



Doctors and Dentists in Training (DDiT) Family Pack

Contents

INTRODUCTION	3
MATERNITY LEAVE.....	4
1. Maternity Leave & Pay Entitlement.....	5
2. Applying For Maternity Leave & Pay.....	5
3. During Your Maternity Leave.....	6
4. Unpaid Maternity Leave.....	6
5. Keeping in Touch.....	6
6. Following Your Maternity Leave.....	6
7. Annual Leave.....	7
8. Further Information.....	7
9. Questions and Answers.....	8
10. Health & Safety Issues relating to New & Expectant Mothers.....	10
Table 1-LEAVE AND PAY PROVISIONS.....	11
Table 2-EMPLOYEES ON TEMPORARY, FIXED TERM OR TRAINING CONTRACTS.....	12
1 General Information.....	14
PATERNITY LEAVE.....	16
1 General Information.....	17
PARENTAL LEAVE.....	19
SHARED PARENTAL LEAVE.....	22
1 Shared Parental Leave.....	23
2 Shared Parental Pay.....	23
3 Qualifying Criteria – Shared Parental Leave.....	24
4 Qualifying Criteria - Statutory Shared Parental Pay.....	25
5 Shared Parental Leave – How do I take it?.....	25
6 Notification Requirements.....	26
7 Payment of Statutory Shared Parental Pay (ShPP).....	26
8 Shared Parental Leave In Touch Days (SPLIT Days).....	26
9 Child Care Vouchers.....	26
10 Pension/National Insurance Contributions.....	27
11 Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) – Frequently Asked Questions.....	28
12 Form 1.....	34
13 Form 2.....	40
Appendix 1 APPLICATION FOR MATERNITY LEAVE.....	42
Appendix 2 APPLICATION FOR ADOPTION LEAVE.....	44
APPLICATION FOR PARENTAL LEAVE.....	46

INTRODUCTION

CONGRATULATIONS on your forthcoming event.

This pack has been compiled to provide you with important information on your leave and pay entitlement. It should be read in conjunction with Section 15 of the Agenda for Change Terms and Conditions of Employment Handbook. [Maternity leave and pay Section 15 - NHS Employers](#)

We hope that the information contained in the pack will answer any questions you may have, however, if you require any further information, you should contact DDIT-NIMDTA@hscni.net

MATERNITY LEAVE

1. Maternity Leave & Pay Entitlement

To qualify for Occupational Maternity Pay you must have 12 months continuous service with one or more NHS Employers at the beginning of 11th week before your EWC (expected week of childbirth).

To qualify for Statutory Maternity Pay, you must have continuous service for 26 weeks (6 months) up to the 15th week before your EWC.

If you do not qualify for Statutory Maternity Pay, you may qualify for Maternity Allowance, which is paid by the DHSSPS for a period of 39 weeks. All pregnant Employees are entitled to a maximum of 52 weeks maternity leave. Staff must take a minimum of two weeks maternity leave from the date of childbirth.

PLEASE REFER TO TABLE 1 FOR DETAILS OF ALL PAY PROVISIONS

2. Applying For Maternity Leave & Pay

You should inform your Line Manager and NIMDTA Employment Department of your intention to apply for maternity leave as soon as possible, at least 15 weeks before expected date of birth. Once you have received your MAT B1 certificate from your GP or Midwife (around 26 weeks), confirming your pregnancy and due date, you should arrange to meet with your Manager to discuss and agree your entitlement, to agree the dates of your leave and to complete the maternity leave application (Appendix 1).

You should also discuss arrangements for keeping in touch which may help you to keep up to date with developments at work, or help facilitate your return to work. The use of annual leave should also be agreed.

You should forward the completed maternity leave application to NIMDTA Employment Department, 'Beechill House', 42 Beechill Road, Belfast BT8 7RL **at least 28 days before the start of your maternity leave together with your certificate of confinement (MAT B1). Applications will not be processed without the original MAT B1 form is received.**

Confirmation of your maternity arrangements will be provided to you by NIMDTA Employment Department the month prior to your Maternity start date. **It is important that you retain this information as it confirms when your maternity leave commences and when you are expected back at work.**

During your pregnancy, you are entitled to reasonable time off for antenatal care. Antenatal care may include relaxation and parent-craft classes as well as appointments for antenatal care. Your Line Manager will require reasonable notice of these appointments.

If you have a partner who works within NIMDTA, they can apply to their Line Manager for up to 2 weeks paternity leave, paid at full pay depending upon service. Further details can be found further in this pack.

3. During Your Maternity Leave

An Employee who intends to return to work at the end of her maternity leave period will not be required to give any further notification to NIMDTA and it will be expected that she returns to work at the end of the maternity leave period as indicated on the original application.

If however she wishes to return to work before the end of the maternity leave she must give at least 28 days' notice in writing, made directly to NIMDTA Employment Department and also advise her Manager so that pay can be adjusted accordingly.

If the employee fails to return to work at the end of maternity leave due to sickness, normal sickness provisions will apply. The employee is required to report her sickness directly to NIMDTA Employment Department and also advise her Manager and submit a sickness certificate so that pay can be adjusted accordingly.

