

Family Leave Policy and Procedure

HR7.3 Employment Policies

August 2024

**This policy includes guidance relating to topics that readers may find sensitive or triggering including child loss, still birth, miscarriage, fertility treatment, and neonatal care.**

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1. Introduction
   1. MHA is committed to supporting colleagues before, during, and after pregnancy and adoption, including through paternity and parental leave.
   2. This policy outlines the processes to be undertaken during pregnancy, throughout maternity leave, adoption leave, paternity and shared parental leave. This includes procedures in notifying and requesting leave, pay, and benefits.
   3. This policy is written in accordance with the Employment Act (historic and 2008), Social Security Contributions and Benefits Act (1998), Employment Rights Act (1993), The Employment Relations Act (2004), the Fixed Term Employees Regulations (2008), Human Embryology and Fertilisation Act (2008), Work and Families Act (2006), and Health & Safety at Work Regulations (1999), The Neonatal Care (Leave and Pay) Act (2023), and the Paternity Leave Amendment Regulations (2024).
   4. For leave relating to time off in extenuating domestic circumstances and medical appointments, refer to the Special Leave Policy.
   5. Pregnancy related absences must be reported following the Sickness Absence Management Policy and Procedure.
2. Scope and Purpose
   1. This policy is relevant for all MHA and subsidiary company colleagues for the purpose of ensuring fair and equitable terms and conditions in relation to maternity, paternity, adoption, and parental leave.
3. Definitions

| **Term** | **Definition** |
| --- | --- |
| **Additional Adoption Leave** | This is any absence, which is additional to Ordinary Adoption Leave for the Adopter. This will begin after the 26 weeks of Ordinary Adoption leave and may extend the absence period for a further 26 weeks from the end of the Ordinary Adoption Leave. This may extend the whole period of absence to a maximum of 52 weeks. |
| **Additional Maternity Leave “AML”** | Additional Maternity Leave “AML”: is any absence which is additional to Ordinary Maternity Leave and is due to pregnancy and childbirth. Additional Maternity Leave begins when the 26 weeks of Ordinary Maternity Leave end and may continue for up to 52 weeks after the week during which the ordinary maternity leave began. |
| **Adopter** | Is a person certified by an approved Adoption Agency as being matched with a child for adoption and who is intending to take Adoption Leave and receive Adoption Pay.  Adoptive parents in a partnership may choose which of the two is to be the Adopter and which is to be the second adopter parent. |
| **Adoption** | Adoption is the legal process by which a child becomes part of a family where their parents are not their birth parents. People who adopt children are known as ‘adopters,’ they become the child's legal parents with the same rights and responsibilities as if the child was born to them. |
| **Adoption Leave** | The time a colleague takes off work to adopt a child. |
| **Adoption Pay** | This is the collective term incorporating both statutory and MHA’s payments made whilst absent on Adoption Leave - as detailed within this policy. |
| **Expected Week of Confinement “EWC”** | Expected Week of Confinement “EWC”: The week, beginning on the Sunday in which it is expected that the baby will be born. |
| **Maternity** | Refers to the time during pregnancy and shortly after childbirth. |
| **Maternity Leave** | The time a colleague takes off work before and after the birth of their child. |
| **Matching** | Means that a child under the age of 18 years old (from the UK or overseas) is intended to be placed with the colleague for adoption, as certified by an approved Adoption Agency. A Matching Certificate is issued by the Adoption Agency as confirmation of the intended date of the placement of the child. HR7.3d Adoption Confirmation Form Matching Certificate and may be used by colleagues for their Adoption Agency to fill in. The week (for the purposes of calculating the week in which the colleague is notified of a match) means the period of 7 days beginning with Sunday. |
| **Neonatal Care** | Neonatal care is the type of care a baby born premature or sick receives in a neonatal unit. Units are a part of hospitals which provide care for babies soon after they are born. |
| **Ordinary Adoption Leave** | This is the initial period of absence for the Adopter due to the adoption of a child. It may begin no earlier than 14 days before the expected date of placement and will last for 26 weeks unless the colleague returns to work beforehand. |
| **Ordinary Maternity Leave “OML”** | Ordinary Maternity Leave “OML”: this is the initial period of absence due to pregnancy and childbirth. It may begin during the 11th week before the expected week of childbirth and will last for 26 weeks unless the colleague returns to work beforehand. |
| **Parental Leave** | The time a colleague takes off work to look after a child or make arrangements for their welfare. |
| **Paternity** | The partner of someone who is having or has just had a baby, is adopting a child, or having a baby through a surrogacy arrangement. |
| **Paternity Leave** | The time a colleague takes off work when their partner has a baby. |
| **SAP: Statutory Adoption Pay** | This is the minimum amount payable during Adoption Leave for colleagues with at least 26 weeks continuous service at the date the Matching Certificate is issued. |
| **Second Adopter Parent** | Is the partner of an Adopter and they are:   * In an enduring family relationship with the Adopter; and * Will be jointly responsible for the child’s upbringing; and   Will take time off work to support the Adopter or to care for the child |
| **Shared Parental Leave** | Allows both parents and adopters more flexibility in how they care for their child during the first year after birth/adoption. |
| **Shared Parental Pay “ShPP”** | Shared Parental Pay “ShPP”: is the amount payable to qualifying parents |
| **SPP: Statutory Paternity Pay** | Is the amount payable during Paternity Leave for colleagues. The length of Paternity Pay depends on the colleague’s continuous service. |
| **Statutory Maternity Pay “SMP”** | Statutory Maternity Pay “SMP”: this is the amount payable during Maternity Leave for colleagues with at least 26 weeks continuous service. |
| **The Date of Placement** | Means the date the child starts to live with the colleague as a member of their family – as confirmed by the Matching Certificate. |

1. Maternity Leave
   1. MHA provides statutory maternity leave and pay to all colleagues who meet the statutory eligibility criteria. The most up to date statutory provisions including maternity leave, pay, and eligibility can be found on the gov.uk website here: <https://www.gov.uk/maternity-pay-leave>
   2. By informing MHA that you are pregnant you obtain legal protection associated with pregnancy.
   3. All colleagues who have given birth are required to take a minimum of 2 weeks compulsory maternity leave. MHA will assume that all expectant colleagues will take the full statutory maternity leave allowance unless informed otherwise.
   4. Maternity leave will automatically begin when the birth occurs (regardless of planned dates).
   5. Maternity Pay is payable at two rates. Colleagues are entitled to the higher and lower rate of Maternity Pay. For the first 6 weeks of maternity leave colleagues will be paid at 100% of their average earnings (calculated over the 2-month period leading up to the 15th week before the expected date of confinement) and for the remaining 33 weeks at Statutory Maternity pay (SMP) (or 90% the average earnings, whichever is the lowest). This gives in all 39 weeks maternity pay.
   6. It will only apply if colleagues are still in our employment by the qualifying week and earnings do not fall below the Lower Earnings Limit of £123 per week for 8 weeks prior to the qualifying week.
   7. The level of payment will then be adjusted if any increases in pay apply (e.g., Annual Salary Review) during the Ordinary Maternity Leave period and will be backdated if the salary review is backdated.

