace with the placement date/date your child entered Great Britain in the case of an adoption/overseas adoption* and who started receiving neonatal care on *insert date(s) your child's neonatal care began*.

My child's neonatal care is ongoing, and I will inform you as soon as is reasonably practicable when it ends. **Or** My child's neonatal care ended on X, they received a total of X full weeks of care.]

[Insert if you are giving notice in respect of this child for the first time – I confirm that I have a qualifying family relationship with my child, entitling me to take this period of statutory Neonatal Care Leave [and receive Neonatal Care Leave Pay for the same period]].

If eligible for Neonatal Care Leave Pay - As you are aware, I have been employed since include start date and as such, have over 26 weeks of continuous employment. I therefore intend to take the Neonatal Care Leave as paid leave.

OR

If you are not eligible for Neonatal Care Leave Pay – I understand that as I do not have over 26 weeks of continuous employment at insert employers name I will take this leave as unpaid leave.]

Please acknowledge receipt of this correspondence and confirm that my *[paid/unpaid]* Neonatal Care Leave will be appropriately recorded.

Yours sincerely

<<Name>>

Appendix E Notice of Intention to take Shared Parental Leave

East Sussex Healthcare NHS Trust

Notice of entitlement and intention to take Shared Parental Leave (SPL)

Please ensure you have read the contents of the Family Leave Policy carefully	
Name of colleague	
Department/Job Title	
Employee Number	
I wish to provide the organisation with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner.	
Section A; General	
Are you the mother/main adopter of the child or the partner of the mother/main adopter:	
Childs expected date of birth/date of placement for adoption:	
Childs actual date of birth/date of placement for adoption (if known):	
Start date of mother/main adopter's maternity/adoption leave:	
End date of mother/main adopter's maternity/adoption leave:	
Start date of mother/main adopter's maternity/adoption pay; (or maternity allowance)	

End date of mother/main adopter's maternity/adoption pay; (or maternity allowance)	
Section B: Colleague notice of curtailment of maternity/adoption leave and pay	
Please complete this section if you are the mother/main adopter. If on maternity leave, this date must be at least two weeks after the birth of your baby (or four weeks if you are employed in factory work). You must give at least eight weeks' notice of your curtailment date.	
I wish my maternity/adoption leave to end on the following date:	
I wish my maternity/adoption pay (if eligible) to end on the following date:	
Signed:_____	Date:_____
Print Name:	
Section C: Shared Parental Leave Details	
The total amount available is 52 weeks minus the number of weeks' leave/pay already taken by the mother/main adopter according to the dates given in the previous section.	
Total number of weeks' of shared parental leave available:	
Number of weeks shared parental leave you intend to take:	
Number of shared parental leave the other parent intends to take:	
Indication of the start and end dates of shared parental leave that you intend to take: <i>This indication is non-binding. You must submit a formal period of leave notice for</i>	

<p><i>each period of shared parental leave you wish to request for it to be binding (Appendix F).</i></p>	
<p>Section D: Shared Parental Pay Details</p>	
<p>Total number of weeks statutory shared parental pay available:</p>	
<p>Total number of weeks occupational shared parental pay available:</p>	
<p>Number of weeks' statutory shared parental pay you intend to claim:</p>	
<p>Number of weeks' occupational shared parental pay you intend to claim;</p>	
<p>Number of weeks' statutory shared parental pay the other parent intends to claim</p>	
<p>Number of occupational shared parental pay the other parent intends to claim – only complete if the other parent is employed by the NHS</p>	
<p>Indication of the start and end dates of shared parental pay periods:</p>	
<p>Section E: Colleague Declaration</p>	
<p>I confirm that I meet the following conditions;</p>	
<p>I am the mother, father, or main adopter of the child, or the partner of the mother or main adopter</p>	
<p>I have (or share with the other parent) the main responsibility for the care of the child and I am taking shared parental leave in order to care for the child</p>	
<p>I have at least 26 weeks' continuous service at the 15th week or before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')</p>	
<p>I intend to be in continuous employment until the week before any shared parental leave is taken</p>	
<p>(If I am claiming shared parental pay) I have average weekly earnings equal to or above the lower earnings limit over the eight-week period ending with the relevant week</p>	
<p>I agree to inform the Trust immediately if I cease to meet the conditions for entitlement to shared parental leave or shared parental pay</p>	
<p>Signature: _____</p>	<p>Date: _____</p>
<p>Print name:</p>	

If you are the mother/main adopter:	
I have submitted a curtailment of maternity/adoption leave notice by completing section B of this form.	
Signature:_____	Date:_____
Print name:	
Section F: Declaration of other parent	
Name:	
Address:	
National Insurance Number:	
I confirm that I meet the following conditions:	
I have at least 26 weeks employment (employed or self-employed) out of the 66 weeks prior to the 15 th week before the expected week of birth or that the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')	
I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week	
I agree to inform your employee (my partner) immediately if I cease to meet the two conditions above	
I consent to your employee taking shared parental leave and shared parental pay as set out in sections C and D	
If you are the mother/main adopter:	
I have curtailed my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time your employee starts shared parental leave	
I consent to your processing the information contained in this declaration.	
Signature:_____	Date:_____
Print name:	
For completion by Line Manager	
Signed	
Print Name	