4. Unpaid Maternity Leave

During unpaid leave, should she wish to continue to pay your pension contributions contact the Shared Services Payroll Department for guidance: payroll.ssc@hscni.net

5. Keeping in Touch

Legislation enables the Employer to initiate reasonable contact during maternity leave. Before going on leave the Employee and line Manager should discuss arrangements for keeping in touch during the Employee's maternity leave. Legislation also introduces 'Keeping In Touch' (KIT) days. KIT days (up to 10 during a period of leave) are intended to help Employees keep in touch with the workplace and may ease return to work after maternity leave. KIT days are by mutual agreement - there is no obligation on the Employer to offer KIT days nor is there an obligation on the part of the Employee to use them. However if work is to be carried out, for example essential training or attendance at a conference, consideration should be given by the Manager to pay for the work done at a normal days pay. Where possible, managers should discuss this in advance of the Employee going on maternity leave so that both Manager and Employee are clear on whether KIT days will be used. KIT days can be used at any time during the maternity leave period with the exception of the two weeks immediately after the birth of the child. Managers should ensure that that they inform NIMDTA Education Department for work done.

6. Following Your Maternity Leave

If you have signed the undertaking to return to work for three months and are unable to do so, you shall be liable to refund any Occupational Maternity pay received less what you would have been entitled to under the Statutory Maternity pay scheme.

7. Annual Leave

Annual leave will continue to accrue during maternity leave, whether paid or unpaid.

Unpaid maternity leave counts as continuous service. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the Employer and the Employee for the Employee to take annual leave before and/or after the maternity leave (paid and unpaid) period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the Employee and the Employer before the Employee commences maternity leave.

Statutory Leave

The Department of Health, Social Services and Public Safety (DHSSPS) have released a circular confirming employees who were on maternity leave on 1st April 2015 or have commenced maternity leave since that date have the right to accrue general public holidays during their maternity leave period and to utilise those holidays on their return from leave.

The circular is effective from 1st April 2015 therefore you are entitled to the public holidays (pro rata for part time employees) that occur during your maternity leave.

NIMDTA Education Department will calculate the general holidays you are entitled to (pro rata for part time employees) and you need to discuss this with your line manager on your return.

8. Further Information

8.1 Work Life Balance Policies

A range of work life balance initiatives have been developed within NIMDTA following consultation with staff representatives, service managers and the Equality Commission, to meet legislative requirements and best practice.

9. Questions and Answers

9.1 Who is entitled to Occupational Maternity Pay? – refer to Table 1 Page 10

You must have one year's continuous service at the beginning of 11th week before your EWC to qualify for Occupational Maternity Pay.

9.2 Who is entitled to Statutory Maternity Pay? – refer to Table 1 Page 10

You must have continuous service of at least 26 weeks, up to and into the 15th week before your expected week of childbirth. Your normal weekly earnings must not be less than the lower earnings limit for the payment of National Insurance contributions and you must still be pregnant by the 11th week before your expected week of childbirth.

9.3 Who is entitled to Maternity Allowance? – refer to Table 1 Page 10

If you are pregnant and working and do not qualify for statutory maternity pay, you may be entitled to maternity allowance. This is payable weekly for 39 weeks by the DHSSPS. The claim form can be downloaded from: <http://www.nidirect.gov.uk/apply-for-maternity-allowance>.

To qualify for maternity allowance you must have been employed or self-employed for at least 26 weeks in the 66 weeks up to and including the week before the baby is due. This 26 week period does not have to be continuous. You must also have paid the full rate of National Insurance in at least 26 weeks out of the same year and have stopped work while receiving Maternity Allowance and not qualify for statutory maternity pay.

9.4 If I decide to give up work, can I still get Statutory Maternity Pay?

If you are eligible, you can get statutory maternity pay, even if you do not intend to return to work. As long as you were employed at the 15th week, known as the "qualifying week", before your expected week of childbirth (see tables 1 and 2).

9.5 Can I choose when to stop work?

Yes, from the 11th week before the expected week of childbirth and you may continue to work until the birth, provided you give the required notice of 28 days to your Manager.

9.6 What happens if I become sick and I have delayed the start of my maternity leave?

If an Employee is off work ill, or becomes ill, with a pregnancy related illness during the last four weeks before the expected week of childbirth maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after the Employee last worked whichever is the later.

If your illness is not related to your pregnancy then normal sick leave regulations apply until the agreed date of commencement of your maternity leave.

9.7 What happens if I am on annual leave before my expected date and the baby is born early?

If an Employee is on annual leave before their baby is due and the baby is born early then Maternity pay and leave entitlement will commence from the day the baby was born. The Employee or Manager should contact NIMDTA Employment Department so that the employee salary can be adjusted. Any leave outstanding can be used at the end of the employees maternity leave period.

9.8 What happens if my baby is born prematurely? (after 24 weeks of pregnancy)

Where an Employee's baby is born alive prematurely the Employee will be entitled to the same amount of maternity leave and pay as if her baby was born at full term.

Where an Employee's baby is born before the eleventh week before the expected week of childbirth, and the Employee has worked during the actual week of childbirth, maternity leave will start on the first day of the Employee's absence.

Where an Employee's baby is born before the eleventh week before the expected week of childbirth, and the Employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth.

Where an Employee's baby is born before the eleventh week before the expected week of childbirth and the baby is in hospital the Employee may split her maternity leave entitlement, taking a minimum period of two weeks leave immediately after childbirth and the rest following her baby's discharge from hospital.

9.9 Still Birth

Where an Employee's baby is still born after the 24th week of pregnancy the Employee will be entitled to the normal maternity leave and pay entitlements.

9.10 Miscarriage

Where an Employee has a miscarriage before the 25th week of pregnancy normal sickness absence provisions will apply as necessary.

