 <b>GIG CYMRU NHS WALES</b>	Iechyd Cyhoeddus Cymru Public Health Wales	<b>Policy / Procedure Review Report</b>  People and Organisational Development Committee 15 March 2023 Agenda item: 3.1
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## Section 1 - Policy / Procedure Information

<b>Policy / Procedure Title</b>	Family Leave Policy Family Leave Procedure
<b>Policy Owner</b>	Sara Peacock, Karen Fitzgibbon
<b>Lead Executive</b>	Neil Lewis, Director of People and OD
<b>PHW / All Wales?</b>	PHW
<b>Date of last Review</b>	July 2018
<b>Is the current policy / procedure within date?</b>	No, due for review July 2021
<b>Approving Body / Group</b>	People and OD Committee Endorsed by Leadership Team 16 Feb 2023
<b>Version Number</b>	1

## Section 2 – Recommendation

### FOR APPROVING BODY:

That the People and Organisational Development Committee:

- **Approve** the Family Leave Policy and Procedure

### 3 – Details of the Review:

#### Background:

<b>Reason for review</b>	<p>In 2019, the Women's Network and People and OD team convened a small task and finish group to look into staff's experiences Maternity Leave. The group ran a survey to understand people's experiences – and widened the scope to include anyone who had been on Maternity Leave, Adoption Leave, Shared Parental Leave, or Paternity Leave).</p> <p>The results of that survey showed good and bad practice among managers, a number of issues with understanding of pay entitlements, and widespread confusion and misunderstanding around things like KIT days.</p> <p>This work was postponed during enhanced response but recommenced in the autumn of 2021 and the previous Maternity, Paternity etc leave policy and procedures went to a policy workshop to inform their revision. Feedback from stakeholders at that workshop identified a number of issues with those documents, which could be attributed to the way that the document had grown over the years from covering just Maternity Leave and pay to including many types of entitlements (and subsequent revisions of related legislation and entitlements).</p> <p>When the new intranet was launched, this also presented us with an opportunity to produce a set of intranet pages to complement this policy and procedure, <a href="#">Family Leave (sharepoint.com)</a></p>
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#### Consultation:

Has this Policy / Procedure been through the	Yes, 28 day consultation on the Corporate Consultation Database
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appropriate consultation process?	The Leadership Team have also reviewed and approved/ endorsed the policy and procedure
Date range of consultation:	November 2022
Please provide details of any feedback received and outline what changes if any were made to the document as a result:	
No feedback received via consultation.	
Had this policy / procedure been considered by any other groups?	Yes, Local Partnership Forum
If so, please provide detail of any comments / feedback or amendments made to the documents as a result of this	
Feedback received via Local Partnership Forum and documents updated as follows: <ul style="list-style-type: none"> <li>• Wording added to introduction to link to organisational values.</li> <li>• Additional detail added to policy regarding surrogacy.</li> <li>• Procedure wording updated to clarify that the procedure is for all staff utilising the policy.</li> <li>• Paragraph added to clarify management of pregnancy-related sickness absence.</li> </ul>	

## 4 – Impact Assessments

<b>Equality and Health Impact Assessment</b>	An EHIA has been completed and included in the papers.
<b>Risk and Assurance</b>	This policy and procedure provide a framework for consistent and equitable management and support for staff in relation to maternity, new parent support (paternity), adoption, surrogacy and other parental leave, and also in respect of IVF treatment.
<b>Health and Care Standards</b>	These Policies support and/or take into account the <a href="#">Health and Care Standards for NHS Wales</a> Quality Themes  Governance, Leadership and Accountability Theme 7 - Staff and Resources Theme 2 - Safe Care
<b>Financial implications</b>	No financial implications have been identified.
<b>People implications</b>	This policy and procedure support other All Wales and PHW policies that are already in existence and so no additional people implications have been identified.

## 5 - Implementation

Please provide details of any actions that will be taken to implement the policy.