Dated	
Title	
<p>Photocopy of Application form taken Y/N Date:</p> <p>Submission of start date/end date via Notification of Staff Changes to ESR Y/N Date:</p> <p>Upon completion of this form please forward to the Payroll Liaison Department as soon as possible esht.payrollliaison@nhs.net</p>	
<p>Notes:</p> <p>The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.</p> <p>This notice is to allow the Trust to check that you are entitled to shared parental leave and to provide the Trust with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give the organisation a period of leave notice at least eight weeks before the first period of shared parental leave in that notice that you wish to take. Any periods of shared parental leave that you indicated in this notice can be changed at a later date by giving the Trust a variation notice.</p> <p>Mother/main adopter curtailment notice;</p> <p>Any Occupational Maternity/Adoption Pay will cease as per the dates on the declaration in section B.</p> <p>Once this form is submitted, you can withdraw your maternity/adoption leave curtailment notice only in limited circumstances.</p> <p>The date on which you end your maternity/adoption leave must be at least:</p> <p>Mother</p> <ul style="list-style-type: none"> • Eight weeks after the date on which you provide this notice to the Trust • Two weeks (or four weeks for factory workers) after you give birth; and • One week before what would have been the end of your additional maternity leave <p>Adopter</p> <ul style="list-style-type: none"> • Two weeks after the first day of your ordinary adoption leave period • eight weeks after the date on which you provide this notice to the Trust; and • one week before what would be the end of the additional adoption leave period 	

Appendix F – Notice to take or vary a period of Shared Parental Leave

East Sussex Healthcare NHS Trust

Colleague form to provide notice to take or vary a period of Shared Parental Leave

Please ensure you have read the contents of the Family Leave Policy carefully;

Please complete and return this form to your manager if you wish to request a period of shared parental leave/shared parental pay, or to vary a previously approved period.

Both parents should sign the declaration at the end of the document.

Name of colleague	
Department/Job Title	
Employee Number	
Name of other parent	

Section A: Request to take shared parental leave.

Start Date	End Date	Number of weeks leave

Section B: Request for shared parental pay (if applicable)

Start Date	End Date	Number of weeks' pay

Section C: Request to vary or cancel previously requested parental leave and pay

Original shared parental leave dates to be varied or cancelled		
Start Date	End Date	Number of weeks leave
New shared parental leave dates		
Start Date	End Date	Number of weeks leave
New shared parental pay details (if applicable)		
Start Date	End Date	Number of weeks' pay
Total number of weeks' shared parental pay you have claimed/intend to claim		
Total number of weeks' shared parental pay the other parent has claimed/intends to claim		
Signed (Colleague):		
Print name:		
Dated:		
Signed (Other Parent):		
Print name:		
Dated:		
For completion by Line Manager		

Signed	
Print Name	
Dated	
Title	
Photocopy of Application form taken Y/N Date: Submission of start date/end date via Notification of Staff Changes to ESR Y/N Date: Upon completion of this form please forward to the Payroll Liaison Department as soon as possible esht.payrollliaison@nhs.net	
<p>Notes:</p> <p>You can request to take shared parental leave in one continuous block (in which case the Trust is required to accept the request as long as you meet the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case you need the Trust's agreement). A maximum of 3 requests for leave per pregnancy/adoption can be made by each parent.</p> <p>The start date of the first period of share parental leave that you wish to take must be at least eight weeks after you provide this notice. Shared parental leave must be taken in blocks of at least one week.</p> <p>This notice is to confirm to the Trust the shared parental leave that you intend to take. You must have already submitted a notice of entitlement and intention before using this form.</p> <p>The Trust recognises that colleague's plans can change. However, it is recommended that you and your partner think carefully about your shared parental leave before submitting this form, as opportunities to amend requests for shared parental leave are limited. Apart from exceptional circumstances, you can submit a period of leave notice that you have changed your mind about shared parental leave dates on a combined total of just 3 occasions.</p> <p>You and your partner must take any shared parental leave within 52 weeks of the birth/placement of your child.</p>	

Appendix G - Maternity/Adoption Leave Curtailment Notice

East Sussex Healthcare NHS Trust
Maternity/Adoption Leave Curtailment Notice

Please ensure you have read the contents of the Family Leave Policy carefully

Use this form if you do not qualify for shared parental leave but are on maternity/adoption leave and/or in receipt of statutory maternity/adoption pay. This notice is to inform the Trust that you wish your maternity/adoption leave and pay (or just your maternity/adoption pay if you are no longer in employment) to end in order that the person who shares main responsibility to care for the child can take shared parental leave. Your partner/the other parent is not entitled to take shared parental leave until you have submitted this curtailment of notice.