9.11 What happens if I become sick after my baby is born?

If you are absent on maternity leave, then your entitlement under the Sick Pay scheme is suspended during the maternity leave period, however, if you have agreed the date you intend to return to work with your Line Manager and you become ill, then you will be treated under the Sick Pay scheme from this date.

9.12 Do I have the right to work on a part-time basis?

No, you do not have a *right* to return on a part-time basis; however, you should contact your Line Manager and ask him/her to consider your request.

10. Health & Safety Issues relating to New & Expectant Mothers

NIMDTA recognises its duty to provide a safe working environment, to assess risks to new & expectant mothers and to take steps to avoid or control risk. This specifically relates to physical, biological and chemical hazards and working conditions that may affect the health & safety of new & expectant mothers. A new and expectant mother is a member of staff who is pregnant, has given birth within the previous six months, or who is breastfeeding.

It is therefore important that you inform your Line Manager as soon as you know that you are a new or expectant mother or are breastfeeding so that your Manager can carry out an individual Risk Assessment to ensure that you and your child are not exposed to risks identified by the assessment. Your Line Manager should explain what controls will be taken or adjustments made to ensure that you, as a new or expectant mother, are not exposed to the risks that could cause harm.

All female staff who could in the future be pregnant or breast feeding should be aware of the potential risks associated with their particular work activity and what action will be taken to ensure they are not exposed to risks that could cause them harm – speak to your manager for a copy of the risk assessment relating to such.

Further information is also available from the Health & Safety Executive's website – www.hse.gov.uk/mothers/index.htm

Table 1-LEAVE AND PAY PROVISIONS

Your Intentions	Continuous Service Requirement	Maternity Leave Entitlement	Maternity Pay Provisions
Returning to work for at least three months after your maternity leave	Working full or part-time for <u>twelve</u> months or more at the 11 th week before your expected week of childbirth	<u>9 Months paid leave (39 weeks)</u> : PLUS up to 13 weeks unpaid leave	8 weeks full pay. 18 Weeks half pay PLUS SMP at £139.58 (from 6th April 2015) per week. 13 Weeks at SMP only at £139.58 (from 6th April 2015).** 13 weeks unpaid.
Returning to work for at least three months after your maternity leave	Working full or part-time for <u>less</u> than twelve months at the 11 th week before your childbirth	39 weeks SMP (dependant on entitlement) 13 weeks unpaid leave	SMP for 39 weeks. i.e. 6 weeks at 90% of full pay 33 weeks at £139.58 (from 6th April 2015)per week. 13 weeks unpaid
Returning to work for at least three months after your maternity leave	Employee has 26 weeks continuous service at qualifying week *	39 weeks SMP (dependant on entitlement) 13 weeks unpaid leave	SMP for 39 weeks i.e. 6 weeks at 90% of full pay 33 weeks at £139.58 (from 6th April 2015)per week. 13 weeks unpaid
Returning to work for at least three months after your maternity leave	To qualify for maternity allowance an Employee must have been employed for at least 26 weeks in the 66 weeks up to and including the week before the baby is due	52 weeks unpaid leave	Employee may be entitled to maternity allowance of 39 weeks at £139.58 (from 6th April 2015)per week. 13 weeks unpaid. Salaries and Wages will send Employee SMP1 form to make claim for maternity allowance

* this is the 15th week before the expected week of childbirth

** current rate of SMP from 6 April 2015 as determined by DHSS

Your Intentions	Continuous Service Requirement	Maternity Leave Entitlement	Maternity Pay Provisions
Not intending to return to work	Employee has <u>one</u> year's continuous service, full-time / part-time at the qualifying week	N/A	39 weeks SMP i.e. 6 weeks at 9/10 of full pay 33 weeks at £139.58 (from 6th April 2015)per week
Not intending to return to work	Employee has 26 weeks continuous service at qualifying week	N/A	39 weeks SMP i.e. 6 weeks at 90% of full pay 33 weeks at £139.58 (from 6th April 2015)per week
Not intending to return to work	Employee has less than 26 weeks continuous service at qualifying week	N/A	May be entitled to maternity allowance

Table 2-EMPLOYEES ON TEMPORARY, FIXED TERM OR TRAINING CONTRACTS

Length of Service	Maternity Pay Provisions
Employees who have twelve months service and whose Contract expires after the 11 th week before the expected week of confinement and before six weeks after the expected week of confinement	39 Weeks maternity leave. Eight weeks full pay followed by 18 weeks half pay PLUS SMP at £139.58 (from 6th April 2015)per week plus 13 weeks SMP only
Less than twelve months service (you may be entitled to Statutory Maternity Pay. If your Contract expires after the 15 th week before the expected week of confinement, but before 14 weeks after the expected weeks confinement your Contract shall be extended to allow you to receive Statutory Maternity Pay)	Statutory Maternity Pay, where applicable

Please Note:

Your Contract will not be extended to cover a period of unpaid leave, however, if you have two years or more continuous service, an absence prior to your return to work in your next appointment for up to 29 weeks, starting with the week in which your confinement occurs, will not constitute a break in service.

By prior agreement with the Payroll Department, maternity pay may be paid equally (stretched) over either 26, 39 or 52 weeks. Please note this on your application form.