Eligibility

* + 1. In order to qualify, the colleague must have average weekly earnings in the eight weeks up to and including the qualifying week at or above the lower earnings limit for the payment of National Insurance contributions and have 26 weeks’ continuous service with MHA at the 15th weeks before the EWC

Maternity Allowance

* + 1. Expectant colleagues who do not meet the requirements for statutory maternity pay may quality for maternity allowance instead. if this is the case, they will be sent an SMP1 Form by Payroll. This is based on their recent employment and earnings record and is a state benefit which may be payable for 39 weeks. This should be claimed from the Department of Work and Pensions before the birth of the baby. For more information please visit: <https://www.gov.uk/maternity-allowance>

Notice Procedure

* + 1. Colleagues must give a minimum of 28 days’ notice of intent to take maternity leave including the intended start date of maternity leave. Notice must be provided in writing using Maternity Leave Notification Form **(completed form to be sent to payroll).**
    2. Refer to **appendix 2** for a timeline of events regarding maternity leave.

Payroll Requirements

* + 1. A certificate stating the expected day of confinement (Form MAT B1) must be sent to The Payroll and Pensions team as soon as it has been issued to the colleague by the registered medical practitioner or certified midwife. This will normally be between the 13th and 20th week before the expected week of childbirth.
    2. Statutory Maternity Pay will be paid as complete weeks, but colleagues will continue to be paid on a weekly or monthly basis in accordance with the normal payroll timetable and payment method. After such payments end, the colleague may be suspended from the payroll, but service can continue.
    3. If a colleague advises MHA that they will not be returning to work, they must provide normal notice provisions.
    4. In addition, should they go outside the European Economic Area during the first week of Maternity Pay, this will affect their Maternity Pay and they must advise MHA accordingly.

Benefits

* + 1. The colleague’s contract of employment will continue to apply throughout Maternity Leave unless MHA or the colleague provides notice of termination. In the case of a fixed term contract, the contract may expire in accordance with the terms of that agreement.
    2. During Maternity Leave, the colleague will benefit from all of the terms and conditions which would have applied to them as if they had been at work instead of on Maternity Leave, except the terms and conditions regarding “remuneration” (where remuneration is defined as monetary wages or salary payable).
    3. MHA enhance these requirements as shown in the below table:

| **Benefit** | **Details** |
| --- | --- |
| **Annual pay review** | Absence due to maternity will not affect the nature or timing of annual pay review and award. |
| **Pension** | All colleagues on Ordinary and Additional Maternity Leave or Shared Parental Leave who are members of MHA Pension Scheme will remain members of this scheme. Pension payments will be affected as follows:   * 1. If the colleague belongs to the Pension Scheme there will be no change to the terms under which MHA or the colleague pays contributions into the Pension Scheme during the Ordinary Maternity / Shared Parental Leave period. This will affect the total amount in the scheme as payments will reduce during this period (since payments are calculated as a percentage of income). Employee pension contributions are topped up by MHA and added to the employer contributions during paid leave inline with MHA’s Pension Scheme rules.   2. During Additional Maternity / Shared Parental Leave the colleague will be given the choice of either stopping contributions or to make a lump sum contribution for missed payments on return to work. Any contributions made will be matched by MHA. Please contact the Payroll and Pensions team for more information about this. |
| **Annual Leave Entitlement** | Annual leave entitlement will continue to accrue during the total absence period. Holiday must be taken before and / or after the maternity leave absence. Carry-over of holiday entitlement from one holiday year to another will only be permitted in accordance with the Holiday Arrangements Policy.  For colleagues wishing to take annual leave before returning to work (i.e. immediately after taking Maternity / Shared Parental Leave), this should be requested using the Holiday Arrangements Policy. |

Time off for Ante-Natal Care

* + 1. Any pregnant colleague, irrespective of length of service, is entitled to time off with pay to attend an ante-natal clinic or visit a doctor. Such time will not be unreasonably withheld but must be associated with the pregnancy. Colleagues must request time off and, except in the case of the first request for time off, produce their appointment card as confirmation.
    2. The expectant partner of a pregnant person, irrespective of length of service, will be entitled to take unpaid time off work for up to two ante-natal appointments. Prior notice of this appointment must be authorised by the colleague’s line manager. Colleagues are required to provide a declaration stating the date and time of the appointment and that they qualify for the unpaid time off through their relationship with the colleague or child, and that the time off is for the purpose of attending an antenatal appointment with the expectant colleague.

Returning to Work

* + 1. A colleague may not work for another employer whilst on Ordinary or Additional Maternity Leave. It is the colleague’s responsibility to inform MHA if they have started to work for another employer as entitlement to Maternity Pay will cease and employment may also be terminated.
    2. Unless otherwise notified, the date on which a colleague returns to work will be the 1st working day 52 weeks after maternity leave began.
    3. If returning before the end of the full maternity leave period the colleague must inform the line manager in writing eight weeks before wishing to return to work, otherwise MHA may delay the return by up to eight weeks provided this postponement is no later than the end of the maternity leave period. Colleagues will not be entitled to return to work until the period of postponement has ended or an earlier date has been mutually agreed.
    4. When no notification is received and the colleague does not return to work on the due date, MHA will treat this matter as it does any other absence without notification. The colleague will therefore be subject to the gross misconduct provisions of the Disciplinary Policy and subject to the terms of that policy, may have their employment terminated.
    5. The colleague has no right to delay their return beyond their Maternity / Shared Parental Leave entitlement. If the colleague is sick at the date of return, the colleague must provide a doctor's certificate to this effect. Provided that they comply with this requirement MHA will then treat them as having returned, but as being absent due to sickness.
    6. If it is not practicable to offer the colleague their old job back because the position has become genuinely redundant, the colleague must be offered alternative employment, if such suitable alternative employment exists, under comparable terms and conditions.
    7. This may mean that the colleague is treated more favourably than other potentially redundant colleagues. “Suitable” in this context means suitable to the colleague and appropriate in the circumstances, although the colleague’s decision must still be reasonable if that alternative employment is refused. If there is no suitable vacancy the colleague is entitled to a redundancy payment, if eligible.
    8. If this situation arises, the Redundancy Policy should be referred to.