<b>Implementation plan (with timescales)</b>		
Next steps	Timescale	Responsible officer(s)
Once approved the updated policy will be launched via the staff and manager bulletins and updated intranet pages.	With 4 weeks of approval	Karen Fitzgibbon



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Cymru  
Public Health  
Wales

**Reference Number:** PHW 45  
**Version Number:** 3  
**Date of next review:** 3 years TBC

## Family Leave Policy

### Policy Statement

This policy sets out the entitlement of all staff to maternity, new parent support (paternity), adoption, surrogacy, and other parental leave, and also the entitlements for those staff planning/in receipt of In Vitro Fertilisation (IVF) treatment.

### Policy Commitment

Public Health Wales is committed to creating a vibrant, inclusive, and healthy culture where all our people are supported to thrive.

As an organisation, we are committed to nurturing a positive, flexible and sustainable work environment. Our aspiration is to be an exemplar organisation for wellbeing, where our staff are supported to ensure that their experience of work enables them to be healthier, happier in work, and able to be at their best.

The organisation recognises the importance of family life and aims to support all employees to be able to make the choices that best support their wellbeing as they welcome a new member to their family, whether that be through childbirth, surrogacy or adoption.

The purpose of the policy is to advise staff of their rights in relation to maternity, new parent support (paternity), adoption, surrogacy and other parental leave, and also in respect of IVF treatment. It should be read in conjunction with the Family Leave Procedure, and the Family Leave Pack on the staff intranet, which provide further detail on entitlements and responsibilities within each of these areas for both staff and managers.

### Supporting Procedures and Written Control Documents

Other related documents are:

- Family Leave Procedure - Pay and Leave for New Parents
- Family Leave Pack (staff intranet)
- Breastfeeding Guidelines
- How to: Apply for Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)
- Flexible Working Policy
- Special Leave Policy
- [Family Leave intranet pages \(sharepoint.com\)](#)

<b>Scope</b>	
<p>The policy will apply to all employees of Public Health Wales, regardless of sexual orientation or gender identity, for matters relating to their maternity, new parent support (paternity), adoption, surrogacy and other parental leave and also to those staff planning In Vitro Fertilisation (IVF) treatment.</p> <p>The maternity policy and the guidelines around IVF are relevant to those giving birth or planning to give birth, regardless of gender identity; there are no restrictions on sex or gender identity to any of the other leave entitlements, which are also explicitly available to same-sex couples, so gender neutral terms are used throughout wherever possible.</p>	
<b>Equality and Health Impact Assessment</b>	Equality and Health Impact Assessment completed.
<b>Approved by</b>	
<b>Approval Date</b>	TBC
<b>Review Date</b>	TBC
<b>Date of Publication:</b>	TBC
<b>Group with authority to approve supporting procedures</b>	People and Organisational Development Committee
<b>Accountable Executive Director/Director</b>	Neil Lewis, Director of People and Organisational Development
<b>Author</b>	Sara Peacock, People and Organisational Development Karen Fitzgibbon, People and Organisational Development

<b>Disclaimer</b>	
<p><b>If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or <a href="#">Corporate Governance</a>.</b></p>	

<b>Summary of reviews/amendments</b>				
<b>Version number</b>	<b>Date of Review</b>	<b>Date of Approval</b>	<b>Date published</b>	<b>Summary of Amendments</b>
	August - December 2022			<p>Policy renamed to Family Leave Policy.</p> <p>Contents revised and updated throughout to reflect updated terminology.</p>

				<p>Added reference to further advice for employees and managers on the Family Leave pages of the staff intranet, <a href="#">Family Leave (sharepoint.com)</a></p> <p>Updated information provided in relation to surrogacy.</p> <p>Updated New Parent Support (Paternity) provisions.</p> <p>Added a section on review and feedback.</p>
	March 2018			Updated to use gender neutral language where possible throughout the policy and explicitly state that the policy is for all staff regardless of sexual orientation or gender identity
	December 2017			Added a paragraph to Scope of Policy to explain use of gender neutral terminology wherever possible.
	December 2017			Updated gendered language throughout, excluding statutory leave and statutory pay terms such as 'Maternity', 'Paternity'.
	December 2017			Added reference to the Equality Act (2010); Shared Parental Leave Regulations (2014); Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations (2014).
	December 2017			Added reference to the Foster to Adopt scheme.
	December 2017			Updated summary of Shared Parental Leave
	December 2017			Added a section on Equality and Welsh Language Monitoring.