ADOPTION LEAVE

1 General Information

- 1.1 Employees wishing to adopt a child who is newly placed for adoption will be entitled to Adoption Leave. The principles of this scheme are the same as the provisions within the maternity leave scheme. On this basis, staff who have one year's service ending with the week in which they are notified of being matched with a child for adoption, will qualify for 39 weeks Adoption leave paid at 8 weeks full pay, followed by 18 weeks half pay plus Statutory Adoption Pay (paid at the same rate as SMP) and 13 weeks Statutory Adoption pay. Staff with 26 weeks continuous service will qualify for Statutory Adoption Pay, which is 6 weeks at 90% and 33 weeks Statutory Adoption Pay (paid at the same rate as SMP). The leave should cover official meetings in the adoption process as well as time after the adoption itself.
- 1.2 Eligibility for Occupational Adoption Pay will be one year's continuous HSC service ending with the week in which they are notified of being matched with the child for adoption. This will cover the circumstances where Employees are newly matched with the child by an adoption agency.
- 1.3 If there is an established relationship with the child, such as fostering prior to the adoption, or when a step-parent is adopting a partner's children there is scope for local arrangements on the amount of leave and pay in addition to time off for official meetings. NB: appropriate time off to attend official meetings in the adoption process should also be given.
- 1.4 If the same Employer employs both parents the period of leave and pay may be shared. One parent should be identified as the primary carer and be entitled to the majority of the leave. The partner of the primary carer is entitled to Paternity Leave, payment of which will depend on length of service.
- 1.5 Only one period of leave will be made available regardless of whether more than one child is placed for adoption as part of the same arrangement. If a child's placement breaks down during a period of adoption, the Employee may continue to avail of the entitlement for up to a maximum of eight weeks from the date the placement ended.
- 1.6 Adoption Leave can start from the date the child is placed for adoption or up to 14 days prior to the expected date of placement but not later than the date of placement.
- 1.7 All applications for this leave should be supported by the matching certificate issued by the Adoption Agency as proof of adoption. Please note that you can scan & email your form & MAT B1 form to DDiT-NIMDTA@hscni.net however the form will not be processed until the original Matching Certificate is received.
- 1.8 Employees wishing to return to work from Adoption Leave earlier than anticipated must give 28 days' notice in writing of their intention to return to work.
- 1.9 Staff will also be entitled to an extended period of unpaid leave up to a maximum of 52 weeks in total (inclusive of the paid adoption leave). Annual leave will accrue during

adoption leave whether paid or unpaid. Similarly to Maternity leave Public Holidays do not accrue during Adoption leave.

- 1.10 The legislation also introduces 'Keeping In Touch' (KIT) days. KIT days (up to 10 during a period of leave) are intended to help Employees keep in touch with the workplace and may ease return to work after adoption leave. KIT days are by mutual agreement - there is no obligation on the Employer to offer KIT days nor is there an obligation on the part of the Employee to use them. However if work is to be carried out, for example essential training or attendance at a conference, consideration should be given by the Manager to pay for the work done at a normal days pay. Where possible, Managers should discuss this in advance of the Employee going on adoption leave so that both Manager and Employee are clear on whether KIT days will be used. KIT days can be used at any time during the adoption leave period with the exception of the two weeks immediately after the placement of the child. Managers should ensure that they liaise with Payroll SSC regarding payment for work done. See above for KIT day notification process
- 1.11 Managers should meet with the Employee to complete the Adoption Leave application (Appendix 2) referring to the Adoption Leave Policy for guidance and should contact a member of the Pay & Conditions team if they require advice or assistance.

PATERNITY LEAVE

1 General Information

1.1 The Employment Act 2002 has made it a statutory requirement for Employers to provide Paternity Leave following the birth or adoption of a child. Therefore, in recognition of the important role that parents play in the development of the child and the challenge it presents, NIMDTA has reviewed its paternity provisions to ensure adherence to the statutory regulations.

Paternity leave is available to:

- A biological father or adoptive father;
- A partner/husband that is not the baby's biological father;
- A female partner in a same sex couple;
- A nominated carer;

1.2 Paternity Leave is paid/unpaid leave of absence and those with 12 months continuous HSC service at the beginning of the week in which the baby is due will be entitled to two weeks leave of absence with full pay which must be taken within 56 days of the child's birth or adoption. Staff can choose to take one or two whole weeks leave within 56 days of the child's birth or adoption.

1.3 Those with less than 12 months but more than 26 weeks continuous service will be entitled to two weeks leave paid at Statutory Paternity Pay (SPP) rate which is the same as the SMP rate.

1.4 Those with less than 26 weeks continuous service will be entitled to two weeks unpaid leave, BSO Shared Service Payroll Department will send SPP1 Form to you to explain the reason confirming their non-entitlement to SPP.

1.5 Paternity leave cannot start until the birth of the baby / date of adoption. Paternity leave and pay will operate on a rolling week basis which allows leave to commence on any day of the week.

1.6 Appropriate paid time off to attend ante-natal classes will also be given

1.7 If the baby is born earlier than it is due and if at the due date the Employee would have been continuously employed for the 12 months stated above, then the Employee will be deemed to have sufficient service.

1.8 An Employee who meets the service requirements set out above will be entitled to paid leave in the event of the baby being stillborn after 24 weeks of pregnancy.

1.9 In the case of multiple births resulting from the same pregnancy the entitlement remains the same as for a single birth.