Health and Safety in Pregnancy and Maternity

* + 1. Line managers will assess all risks to new and expectant colleagues arising from work activities using the risk assessment form in HR7.3a which includes an action plan to ensure the appropriate preventative or control measures are taken to eliminate or minimise any risk.
    2. The health and safety of colleagues at MHA is addressed through a two-stage approach:
  + The first stage considers the risks facing all colleagues in the workplace as identified in the various general risk assessments undertaken, recorded, and acted upon by local management across all Homes, Schemes, and premises in which, or out of which, MHA operates.
  + The second stage comprises a separate person-specific risk assessment of all the activities that the pregnant worker is or will be expected to undertake as part of their work duties. This second stage must be undertaken by the relevant line manager - assuming they are competent to do so - in conjunction with the colleague, and also advised by specialist H&S advisers if appropriate. This second stage person-specific risk assessment must be undertaken as soon as reasonably possible following formal notification of pregnancy by the colleague.
    1. The risk assessment should be dynamic and consider the physiological, hormonal, and psychological changes that occur during pregnancy and post-birth.
    2. The risk assessment should identify any hazards, which need to be addressed in accordance with the particular responsibilities of the role, and relevant local circumstances. Some of the physiological changes associated with various aspects and stages of pregnancy, will also need to be considered when assessing work related risks. Refer to **Appendix 1** for factors to consider and identifying risks.
    3. A key part of the risk assessment is to assess manual handling activities which should be regularly monitored / reviewed, particularly as these abilities may alter as the pregnancy develops. It should be noted that although hazards are likely to remain constant, the possibility of damage to the colleague or foetus at different stages of pregnancy will change over time, and MHA will therefore review these risk assessments on pregnant (and nursing colleagues) on a regular basis. Such reviews could usefully be scheduled to coincide with antenatal visits, at which relevant changes would be most likely to be detected. In any event reviews will take place as and when circumstances indicate that this would be appropriate, and at least every six weeks.
    4. Some colleagues may prefer to remain quiet about their pregnancy in the early stages. MHA colleagues should be made aware that there could be additional risks associated with pregnancy, and they should be informed that if desired, any information given will remain confidential unless this would be detrimental to their or their child’s well-being or safety. Where desired by the colleague, MHA will try to ensure that an appropriate Manager is available to carry out the Risk Assessment and subsequent updates.
    5. Provision of rest areas and/or extra breaks to take a rest in event of fatigue or illness, and provision of private areas for nursing colleagues to express and safely store breast milk.
    6. MHA reserves the right to request that pregnant colleagues attend a medical consultation and, if necessary, allocate work in accordance with medical opinion. This may involve, after discussion with the colleague, transferring them into suitable alternative work. If a suitable alternative role is not available, then paid suspension from work will be considered.
    7. MHA will regularly monitor the performance of expectant or new colleagues, especially during the development of pregnancy, in order to continually assess the individual's ability to work safely and without risk. Any problems identified will be addressed in conjunction with the pregnant worker, and so far, as is reasonably practicable, resolved, with all such risks being adequately controlled and safe systems of work established. MHA will also determine whether it will be necessary to impose any limitations or special arrangements on medical grounds.

1. Paternity Leave
   1. MHA provides statutory paternity leave and pay to all colleagues who meet the statutory eligibility criteria. The most up to date statutory provisions including paternity leave, pay, and eligibility can be found here: <https://www.gov.uk/paternity-pay-leave>
   2. Eligible colleagues who have 26 weeks or more continuous service ending with the 15th week before the expected week of childbirth may request up to two weeks’ time off, with pay, within the period of 56 days beginning with either the date on which the child is born, or the first day of the expected week of the child’s birth, whichever is later.
   3. Eligible colleagues who have less than 26 weeks continuous service by the 15th week before the expected week of childbirth may request up to one week’s time off, with pay, within the period of 56 days beginning with either the date on which the child is born, or the first day of the expected week of the child’s birth, whichever is later.
   4. Paternity leave can start on any day of the week.
   5. The Paternity Leave Amendment Regulations (2024) allows paternity leave to be split into two blocks of one week at any point in the first year after the birth or adoption of their child (this does not apply to colleagues who have less than 26 weeks of continuous service and are therefore entitled to one week of paternity leave rather than two).
   6. No additional paid time off will be granted for multiple births.
   7. The one- or two-weeks’ entitlement, as appropriate, is in addition to Parental Leave, as detailed in further in this policy.
   8. Additional days may be taken from the colleague’s annual holiday or Parental Leave entitlement.
   9. Payment during the one or two weeks paid Paternity Leave period will be 100% of average earnings.
   10. Average earnings are calculated over the two-month (monthly paid) or eight-week (weekly paid) period ending in the qualifying week, which is the 15th week before the date of birth.

Eligibility

* + 1. Colleagues with a partner who is expected to give birth will be provided with additional time off work at or around the time of the birth.
    2. The definition of “colleagues with a partner who is expected to give birth” is that the colleague is able to declare in writing that they are:
  + the biological father of the child or is married to or is the partner of the colleague; and
  + will be responsible for the child’s upbringing; and
  + will take time off work to support the colleague or care for the child.
    1. Expectant colleagues who do not meet the requirements for statutory paternity leave may request up to one week’s time off, with pay, within the period of 56 days beginning with either the date on which the child is born, or the first day of the expected week of the child’s birth, whichever is later.

Notice Procedure

* + 1. Colleagues wishing to take Paternity Leave must give their manager notice at least 28 days before the expected week of the child’s birth.
    2. Notice should be provided using the Paternity Leave Notice Form. Should the notified date of commencement of the leave change, the colleague must, unless the baby is born sooner or later than expected, provide at least 28 days’ notice of the revised Paternity Leave start date.
    3. In exceptional circumstances, a colleague may be required to aid on an occasion when a dependant, other than their partner, gives birth. Dependants may include the colleague’s child, parent or a person who lives in the same household as the colleague (other than as their colleague, tenant, lodger, or boarder). In these circumstances the colleague will be entitled to a reasonable amount of time off work in order to take any action which is necessary to aid. Such time off will normally be unpaid but may be paid at the discretion of the colleague’s manager after consultation with Human Resources.

1. Parental Leave
   1. The eighteen weeks leave entitlement includes any Parental Leave already taken for a child during any previous employment with another employer.
   2. Parental Leave should be taken in blocks of one calendar week upwards to a maximum of four weeks in a calendar year. Only complete weeks are considered, therefore part of a calendar week taken as Parental Leave will reduce the colleague’s entitlement by a full week.
   3. The only exception to taking Parental Leave in blocks of at least one week is where the child is disabled, in which case the leave may be taken as single days, if necessary.
   4. A total of eighteen weeks leave is available for each child, for each parent, as described above.
   5. The total amount of Parental Leave that can be taken in one year is limited to four weeks.

Eligibility

* + 1. All colleagues with at least one year’s continuous service will be eligible for Parental Leave under the following conditions - You must be:
  + Named on the child's birth certificate, or
  + Named on the child's adoption certificate, or
  + With legal parental responsibility for a child under 18
  + MHA reserves the right to ask for documentary evidence to support a request for parental leave. A colleague falsely claiming an entitlement to parental leave will be subject to MHA’s disciplinary procedure which may result in disciplinary action up to and including dismissal.

Request Procedure

* + 1. The request for **Parental Leave will** not be postponed unless:
  + The period of Parental Leave would cause disruption to the service
  + Or postponing it means that the colleague cannot take their Parental Leave before the right to take Parental Leave expire
  + or the period of Parental Leave is requested by a colleague wishing to take leave at the time of their spouse / partner giving birth or at the time of adoption
    1. The leave can be postponed to a mutually agreed date, or to a suitable future period, but will not be postponed for more than six months from the date on which the colleague wanted to originally start their leave.
    2. Where it is MHA’s intention to postpone Parental Leave the line manager will write to the colleague within seven days of their request explaining why they are postponing it and proposing a new date for the colleague to take the Parental Leave within six months from the date on which the colleague wanted to originally start their leave.
    3. Parental Leave should be recorded on the payroll system and at workplaces where there is no electronic payroll a copy of the Request for Leave Application Form must be forwarded to Payroll by the line manager for their notification.