You must give at least eight weeks' notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child (four weeks if you work in a factory).

If you are in receipt of maternity allowance, you must also submit a curtailment notice to Jobcentre Plus.

Please note that if you are eligible to Shared Parental leave this form should not be completed. You should complete the Notice of Entitlement and Intention to take Shared Parental Leave form in Appendix E.

Name of colleague	
Department/Job Title	
Employee Number	
Date of maternity/adoption leave curtailment notice	
I previously notified you that I wished to end my maternity/adoption leave on:	
I wish to bring my (ordinary/additional maternity, adoption) leave (and statutory/occupational maternity/adoption pay) to an end.	
I wish to end my (ordinary/additional) maternity/adoption leave on:	
I wish my statutory/occupational maternity/adoption pay period (if applicable) to end on:	
Signed (colleague):	
Print name;	
Dated:	
For completion by Line Manager	
Signed	

Print Name	
Dated	
Title	
Photocopy of Application form taken Y/N Date: Submission of start date/end date via Notification of Staff Changes to ESR Y/N Date: Upon completion of this form please forward to the Payroll Liaison Department as soon as possible esht.payrollliaison@nhs.net	
Notes: Please think very carefully before you submit this form. Once this form is submitted, you can withdraw your maternity/adoption leave curtailment notice only in limited circumstances. The date on which you end your maternity/adoption leave must be at least: Mother <ul style="list-style-type: none"> • Eight weeks after the date on which you provide this notice to the Trust • Two weeks (or four weeks for factory workers) after you give birth; and • One week before what would have been the end of your additional maternity leave Adopter <ul style="list-style-type: none"> • Two weeks after the first day of your ordinary adoption leave period • eight weeks after the date on which you provide this notice to the Trust; and • one week before what would be the end of the additional adoption leave period 	

Appendix H - Request to revoke the notice curtailing the maternity/adoption leave to take Shared Parental Leave

East Sussex Healthcare NHS Trust

Request to revoke the notice curtailing the maternity/adoption leave to take Shared Parental Leave

Please ensure you have read the contents of the Family Leave Policy carefully

Complete this form if you wish to withdraw your maternity/adoption leave curtailment notice.

You can withdraw your maternity/adoption leave curtailment notice only if:

- It is discovered that neither you nor your partner are entitled to shared parental leave or statutory shared parental pay and you withdraw your maternity/adoption leave curtailment notice within eight weeks of providing your maternity/adoption leave curtailment notice
- You gave the maternity leave curtailment notice before the birth of your child and you withdraw your maternity leave curtailment notice within six weeks of your child's birth; or
- Your partner has died (if this is the case, please state the date of death here);

Name of colleague	
Department/Job Title	
Employee Number	
Date of maternity/adoption leave curtailment notice	
I previously notified you that I wished to end my maternity/adoption leave on:	
I no longer wish to end my maternity/adoption leave and would like to revoke my maternity/adoption leave curtailment notice. (I would also like to revoke my maternity/adoption pay period curtailment notice).	
Signed:	
Print Name	
Dated:	
For completion by Line Manager	
Signed	
Print Name	
Dated	
Title	
Photocopy of Application form taken Y/N	

<p>Date:</p> <p>Submission of start date/end date via Notification of Staff Changes to ESR Y/N Date:</p> <p>Upon completion of this form please forward to the Payroll Liaison Department as soon as possible esht.payrollliaisonteam@nhs.net</p>	
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Appendix I – Template letter confirming a period of Shared Parental Leave

Template letter confirming a period of Shared Parental Leave

<<Date>>

Strictly Private and Confidential

<<Name>>

<<Address>>

Dear <<Name>>

RE: Notice for Shared Parental Leave

Thank you for submitting your notice to take a period of shared parental leave (SPL).

Or

Thank you for your notice to vary a previously submitted period of shared parental leave (SPL) request.

You have indicated that you would like to take leave on the following dates:

[insert dates submitted on the period of leave notice]

[where applicable] You have also confirmed that you wish to claim shared parental pay for the following dates:

[insert dates submitted on the period of leave notice]

I can confirm that the dates you have given are agreed.

You will continue to receive your contractual benefits during your SPL period (apart from remuneration) and your contractual holiday entitlement continues to accrue.

You may be asked to attend work on occasional days during your SPL period. These days could be for training, to attend departmental meetings, or for 'keeping in touch'. You may work for up to 20 days without bringing the SPL to an end but work during SPL will not extend your SPL period. If you do work, you will be paid your normal rate of pay inclusive of any shared parental pay entitlement. You are under no obligation to work during SPL and the Trust is under no obligation to offer work.

If you wish to return early from SPL, or extend the period of SPL, you must notify me at least eight weeks before the both the original end date and the new end date.

Please remember to give at least eight weeks' notice of any additional period of leave requests, or any requests to vary periods of leave.

Please contact me should you have any queries or if there is anything you would like to discuss in more detail.

