

STANDARD OPERATING PROCEDURE:	Maternity, Paternity and Adoption Leave (incl. Shared Parental Leave)
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1 INTRODUCTION

- 1.1. Wrightington, Wigan and Leigh NHS Foundation Trust is committed to the support of its employees during pregnancy, maternity, paternity and adoption leave, ensuring all staff are treated fairly and within the provisions and spirit of the Trust's Equality Strategy.
- 1.2. The aim of this procedure is to inform both staff and managers of the general provisions regarding maternity, paternity, shared parental leave and adoption leave and pay.
- 1.3. This procedure applies to all current permanent and temporary employees of the Trust. Bank or NHSP staff should contact the Payroll department for details of their entitlement.
- 1.4. This procedure is intended to reflect all employees' contractual rights under all national terms and conditions.
- 1.5. Employees should refer to Section 15 of the NHS Agenda for Change Handbook for further information and details of eligibility/entitlements.

2. MATERNITY/ADOPTION LEAVE

2.1. Overview

- 2.1.1. All employees are entitled to 52 weeks maternity/adoption leave regardless of length of service.
- 2.1.2. Only one person within an adopting pairing can take adoption leave. The primary person may be entitled to adoption leave and the secondary person could be entitled to paternity leave/shared parental leave instead (please see sections 3 and 4 for further information).
- 2.1.3. Maternity/Adoption pay will be paid for the first 39 weeks (either Occupational or Statutory): however employees are entitled to take a further 13 weeks as unpaid to bring the total leave to 52 weeks.
- 2.1.4. Details of eligibility for Maternity/Adoption Pay Entitlements and eligibility criteria can be seen in Appendix 2 and 4.
- 2.1.5. Employees applying for Maternity Leave/Pay will be required to complete and submit an 'Application For Maternity Leave and Pay' form which must be given to their line manager by the 15th week before the Expected Week of Childbirth (EWC) i.e. the 28th week of pregnancy. The application form must be sent to their line manager with the original MATB1 Form (obtained by a Midwife or Medical Practitioner around 20th – 28th week of Pregnancy. The application form can be seen in Appendix 7).
- 2.1.6. Employees applying for Adoption Leave/Pay will be required to complete and submit an 'Application for Adoption Leave and Pay' form which must be given to their line manager. The leave can commence on any day of the week from the date of the child's placement (whether this is earlier or later than expected) or from a fixed date which can be up to 14 days before the expected date of placement. The application form can be seen in Appendix 8.
- 2.1.7. Only one period of maternity/adoption leave is available irrespective of whether more than one child is born as a result of the same pregnancy/placed for adoption as part of the same arrangement.
- 2.1.8. If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to 8 weeks after the end of the placement.
- 2.1.9. Entitlements to adoption leave and pay do not apply in the case of fostering arrangements (except in limited circumstances where the employee is 'fostering for adoption') or where the child is the natural child of one of the adoptive parents.
- 2.1.10. Evidence by means of a MATB1 form, or in cases of adoption, an original matching Certificate will be required to support the leave request. These must be sent to the Payroll Department with the Application Form.

2.1.11. Maternity Leave can commence at any time provided it is not before the beginning of the 11th week before the EWC (29th week of pregnancy). If the employee gives birth prior to the planned start of the maternity leave, the maternity leave will commence on the day after the birth.

2.1.12. A full risk assessment should be carried out by the manager as soon as the employee notifies her manager she is pregnant. This should address any support mechanisms which are required. An example risk assessment can be seen in Appendix 6.

2.1.13. Maternity Leave will automatically start if the employee is off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that her baby is due.

2.1.14. Employees will accrue all annual leave and bank/public holidays during their maternity/adoption leave. It may be mutually beneficial for both the manager and employee for the employee to take annual leave before and/or after the maternity/adoption leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and manager in line with local timeframes currently in place for requesting annual leave.

2.2. Keeping in Touch (KIT) Days

2.2.1. KIT days can take place to allow employees to undertake work without losing their maternity/adoption pay or bringing their leave to an end.

2.2.2. The employee can work up to 10 KIT (Keep in Touch) days from after 2 weeks of the commencement of maternity or adoption leave. This includes attending training courses. Days and work are to be mutually agreed by the employee and line manager and are not compulsory. Employees will be paid at their basic rate of pay for any KIT day worked (not additional to maternity pay).

2.3. Returning to Work

2.3.1. Should the employee not wish to return to work following their maternity/adoption leave, they are advised to consider their options under the career break, flexible working or special purposes leave policy (e.g. parental leave) before resigning from the employment of the Trust for maternity/adoption reasons.

2.3.2. Where an employee does decide to resign, the line manager will discuss with the employee reasons for resignation with them as part of the normal exit procedure.

2.3.3. If an employee who has notified the Trust of their intention to return to work for the Trust or another NHS employer, fails to return to work for a period of 3 months following maternity/adoption leave they will be required to pay back any Contractual (Occupational) maternity/adoption pay. Employees agree to this provision when completing the application for Maternity/Adoption Leave.

2.4. Fixed Term Contracts/Temporary Staff

2.4.1. Employees subject to fixed term contracts or training contracts who are entitled to Maternity/Adoption Leave and Pay as detailed in 2.1.3 but whose contracts expire after the beginning of the 11th week before the EWC (i.e. after the beginning of the 29th week of pregnancy), or the date of placement will have their contracts extended so as to enable them to receive the 52 weeks maternity leave (including 39 weeks paid maternity/adoption leave and 13 weeks unpaid).

2.4.2. Employees on fixed term contracts whose contracts expire before the 29th week of pregnancy, may still be entitled to Statutory Maternity/Adoption Pay.

2.4.3. Where a medical practitioner or other employee is participating in a planned rotation of appointments as part of an agreed programme of training, she shall have the right to return to work in the same post or in the next planned post with the same or another employing authority. This is irrespective of whether the contract would have ended if pregnancy and childbirth or placement had not occurred. In such

circumstances, the contract will be extended to enable the practitioner to complete the agreed programme of training.