The Procedure for Applying for Paternity Leave will be as follows :-

An Employee must notify their Line Manager of their planned date of leave at least 28 days before Paternity Leave is expected to start by completing the relevant application form (Appendix 3). Where the birth is later than expected, an Employee should advise their Line Manager as soon as is reasonably practicable of the actual date of birth. Employees who wish to change the start of their planned Paternity Leave period, may do so subject to the approval of their Line Manager and in light of the needs of the service at that time. Such requests will not be unreasonably refused. Where there is any change to the dates of leave applied for, the Line Manager will be responsible for keeping NIMDTA Employment Department advised.

PARENTAL LEAVE

- 1.** Eligibility for Parental Leave is open to any Employee with 12 months continuous NHS/HSC Service who have nominated parental responsibility, i.e.:
 - is the parent (named on the birth certificate) of a child who is under 18 years old;
 - is the parent of a disabled child who is under 18 years old;
 - has adopted a child under the age of 18;
 - has acquired formal parental responsibility for a child;
- 2.** Parental Leave is leave taken to look after a child or to make arrangements for the good of a child. The reasons for the leave need not be connected with a child's health, for example, a parent may wish to take parental leave to settle a child at a new play group.
- 3.** Parental Leave is unpaid and staff who qualify will have the right to a total of 18 weeks unpaid leave. Entitlement will be pro rata for part-time staff.
- 4.** In the case of multiple births there will be a separate entitlement for each child.
- 5.** Periods of Parental Leave do not affect the Employees normal annual leave entitlement.
- 6.** Parental Leave can be taken in manageable blocks of one week.
- 7.** It is the responsibility of an Employee wishing to pursue Parental Leave to consult with the BSO Payroll Shared Services regarding the reductions in his/her income and any Pension implications and to consult the local Social Security Office regarding National Insurance Contributions and any entitlements.
- 8.** An Employee on Parental Leave will be eligible to apply for promotion in the normal way. It is the Employee's responsibility to ensure arrangements are in place to receive job advertisements, etc. and to advise his/her Line Manager and NIMDTA Employment Department of any change in address.
- 9.** In the event that both parents of a child are employed by NIMDTA, they are not entitled to transfer their entitlement one to the other. Both parents will have the right to access Parental Leave either simultaneously or subsequently subject to the needs of the service.
- 10.** Following a period of Parental Leave the Employee will return to his/her former post or a post with the same terms and conditions and status. The Employee will not be disadvantaged by taking Parental Leave and in the event of a redeployment /redundancy situation he/she will be treated as if they were working normally.
- 11.** In the event that an Employee leaves NIMDTA and then takes up appointment at a later date their qualifying service for entitlement to parental leave may need to be verified with their previous Employer.
- 12.** Parental Leave taken with a previous Employer will be checked and verified for new employees once an application is made by the employee to ensure the appropriate entitlement is given.

13. Periods of Parental Leave will be treated as continuous service. Staff who fall sick during a period of Parental Leave who submit relevant medical notification in accordance with NIMDTA Policy shall be entitled to payment under the NIMDTA's Occupational Sick Pay Scheme. This period of medically certified sickness shall not count towards the parental leave taken.

The Procedure for Applying for Parental Leave will be as follows:-

Applications for Parental Leave should be made on the appropriate form. The Employee should request the leave using the appropriate leave type and submit to the Manager for approval. Leave should be taken in blocks of at least 1 week.

The Employee should give the Employer 13 weeks' notice of their intention to take leave. In the event that this is not possible no less than 21 days' notice should be given.

It is reasonable for Managers to ask to see proof of a child's age to establish eligibility for Parental Leave – a Birth Certificate will be the standard document to request.

Whilst NIMDTA will endeavour to facilitate a request for parental leave at the specified time there may be occasions having due regard to the needs of the service where the individual may be asked to postpone their request and agree alternative dates.

Although the leave is unpaid the Employee will remain an Employee of NIMDTA during the Parental Leave period and will be bound by all normal contractual regulations. As this leave is unpaid your pension may be affected, please contact BSO Pensions branch if you have any queries.

SHARED PARENTAL LEAVE

Shared Parental Leave and/or Pay

With effect from April 2015 eligible employees have a new statutory entitlement to Shared Parental Leave and/or pay where their baby is due or where they have been matched for adoption **on or after 5 April 2015**.

Shared Parental Leave and/or pay cannot start until after the birth of the child or in the case of adoption the child has been placed for adoption

Shared Parental Leave is designed to enable working parents to share leave and to take time off in a more flexible way. This will allow both eligible parents to be at home together if this is what they choose. The intention is to allow families more choice over how they look after their children in the first year.

For the purposes of this document “mother” should be taken as the mother of the child or the main adopter, partner should be taken as the husband or partner of the mother or the main adopter.

Eligible mothers will be able to choose to end their maternity/ adoption leave early to create leave which they can share with their partner. This is known as Shared Parental Leave.

1 Shared Parental Leave

1. Shared Parental **Leave** will be created where an eligible mother / main adopter brings their maternity or adoption leave to an early end. This is called “curtailing” maternity or adoption leave. The untaken weeks of maternity or adoption leave can be taken as Shared Parental Leave if the mother and their partner are eligible for this – up to a maximum of 50 weeks. It should be noted that it is mandatory for the mother to take a minimum of 2 weeks leave following the birth/placement hence that is why only 50 weeks out of the 52 week leave entitlement is available for sharing.
2. The amount of leave available for sharing will depend on the number of weeks maternity/adoption leave taken by the mother/adopter from the overall maximum of 52 weeks maternity/adoption leave.