Returning to Work

* + 1. When no notification is received and the colleague does not return to work on the due date, MHA will treat this matter as it does any other absence without notification. The colleague will therefore be subject to the gross misconduct provisions of the Disciplinary Policy and subject to the terms of that policy, may have their employment terminated.
    2. Where a colleague has taken 26 weeks or less of maternity, paternity, parental, or adoption leave then they are entitled to return to the same job.
    3. Where the total period of leave is more than 26 weeks they are entitled to return to the same job or if not reasonably practicable to another suitable and appropriate job.
    4. Upon returning to work from Parental Leave the colleague will have the right to return to their previous position. If it is not practicable to offer the old job back because the position has become redundant, the colleague must be offered alternative employment, if such suitable alternative employment exists, under the same or better terms and conditions of employment. If there is no suitable vacancy the colleague is entitled to a redundancy payment, if eligible.
    5. Where a redundancy or restructuring exercise occurs in the project / workplace in which a colleague is absent due to Parental Leave, the colleague will be treated as if they were at work with regard to consultation, notification and offer of suitable alternative employment which is available, and all other support and assistance provided by MHA in these circumstances. The fact that the colleague was absent due to taking a period of Parental Leave will be ignored for the purposes of any selection for redundancy that may be necessary.

1. Shared Parental Leave (SPL)
   1. Shared Parental Leave (SPL) gives colleagues (Parents) with caring responsibilities for babies or newly adopted children the opportunity to share up to 52 weeks’ leave should they wish to do so.
   2. Eligible colleagues are entitled to submit up to three ‘periods of leave’ notices and are entitled to take SPL on those dates if a continuous period of leave is requested. It does not mean that there is any extra Maternity, Adoption or Paternity Leave or additional Maternity or Adoption Pay. For example, in terms of Adoption Leave the colleague must take less than the legal entitlement of 52 weeks to enable to SPL to be shared with the second adopter parent. This also applies to Maternity Pay.
   3. SPL must be taken by the first birthday of the child or by the first anniversary of their adoption.
   4. SPL must be taken in blocks of at least one week within a one-year period beginning with the date of the baby’s birth or the child’s placement for adoption. MHA would usually only allow three blocks of SPL to be taken.
   5. The maximum of 52 weeks’ SPL will be reduced by the number of weeks’ maternity or adoption leave that has already been taken by the colleague or main adopter. After the birth of a child, it is compulsory to take two weeks’ maternity leave so in the majority of cases, working parents will have the opportunity to split 50 weeks of SPL.
   6. You must give MHA 21 days written notice of your entitlement to Shared Parental Leave and Pay (unless this is not practical due to an early birth or placement, in which case, colleagues are asked to inform their line manager using the following process as early as possible), this is called a “Notice of entitlement”. You must confirm in that notice:
   * The names of the colleague and partner
   * The start and end date of any statutory maternity or adoption leave
   * The total amount of shared parental leave available
   * The child’s expected week of birth, actual date of birth, or date of placement
   * How much shared parental leave the colleague and parent intend to take
   * An indication as to when they intend to take shared parental leave (a colleague does not have to take their leave as indicated in this notice of entitlement)
   * A signed declaration from the colleague seeking to take SPL that –

* They will be sharing responsibility for the care of the child
* The colleague has given notice to end the maternity entitlement
* They meet the continuity of employment test
* The information given is accurate
* Should they cease to be eligible they will immediately inform their employer
  + At the same time, the partner of the colleague must also provide MHA with a signed declaration stating:
* Their name, address, and National Insurance Number
* That they are the father of the child or partner of the colleague of the child
* That they meet the criteria for the employment earnings test
  1. (If this is the colleague) they are entitled to Statutory Maternity Leave, Statutory Maternity Pay or Maternity Allowance and that they have given notice to end that leave and pay / allowance
  2. That at the time of the birth or placement they shared the responsibility for the care of the child with the colleague seeking to take SPL
  3. They consent to the employer receiving this declaration to process the information contained within it
  4. (In the case of the colleague) that the colleague will immediately inform their partner should the colleague cease to satisfy the eligibility conditions, when this has been received MHA then has 14 calendar days to request a copy of the child’s birth certificate and the name and address of the partner’s employer. Where a child is being adopted MHA can ask for documentary evidence of the name and address of the adoption agency, the date on which the colleague was matched with the child and the date the agency expects to place the child.
  5. The colleague must then supply this information to MHA within 14 calendar days.
  6. To book a period of Share Parental Leave you must write to your manager, in a dated letter clearly stating what leave you intend to take and when.
  7. MHA will respond to the request within 14 days of receiving the request.
  8. Colleagues must give at least eight weeks’ notice of when they wish to take shared Parental Leave.
  9. If the child is born before the due date and the colleague had booked SPL within the first eight weeks after the due date, they do not have to give 8 weeks’ notice, but they should notify MHA as soon as practicable.
  10. If the child is born more than 8 weeks early e.g., 32nd week of pregnancy the colleague should give notice of their request to take leave as soon as is practicable.
  11. In the above two situations a notice to vary SPL will not count as one of the three notifications a colleague can make. See the next section for more detail on notifications.
  12. Shared Parental Leave must be spread across no more than 3 periods of leave and must be taken in minimum blocks of a week.
  13. Colleagues may ask to take leave in one continuous block (continuous leave) or may ask to break up their period of leave (discontinuous leave) by returning to work periodically, e.g., two weeks SPL, two weeks at work and another two weeks SPL. When a colleague requests discontinuous leave MHA is entitled to suggest a different pattern or to refuse such a request and insist that the colleague takes the leave in one continuous block.
  14. A colleague can make a maximum of three requests to take Shared Parental Leave these requests are known as “notifications.” Any request to change or cancel a period of Shared Parental Leave also counts as a notification.
  15. Changes to SPL made due to an early birth as above do not count towards the three notifications.
  16. Any changes made by MHA does not count as a notification.
  17. Once you have used all three notifications MHA is under no obligation to accept any more notifications or grant any more pay or time off.
  18. The line manager will respond to the request for leave within seven days of the request being submitted, in writing, having conferred with the HR team where necessary.

Eligibility

* + 1. To be entitled to SPL you must:
  + be the colleague, partner, or main adopter of the child, or partner of the colleague or main adopter (referred to as parent), have (or share with the second adopter parent) the main responsibility for the care of the child, have at least 26 weeks’ continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified as being matched for adoption with the child,
  + still be in continuous employment until the week before any period of SPL is taken.
  + In addition, the second adopter must.
  + have at least 26 weeks employment out of 66 weeks prior to the relevant week
  + have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week.
  1. **Benefits**
     1. Those taking SPL will receive the same benefits (annual leave / etc) as outlined in Section six for those taking Maternity or Adoption Leave.
     2. Any period of parental leave will be unpaid. However, employment with MHA will be treated as continuous service during the period of Parental Leave and colleagues will continue to receive the following benefits shown in the following table:

| **Benefit** | **Details** |
| --- | --- |
| **Holiday Entitlement** | Holiday entitlement will continue to accrue for the period of absence due to parental leave. Carry-over of holiday entitlement from one holiday year to another or payment in lieu of holiday is only permitted as per the terms of the Holiday Arrangements Policy. |
| **Life Assurance Cover** | Life Assurance cover will be maintained throughout the period of absence where the colleague was an existing member of either of the MHA’s Pension Schemes prior to the commencement of the parental leave. |
| **Pension Scheme** | If the colleague belongs to the Pension Scheme, there will be no change to the terms under which the MHA pays contributions into the pension fund during the parental leave period. Colleagues may opt to continue payment of colleague contributions during the period of absence or may make a lump sum payment upon their return to work in order to make up any shortfall in their contributions as a result of the parental leave. |

Changes in Circumstances

* + 1. If the baby dies before the parents have submitted a notice of entitlement to take SPL, they cannot opt for SPL, but the maternity and paternity rules will apply.
    2. If the parents have already submitted a notice of entitlement and they have booked leave they will still be entitled to take the booked leave.
    3. If a colleague who has booked SPL stops having caring responsibility for the child their entitlement to SPL and Pay will generally stop immediately, and they must inform MHA immediately who will discuss any outstanding SPL with them.