3. PATERNITY LEAVE

3.1. Overview

- 3.1.1. Details of eligibility for Paternity Pay Entitlements and eligibility criteria can be seen in Appendix 3.
- 3.1.2. Employees will be required to complete and submit an 'Application for Paternity Leave and Pay' form which must be given to their line manager no later than 12 weeks prior to the EWC. A copy can be seen in Appendix 9.
- 3.1.3. The application form must be sent to their line manager with a copy of the MATB1 Form (obtained by a Midwife or Medical Practitioner around 20th – 25th week of Pregnancy).
- 3.1.4. The application form and copy of MATB1 Form must then be sent to the Payroll Department to confirm eligibility and entitlements.
- 3.1.5. Paternity Leave can start on any day of the week, on or following the child's birth but must be taken within 56 days of the actual birth of the child or, if the child was born early, within the period from the actual date of birth up to 56 days after the expected week of the birth.
- 3.1.6. Only one period of Paternity leave will be available irrespective of whether more than one child is born as a result of the same pregnancy.
- 3.1.7. Employees wishing to change the start date of their paternity leave should notify their manager no later than 28 days before the EWC. Managers should notify Payroll of any changes to requested employee paternity dates.
- 3.1.8. Attendance by employees at antenatal appointments is supported, but employees must provide written notification stating the date and time of the appointment and reasonable notice must be given. Time-off will be unpaid, although the line manager and employee may agree arrangements locally where lost time can be made up. These arrangements should be agreed in advance of the appointment.

4. SHARED PARENTAL LEAVE (SPL)

4.1. Overview

- 4.1.1. Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. All eligible employees have the statutory right to take SPL. Details of eligibility criteria and pay entitlements are listed in Appendix 5.
- 4.1.2. Shared Parental leave and pay can be taken at any time within one year from the birth or placement for adoption, providing two weeks compulsory maternity or adoption leave has been taken first.
- 4.1.3. SPL is available where an eligible mother/adopter chooses to bring their maternity/adoption leave or maternity allowance to an end early or gives advance notice to curtail it. This advance notice means their partner could begin to take SPL while the mother or adopter is still on maternity or adoption leave.
- 4.1.4. The right will only arise where the employee's spouse, civil partner, or partner, has returned to work with at least 2 weeks of their statutory maternity/adoption leave un-taken. The **untaken** weeks of maternity/adoption leave can be taken as SPL.
- 4.1.5. Employees will be required to complete and submit a 'Notice of Entitlement and Intention (Mother/Prime Adopter)' (Appendix 11) or 'Notice of Entitlement and Intention (Partner)' (Appendix 12) form which must be given to their line manager in line with the notice periods detailed in Appendix 5.
- 4.1.6. 'Notice of Entitlement and Intention (Partner)' must be accompanied by a copy of the child's birth certificate and the name/address of the Mother/Prime Adopter's

employer. This will then be forwarded to the Payroll Department to confirm eligibility and entitlements.

4.1.7. Parents taking SPL can take their leave at the same time as each other or at different times. If SPL is being taken at the same, there must submit a 'Curtailment of Maternity/Adoption Leave and Pay' (Appendix 10) from the mother to confirm her return.

4.1.8. **Fraudulent Claims**

The Trust can, where there is suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the trust disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010. The Local Counter Fraud Specialist may also be contacted.

4.2. Arranging Shared Parental Leave

4.2.1. An employee can provide up to three notices to book leave. This includes notices to vary a previously agreed pattern of leave. Leave must be a minimum of one week and in full weeks only.

4.2.2. Each of the three notices to book leave may include a single, continuous or discontinuous block of leave.

4.2.3. The employee must give a minimum of 8 weeks' notice before a block of leave begins.

4.2.4. Providing sufficient notice is given and the employee meets the eligibility requirements, requests for single or continuous blocks of leave cannot be refused.

4.2.5. Discontinuous leave

4.2.5.1 A notification to book SPL may contain two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave in which the employee returns to work e.g. working every other week for three months.

4.2.5.2 In the instance that there is concern over accommodating a period of discontinuous leave, a discussion between the manager and employee should take place with a view to reaching an arrangement that meets both the needs of the employee and the Trust. A written response must be given to the employee within 14 calendar days after the notification was made.

4.2.5.3 The Trust will consider a discontinuous leave notification but has the right to refuse it. If a request for discontinuous leave is refused, and alternative period has not been agreed, the total weeks requested may be combined and taken as a single continuous block.

4.2.5.4 If a request is withdrawn then this application does not count towards the employee's entitlement to 3 requests.

4.2.5.5 If the employee chooses to take the leave in a single continuous block, the employee has until the 19th calendar day from the date the original notification was given to choose when they want the leave period to begin.

4.2.5.6 The leave cannot start sooner than 8 weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

4.3 Changes to arranged Shared Parental Leave (SPL)

4.3.1 The employee may vary or cancel an agreed and booked period of SPL, provided that they advise their manager in writing at least 8 weeks before the date of any variation. Any new start date cannot be sooner than 8 weeks from the date of the variation request.

- 4.3.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one.
- 4.3.3 However, a change as a result of a child being born early, or as a result of the organisation requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

4.4 **Shared Parental Leave in Touch (SPLIT) Days**

- 4.4.1 SPLIT days can take place to allow employees to undertake work without losing their shared parental leave pay or bringing their leave to an end. They are a voluntary opportunity that can help employees keep in touch with developments at work and help facilitate their return to work as their leave come to an end.
- 4.4.2 The employee can work up to a maximum of 20 SPLIT (Shared Parental Leave in Touch) days, this includes attending training courses. Days and work are to be mutually agreed by the employee and line manager and are not compulsory. Employees will be paid at their basic rate of pay for any SPLIT day worked (not additional to shared parental leave pay).
- 4.4.3 Working for part of any day will count as one SPLIT day.