Examples of how leave may be taken are detailed later

2 Shared Parental Pay

8. Shared Parental **Pay** will be payable where an eligible mother or adopter brings their maternity pay to an early end. Only the statutory payments can be shared; any entitlement to occupational payments will cease when the mother/adopter curtails their leave. The untaken statutory maternity pay will become available as Statutory Shared Parental Pay – up to a maximum of 37 weeks.
9. In some families, both parents will be employed and meet the qualifying requirements for shared parental leave and pay. In these circumstances, the parents will need to

decide how to divide the leave and pay entitlement. Leave or pay taken by one parent will reduce the pool of leave and pay that is available to the other parent. For an employee to be eligible for Shared Parental Leave **both** parents need to meet certain qualifying criteria.

3 Qualifying Criteria – Shared Parental Leave

10. To qualify for Shared Parental Leave, an employee must have been continuously employed by NIMDTA for 26 weeks up to and including the 15th week before the week in which their baby is due to be born, and still be employed by NIMDTA in the week before any Shared Parental Leave is due to start. This is called the '**continuity of employment test**'.
11. An employee who is adopting, or who is the partner of an adopter, meets the continuity of employment test if he or she has been continuously employed by NIMDTA for 26 weeks in the week in which the adopter is notified of having been matched with a child for adoption, and is still employed by NIMDTA in the week before any Shared Parental Leave is due to start.
12. For a parental order parent in a surrogacy arrangement, the continuity of employment test is the same as that which applies to birth parents (i.e. they must have been continuously employed by NIMDTA for 26 weeks up to and including the 15th week before the week in which the baby is due to be born), even though they get adoption leave and pay.
13. The other parent must meet an '**employment and earnings test**' for an employee to qualify for Shared Parental Leave. To meet this test, the other parent must have been an employee or self-employed earner for any part of at least 26 weeks of the 66 weeks leading up to the week in which the child is due (or matched for adoption) and have average weekly earnings in any 13 of those 66 weeks of at least £30 a week (2015/2016 rate).
14. **Other conditions:**
 - An employee must share the main responsibility for the care of the child that the shared parental leave and pay relates to with the other parent at the date of the child's birth or placement for adoption.
 - It is an Employee's responsibility to check they are eligible for shared parental leave and/or pay and they must give a written declaration confirming that they are eligible. They must also provide the name of their partner to ensure that he or she meets the employment and earnings test and consent to sharing the parental leave.
15. NIMDTA is not required to check or confirm the information given by the partner to determine whether an employee is eligible for shared parental leave and/or pay. It should be noted that a false declaration of entitlement will be considered benefit fraud by HMRC.

4 Qualifying Criteria - Statutory Shared Parental Pay

16. In order to qualify for Statutory Shared Parental Pay an employee must:

- meet the qualifying requirement for Shared Parental Leave AND
- have a partner who meets the employment and earnings test (as above).
- Qualify for Statutory Maternity/Adoption Pay
- Qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity/Adoption Pay or Maternity Allowance

5 Shared Parental Leave – How do I take it?

17. Eligible parents will be able to request to mix work with leave in the first year of their child's life and return to work between periods of leave if they wish.

18. Where both parents meet the eligibility requirements, shared parental leave can be shared between the parents who can alternate periods of work and leave or both parents can choose to be at home together.

19. Leave can be taken either as a continuous block or in a number of discontinuous blocks. Discontinuous blocks must be taken in a minimum block of one week at a time.

The following three options are available:-

- **Both parents can choose to be home together at the same time**
If taking leave at the same time this will be deducted from the leave pot for each parent. For example where both parents take a 4 week block off together, this will count as 8 weeks out of the total amount available.
- **Leave can be taken as one continuous period**
If an employee simply requests one period of continuous shared parental leave, the employee is entitled to take that leave provided they meet the eligibility criteria set out above.
- **Leave can be taken in discontinuous blocks (1 complete week at a time)**
Agreement with the employer is necessary if an employee requests discontinuous periods of shared parental leave – meaning two or more periods of leave separated by periods of work. An employee can choose to request **three separate blocks** of shared parental leave instead of taking it all in one go.

Examples of how leave may be taken are detailed later

20. A manager **cannot** refuse a single block of continuous leave. A period of discontinuous leave can only be taken with the approval of the manager. The manager and the employee can agree different periods of discontinuous leave to those originally requested however if the manager does not approve the discontinuous period of leave then the employee can take the leave as a single block of leave.

21. Leave or pay taken by one parent reduces the leave or pay available in the 'pool' to the other parent.

6 Notification Requirements

22. An eligible employee must inform their line manager and NIMDTA Employment Department at least 8 weeks before they plan to take shared parental leave and/or pay

23. An employee can give up to 3 notices to book leave. Each of these notices may be to take a single block of continuous leave or to request a discontinuous period of leave. For each period of leave requested or notice to change the pattern of leave requested the employee must give a minimum 8 weeks' notice.

24. If a child is born earlier the notice period can be shorter but should be as soon as practicable following the birth.

7 Payment of Statutory Shared Parental Pay (ShPP)

25. ShPP is paid at standard rate of SMP/SPP £139.58 (2015) per week or 90% of full pay whichever is the lesser for the duration of ShPP up to the 37 week maximum . <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>

As Shared Parental leave will have an impact on the employees payments these periods need to be shared in advance to allow calculations to be accurately created.