1. Shared Parental Pay (ShPP)
   1. If either the colleague or the partner wishes to claim Shared Parental Pay (ShPP) then the colleague must give notice to reduce or end the maternity / adoption pay or maternity allowance.
   2. Colleagues will qualify for Shared Parental Leave Pay (ShPP) if one of the following applies:
   * You qualify for Statutory Maternity Pay or Statutory Adoption Pay
   * You qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity Pay or Maternity Allowance or Adoption Pay
   * The pay during ShPP is the lower of 90% of your average weekly earnings or Statutory Maternity Pay. If you are eligible and you or your partner have ended or given notice to end their maternity or adoption leave and pay or Maternity Allowance early, then you can take all or some of the remaining 37 weeks Maternity / Adoption Pay or Maternity Allowance except what has or will be taken by your partner.
   1. Both parents can be on Shared Parental Leave at the same time, but the total amount of leave taken cannot exceed 52 weeks and the total amount of pay cannot exceed 39 weeks.
   2. Each parent can take a total of up to 18 weeks' parental leave for each of their children up to their eighteenth birthday.

Request Procedure

* + 1. The colleague must give their employer written notice which must include:
  + How much ShPP both parents are entitled to take
  + How much ShPP each parent intends to take
  + When they expect to take ShPP
  + A declaration from the colleague’s partner confirming their agreement to the colleague claiming their amount of ShPP
    1. The notice to claim ShPP should be included with the notice of entitlement to take SPL.

1. Adoption Leave
   1. MHA’s approach to adoption leave is above the basic statutory provisions and mirrors maternity leave and pay entitlements. It is stressed that to qualify for full payment / leave the notice and length of service requirements must be adhered to in order to claim each provision.

Ordinary Adoption Leave

* + 1. All Adopters may take 26 weeks Ordinary Adoption Leave. This leave can commence up to 14 days before the expected date of placement of the adopted child.
    2. Adopters are required to inform their line manager of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption unless this is not reasonably practicable. They need to tell their manager:
  + When the child is expected to be placed with them; and
  + When they want their adoption to leave to start.
    1. Adopters can change their mind about the date on which they want their leave to start providing they tell their manager at least 28 days in advance (unless this is not reasonably practicable). They must tell their manager the date they expect any payments of SAP to start at least 28 days in advance unless this is not reasonably practicable.

Additional Adoption Leave

* + 1. All Adopters are also eligible to take Additional Adoption Leave. This will begin the day after the 26 weeks of leave due to Ordinary Adoption Leave and may extend the period of leave up to a maximum total of 52 weeks.
    2. MHA will assume that a colleague will be taking the Additional Adoption Leave unless the colleague informs their Line Manager to the contrary.

Pay

* + 1. Adoption Pay is as set out in the following table:

| **Colleague Service** | **Pay** |
| --- | --- |
| **Colleagues with less than 26 weeks service** | If the colleague has not been continuously employed by MHA for at least 26 weeks as at the week in which the colleague is notified that they have been matched with a child by the Adoption Agency, they will not be entitled to Adoption Pay. The Payroll Department will issue form SAP1, and they should discuss any payments to which they may be eligible with the Department for Work and Pensions. |
| **Colleagues with 26 weeks service or more** | Provided the colleague has been continuously employed by the MHA for at least 26 weeks at the week in which the colleague is notified that they have been matched with a child by the adoption agency the colleague will receive:   * For up to 6 weeks, 100% of the colleague’s previous average earnings * For up to 33 weeks at the lower of 100% of the colleague’s average weeks earnings or Statutory Adoption Pay (SAP).   Average earnings are calculated over the 2-month (monthly paid) or 8-week (weekly paid) period before the week in which the colleague is notified that they have been matched with a child. Colleagues whose average weekly earnings are below the lower earnings limit for National Insurance Purposes do not qualify for SAP but may qualify for other benefits.  The level of payment will then be adjusted if any increases in pay apply (e.g., Annual Salary Review) during the Adoption Leave period and this must be backdated if the salary review is backdated. |

* + 1. To claim SAP, colleagues must give their line manager documentary evidence of:
  + The name and address of the adoption agency
  + The name and address of the person claiming SAP
  + The date on which the child is expected to be placed for adoption (or if it has already happened, the actual date of placement)
  + The date they were notified of having been matched with the child.

Surrogacy

* + 1. Some surrogate parents may also become eligible for adoption leave. The leave will be available to colleagues who are or expect to be the parents of a child under a parental order, where the child’s expected week of birth begins on or after 5 April 2012.

The Second adopter parent” Paternity Leave (Adoption)

* + 1. Eligible colleagues who have 26 weeks or more continuous service as at the week in which the colleague is notified that they have been matched with a child by the Adoption Agency are eligible to claim two weeks paid paternity leave which can be taken in two ways, either as a single week or as 2 weeks.
    2. Eligible colleagues who have less than 26 weeks’ continuous service as at the week in which the colleague is notified that they have been matched with a child by the Adoption Agency may request up to one week’s time off, with pay, within 56 days of the date of placement of the child.
    3. The Paternity Leave Amendment Regulations (2024) allows paternity leave to be split into two blocks of one week at any point in the first year after the birth or adoption of their child (this does not apply to colleagues who have less than 26 weeks of continuous service and are therefore entitled to one week of paternity leave rather than two).
    4. No additional paid time off will be granted where more than one child is adopted at the same time.
    5. The one- or two-weeks’ entitlement, as appropriate, is in addition to parental leave.
    6. Payment during the one or two weeks paid Paternity Leave period will be at the normal contracted rate of pay.
    7. A colleague must inform their employer they intend to take paternity leave no later than 7 days after the day the adopter is notified, they have been matched with a child, if this isn’t possible, as soon as reasonably practicable.
    8. Colleagues must inform their Line Manager of:
  + The date on which the adopter was notified of having been matched with the child.
  + The date on which the child is expected to be placed for adoption.
  + The length of leave they have chosen to take (1 or 2 weeks)
  + The date they have chosen to start Paternity Leave.
    1. To qualify for SPP, colleagues must give their employer at least 28 days’ notice of the date on which they wish SPP to begin. They must also provide the following information in writing as evidence of their entitlement:
  + Name of the person claiming SPP
  + Date at which the child is expected to be placed for adoption (or if this happened, the actual date of placement)
  + The date on which they expect SPP to begin.
  + Whether they are claiming 1 or 2 weeks SPP
  + The date the adopter was notified of having been matched with the child.
    1. Where possible colleagues should be encouraged to inform their employer of their intention to take adoption or paternity leave when they or their partner has been approved for adoption to allow their line manager to plan for the intended period of leave.