4.5 **Terms and Conditions during Shared Parental Leave**

- 4.5.1 Employees will accrue all annual leave and bank/public holidays during their shared parental leave. It may be mutually beneficial for both the manager and employee for the employee to take annual leave before and/or after the SPL period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and manager.
- 4.5.2 Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the Trust's contributions will be based on the salary that the employee would have received had they not been taking SPL.

5 MISCELLANEOUS

- 5.1 In exceptional circumstances, an employee may be required to act as a birth partner in place of the spouse/partner. In these circumstances, reasonable notice must be given to the manager and the employee will be entitled to a reasonable amount of time off work in order to take any action that is necessary to provide assistance on production of a letter of support from the person giving birth. Such time off will be unpaid.
- 5.2 In circumstances where an employee provides carers support e.g. grandparents, relatives, the provisions within this SOP do not apply. Employees should refer to the Special Purposes Leave policy and/or discuss annual leave/time owing applications with their manager.

5.3 **Surrogacy**

- 5.3.1 Where parenthood is transferred by parental order or adoption, the primary and secondary parents may be eligible for adoption pay and leave or paternity pay and leave/shared parental leave.
- 5.3.2 If the employee is the surrogate, maternity provisions will apply.

6 UNUSUAL CIRCUMSTANCES

- 6.1 In the event of stillbirth (a stillbirth is defined as pregnancy loss occurring from the 24th week of pregnancy onwards), the employee shall be entitled to maternity pay and leave

entitlements in accordance with the policy as if the birth had been live. In the event of an earlier pregnancy loss, the absence will be treated as sickness absence.

- 6.2 In the event of an employee giving birth, at any stage of pregnancy, should the baby live for a short time period of time, the employee will be entitled to full maternity pay and leave entitlements in accordance with the policy.
- 6.3 Where childbirth has occurred before the 11th week before the original expected week of childbirth (i.e. 29 weeks or less) and whose child is in hospital, may choose to split their leave entitlement, taking a minimum period of two weeks' leave immediately after childbirth and then returning to work, taking the balance of leave following the child's discharge from hospital. In these circumstances, notice of leave dates should be discussed between the employee and their manager.
- 6.3 In the event of stillbirth (a stillbirth is defined as pregnancy loss occurring from the 24th week of pregnancy onwards), where Shared Parental Leave has been approved, it is not possible for a new period of leave notice to be made by the employee. They can however make one variation to an existing period of leave already approved, by doing one of the following:-
 - 6.3.1 Vary the end date of any period of SPL to reduce the period of leave to be taken, provided that the notice is given at least eight weeks before the new end date.
 - 6.3.2 Cancel a period or periods of leave.

7 SALARY SACRIFICE SCHEMES

- 7.1 Employees who have a Salary Sacrifice scheme in place with a Provider e.g. Car Lease Scheme, Electronic Equipment, Childcare Vouchers (this list is not exhaustive), are advised to contact the Provider directly for advice.
- 7.2 Employees are reminded to refer to the Salary Sacrifice Contract/Agreement and to contact the Provider of the Salary Sacrifice Schemes directly to ensure they meet any legal responsibilities with regards to payment under the schemes. Payroll will be unable to deduct monies from Statutory Payments e.g. SMP, AMP, SPP.

8 HUMAN RIGHTS ACT

Implications of the Human Rights Act have been taken into account in the formulation of this policy and they have, where appropriate, been fully reflected in its wording.

9 INCLUSION AND DIVERSITY

The document has been assessed against the Equality Impact Assessment Form from the Trust's Equality Impact Assessment Guidance and, as far as we are aware, there is no impact on any protected characteristics.

10 MONITORING AND REVIEW

This document will be reviewed every 3 years or as and when changes or legislation which affects the document are introduced.

11 ACCESSIBILITY STATEMENT

This document can be made available in a range of alternative formats e.g. large print, Braille and audio cd.

For more details, please contact the HR Department on 01942 77(3820) or email equalityanddiversity@wwl.nhs.uk

Glossary of Terms

Abbreviation	
AA	Adoption Allowance
AML	Additional Maternity Leave (follows OML and can be for up to next 26 weeks of maternity leave)
Blocks of Leave	For Shared Parental Leave, you can book up to three blocks of leave 8 weeks' notice must be given before each block can be taken.
Continuous Leave	A period of leave that is taken in one block e.g. four weeks.
Curtailment	Mother/main carer for adoption notifies employer that they wish to end maternity/adoption leave early.
EWC	Expected week of childbirth
KIT Days	Keep in Touch Days during maternity or adoption leave
KSF	Key Skills Framework
LEL	Lower Earning Limit
MA	Maternity Allowance
Mat B1	Form issued by midwife to confirm EWC after 20th week of pregnancy
Maternity Leave	Refers to leave taken by a birth mother
OAP	Occupational Adoption Pay
OML	Ordinary Maternity Leave
OPL	Ordinary Paternity Leave
Qualifying Week	For maternity pay, this is the week before the 15th week before EWC, i.e. when a woman is approximately 25 weeks pregnant
RTW	Return to Work
SAP	Statutory Adoption Pay
SPL	Shared Parental Leave
ShPP	Shared Parental Pay
SMP	Statutory Maternity Pay
SPL	Shared Parental Leave
SPLIT Days	Shared Parental Leave in Touch Days
SPP	Statutory Paternity Pay
SShPP	Statutory Shared Parental Pay
WWL	Wrightington, Wigan and Leigh NHS Foundation Trust