Yours sincerely

<<Manager Name>>

<<Role>>

cc Personal File Copy

Appendix J – Template letter inviting colleague to meeting to discuss discontinuous leave request

Template letter inviting colleague to meeting to discuss Discontinuous Leave Request

<<Date>>

Strictly Private and Confidential

<<Name>>

<<Address>>

Dear <<Name>>

RE: Notice for Shared Parental Leave

Thank you for submitting your notice to take a period of shared parental leave (SPL).

Or

Thank you for your notice to vary a previously submitted period of shared parental leave (SPL) request.

You have indicated that you would like to take leave on the following dates:

[insert dates submitted on the period of leave notice]

[where applicable] You have also confirmed that you wish to claim shared parental pay for the following dates:

[insert dates submitted on the period of leave notice]

As the dates you have requested are discontinuous, before we can confirm whether or not the Trust can accommodate your request, I would like to meet with you to discuss your request in more detail.

A meeting has been arranged for <<insert date, time, venue>>. <<HR Representative>> will also be in attendance.

Please note that you are entitled to be accompanied by a colleague who is a colleague of the Trust, a full time or lay Trade Union officer, a workplace representative or a representative of a defence union or similar organisation.

Please contact me should you have any queries or if there is anything you would like to discuss in more detail.

Yours sincerely

<<Manager Name>>

<<Role>>

cc Personal File Copy

Appendix K – Template letter declining a period of Shared Parental Leave

Template letter declining a period of Shared Parental Leave

<<Date>>

Strictly Private and Confidential

<<Name>>

<<Address>>

Dear <<Name>>

RE: Notice for Shared Parental Leave

Thank you for submitting your notice to take a period of shared parental leave (SPL).

Or

Thank you for your notice to vary a previously submitted period of shared parental leave (SPL) request.

You have indicated that you would like to take leave on the following dates:

[insert dates submitted on the period of leave notice]

Further to our meeting on <<insert date>> and having given the proposal thorough consideration, I regret that I am unable to agree to the pattern of discontinuous leave that you requested.

We discussed alternative options but an agreement to an alternative pattern of leave has not been reached because *[insert reasons why pattern cannot be accommodated.]*

Given that we have not reached an agreement, you have the following options:

- To take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
- To take the continuous block starting on a new date. The new date cannot be sooner than eight weeks from the date the original notification was given, and you notify me of the new date within 19 days of the original request
- To withdraw the request at any time up to the 15th day after it was originally made; if the request was withdrawn in these circumstances it will not count as one of your three requests
- To submit another period of leave request

Please confirm your decision to me in writing as soon as possible.

Please contact me should you have any queries or if there is anything you would like to discuss in more detail.

Yours sincerely

<<Manager Name>>

<<Role>>

cc Personal File Copy
HR

Appendix L – Application for New Parent Support (Paternity) Leave/Pay

East Sussex Healthcare NHS Trust
Application for New Parent Support (Paternity) Leave/Pay
in respect of a birth child.

Please ensure you have read the contents of the Family Leave Policy carefully	
Name of colleague	
Assignment number	
Department	
Expected week of child's birth (the Sunday at the beginning of the week in which the child is expected to be born):	
Actual date of child's birth (if applicable):	
I hereby give notice of my intention to take [one week/ two consecutive weeks or two separate weeks] [paid/unpaid] paternity leave starting:	Please tick as appropriate:
on the date on which the child is born OR	
[] days after the child is born OR	
on [] (a date later than the first day of the child's expected week of birth)	
If two separate weeks, on [] (a date later than the first day of the child's expected week of birth) and [].	
I declare that:	Please tick as appropriate:
I am the child's biological father OR	
I am married to the child's mother OR	
I am the civil partner of the child's mother OR	
I am the cohabiting partner of the child's mother	
AND	
I will have responsibility for the child's upbringing	
AND	
I will be absent from work for the purpose of caring for the child or supporting the child's mother	
Please ensure you email esht.payrolliaison@nhs.net with the child's birth date when known.	
Signed	
Dated	

**Appendix M - Application for New Parent Support (Paternity) Leave/Pay
(Adoption)**

East Sussex Healthcare NHS Trust
**Application for New Parent Support (Paternity) Leave/Pay
in respect of an adopted child.**

Please ensure you have read the contents of the Family Leave Policy carefully	
Name of colleague	
Department	
Date on which adopter was notified of match with child:	
Date on which child is expected to be placed with adopter:	
Actual date of placement for adoption (if applicable):	
I hereby give notice of my intention to take [one week's/two consecutive weeks'] [paid/unpaid] New Parent Support (paternity) leave starting:	Please tick as appropriate:
on the date on which the child is adoption OR	
[] days after the child is adoption OR	
on [] (a date later than the date the child is expected to be placed for adoption)	
I declare that:	Please tick as appropriate:
I am jointly adopting the child with my partner/spouse/civil partner OR	
I am married to the child's adopter OR	
I am the civil partner of the child's adopter OR	
I am the cohabiting partner of the child's adopter	
AND	
I will have responsibility for the child's upbringing	
AND	
I will be absent from work for the purpose of caring for the child or supporting the child's mother	
Signed	