Eligibility

* + 1. Adoption leave is only available in circumstances where a child is newly matched for adoption. An individual will not qualify for adoption leave or pay when they:
  + Arrange a private adoption
  + Become a special guardian
  + Adopt a stepchild
    1. In these circumstances individuals should refer to the parental leave section of this policy for information on their right to take leave from work.

Notice Procedure

* + 1. Colleagues must notify their Line Manager and the Payroll Department that they intend to take adoption leave no more than 7 days after they are notified of having been matched with the child, if this is not possible, as soon as reasonably practicable.
    2. Colleagues should complete the Adoption Leave Planner [HR7.3e] and forward copies of this to their Line Manager and to the Payroll Department. If the expected date of the placement of the child changes the Planner can be amended later, provided that the colleague then gives at least 28 days’ notice, in writing, of the date they intend to start their adoption leave period.
    3. A certificate stating the expected date of the placement of the child (HR7.3d Adoption Confirmation Form) should be sent to the colleague’s Line Manager with a copy to the Payroll Department as soon as it has been issued to the colleague by the relevant approved Adoption Agency.
    4. As soon as possible after receiving the colleague’s notification of the date, they intend their adoption leave to commence, the Payroll Department will write to the colleague, stating the level of adoption pay, where applicable, and the expected date of return from adoption leave. This will usually be 52 weeks from the start of the adoption leave.
    5. MHA will assume that this is the date of their return unless informed by the colleague that they intend to return to work earlier, as detailed in 4.4 below.
    6. Colleagues who know that they do not wish to return to work at the end of the adoption leave period must give the required contractual notice in writing. If a colleague qualifies for Adoption Pay, they will continue to be retained on the payroll until the entitlement ceases at which time, they will receive their P45. However, for all other purposes the colleague's employment ceases at the end of the contractual notice period - upon which date all outstanding monies will be paid.
    7. If a colleague takes any employment with another employer during their 39 weeks paid adoption leave, they are required by law to inform MHA as their adoption pay will cease.
    8. A colleague may not work for another employer whilst on Ordinary or Additional Adoption Leave. It is the colleague’s responsibility to inform MHA as entitlement to Adoption Pay will cease and employment may also be terminated.
    9. If returning before the end of the 26-week Ordinary Adoption Leave period or before the end of the Additional Adoption Leave period (as appropriate) the colleague must inform the line manager in writing at least 8 weeks’ before their intended date of return, otherwise MHA may delay their return by up to 8 weeks, provided this does not extend past the date when the colleague was due to finish their adoption leave.
    10. When no notification is received and the colleague does not return to work on the due date, MHA will treat this matter as it does any other absence without notification.
    11. The colleague will therefore be subject to the gross misconduct provisions of the Disciplinary Policy and subject to the terms of that policy, may have their employment terminated.
    12. The colleague has no right to delay their return beyond their adoption leave entitlement. If they are sick at the date of return, the colleague must provide a doctor's certificate to this effect. Provided that they comply with this requirement MHA will then treat them as having returned, but as being absent due to sickness.
    13. If it is not practicable to offer the colleague their old job back because the position has become genuinely redundant, the colleague must be offered alternative employment, if such suitable alternative employment exists, under comparable terms and conditions. This may mean that the colleague is treated more favourably than other potentially redundant colleagues. “Suitable” in this context means suitable to the colleague and appropriate in the circumstances, although the colleague’s decision must still be reasonable if that alternative employment is refused. If there is no suitable vacancy the colleague is entitled to a redundancy payment, if eligible.
    14. If this situation arises, the Redundancy Policy should be referred to.

Benefits

* + 1. The contract of employment will continue to apply throughout both Ordinary and Additional Adoption Leave unless MHA, or the colleague provides notice of termination in accordance with that individual’s required contractual notice period as shown in their Statement of Terms and Conditions of Employment.
    2. Whilst on Adoption Leave the colleague will benefit from all of the terms and conditions which would have applied to them as if they had been at work instead of on leave, except the terms and conditions regarding “remuneration” (where remuneration is defined as monitory wages or salary payable). However, the MHA will enhance these requirements as shown below the following table:

| **Benefit** | **Details** |
| --- | --- |
| **Annual pay review** | Absence due to adoption leave will not affect the nature or timing of annual pay review and award. |
| **Pension** | All colleagues on Ordinary and Additional Adoption Leave who are members of MHA Pension Scheme will remain members of this scheme.  If the colleague belongs to the Pension Scheme there will be no change to the terms under which MHA or the colleague pays contributions into the Pension Scheme during the Ordinary Adoption Leave period. This will affect the total amount in the scheme as payments will reduce during this period (since payments are calculated as a percentage of income).  During the Additional Adoption Leave the colleague will be given the choice of either stopping contributions or to make a lump sum contribution for missed payments on return to work. Any contributions made will be matched by MHA. Please contact the Payroll Manager for more information about this. |
| **Annual Leave Entitlement** | Annual leave entitlement will continue to accrue during the total absence period. Holiday must be taken before and / or after the adoption leave absence. Carry-over of holiday entitlement from one holiday year to another will only be permitted in accordance with the Holiday Arrangements Policy.  For colleagues wishing to take annual leave before returning to work (i.e. immediately after taking adoption leave), this should be requested using the Holiday Arrangements Policy. |
| **Working Hours** | Colleagues wishing to change their hours of work upon their return to work should refer to the Job Share and Flexible Working Policies and discuss possible options with their line manager. |

Time off for Pre-adoption and Adoption Order Interviews / Appointments

* + 1. Pre-adoption and Adoption interviews should, whenever possible, be arranged outside working hours. However, where this proves to be impractical, the main adopter will be able to attend up to 5 appointments for which pay will be given. The secondary adopter may attend up to two appointments which will be paid.