Overview of entitlements and pay – Maternity Leave & Pay

Types of Leave	<p>Maternity Leave is 52 weeks. It's made up of:</p> <ul style="list-style-type: none"> - Ordinary Maternity Leave (OML) - first 26 weeks - Additional Maternity Leave (AML) - last 26 weeks <p>Maternity Leave is available to all female employees provided they follow the notice requirements detailed below</p>
Notice requirements	<p>In or before the 15th week before the EWC, the employee must notify her manager of:</p> <ul style="list-style-type: none"> - her pregnancy - the Expected Week of Confinement (EWC) - the date on which she intends the OML to start - must produce a MATB1 Certificate stating the EWC (usually issued to the expectant mother around 20 - 25 weeks)
Start Dates	<p>The earliest the employee can start leave is 11 weeks before the EWC</p> <p>Leave will automatically start:</p> <ul style="list-style-type: none"> - the day after the birth if the baby is early - automatically if the employee is off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that her baby is due
Types of Maternity Pay	<p>There are two types of maternity pay payable to WWL employees:</p> <ul style="list-style-type: none"> - Occupational Maternity Pay (OMP) - Statutory Maternity Pay (SMP)* <p>Pay is dependent upon length of service requirements (see below)</p>
Maternity Pay Entitlements (N.B. 'continuous service includes breaks in employment of less than 3 months')	<p>Staff with 12 month's continuous service with the Trust or another NHS employer at the beginning of the 11th week before the EWC may be entitled to contractual maternity pay as follows:</p> <ul style="list-style-type: none"> - 8 weeks full pay inclusive of any SMP received - 18 weeks half pay plus SMP (if half-pay plus SMP exceeds full pay, then half pay will be reduced accordingly) - 13 weeks SMP - Up to a further 13 weeks unpaid Maternity Leave <p>Staff who do not qualify for OMP but have 26 weeks continuous service with the Trust or another NHS employer by the end of the 15th week before the EWC may be entitled to statutory maternity pay as follows:</p> <ul style="list-style-type: none"> - The first 6 weeks at the 'earnings related rate' (90% of normal weekly earnings) - The remaining 33 weeks at the 'prescribed rate' (set by government each tax year) or the earnings related rate, whichever is lower <p>Staff who do not qualify for OMP or SMP may be entitled to Maternity Allowance (MA)*</p>
Changes to dates	<p>The Ordinary Maternity Leave (OML) start date can be changed by the employee providing 28 days written notice is given to their manager</p> <p>The employer should notify the employee of the date on which she is expected</p>

	<p>to return to work within 28 days of notification</p> <p>If the employee wants to return to work earlier, she should give her employer 8 weeks' notice in writing</p>
Exceptional Circumstances	<p>Early births or if the employee loses their baby</p> <p>Employees may still receive Maternity Leave and Pay if your baby:</p> <ul style="list-style-type: none"> - is born early - is stillborn after the start of your 24th week of pregnancy - dies after being born
Terms of employment during leave	<p>Annual Leave/Bank Holidays</p> <p>Employees will accrue all annual leave and bank holidays during Maternity Leave which can be carried over where the Maternity Leave bridges a new leave year</p> <p>Contractual benefits apply as though the employee had not been absent with the exception of remuneration (salary). This includes normal rights to incremental progression as per the criteria set out in the Pay Progression Policy.</p> <p>The employee will be bound by all terms and conditions of her employment unless they are inconsistent with taking the leave</p>
Returning to Work	<p>Following OML an employee has the right to return to the same job</p> <p>Following AML an employee is entitled to return to the same job, or where this is not reasonably practicable, to a similar job that is suitable and appropriate in the circumstances</p> <p>An employee who has notified the Trust of her intention to return to work for the Trust or a different NHS employer, but fails to do so within 15 months of the beginning of her maternity leave, will be liable to refund the whole of her maternity pay, less any Statutory Maternity Pay, received.</p>
Calculating Full Pay	<p>For the purposes of OMP, full pay is calculated on the basis of the employee's average weekly earnings over the 8 week period leading up to the last pay day before the end of the 15th week before the expected week of confinement. This will include leads, allowances, overtime and enhancements</p> <p>All payments that are taken into account for National Insurance contributions are included in this calculation. Half pay is half the amount of full pay as calculated above</p>
Further Info	<p>* Current rates of SMP, MA and LEL are available via www.gov.uk/maternity-pay-leave/pay</p> <p>The Payroll Department can provide further details on employee's pay and entitlements</p>

Overview of entitlements and pay – Paternity Leave & Pay

	Paternity Leave
Types of Leave	Employees can choose to take either 1 week or 2 consecutive weeks' leave. The amount of time is the same even if they have more than one child (e.g. twins)
Eligibility	<p>Paternity Leave & Pay</p> <p>Employees who meet the following criteria and follow the notice requirements detailed below will be eligible for paternity leave and pay:</p> <ul style="list-style-type: none"> - have worked continuously for the NHS for 26 weeks leading into the 15th week before the baby is due (i.e. 25th week of pregnancy) or at the week of matching in adoption cases (the relevant week); - must be the spouse, civil partner or partner of the child's mother or the Adopter - must have responsibility for the child's upbringing or an expectation that they will do so; - still employed by the Trust on the day of childbirth or the date of placement for adoption - To qualify for Paternity Pay, have received normal weekly earnings for the period of eight weeks ending with the relevant week that are not less than the lower earnings limit (LEL) in force at the end of the relevant week*
Start Dates	<p>Paternity Leave can only start after the birth. The start date must be one of the following:</p> <ul style="list-style-type: none"> - the actual date of birth - an agreed number of days after the birth - an agreed number of days after the expected week of childbirth <p>Paternity Leave must finish within 56 days of the birth or date of placement for adoption (or within 56 days of the start of the EWC if the baby is born before the EWC).</p>
Notice requirements	Employees will be required to complete and submit an 'Application For Paternity Leave and Pay' form which must be given to their line manager by no later than the 15 th week prior to the EWC or within 7 days of notification of being matched for adoption . Employees who wish to change the start date of their paternity leave to the child's actual birth/placement date, should notify the Trust of this at least 28 days before the first day of the EWC or the expected adoption placement date set out in their notice of intention to take paternity leave.
Pay Entitlements (N.B. 'continuous service includes	Employees who meet the eligibility criteria outlined will be entitled to the following paternity leave and pay: <ul style="list-style-type: none"> - 2 weeks leave at full pay