8 Shared Parental Leave In Touch Days (SPLIT Days)

26. An employee and their partner can each work up to 20 SPLIT days during Statutory Parental Leave. These days are in addition to the 10 Keeping In Touch (KIT) days a mother/adopter can work during maternity/adoption leave. The employee can work SPLIT days without losing their right to Shared Parental Leave or Statutory Shared Parental Pay (ShPP). For working SPLIT days an employee will be paid at their basic daily rate for the hours worked less appropriate ShPP payment. There is no obligation for the manager to offer these days or for the employee to agree to them.

9 Child Care Vouchers

27. Employees already in the child care voucher scheme before they go off on Shared Parental Leave continue to be entitled to receive the vouchers during their leave. The employer will be obliged to pay the value of the vouchers on the employee's behalf if ShPP is being paid and they have no salary to sacrifice.

10 Pension/National Insurance Contributions

28. Employees paying Pension contributions will need to decide if they wish to continue making contributions during their period of shared parental leave. **Staff should contact Payroll Shared Services Centre to discuss further.**

11 Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) – Frequently Asked Questions

In this document , ‘Maternity’ can be read as ‘adoption’, ‘Mother’ can be read as ‘main adopter’ and ‘Partner’ can be read as ‘the father of the child, the spouse, civil partner or partner of the child's mother/adopter.’

1. I am employed on a bank contract. Am I entitled to SPL and ShPP?

You may be, eligibility is based on service and earnings criteria. This is detailed in the policy document

2. I am taking a discontinuous block of leave. Can I reduce my hours for those periods I am returning to work between each block?

If you are requesting a change in your contractual hours you need to make the request in line with NIMDTA’s arrangements for Flexible Working requests.

3. My pregnant daughter lives with me and I will be sharing in the care of the child. Am I entitled to SPL and ShPP? Are any other members of my family eligible for SPL/ShPP?

No. Only the father/partner/civil partner of the mother at the time of the birth is eligible for SPL/ShPP. SPL/ShPP is not available to the mother’s parent.

The mother’s child, grandchild, grandparent, sibling, aunt, uncle, niece or nephew are also not eligible for SPL/ShPP.

4. I do not live with the father of my child. If we meet the service and earnings criteria, are we eligible for ShPP/SPL ?

Yes, if you both share caring responsibility for the child and sign a declaration to this effect.

5. Can I change my mind about curtailing my maternity leave?

Yes

6. Can I vary the dates I want to take SPL and ShPP?

Once the parties have agreed a period of leave, if the employee wishes to amend the period of leave, they must complete a ‘notice to vary a period of SPL’ form to vary the leave. The variation notice may:

*vary start and end dates

*vary the amount of leave

*ask for a planned single block of leave to become discontinuous or vice versa

The notice must be given at least eight weeks before the variation and state the new date. The employee may only give three ‘periods of leave notice’ and/or ‘requests for variations’ in total.

7. What happens if my partner leaves his job when I am on SPL/ShPP?

Shared Parental Leave is an arrangement between two parents – both parties must continue to satisfy the eligibility criteria for the duration of the arrangement. See

question 10 for more information on what happens if your circumstances change and you are no longer eligible.

8. What happens if I decide to leave NIMDTA when I am on SPL/ShPP?

As above. SPL/ShPP is an arrangement between two parents , if you are no longer employed by NIMDTA your partner will need to make their employer aware of the change in circumstances.

9. What happens if there is a change in my circumstances and I or my partner or no longer eligible for SPL/ShPP?

If a change in circumstances means that you no longer meet the criteria for SPL, NIMDTA can ask you to remain on SPL. NIMDTA will try to accommodate an earlier return to work where possible, the latest date that this will be accommodated is within 8 weeks of being notified that you no longer meet the eligibility criteria.

10. What happens if my baby dies/the adoption arrangement comes to an end?

As per question 9 above.

11. Can I revert back to maternity leave after a period of SPL?

By providing a notice of curtailment of maternity/adoption leave, you have chosen to bring your maternity/adoption leave to an end. You cannot therefore revert to maternity leave/pay.

12. Will I accrue annual leave while on SPL?

Yes, you will continue to accrue annual leave

13. Will I accrue public holidays while on SPL?

At this stage, there is no entitlement to accrue public holidays

Shared Parental Leave/Pay Examples

Shared Parental Leave is an arrangement involving two parties – both parties must continue to be eligible for the duration of the arrangement. Providing that is the case, the examples below may apply.

Maternity leave has been used for the purposes of the examples below – this may also be read as Adoption Leave.

Where the term ‘mother’ has been used, this should be read as ‘birth mother/main adopter/other parent’.

*Where the term ‘father’ has been used, this should be read as ‘father of the child or the spouse, civil partner, or partner of the child’s mother/adopter
SPL/ShPP will also be available to intended parents through surrogacy if they qualify for adoption leave/pay.*

Subject to satisfying eligibility criteria, you will be entitled to a maximum of 50 weeks Shared Parental Leave (SPL). During these 50 weeks, you may receive Shared Statutory Parental Pay (ShPP) for up to 37 weeks, again, subject to meeting the criteria. The remaining 13 weeks can be taken as leave but will be unpaid.

Q. My partner and I want to take Shared Parental Leave. I've given my manager the appropriate notice to curtail (end) my maternity leave after (for example) 14 weeks. How much SPL will we have to use?