1. In Vitro Fertilisation (IVF) and Other Fertilisation Treatments
   1. MHA recognises that infertility can cause considerable distress and, as a provider of healthcare services, is sympathetic to colleagues who decide to undertake fertility treatment.
   2. Although colleagues do not have a statutory right for time off to attend fertility treatments, IVF appointments and any sickness related to IVF should be treated the same as any other medical appointment or sickness regardless of whether the colleague is the donor or recipient.
   3. It is acknowledged that it might be difficult to control the times of fertility treatment such as tests, egg collections and embryo transfer due to hormone levels, however, MHA requests that these are arranged outside normal working hours where possible, or at the start or end of the working day.
   4. Where possible, advance notice of fertility appointments is requested, and evidence of appointment provided. MHA recognises that appointments and subsequent time off during fertility treatment may be required at short notice and managers are asked to be as flexible as possible.
   5. If further time off is required, consideration may be given to temporary flexible working, unpaid leave, or annual leave.
   6. Having IVF treatment can be difficult emotionally and physically. When it is known that a colleague is undergoing fertility treatment managers should discuss the physical work environment with them e.g. an appropriate environment to inject hormones or insert pessaries as required. Managers may also signpost colleagues to the support services offered by MHA e.g., access to counselling via the Employee Assistance Provider or support from the Chaplaincy Team.
   7. Sickness absence associated with fertility treatment will not be regarded as pregnancy related.
   8. A person is "pregnant" from the point of the implantation of fertilised ova. From this stage they will have the same rights as any pregnant person (including leave, pay, and protection from discrimination). If the IVF is unsuccessful, the protected period ends 2 weeks after the end of the pregnancy - 2 weeks after the date the person was informed that implantation was not successful.
2. Neonatal Care Leave
   1. One in seven babies born in the UK is admitted to neonatal care shortly after birth. Babies receive neonatal care either because they have been born prematurely (before 37 weeks of pregnancy) or at full-term but sick.
   2. Under the Neonatal Care (Leave and Pay) Act (2023) all MHA Colleagues are entitled to leave from work if their baby receives neonatal care for more than 7 continuous days, before the baby is 28 days old. The length of leave will be based on how long baby receives neonatal care, up to 12 weeks.
   3. All colleagues are eligible for neonatal care **leave** (regardless of length of service). However, to be eligible for neonatal **pay**, colleagues must have been employed by MHA continuously for at least 26 weeks by the end of the week before the child’s admission into neonatal care.
   4. Colleagues will receive statutory neonatal pay for the duration of their baby’s neonatal care, up to 12 weeks. This is in addition to other leave entitlements such as maternity, paternity, and shared parental leave. As a statutory entitlement, neonatal pay will be mandated at the statutory pay level (currently £156.66 per week).
   5. Colleagues will have 68 weeks to take their leave and pay entitlement from the first date of admission to neonatal care which means that they will be able to take their full entitlement to neonatal leave and pay in addition to other types of parental leave (including maternity, paternity, adoption, and parental bereavement leave and pay).
   6. Colleagues will have different notice requirements based on when they intend to take their leave: requirement to notify employer that they intend to take leave and pay immediately, if their baby is currently receiving neonatal care or very recently discharged, or to give notice at least twice as long as the length of leave being taken (capped at 4 weeks) if they intend to take leave after their baby’s stay.
   7. Colleagues who qualify for maternity leave will take their accrued neonatal leave after their maternity leave ends, this is because maternity leave will be triggered by the birth of the baby and cannot be paused and restarted. Similarly, if taking adoption leave, neonatal leave will be taken once this has ended.
   8. The interaction of other types of statutory parental leave (shared parental leave and paternity leave) with neonatal leave will be more flexible as these can be used at different times. For example, paternity leave can be used at any time between the birth of the baby and 56 days from birth (or due date in the case of prematurity).
3. Child Loss

Still Birth and neonatal death

* + 1. If a colleagues baby died within the first 28 days of life this is considered to be a neonatal death. When a colleagues baby is born alive at any time during their pregnancy but does not survive, they are entitled to Maternity Leave and pay as outlined in Section 4, if they meet the qualifying conditions.
    2. When a colleague’s baby is still born after the 24th week of pregnancy they will be entitled to the same amount of maternity leave and pay as if the baby was born alive.
    3. Colleagues who have had a still birth or experienced neonatal death, and their partners, may need time off in the future to attend appointments related to their loss. Time off to attend these appointments will be granted.
    4. Partners, as well as grandparents and other close relatives, affected by the still birth or neonatal loss and should also be offered support.

Support

* + 1. Unfortunately, in the UK 14 babies die every day before, during, or shortly after they are born, and any infant death is extremely traumatic.
    2. Talking about the death of a baby can feel very difficult but finding the right words at the right time can really help to support bereaved parents or families when they need it most. Sands is a national charity offering emotional support and practical help for when a baby dies during pregnancy, at birth or shortly afterwards. They can be contacted using the details below and may assist parents and managers who are looking to support those who have suffered a loss:
  + SANDS 3rd Floor, 28 Portland Place, London, W1B 1LY 020 7436 5881 [helpline@uksands.org](mailto:helpline@uksands.org) [www.sandsforum.org](http://www.sandsforum.org)

Miscarriage, Ectopic Pregnancy and Molar Pregnancy

* + 1. Miscarriage, ectopic pregnancy, and molar pregnancies can be a frightening, lonely and traumatic experience. It is often both physically and emotionally painful, with effects that can last for a long time.
    2. If your baby is stillborn before the end of the 24th week of pregnancy it is treated as a miscarriage. Colleagues who suffer a miscarriage do not qualify for maternity leave or pay. However, it is likely that colleagues will need to take some time off work following the loss of their baby managers should consider options for compassionate leave, annual leave or agree a period of unpaid leave. Colleagues are also entitled to take sick leave if they are not well enough to work, and this would be treated as pregnancy-related sickness.
    3. Partners, as well as grandparents and other close relatives, affected by the miscarriage and should also be offered support.
    4. Everyone’s needs are different. For example, some people may feel that they can continue to work as normal, while others may require more support and it’s important not to make any assumptions about how they feel or how they want to be treated.

Support

* + 1. It’s important to acknowledge the loss rather than to ignore it, unless the person requests otherwise. Further advice and support can be accessed from the Miscarriage Association: Miscarriage Association [www.miscarriageassociation.org.uk](http://www.miscarriageassociation.org.uk) 01924200799 [info@miscarriageassociation.org.uk](mailto:info@miscarriageassociation.org.uk) 6.15.1.5 Information and support to help you through a miscarriage, ectopic pregnancy or molar pregnancy.
    2. A pregnancy loss may happen at work. If a colleague suspects that they have started to lose the baby they may have bleeding, severe abdominal pain, and may be faint or collapse. They may be very distressed and panicked, embarrassed and frightened. You can help by ensuring that they have quick access to a toilet, and you may need to help them by calling their preferred contact or colleague to assist them in getting home or to hospital or a first aid room. In severe cases you may need to call an ambulance.

1. Keeping in Touch Days
   * 1. Before a colleague commences family leave, their line manager will discuss with them how they will maintain reasonable contact about issues and developments during their leave.
     2. A colleague who is on Maternity Leave can work for their employer for 10 days by mutual agreement without losing SMP. Important points to note include the following:
   * the colleague can go in for one hour or a whole day. This will still be a Keeping in Touch (KIT) day
   * if the colleague’s shift continues past midnight, this will still count as one day as long as the colleague’s normal working pattern is such that this would fall within a normal working day under usual circumstances
   * the decision to undertake a KIT Day must be made by mutual agreement between the colleague and the employer. The employer has no right to demand that any such KIT work is undertaken, and the colleague has no right to undertake such work.
   * Payment for KIT days will be based on the hours worked and not the whole day (unless the whole day is worked). Each day, regardless of hours worked is classed as a KIT Day.
     1. In addition to the colleague or adopters’ entitlement to Keeping in Touch (KIT) days both parents may also work up to an additional 20 Shared Parental Leave in Touch (SPLIT) Days. Working a SPLIT day does not impact on the colleague’s access to Shared Parental Leave or Pay. As with KIT days these additional SPLIT days are only worked with the agreement of both the colleague and MHA. The rules of a SPLIT day are the same as a KIT Day in section 9 above.
2. Leaving MHA’s Employment
   1. Colleagues who know that they do not wish to return to work after taking family leave must give the required contractual notice in writing.
   2. If a colleague qualifies for Adoption Pay, they will continue to be retained on the payroll until pay entitlement ceases at which time they will be processed as a leaver and a P45 generated. However, for all other purposes the colleague's employment ceases at the end of the contractual notice period - upon which date all outstanding monies will be paid.
3. Roles and Responsibilities

|  |  |
| --- | --- |
| Role | Responsibilities |
| **All Colleagues** | * All colleagues who meet the eligibility requirements detailed within each provision of this policy. * If the new or expectant colleague has any concerns regarding health and safety at work, they must seek advice from their line manager before undertaking the task about which they have a concern. * All those persons referred to within the Scope of this policy are required to adhere to its terms and conditions. They must understand that this policy is also incorporated into their contract of employment. * Advice on the application of this policy is available from Human Resources, Payroll and Time and Attendance Teams. |
| **Line Management** | * Individual line managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with Human Resources prior to any action being taken. |
| **HR** | * The People Directorate is responsible for regularly reviewing and updating this policy. |

1. Training and Monitoring
   1. Compliance is assessed through direct observation, monitoring, and supervision of our colleagues.