breaks in employment of less than 3 months'	<ul style="list-style-type: none"> - Employees can choose to take one or two whole weeks pay and leave, to be taken in a single block - Paternity Leave entitlement is in addition to Parental Leave (as detailed in section 4 of the Trust's Special Purposes Leave Policy)
Terms of employment during leave	<p>Annual Leave/Bank Holidays</p> <p>Employees will accrue all annual leave and bank holidays during Paternity Leave which can be carried over where the Paternity Leave bridges a new leave year</p> <p>Contractual benefits apply as though the employee had not been absent with the exception of remuneration (salary). This includes normal rights to incremental progression as per the criteria set out in the Pay Progression Policy.</p> <p>The employee will be bound by all terms and conditions of her employment unless they are inconsistent with taking the leave</p>
Further Info	<p>* Current rates of SPP, and LEL are available via https://www.gov.uk/paternity-pay-leave/pay</p> <p>The Payroll Department can provide further details on employee's pay and entitlements</p>

Overview of entitlements and pay – Adoption Leave

Types of Leave	Adoption Leave is 52 weeks. It's made up of: <ul style="list-style-type: none"> - Ordinary Adoption Leave (OAL) - first 26 weeks - Additional Adoption Leave (AAL) - last 26 weeks
Eligibility	Employees who meet the following criteria and follow the notice requirements detailed below will be eligible for OAL and AAL: <ul style="list-style-type: none"> - They are the Adopter of a child (see below). - They have notified the adoption agency of their agreement that the child should be placed with them. - They comply with the statutory notification and evidential requirements <p>The Adopter is the person who has been matched with a child for adoption or, in a case where two people have been matched jointly, whichever of them has elected to be the child's adopter. That election is made by the two people agreeing at the time when they are matched with the child which of them will be the adopter.</p> <p>Where two people have been jointly matched, the person who has not elected to be the Adopter may be entitled to Paternity Leave and Pay.</p>
Start Dates	Adoption Leave can commence on any day of the week; <ul style="list-style-type: none"> - from the date of the child's placement (whether this is earlier or later than expected) - from a fixed date which can be up to 14 days before the expected date of placement
Types of Adoption Leave Pay	There are two types of Adoption pay payable to WWL employees: <ul style="list-style-type: none"> - Occupational Adoption Pay (OAP) - Statutory Adoption Pay (SAP)* <p>Pay is dependent upon length of service requirements (see below)</p>
Adoption Pay Entitlements (N.B. 'continuous service includes breaks in employment of less than 3 months')	<p>Staff with 12 month's continuous service with the Trust or another NHS employer 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.</p> <ul style="list-style-type: none"> - 8 weeks full pay inclusive of any SAP received - 18 weeks half pay plus SAP (if half-pay plus SAP exceeds full pay, then half pay will be reduced accordingly) - 13 weeks SAP - up to a further 13 weeks unpaid Adoption Leave <p>Staff who do not qualify for OAP but have 26 weeks continuous service with the Trust or another NHS employer by the week in which they are notified of having been matched with the child may be entitled to statutory adoption pay as follows:</p> <ul style="list-style-type: none"> - The first 6 weeks at the 'earnings related rate' (90% of normal weekly earnings)

	<ul style="list-style-type: none"> - The remaining 33 weeks at the 'prescribed rate' (set by government each tax year) or the earnings related rate, whichever is lower. <p>Staff who do not qualify for OAP or SAP may be entitled to Adoption Allowance (AA)*</p>
Changes to dates	<p>The Ordinary Adoption Leave (OAL) start date can be changed by the employee providing the notice is given 28 days prior to the date given in the original written notice.</p> <p>The employer should notify the employee of the date on which he/she is expected to return to work within 28 days of notification</p> <p>If the employee wants to return to work earlier, he/she should give their employer 8 weeks' notice in writing</p>
Terms of employment during leave	<p>Annual Leave/Bank Holidays</p> <p>Employees will accrue all annual leave and bank holidays during Adoption Leave which can be carried over where the Adoption Leave bridges a new leave year</p> <p>Contractual benefits apply as though the employee had not been absent with the exception of remuneration (salary). This includes normal rights to incremental progression as per the criteria set out in the Pay Progression Policy.</p> <p>The employee will be bound by all terms and conditions of her employment unless they are inconsistent with taking the leave</p>
Returning to Work	<p>Following OAL an employee has the right to return to the same job</p> <p>Following AAL an employee is entitled to return to the same job, or where this is not reasonably practicable, to a similar job that is suitable and appropriate in the circumstances</p> <p>An employee who has notified the Trust of their intention to return to work for the Trust or a different NHS employer, but fails to do so within 15 months of the beginning of their Adoption Leave, will be liable to refund the whole of their adoption pay, less any Statutory Adoption Pay, received.</p>
Calculating Full Pay	<p>For the purposes of OAP, full pay is calculated on the basis of the employee's average weekly earnings over the 8 week period prior to being matched with child. This will include leads, allowances, overtime and enhancements</p> <p>All payments that are taken into account for National Insurance contributions are included in this calculation. Half pay is half the amount of full pay as calculated above</p>
Further Info	<p>* Current rates of SAP, AA and LEL are available via https://www.gov.uk/adoption-pay-leave/overview</p> <p>The Payroll Department can provide further details on employee's pay and entitlements</p>