A. All mothers must take a compulsory 2 week period of maternity leave immediately after the birth. This leaves 50 weeks remaining to be shared out between both parents – 52 weeks in total. It is for the parents to decide how they split the leave and pay after the first 2 weeks. They may take one block each, one after the other:

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	14 weeks (including the first 2 compulsory weeks)	Weeks 1 - 14	* 8 weeks full pay * 6 weeks half pay <u>plus</u> SMP - £139.58 per week
Partner	Shared Parental	16 weeks	Weeks 15 – 30	* 16 weeks at ShPP - £139.58 per week
Mother	Shared Parental	22 weeks	Weeks 31 – 52	* 9 weeks at ShPP - £139.58 per week * 13 weeks unpaid

Q. We can't afford for either of us to be without a salary - do we have to use all 52 weeks?

A. No, you don't have to use the full amount of leave – you can choose to return to work when you have used up your entitlement to ShPP – 37 weeks:

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	14 weeks (including the first 2 compulsory	Weeks 1 - 14	* 8 weeks full pay * 6 weeks half pay <u>plus</u> SMP - £139.58 per week

		weeks)		
Partner	Shared Parental	16 weeks	Weeks 15 – 30	* 16 weeks at ShPP - £139.58 per week
Mother	Shared Parental	9 weeks	Weeks 31 – 39	* 9 weeks at ShPP - £139.58 per week

Q. Can we choose to be at home together for part of the time? Do we both get paid?

A. Yes, you can both be at home at the same time. There is one pool of leave to be used totalling 50 weeks (after the first 2 weeks of maternity leave). For each week that either partner takes, the balance is reduced by 1 week. If both partners are off the same week, this counts as 2 weeks to be taken off the remaining balance. Subject to satisfying the eligibility criteria, you will both be paid ShPP at the same time if you are off at the same time. This is up to the maximum of 37 weeks pay. One or other partner can then choose to remain on unpaid SPL up to the maximum of 50 weeks leave in the pool:

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	11 weeks (including the first 2 compulsory weeks)	Weeks 1 - 11	* 8 weeks full pay * 3 weeks half pay <u>plus</u> SMP - £139.58 per week or 90%
Mother	Shared Parental	14 weeks**	Weeks 12 - 25	* 14 weeks at ShPP - £139.58 per week or 90%
Partner	Shared Parental	14 weeks**	Weeks 12 - 25	* 14 weeks at ShPP - £139.58 per week or 90%
Either	Shared Parental	13 weeks	Weeks 26 -38	* 13 weeks unpaid

**these two blocks of 14 weeks are running simultaneously which means that 28 weeks are deducted from the pool for this period

Q. My partner works within the HSC as well. Can he still claim Paternity Leave if we want to take SPL as a couple?

A. Yes, providing your partner meets the criteria to qualify for (Occupational) Paternity Leave then he may combine this with SPL:

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	8 weeks (including the first 2 compulsory weeks)	Weeks 1 - 8	* 8 weeks full pay
Father	Paternity	2 weeks**	Weeks 2-3	* 2 weeks full pay
Mother	Shared Parental	12 weeks	Weeks 9 - 20	* 12 weeks at ShPP - £139.58 per week
Father	Shared Parental	12 weeks	Weeks 9 - 20	* 12 weeks at ShPP - £139.58 per week
Father	Shared Parental	20 weeks	Weeks 21 - 40	* 7 weeks at ShPP - £139.58 per week * 13 weeks unpaid

** Please note that paternity leave is not counted in the calculation of weeks used from SPL allowance

Q. My partner and I both have projects coming up over the next year that we would like to be involved in. Do we have flexibility to take shorter blocks of leave broken up by periods in work at key times?

A. Yes you may take up to three discontinuous blocks of Shared Parental Leave. You can also choose to take some but not all of the 13 weeks unpaid leave:

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	10 weeks (including the first 2 compulsory	Weeks 1 - 10	* 8 weeks full pay * 2 weeks half pay <u>plus</u> SMP £139.58 per week

		weeks)		
Father	Paternity	2 weeks**	Weeks 2-3	* 2 weeks full pay
Father	Shared Parental	4 weeks	Weeks 11 - 14	*4 weeks at ShPP - £139.58 per week
Mother	Shared Parental	4 weeks	Weeks 15 - 18	* 4 weeks at ShPP - £139.58 per week
Father	Shared Parental	12 weeks	Weeks 19 - 30	*12 weeks at ShPP - £139.58 per week
Mother	Shared Parental	9 weeks	Weeks 31 - 39	*9 weeks at ShPP - £139.58 per week
Father	Shared Parental	4 weeks	Weeks 40 - 43	*4 weeks unpaid

** Please note that paternity leave is not counted in the calculation of weeks used from SPL allowance

Q. My wife is employed in the private sector. Do we still qualify for SPL and ShPP?

A. SPL and ShPP are statutory provisions and as such must be granted by all employers providing the employees both meet the qualifying criteria. Both parties have an obligation to notice their employer if the other partners circumstances change

Q. I qualify for Occupational Maternity Pay – is it ok for me to take advantage of the full period of enhanced maternity pay before returning to work and letting my partner take over the childcare when my SMP would have been due to start?

A. Yes, if you are eligible to receive OMP then you are free to take as much of this as you wish before curtailing your maternity leave to allow your partner to take over the child care:

Who	Type of Leave	Amount of Leave	Weeks	Payment
Mother	Maternity	26 weeks (including the first 2 compulsory weeks)	Weeks 1 - 26	* 8 weeks full pay * 18 weeks half pay <u>plus</u> SMP - £139.58 per week
Partner	Shared Parental	13 weeks	Weeks 27 - 39	* 13 weeks at ShPP - £139.58 per week