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## **1. Introduction**

Public Health Wales' values are working together with trust and respect to make a difference. We are committed to creating and nurturing a positive, flexible and sustainable work environment, where all our people are supported to thrive. Our aspiration is to be an exemplar organisation for wellbeing, where our staff are supported to ensure that their experience of work enables them to be healthier, happier in work, and able to be at their best.

The organisation recognises the importance of family life and aims to support all employees to be able to make the choices that best support their wellbeing as they welcome a new member to their family, whether that be through childbirth, surrogacy or adoption.

## **2. Legislative and national initiatives**

Pregnancy and maternity is a protected characteristic under the Equality Act 2010. Discrimination covers the unfavourable treatment of an employee, during the "protected period" in relation to their pregnancy or illness suffered by them as a result of that pregnancy. Unfavourable treatment during the protected period because an employee is on compulsory maternity leave or they are exercising or seeking to exercise, or has exercised or sought to exercise, the right to ordinary or additional maternity leave, is also covered.

Public Health Wales has updated existing policies to reflect changes in relevant legislation. The Policy has been produced to ensure that all of the provisions offered to employees comply fully with:

- The Employment Rights Act (1996)
- The Employment Relations Act (1999)
- The Employment Act (2002)
- The Paternity and Adoption Leave Regulations (2002)
- The Social Security, Statutory Maternity Pay and Statutory Sick Pay (Miscellaneous Amendments) Regulations (2002)
- The Civil Partnership Act (2004)
- The Statutory Paternity Pay and Statutory Adoption Pay (Amendment) Regulations (2004)
- Work and Families Act (2006)
- Maternity and Parental Leave etc. Regulations (2009)
- Equality Act (2010)
- NHS Terms and Conditions of Service Handbook (March 2010)
- Additional Paternity Leave Regulations (2011)
- Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations (2014)
- Shared Parental Leave Regulations (2014)

- The Children and Families Act (2014).

### **3. Roles and responsibilities**

The relevant responsibilities are detailed in each part of the policy and accompanying procedure, according to subject area.

### **4. Maternity provisions**

All employees having a baby have the right to take 52 weeks of maternity leave, regardless of length of NHS service. The amount of leave and maternity pay for which they will qualify will, however, differ.

Further information about payment during the maternity leave period, and rules around information and documentation required before taking leave, when returning to work after maternity leave, and all stages in between are set out in the Family Leave Procedure. Further advice, guidance and practical tools aimed at helping employees and managers are available on the [Family Leave pages of the staff intranet](#).

### **5. Adoption provisions**

Statutory Adoption Leave of up to 52 weeks is available to all employees irrespective of length of service. This also applies in the case of the Foster to Adopt scheme. Further information about adoption pay entitlements, rules around information and documentation that must be provided, returning to work after adoption leave, and all stages in between are set out in the Family Leave Procedure. Further advice, guidance and practical tools aimed at helping employees and managers are available on the [Family Leave pages of the staff intranet](#).

### **6. Surrogacy**

Public Health Wales is keen to support staff involved in a surrogacy process. Couples or individuals who engage the services of a surrogate are known as Intended Parents (IPs), and as long as they intend on making an application for a parental order within 6 months of the birth, and they expect that to be granted, they will have rights to pay and leave equivalent to adopting couples or individuals.

Both the Intended Parents of a child born through surrogacy, and the surrogate giving birth have rights to leave, which will depend on an individual's circumstances.

Further information can be found in the Family Leave Procedure, and there is further advice and guidance for employees and managers in the [Family Leave Pack on the staff intranet](#).