Overview of entitlements and pay – Shared Parental Leave

Eligibility on the birth of a child	<p>On the birth of a child</p> <p>An employee will be entitled to SPL in relation to the birth of a child if:</p> <ul style="list-style-type: none"> - They are the child's mother and share the main responsibility for the care of the child with the child's father or their partner; - they are the child's father and share the main responsibility for the care of the child with the child's mother; or - They are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother) <p>The following conditions must also be fulfilled:</p> <ul style="list-style-type: none"> - They must have at least 26 weeks continuous employment with the Trust by the end of the 15th week before the EWC, and still be employed by the Trust in the week before the leave is to be taken; - The other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and meet the weekly earnings* during 13 of those weeks; and - The employee and the other parent must give the necessary statutory notices and declarations, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods
Eligibility on adoption of a child	<p>On adoption of a child</p> <p>In adoption cases, the employee may be entitled to SPL if an adoption agency has placed a child with the employee and/or their partner for adoption, or where a child is placed with the employee and/or their partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme. The employee must intend to share the main responsibility for the care of the child with their partner.</p> <p>The following conditions must be fulfilled:</p> <ul style="list-style-type: none"> - The employee must have at least 26 weeks continuous employment with the Trust by the end of the week of matching, and still be employed by the Trust in the week before the leave is to be taken; - The employee's partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and meet the weekly earnings* during 13 of those weeks; and - The employee and their partner must give the necessary statutory notices and declarations, including notice to end adoption leave or statutory adoption pay (SAP)
Start Dates	<p>Shared Parental Leave can only start after the birth. The start date must be one of the following:</p> <ul style="list-style-type: none"> - The actual date of birth - An agreed number of days after the birth - an agreed number of days after the expected week of childbirth <p>Shared Parental Leave must finish within 52 weeks after the child is born/date of the placement</p>

	<p>If both parents are taking SPL then they can take their leave at the same time as each other or at different times. If being taken at the same, there must be 'binding notice of intent' from the mother to already return. the total amount of leave taken by one or both parents will be taken from the one block of 39 weeks statutory payments</p>
<p>Notice requirements</p>	<p>If an employee wishes to take Shared Parental Leave they must notify their employer of their entitlement at least 8 weeks before the start of any Shared Parental Leave starts.</p> <p>Each eligible parent can give their employer up to 3 separate notices booking or varying leave, although it must be given at least 8 weeks before the leave is due to start.</p> <p>Each notice can be for a block of leave, or the notice may be for a pattern of "discontinuous" leave involving different periods of leave.</p> <p>Continuous/Discontinuous Leave Applications</p> <p>If a parent makes a valid application asking for a continuous block of leave the employer is required to agree to it.</p> <p>However, where the notification is for discontinuous blocks of leave the employer can refuse and require that the total weeks of leave in the notice be taken in a single continuous block.</p> <p>It is therefore beneficial for the employee and employer to discuss and attempt to agree a way in which the different blocks of leave can be taken</p>
<p>Pay Entitlements</p> <p>(N.B. 'continuous service includes breaks in employment of less than 3 months')</p>	<p>Shared Parental Leave and Pay (ShPP)</p> <p>Employees who meet the eligibility criteria outlined and they or their partner end maternity or adoption leave and pay (or Maternity Allowance) early, then the employee will be entitled to the following shared parental leave and pay:</p> <ul style="list-style-type: none"> - Take or share up to a maximum of 50 weeks (taking in to consideration two weeks compulsory maternity leave) as Shared Parental Leave (SPL) (Less any maternity, paternity or adoption leave taken by the employee or their partner) - Take or share up to a maximum of 37 weeks (taking in to consideration two weeks compulsory maternity leave) as Shared Parental Pay (ShPP) (Less any OMP, OAP, SMP, MA or SAP claimed by the employee or their partner) - Shared Parental Leave entitlement is in addition to Parental Leave (as detailed in section 4 of the Trust's Special Purposes Leave Policy) <p>Staff with 12 month's continuous service with the Trust or another NHS employer at the beginning of the 11th week before the EWC may be entitled to enhanced ShPP as follows:</p> <ul style="list-style-type: none"> - 6 weeks full pay inclusive of any ShPP received - 18 weeks half of full pay plus any ShPP (the total received cannot exceed full pay)

	<ul style="list-style-type: none"> - 13 weeks statutory ShPP - Up to a further 13 weeks unpaid SPL <p>Staff who do not qualify for enhanced ShPP but have 26 weeks continuous service with the Trust or another NHS employer by the end of the 15th week before the EWC may be entitled to statutory ShPP of up to 39 weeks (less any weeks of OMP, OAP, SMP, MA or SAP claimed by the employee or their partner). Statutory ShPP is paid at a rate set by the government each year, details of this can be found at:</p> <p>https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/entitlement</p>
Terms of employment during leave	<p>Annual Leave/Bank Holidays</p> <p>Employees will accrue all annual leave and bank holidays during Shared Parental Leave which can be carried over where the Shared Parental Leave bridges a new leave year</p> <p>Contractual benefits apply as though the employee had not been absent with the exception of remuneration (salary). This includes normal rights to incremental progression as per the criteria set out in the Pay Progression Policy.</p> <p>The employee will be bound by all terms and conditions of her employment unless they are inconsistent with taking the leave</p>
Further Info	<p>The Payroll Department can provide further details on employee's pay and entitlements</p>

NEW AND EXPECTANT MOTHERS RISK ASSESSMENT FORM

New and expectant mothers will be required to complete a risk assessment which is available on the policy library as an associated document to this SOP.

Appendix 7 - Application for Maternity Leave And/Or Pay

This form must be completed and approved by your Manager, before the end of the 15th week before the expected date of delivery.