Dated	
For completion by Line Manager	
Signed	
Dated	
Title	
<p>Photocopy of Application form taken Y/N Date:</p> <p>Submission of start date/end date via Notification of Staff Changes to ESR Y/N Date:</p> <p>Upon completion of this form please forward to the Payroll Liaison Department as soon as possible. esht.payrollliaisonteam@nhs.net</p>	

For completion by Line Manager	
Signed	
Dated	
Title	
Photocopy of Application form taken Y/N Date: Submission of start date/end date via Notification of Staff Changes to ESR Y/N Date: Upon completion of this form please forward to the Payroll Liaison Department as soon as possible. esht.payrollliaisonteam@nhs.net	

Appendix O – Application for Ordinary Parental Leave

East Sussex Healthcare NHS Trust
Application for Ordinary Parental Leave

Please ensure you have read the contents of the Family Leave Policy carefully	
Name of colleague	
Department	
Date of commencement of employment:	
Amount of Ordinary Parental leave taken previously in respect of relevant child	
<p>I would like to apply for [] [week(s)/day(s)] unpaid Ordinary Parental leave from [] to []. (applications for Ordinary Parental leave in periods of a day or multiples thereof may be made only where the child in question is disabled)</p> <p>The leave requested relates to my [baby/son/daughter] [due on [] / who was born on [] / who was adopted on []] [and who has been awarded disability living allowance]. (delete as appropriate)</p> <p>I attach a copy of []'s [birth certificate/adoption papers] (delete if not applicable)</p> <p>I recognise that the Trust is entitled to make enquiries of all or any of my previous employers in relation to any previous periods of parental leave taken.</p> <p>I also recognise that the Trust may postpone the period of leave requested by up to six months where the leave requested does not coincide with the expected week of my child's birth or adoption and the business would otherwise be unduly disrupted by my absence.</p>	
Signed	
Dated	
<p>Notes Please return this form to your line manager at least 21 days prior to the date on which your requested period of parental leave is due to commence</p>	
For completion by Line Manager	
Signed	
Dated	
Title	
Photocopy of Application form taken Y/N Date:	
Submission of start date/end date via Notification of Staff Changes to ESR Y/N Date:	
Upon completion of this form please	

<p>forward to the Payroll Liaison Department as soon as possible. esht.payrollliaisonteam@nhs.net</p>	
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Appendix P – Maternity Support

People Engagement Team Maternity Support

East Sussex Healthcare NHS Trust recognises that working as well as caring for a family is sometimes complex, stressful and very demanding. In recognition of this if you would like to speak to someone please contact The Wellbeing Team, esht.wellbeingteam@nhs.net or Vivup, our employee assistance programme on **0800 023 9324 for free advice**

If colleagues have any queries to contact esht.wellbeingteam@nhs.net or via the extranet [Maternity support groups](#).

Appendix Q – NHS Discount Information

NHS Discount information

To prove your current NHS employment, you will be required show your organisational ID -membership card at time of purchase. You can also register for free at the following national discount sites for national company discounts and services.

Register for ESHT My Trust Benefits:

esht.group-login.com - Login

www.bluelightcard.co.uk (Register for £4.99 for 2 years)

If you experience any difficulties in obtaining these discounts, please contact:

The Wellbeing team by emailing esht.wellbeingteam@nhs.net

By listing the information, the Trust does not recommend or endorse any of the services or businesses. We are simply providing details of offers discounts and promotions, and websites available to NHS staff. It is in no way a recommendation or is it implied that the above companies offer the cheapest prices/best offers and staff are reminded that they should gain quotes from other suppliers/providers/promoters if

they want to be confident of best prices/value for money.

Baby and Children Discounts 		
Business Name	Address	Discount Available
Baby Sensory Early Learning Classes for Babies	Baby Sensory Hastings & Winchelsea Beach Becky - 07968776195 hastings@babysensory.co.uk	One free class per term for ESHT employees. Contact Becky at hastings@babysensory.co.uk. (confirmed 11.10.23)
Frills all Round	33 Newtown Road, Uckfield TN22 5DL 01825 761625 www.frillsallround.com Email: frillsallround@hotmail.co.uk	5% discount on full priced Pushchairs and Buggies. Cannot be used in conjunction with any other offer. (confirmed 11.10.23)
Knockhatch Adventure Park	Hempsted Lane, Hailsham BN27 3PR 01323 422051	10% discount for on the gate tickets only (confirmed 19.08.24)
Little Kickers	Available in Eastbourne, Lewes, Hailsham, Chiddingly & Bexhill. 07802864719	Fun football and rugby classes for all children aged 18 months to 8th birthday, 50% off your first month. (confirmed 01.12.23)
Tots Play Bexhill and Hastings West	Totsy's Tree House Unit 2 Keymer Building Victoria Road Bexhill on Sea TN39 3PD terryalice@totsplay.co.uk 07739 362568	10% discount for NHS Staff for developmental classes for babies 0-4 years. 5% discount for NHS Staff for birthday party venue and activities (confirmed 27.03.2024)
Water Babies	Eastbourne, Hastings, Bexhill, Hailsham, Ticehurst, Tunbridge Wells. holdon@waterbabies.co.uk 01424 892568	Free reusable swim nappy (rrp £13) for NHS employees when booking a course for Eastbourne and Hastings (confirmed 03.10.23)