Fraudulent Claims

* + 1. Should a colleague claim or take pay or a period of absence to which they are not entitled the matter will be investigated under the disciplinary policy and may lead to disciplinary action up to and including dismissal.

1. Communication and Dissemination
   1. This policy is disseminated and implemented within all MHA services through MHA’s channels of communication.
   2. Each colleague’s line manager must ensure that all teams are aware of their roles and responsibilities.
   3. This policy will be available to the people we support and their representatives in alternate formats, as required.
   4. Any review of this policy will include consultation with our colleagues quality and feedback from other agencies.
   5. Queries and issues relating to this policy should be referred to the Standards and Policy Team [policies@mha.org.uk](mailto:policies@mha.org.uk)
2. EDI Impact Assessments
   1. MHA aim to design and implement policy documents that meet the diverse needs of our service, population, and workforce, ensuring that none are placed at a disadvantage over others.
   2. It reflects the provisions of the Equality Act 2010 and promotes equal opportunities for all.
   3. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy, and maternity.
3. Resources
   1. MHA policy documents, procedures, and guidance
   * Risk Assessment Form New and Expectant Colleagues
   * Maternity Leave Notification Form
   * Paternity Leave Notification Form
   * Adoption Confirmation Form
   * Adoption Leave Planner
   * Risk Assessment Policy
   1. External Resources referenced to develop this document
   * Workplace (Health, Safety and Welfare) Regulations 1992
   * Display Screen Equipment Regulations 1992
   * Manual Handling Regulations 1992
   * Management of Health and Safety at Work Regulations 1999 Regulations 16 – 19
   * Employment Rights Act 1996
   * The Control of Substances Hazardous to Health Regulations 1999
   * Equality Act 2010
   * Further advice and guidance concerning new and expectant colleagues is given in:
4. HSG 122 ‘New and Expectant Colleagues at Work’; and
5. ISBN 0-7176-1360-7 ‘Infection Risks to New and Expectant Colleagues in the Workplace’.
6. Appendices
   1. **Appendix 1: Identifying Pregnancy Related Risks**

**Factors to Consider:**

* + 1. Exposure to physical agents such as vibration, noise, temperature extremes, poor or prolonged working postures and repetitive movements should be avoided, or at least minimised.
    2. Manual handling activities (particularly lifting and moving of service users) and the use of steps/ladders should be assessed and the individual's ability to carry out these activities regularly monitored, this is particularly important as these abilities will alter as the pregnancy develops.
    3. Exposure to ionising radiation should be avoided where possible. If exposure is necessary, it will be reduced to the lowest level and strict controls, including personal dosimeters provided.
    4. Exposure to biological agents, especially agents capable of causing abortion should be avoided. If exposure is necessary then the strictest controls should be implemented, paying particular attention to the containment requirements detailed in schedule 9 to the Control of Substances Hazardous to Health Regulations 2002 (as amended) and see further Ref. at end of this section.
    5. Exposure to chemical agents such as mercury, lead, substances absorbed through the skin, cytotoxic drugs, carbon dioxide and chemicals labelled as follows should be avoided or at least reduced to the lowest level possible:
  + possible risk of irreversible effects
  + may cause cancer
  + may cause heritable genetic damage
  + may cause harm to the unborn child
  + possible risk of harm to the unborn child
  + may cause harm to breast fed babies.
    1. Personal protective equipment (PPE) should be provided as a last resort and must be suitable for controlling the identified risks. Training in the correct use of PPE and in understanding its limitations must be given.
    2. The potentially harmful effects of shift work will need to be considered and alternative day-time employment may need to be offered for night workers with no loss of pay or benefits. A colleague has the right not to work nights if a medical certificate stating that this could adversely affect the health and safety is provided.
    3. Revision of the individual’s DSE workstation assessment, reduction in the amount of travelling required to carry out work, reduction/avoidance of lone working and review of the general work environment.

Risks may include:

* + Morning sickness, which is relevant where early morning shift work is undertaken or maybe where there is exposure to nauseating smells
  + Backache associated with poor or prolonged unchanging posture, or manual handling activities - this will become increasingly significant as the pregnancy advances
  + Haemorrhoids and varicose veins are associated with posture, the former also with hot work environments
  + The increasing physical size of pregnant people may affect their ability to wear PPE properly and consequently reduce the level of protection offered. It might also affect: the amount of workspace they need to work comfortably, the ability to perform manual handling correctly and safely, and their co-ordination, mobility, and dexterity. Consideration may need to be given to evacuation routes, especially where they involve awkward and difficult stairs, ladders, etc.
  + Many pregnant people will need to make increasingly regular visits to the toilet; so, it is important that they are able to leave their work easily and have readily accessible facilities
  + As the pregnancy develops, increasing tiredness will become an important factor and may well affect shift work or overtime. This will also be significant where long periods of concentration are necessary and/or where machinery is operated, etc.
  + The increasing size of pregnant people may also adversely affect their balance, so hazards associated with slippery or uneven floors, climbing ladders or steps etc. Will need to be addressed.
  + Unusually low or high blood pressure during pregnancy will also need to be considered as this could lead to light-headedness or fainting, especially under hot or humid conditions.
  + Stress or post-natal depression for new colleagues returning to work
  + Additional risk of long periods of travel to attend seminars or meet clients
  + Risk of exposure to aggression or violence if lone working away from the office
  + Ability to respond to emergency situation (e.g. In the event of evacuation for fire)
  + Throughout all aspects of the risk assessment process, the colleagues are to be offered suitable alternative work, where significant risks cannot be appropriately reduced or eliminated. Where significant and unacceptable risks remain, and suitable alternative work is not available, the colleagues will be suspended on full pay until this can be resolved.
  1. **Appendix 2: Maternity Leave Timeline of Events Flow**



Please note that this appendix is for explanatory purposes only. The contractual detail is contained within the policy.

1. Version Control

| Version | Version Date | Revision Description / Summary of Changes | Author | Next Review Date |
| --- | --- | --- | --- | --- |
| August 2024 | 1 | * Policy development to amalgamate MHA’s parental leave related policies. * Legislative and statutory review. * Inclusion of The Paternity Leave Amendment Regulations (2024).   This policy is an amalgamation of (for archiving on approval)   * HS428 New and Expectant Colleague Policy * HS428a New and Expectant Colleague Risk Assessment * HR7.3 Maternity and Paternity Policy * HR7.5 Parental Leave Policy and form * HR7.6 Adoption Leave Policy | Author   * Head of People * HR Business Partner * Standards and Policy Manager   Review Panel   * Payroll and Pensions Manager * HR Advisor * Gender Network * Pride in MHA Network | August 2026 |