Your Details			
Full name:			Date of Birth
Do you have a disability as defined by the Equality Act 2010*: Yes/ No			Do you have a Lease Car Yes / No
Address:			
Home telephone number:	Mobile:		
Post Details			
Job Title			
Division:	Department		
Commencement dates:	WWL Trust:	NHS:	Contracted weekly hours
Maternity Leave Details:		My expected Date of Delivery is:	
I have read the policy and understand, based on my service that I am entitled to;			
<input type="checkbox"/> Maternity Allowance		<input type="checkbox"/> Statutory Maternity Pay	
<input type="checkbox"/> Occupational Maternity Pay			
Please indicate the Leave you intend to take			
<input type="checkbox"/> 39 weeks paid leave only		<input type="checkbox"/> Addition leave up to a maximum of 52 weeks	
		<input type="checkbox"/> Some other combination as outlined below	
Annual leave to be taken <u>prior to</u> maternity leave:		From:	To:
Dates of Maternity Leave:		From:	To:
Annual leave to be taken <u>following</u> maternity leave:		From:	To:
Employees should endeavour to take annual leave due to be accrued in the current year, (1 st April to 31 st March) prior to taking maternity leave. Employees wishing to reduce hours following maternity leave should endeavour to take the majority of annual leave accrued at the higher rate, before formally reducing hours, however we do recognise that some may need to			

Applicant's Declaration: I understand that I will be required to re-pay any Occupational Maternity Pay received if I fail to return to the NHS for a period of 3 months following my Maternity leave, in accordance with Agenda for Change Terms & Conditions.			
Are you currently in receipt of Computershare Vouchers? Yes/ No		Please tick to confirm your MAT B1 certificate is enclosed	
Signed:		Print name:	Date:

AFC Staff - Please submit completed forms to the Payroll Department.
 Medical Staff please submit completed forms to the Medical HR Team

Manager's Authorisation: I confirm that I have discussed the Maternity Policy, and its implications with the applicant, and am able to approve this application for maternity leave			
Annual entitlement	<input type="checkbox"/> 27 days	<input type="checkbox"/> 29 days	<input type="checkbox"/> 32 days
Leave taken to date:			
Signed:	Print name:	Date:	

Appendix 8**Application for Adoption Leave And/Or Pay**

This form must be completed and approved by your Manager, before the end of the 15th week before the expected date of delivery.

Your Details				
Full name:				Date of Birth
Do you have a disability as defined by the Equality Act 2010*: Yes/ No				
Address:				
Home telephone number:		Mobile:		
Post Details				
Job Title				
Division:			Department	
Commencement dates:	WWL Trust:		NHS:	Contracted weekly hours
Adoption Leave Details:			The Date of Placement is:	
I have read the policy and understand, based on my service that I am entitled to:				
<input type="checkbox"/> Statutory Adoption Pay			<input type="checkbox"/> Contractual Adoption Pay	
Please indicate the Leave you intend to take				
<input type="checkbox"/> 39 weeks paid leave only		<input type="checkbox"/> Addition leave up to a maximum of 52 weeks		<input type="checkbox"/> Some other combination as outlined below
Annual leave to be taken <u>prior to</u> adoption leave:		From:		To:
Dates of Adoption Leave:		From:		To:
Annual leave to be taken <u>following</u> adoption leave:		From:		To:
Employees should endeavour to take annual leave due to be accrued in the current year, (1 st April to 31 st March) prior to taking adoption leave. Employees wishing to reduce hours following maternity leave should endeavour to take the majority of annual leave accrued at the higher rate, before formally reducing hours, however we do recognise that some may need to be saved for the remainder of the leave year.				

Applicant's Declaration: I understand that I will be required to re-pay any Contractual Adoption Pay received if I fail to return to the NHS for a period of 3 months following my Adoption leave, in accordance with Agenda for Change Terms & Conditions.

Are you currently in receipt of Computershare Vouchers? Yes/ No		Please tick to confirm your proof of adoption is enclosed		
Signed:		Print name:	Date:	

Manager's Authorisation: I confirm that I have discussed the Adoption Leave Policy, and its implications with the applicant, and am able to approve this application for adoption leave

Annual entitlement	<input type="checkbox"/> 27 days	<input type="checkbox"/> 29 days	<input type="checkbox"/> 32 days	Leave taken to date:	
Signed:		Print name:	Date:		

Paternity Leave Application Form

Please download the form from the UK government website, found at this link

<https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>

Appendix 10**Curtailment of Maternity/Adoption Leave and Pay**

Section A: Declaration			
<p>Please accept this as my notice to curtail my maternity/adoption leave and/or pay. This form is accompanied by notification that either I intend to take SPL and/or ShPP or that my partner intends to take SPL and/or ShPP. I understand that my maternity/adoption leave will end on the date given in Section B and that my pay will end on the date given in Section C. I understand that I can only reinstate my maternity/adoption leave if I revoke this notice before the curtailment date given in Section B. I understand that I can only reinstate any maternity/adoption pay that I am eligible for if I revoke this notice before the end date given in Section C.</p>			
Full name:		NI number:	
Contact number:		Department:	
Child's expected date of birth:			
Actual date of child's birth (if born):			
SECTION B: Curtailing maternity leave (must be completed)			
Date statutory maternity/adoption leave started/is intended to start:			
Date statutory maternity/adoption leave will come to an end:			
Total number of weeks of statutory maternity/adoption leave that will have been taken at the date that statutory maternity/adoption leave ends			
SECTION C: Curtailing maternity pay (only complete if claiming ShPP)			
Date SMP started/is intended to start			
Date SMP will come to an end			
Total number of weeks of SMP that will have been paid at the date that SMP ends			
SECTION D: Signature (must be completed)			
Signature of mother/prime adopter:			
Date signed:			

Appendix 11**Notification of Entitlement and Intention to take SPL (Mother/Prime Adopter)**

<u>Your Details</u>			
Full name:			Date of Birth
Do you have a disability as defined by the Equality Act 2010*: Yes/ No			
Address:			
Home telephone number:		Mobile:	
<u>Post Details</u>			
Job Title			
Division:			Department :
Commencement dates:	WWL Trust:		NHS: Contracted weekly hours
<u>SPL Details</u>	Please accept this as notification that I (the mother/prime adopter) am entitled to and intend to take SPL.		
Date the child is expected:		Date the child was born/placed:	
Date maternity/adoption leave has/will start:		Date maternity/adoption leave has/will end:	
Total number of weeks of maternity/adoptive leave that will have been taken:			
Date maternity/adoption pay/allowance started:		Date maternity/adoption pay/allowance ends:	
Total number of weeks of maternity/adoption pay/allowance that will have been taken at the time of curtailment:			
<u>Leave Intentions</u>			
Number of weeks SPL I intend to take:		Number of weeks SPL my partner intends to take:	
Details of the SPL I intend to take:		<input type="checkbox"/> Continuous Leave	
		Start: End:	
		<input type="checkbox"/> Discontinuous Leave (maximum of 3 blocks)	
		Start: End:	
<u>Pay Intentions</u>			
Number of weeks ShPP I intend to take:		Number of weeks ShPP my partner intends to take:	

Applicant's Declaration: I understand that I will be required to re-pay any Contractual ShPP received if I fail to return to the NHS for a period of 3 months following my SPL, in accordance with Agenda for Change Terms & Conditions. I declare that the information provided is accurate and complete.