Equality and Health Inequalities Impact Assessment (EHIA) template

Undertaking EHIA helps us to make sure that our services and policies do not inadvertently benefit some groups more than others, ensuring that we meet everyone's needs, and our legal and professional duties.

This is important because:

- Assessing the potential for services and policies to impact differently on some groups compared with others is a legal requirement.
- People who find it harder to access healthcare services are more likely to present later when their disease may be more progressed, have poorer outcomes from treatment, and need more services than other groups who have better access.

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It is against the law to discriminate against anyone because of:

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex
- sexual orientation.

These are called 'protected characteristics'. The Act requires that public sector organisations meet specific equality duties in respect of these protected characteristics. This is known as the public sector equality duty.

Public Sector Equality Duty

Public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own colleagues.

Public bodies must have due regard to the need to:

- eliminate discrimination
- advance equality of opportunity
- foster good relations.

Armed Forces Covenant Duty

The new Covenant Duty raises awareness of how Service life can impact on the Armed Forces community, and how disadvantages can arise due to Service when members of that community seek to access key local services. The Duty requires organisations to pay due regard to the Covenant principles when exercising functions in healthcare. “Due regard” means that we need to consciously consider the unique obligations and sacrifices made by the Armed Forces; that it is desirable to remove disadvantages faced by the Armed Forces community; and that special provision may be justified in some circumstances.

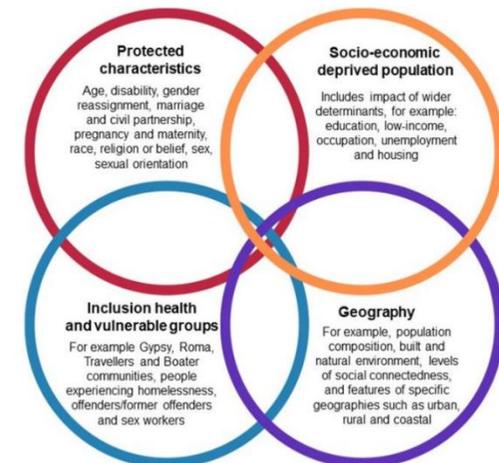
Health Inequalities Duties- Equity for all

In addition to our legal duties in relation to Protected Characteristics, the Health and Social Care Act and other legislation, NHS Planning Guidance and sector specific recommendations require the NHS to have regard to the need to address health inequalities (or differences in access to or outcomes from healthcare) and take specific action to address them.

Figure 1 shows the different population groups, factors associated with where we live, or our individual circumstances, which separately, or when combined, influence access to and outcomes from health care.

Getting equal outcomes may require different inputs (or services). In completing an EHIA its important to think about whether a one size fits all approach will generate the same good outcomes for everyone, or whether we might need to make some tweaks or adjustments to enable everyone to benefit equally. The health tree diagram shows that unless we think about the needs of different people, equal services might generate unequal outcomes.

Factors associated with poorer health outcomes (PHE 2021)¹



The Health Tree¹

The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the Trust must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the Trust is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy/process is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EHIA in itself does not meet the requirements of the equality and health inequalities duties. All the requirements above must be fulfilled or the EHIA (and any decision based on it) may be open to challenge. Properly used, an EHIA can be a tool to help us comply with our equality and health inequalities duty and as a record that to demonstrate that we have done so. It is advised that you complete the short EHIA training session on [REDACTED] before completing this EHIA.

SECTION A ADMINISTRATIVE INFORMATION

This form is a central part of how the Trust makes sure and can demonstrate to others that we are meeting our legal duties; and how we can assure ourselves that all patients will get the best outcome for them from our services.