## **7. New Parent Support (Paternity) provisions**

This refers to a period of leave granted to an employee to enable them to support their partner following the birth of a child or, in the case of adoption, to support the parent who is taking adoption leave. Further information is set out in the Family Leave Procedure, and there is further advice and guidance for employees and managers in the [Family Leave Pack on the staff intranet](#).

## **8. Shared Parental Leave**

Shared Parental Leave (SPL) allows parents to share statutory leave and pay following the birth or adoption of a child. It enables parents to share 50 weeks of their 52 weeks maternity or adoption leave and 37 weeks of their 39 weeks statutory maternity or adoption pay with their partner. It is not necessary for both parents to be employed by Public Health Wales, but both parents have to meet the [eligibility criteria](#) in order to share leave in this way.

Further information is set out the Family Leave Procedure, and there is further advice and guidance for employees and managers in the [Family Leave Pack on the staff intranet](#).

## **9. Parental Leave**

This entitlement is not the same as *Shared* Parental Leave. Any employee of at least 1 year's continuous service with the organisation is entitled to take up to 4 weeks' unpaid parental leave in any one year (to a maximum total of 18 weeks); this leave is not connected to birth, adoption or surrogacy, and can be taken at any time by the parent of a child under 18. Further information is available in the Family Leave Procedure, and there is further advice and guidance for employees and managers in the [Family Leave Pack on the staff intranet](#).

## **10. In Vitro Fertilisation (IVF) and other fertility treatments**

Public Health Wales recognises that infertility can cause considerable distress and, as a provider of healthcare services, is sympathetic to staff who decide to undertake fertility treatment. Limited special leave will be provided for this purpose to employees with a minimum of 1 year's continuous service with Public Health Wales, where the request is supported by documentary evidence from the employee's GP or consultant/specialist. Further information can be found in the Family Leave Procedure, and there is further advice and guidance for employees and managers in the [Family Leave Pack on the staff intranet](#).

## **11. Training and awareness raising**

All staff will be made aware of this policy upon commencement with Public Health Wales. Copies can also be viewed on the Public Health Wales internet site or obtained via the People and OD Team, [PeopleSupport.PHW@wales.nhs.uk](mailto:PeopleSupport.PHW@wales.nhs.uk).

In the event that individuals need to use this policy, advice and guidance can be sought from [PeopleSupport.PHW@wales.nhs.uk](mailto:PeopleSupport.PHW@wales.nhs.uk)

## **12. Monitoring and auditing**

The policy lead will monitor and audit this policy as outlined in the EqHIA to ensure it is compliant with current legislation, and that it is implemented and adhered to.

## **13. Review and feedback**

The policy will be reviewed every three years or whenever a relevant change in legislation occurs.

We are continually looking to improve our employment practices and welcome any feedback you may have in relation to this policy.

Feedback can be provided by emailing, [PeopleSupport.PHW@wales.nhs.uk](mailto:PeopleSupport.PHW@wales.nhs.uk)

## **14. Equality and Welsh language monitoring**

This policy and supporting procedures are inclusive of all staff regardless of age, disability, gender identity, marriage or civil

partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. This policy will be available in both Welsh and English.

## **15. Information governance statement**

All documents generated under this procedure are official records of Public Health Wales and will be managed and stored and utilised in accordance with the Public Health Wales' Guidance on Record Retention and Destruction.

This policy has the potential to deal with extremely sensitive information and Public Health Wales staff involved need to be fully aware of the material they are handling.



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**Reference Number:** PHW45/ TP01  
**Version Number:** 3  
**Date of next review:** 3 years TBC

## **Family Leave Procedure - Pay and Leave for New Parents**

### **Aim and Introduction**

This procedure has been written to accompany the Family Leave Policy.

This document sets out the entitlements and obligations of Public Health Wales and its staff with regard to pay and leave when welcoming a new child into the family, whether that is through childbirth, adoption, surrogacy or IVF.

The document lays out the detail of the necessary procedures to ensure staff receive the pay and leave to which they are entitled. These are mirrored in the Family Leave Pack on the staff intranet, and it is recommended that both staff and managers refer to this for a comprehensive and user-friendly guide to all issues and procedures surrounding these types of leave.