Signed:		Print name:		Date:	
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Partner's Declaration:

- I satisfy/will satisfy the eligibility requirements to enable the mother to take shared parental leave as per the current eligibility criteria defined by the UK government (<https://www.gov.uk/shared-parental-leave-and-pay>)
- I am the father of the child, or at the time of the birth I was (or will be) the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I consent to the amount of shared parental leave and shared parental pay, as set out above, that the mother intends to take
- I consent to Wrightington, Wigan and Leigh NHS Foundation Trust processing the information provided in this form

Signed:		Print name:		Date:	
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Notification of Entitlement and Intention to take SPL (Partner)

Your Details			
Full name:			Date of Birth
Do you have a disability as defined by the Equality Act 2010*: Yes/ No			
Address:			
Home telephone number:			Mobile:
Post Details			
Job Title			
Division:			Department :
Commencement dates:	WWL Trust:		NHS:
		Contracted weekly hours	
Mother/Prime Adopters details			
Full name:			National insurance number:
Address:			
Employers name and address:			
Maternity/Adoption Leave and Pay Details			
Date the child is expected:		Date the child was born/placed:	
Date maternity/adoption leave has/will start:		Date maternity/adoption leave has/will end:	
Total number of weeks of maternity/adoption leave that will have been taken:			
Date maternity/adoption pay/allowance started:		Date maternity/adoption pay/allowance ends:	
Total number of weeks of maternity/adoption pay/allowance that will have been taken at the time of curtailment:			
Leave Intentions	Please accept this as notification that I (the partner) am entitled to and intend to take SPL.		
Number of weeks SPL I intend to take:		Number of weeks SPL the mother/prime adopter intends to take:	

Details of the SPL I intend to take:	<input type="checkbox"/> Continuous Leave	Start: End:
	<input type="checkbox"/> Discontinuous Leave (maximum of 3 blocks)	Start: End: Start: End: Start: End:

Pay Intentions

Number of weeks ShPP I intend to take:	Number of weeks ShPP my partner intends to take:
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Applicant's Declaration:

- I am the father of the child, or at the time of the birth I was (or will be) the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes her notice to curtail her maternity leave or SMP/maternity allowance period
- I understand that I will be required to re-pay any Contractual ShPP received if I fail to return to the NHS for a period of 3 months following my SPL, in accordance with Agenda for Change Terms & Conditions.

Signed:		Print name:		Date:	
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Mother/Prime Adopter's Declaration:

- I satisfy/will satisfy the eligibility requirements to enable my partner to take shared parental leave,
- I have curtailed my maternity/adoption leave/returned to work before the end of my statutory maternity/adoption leave period
- I consent to the amount of shared parental leave and shared parental pay, as set out above, that the partner intends to take
- I consent to Wrightington, Wigan and Leigh NHS Foundation Trust processing the information provided in this form
- I declare that the information provided is accurate and complete.

Signed:		Print name:		Date:	
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Equality Impact Assessment Form

STAGE 1 - INITIAL ASSESSMENT

<p>For each of the protected characteristics listed answer the questions below using</p> <p>Y to indicate Yes and N to indicate No</p>												List Negative / Positive Impacts Below	
	Sex (male / female / transgender)	Age (18 years+)	Race / Ethnicity	Disability (hearing / visual / physical / learning disability / mental health)	Religion / Belief	Sexual Orientation (Gay/ Lesbian/ Bisexual)	Gender Re-Assignment	Marriage / Civil Partnership	Pregnancy & Maternity	Carers	Other Group		
Does the policy have the potential to affect individuals or communities differently in a negative way?	N	N	N	N	N	N	N	N	N	N	N		
Is there potential for the policy to promote equality of opportunity for all / promote good relations with different groups – Have a positive impact on individuals and communities.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
In relation to each protected characteristic, are there any areas where you are unsure about the impact and more information is needed?	N	N	N	N	N	N	N	N	N	N	N	If Yes: Please state how you are going to gather this information.	
Job Title	Deputy Director of HR										Date	July 2019	

IF 'YES an NEGATIVE IMPACT' IS IDENTIFIED - A Full Equality Impact Assessment STAGE 2 Form must be completed. This can be accessed via http://intranet/Departments/Equality_Diversity/Equality_Impact_Assessment_Guidance.asp

Please note: As a member of Trust staff carrying out a review of an existing or proposal for a new service, policy or function you are required to complete an Equality Impact Assessment. By stating that you have NOT identified a negative impact, you are agreeing that the organisation has NOT discriminated against any of the protected characteristics. Please ensure that you have the evidence to support this decision as the Trust will be liable for any breaches in Equality Legislation

Appendix 14**POLICY MONITORING AND REVIEW ARRANGEMENTS**

Para	Audit / Monitoring requirement	Method of Audit / Monitoring	Responsible person	Frequency of Audit	Monitoring committee	Type of Evidence	Location where evidence is held
	Rolling monthly review of compliance of in date documents	Project Officer to advise author 6 months in advance of review date and advise CQEC of overall Trust compliance	Project Officer	Monthly rolling programme	CQEC	Monthly compliance report	Team Drive: Director of Nursing/Corporate QEC