¹ https://www.researchgate.net/figure/Equality-and-equity-of-medical-resources-distribution_fig2_323266914

<p>A completed copy of this form must be provided to the decision-makers in relation to your proposal. The decision-makers must consider the results of this assessment when they make their decision about your proposal.</p> <p>Function/policy/service name and number:</p>	<p>Family Leave Policy (including Maternity Leave, Paternity Leave and Parental Leave) Policy Number: 13</p>		
<p>Main aims and intended outcomes of the function/policy/service and summary of the changes you are making (if existing policy/service):</p>	<p>The purpose of this policy is to ensure that all colleagues are aware of their entitlement and eligibility to parental leave. The aim of the policy is to ensure that colleagues are supported to take leave to care for a new child.</p>		
<p>How will the function/policy/service change be put into practice?</p>	<p>This policy will apply to all staff who intend to take parental leave to support a new child.</p>		
<p>Who will be affected/benefit from the policy?</p>	<p>Workforce</p>		
<p>State type of policy/service</p>	<p>Policy <input checked="" type="checkbox"/></p>	<p>Service</p>	
<p>Is an EHIA required? NB :Most policies/functions will require an EA with few exceptions such as routine procedures</p>	<p>Business Case</p>	<p>Function</p>	<p>Existing</p>
<p>Accountable Director: (Job Title)</p>	<p>Yes</p>		
<p>Assessment Carried out by:</p>	<p>Chief People Officer</p>		
<p>Contact Details:</p>	<p>Name: [REDACTED]</p>		
<p>Date Completed:</p>	<p>772886</p>		
<p>Date Completed:</p>	<p>2nd April 2025</p>		

SECTION B ANALYSIS AND EVIDENCE

Analysis of the potential impact – Equality and Health Inequalities Duties

For this section you will need to think about all the different groups of people who are more likely to experience poorer access or have poorer outcomes from health and care services. For each group please describe in the first column the potential impact you have identified, in the second column explain how you have arrived at this conclusion and what information you used to identify the potential impact, and in the third column say

what you are going to do to prevent it from happening, or which elements of a service or policy specifically address the potential impact. Key things to remember.

- Everyone has protected characteristics but some groups who share one or more protected characteristics may be more likely to have poorer outcomes or access compared with others – and it is this potential that the EHIA process seeks to identify and address.
- The information included here should be proportionate to the type and size of the policy/service/change.
- An update to a policy should demonstrate that you have considered the potential for the policy to impact differently on different groups and taken steps to address that.
- A minor policy update is likely to need to be much less comprehensive than an EHIA for a major service change.
- You will need to know information about who uses or could use your service/policy will apply to (the population). You can use information about current patients or staff, and about the general population the Trust serves.

3. PROTECTED CHARACTERISTICS - Main potential positive or negative impact of the proposal for protected characteristic groups summarised

Please write in the box below a brief summary of the main potential impact (positive or negative) Please state **N/A if your proposal will not impact adversely or positively on the protected characteristic groups listed below, but make sure you include information on how you know there will be no impact.**

This policy outlines promotes equality and diversity by ensuring that all colleagues, regardless of gender or family structure, have the opportunity to take time off to care for a new child. It supports gender equality, reduces stereotypes, and provides equal access to family care responsibilities. This fosters a more inclusive work environment and improves overall colleague wellbeing,

Protected characteristic groups	Summary explanation of the <i>potential</i> positive or adverse impact of your proposal	How do you know this? (include here a brief explanation of what information you have used to identify potential adverse impact e.g. NICE guidance, local data, evidence reviews, stakeholder or patient feedback	Action that will be taken to address the potential for negative impact.
Age: older people; middle years; early years; children and young people.	This procedure aims to provide support to colleagues who require parental leave when they are expecting a child or adopting a child, regardless of age.		
Disability: physical, sensory and learning impairment; mental health condition; long-term conditions.	This procedure aims to provide support to colleagues who require parental leave when they are expecting a child or adopting a child. The policy refers to sickness in relation to pregnancy and support available.		
Gender Reassignment and/or people who identify as	This procedure aims to provide support to colleagues who require parental leave when they are		

Protected characteristic groups	Summary explanation of the <i>potential</i> positive or adverse impact of your proposal	How do you know this? (include here a brief explanation of what information you have used to identify potential adverse impact e.g. NICE guidance, local data, evidence reviews, stakeholder or patient feedback)	Action that will be taken to address the potential for negative impact.
Transgender	expecting a child or adopting a child.		
Marriage & Civil Partnership: people married or in a civil partnership.	This procedure aims to provide support to colleagues who require parental leave when they are expecting a child or adopting a child.		
Pregnancy and Maternity: before and after childbirth and who are breastfeeding.	This procedure aims to provide support to colleagues who require parental leave when they are expecting a child or adopting a child. The policy also outlines support for pregnant or breastfeeding parents who plan to return to work.		
Race:	This procedure aims to provide support to colleagues who require parental leave when they are expecting a child or adopting a child.		
Religion and belief: people with different religions/faiths or beliefs, or none.	This procedure aims to provide support to colleagues who require parental leave when they are expecting a child or adopting a child.		

Protected characteristic groups	Summary explanation of the <i>potential</i> positive or adverse impact of your proposal	How do you know this? (include here a brief explanation of what information you have used to identify potential adverse impact e.g. NICE guidance, local data, evidence reviews, stakeholder or patient feedback)	Action that will be taken to address the potential for negative impact.
Sex:	This procedure aims to provide support to colleagues who require parental leave when they are expecting a child or adopting a child.		
Sexual orientation	This procedure aims to provide support to colleagues who require parental leave when they are expecting a child or adopting a child.		
Veterans/Armed Forces Communities	This procedure aims to provide support to colleagues who require parental leave when they are expecting a child or adopting a child.		

4. HEALTH INEQUALITIES -Potential positive or adverse impact for people who experience health inequalities summarised

Please briefly summarise the main potential impact (positive or negative) on people at particular risk of health inequalities (as listed below). **If the policy/procedure is unrelated to patients, this sections does not require completion.**

Please state none if you have assessed that there is not an impact, but please make sure you complete the 'how do you know this' column to demonstrate that you have considered the potential for impact. **If you identify the potential for impact for one or more of these groups please complete the full assessment in Appendix A**

Groups who face health inequalities ²	Summary explanation of the potential positive or adverse impact of your proposal	How do you know this? (include here a brief explanation of what information you have used to identify potential adverse impact e.g. NICE guidance, local data, evidence reviews, stakeholder or patient feedback)	Action that will be taken to address the potential for negative impact.
<p>This includes all groups of people who may have poorer access to or outcomes from healthcare services. It includes: People who have experienced the care system; carers; homeless people; people involved in the criminal justice system; people who experience substance misuse or addiction; people who experience income or other deprivation; people with poor health literacy; people living in rural areas with limited access to services; refugees or asylum seekers; people in or who have been in the armed force; other groups who you identify as potentially having poorer access and outcomes.</p>	<p>N/A</p>		

SECTION C ENGAGEMENT

5. Engagement and consultation

a. Talking to patients, families and local communities can be a rich source of information to inform health care services. If you are making substantial changes it's likely that you'll have to undertake specific engagement with patients. For smaller changes and policies you may have undertaken some engagement with patient groups, gained insight from routine sources e.g. patient surveys, PALS or Complaints information or information from Healthwatch, you may also have looked at relevant engagement that others have undertaken in the Trust, or locally. Have any engagement or consultative activities been undertaken that considered how to address equalities issues or reduce health inequalities? Please place an x in the appropriate box below.

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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b. If yes, please ensure all stakeholders are listed in the consultation table at the beginning of the policy.

SECTION D SUMMARY OF FINDINGS

Reflecting on all of the information included in your review-

6. EQUALITY DUTIES: Is your assessment that your proposal will support compliance with the Public Sector Equality Duty?

Please add an x to the relevant box below.

	Tackling discrimination	Advancing equality of opportunity	Fostering good relations
The proposal will support?	x	x	x
The proposal may support?			
Uncertain whether the proposal will support?			

7. HEALTH INEQUALITIES: Is your assessment that your proposal will support reducing health inequalities faced by patients?
Please add an x to the relevant box below.

	Reducing inequalities in access to health care	Reducing inequalities in health outcomes
The proposal will support?		
The proposal may support?		
Uncertain if the proposal will support?		

8. Outstanding key issues/questions that may require further consultation, research or additional evidence. Please list your top 3 in order of priority or state N/A

Key issue or question to be answered	Type of consultation, research or other evidence that would address the issue and/or answer the question
1	
2	
3	

9. EHIA sign-off: (this section must be signed)

Person completing the EHIA:		Date: 02/04/2025
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Line Manager of person completing:	Lucy Birch	Date: 02/05/2025
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Appendix A

Breakdown of Groups who are more likely to experience health inequalities:

Groups who face health inequalities ³	Summary explanation of the potential positive or adverse impact of your proposal	How do you know this? (include here a brief explanation of what information you have used to identify potential adverse impact e.g. NICE guidance, local data, evidence reviews, stakeholder or patient feedback	Action that will be taken to address the potential for negative impact.
Looked after children and young people	N/A		
Carers of patients	N/A		
Homeless people. People on the street; staying temporarily with friends /family; in hostels or B&Bs.	N/A		
People involved in the criminal justice system: offenders in prison/on probation, ex-offenders.	N/A		
People with addictions and/or substance misuse issues	N/A		

Groups who face health inequalities ³	Summary explanation of the potential positive or adverse impact of your proposal	How do you know this? (include here a brief explanation of what information you have used to identify potential adverse impact e.g. NICE guidance, local data, evidence reviews, stakeholder or patient feedback)	Action that will be taken to address the potential for negative impact.
People or families on a low income	Detail of support available from wellbeing team.		
People with poor literacy or health Literacy: (e.g. poor understanding of health services poor language skills).	N/A		
People living in deprived areas	N/A		
People living in remote, rural and island locations	N/A		
Refugees, asylum seekers or those experiencing modern slavery	N/A		
People who have served in the Armed Forces	N/A		
Other groups experiencing health inequalities (please describe)	N/A		

Appendix B – EHIA Resources

Sources of Information on the East Sussex population and sources of community or patient insight.

Population Data

[State of the County 2021 Focus on East Sussex](#)

[East Sussex JSNA](#)

[Community Insight](#)
[Further Reading on Equality and Health Inequalities](#)
[Training](#)