### **Supporting Procedures and Written Control Documents**

Other related documents are:

- Family Leave Policy
- [Breastfeeding Guidelines](#)
- [How to: Apply for Shared Parental Leave \(SPL\) and Shared Parental Pay \(ShPP\)](#)
- [Family Leave intranet pages \(sharepoint.com\)](#)

### **Scope**

The contents of this document will apply to all employees of Public Health Wales for matters relating to:

- Maternity leave
- New parent support (formerly paternity) leave
- Adoption leave
- Surrogacy arrangements
- In-Vitro Fertilisation treatment
- Shared parental leave
- Parental leave

The maternity leave entitlements are available for any staff who are pregnant and giving birth; no other entitlements are limited by sex, and are explicitly available to all staff who meet the qualifying criteria. Gender-neutral language is used wherever possible.

When there is a requirement to provide or confirm any information in writing, this also includes communication via email.

<b>Equality and Health Impact Assessment</b>	Equality and Health Impact Assessment completed.
<b>Approved by</b>	
<b>Approval Date</b>	TBC
<b>Review Date</b>	TBC
<b>Date of Publication:</b>	TBC
<b>Group with authority to approve supporting procedures</b>	People and Organisational Development Committee
<b>Accountable Executive Director/Director</b>	Neil Lewis, Director of People and Organisational Development
<b>Author</b>	Sara Peacock, People and Organisational Development Karen Fitzgibbon, People and Organisational Development

### Disclaimer

**If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or [Corporate Governance](#).**

<b>Summary of reviews/amendments</b>				
<b>Version number</b>	<b>Date of Review</b>	<b>Date of Approval</b>	<b>Date published</b>	<b>Summary of Amendments</b>
	August – December 2022			<p>Procedure renamed to Family Leave Procedure - Pay and Leave for New Parents.</p> <p>Contents revised and updated throughout to reflect updated terminology.</p> <p>Added a link to UK Government website for latest eligibility criteria and statutory pay entitlements.</p> <p>Updated information provided in relation to surrogacy.</p>

				<p>Updated New Parent Support (Paternity) provisions.</p> <p>Added a section on leave for bereaved parents.</p> <p>Added a section on review and feedback.</p>
	February 2022			<p>Revision to streamline document and signpost to Family Leave Pack on intranet, <a href="#">Family Leave (sharepoint.com)</a></p>
	December 2017			<p>Added a paragraph to Scope of Policy to explain use of gender neutral terminology wherever possible.</p>
	December 2017			<p>Added reference to the Equality Act (2010); Shared Parental Leave Regulations (2014); Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations (2014).</p>
	December 2017			<p>Added information to clarify average earnings calculations.</p>
	December 2017			<p>Updated summary of Shared Parental Leave.</p>
	December 2017			<p>Added a section on Parental Leave.</p>
	December 2017			<p>Added a section on Equality and Welsh Language Monitoring.</p>



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## **1 Introduction**

This document seeks to provide detail regarding the obligations, entitlements and procedures relating to:

- Maternity leave
- New parent support (formerly paternity) leave
- Adoption leave
- Surrogacy arrangements
- In-Vitro Fertilisation treatment
- Shared parental leave
- Parental leave

The maternity leave entitlements are available for any staff who are pregnant and giving birth; no other entitlements are limited by sex, and are explicitly available to all staff who meet the qualifying criteria. Gender-neutral language is used wherever possible.

This procedure lays out the detail of the necessary processes to ensure staff receive the pay and leave to which they are entitled; colleagues are also directed to the Family Leave Pack <insert link> on the staff intranet, which contains fuller information, user-friendly guides, advice for staff taking leave and their managers, supporting tools and pro formas, and signposting to further assistance.

## **2 Legislative and National Initiatives**

Public Health Wales has updated existing policies to reflect changes in relevant legislation. This document has been produced to ensure that all of the provisions offered to employees comply fully with:

- The Employment Rights Act (1996)
- The Employment Relations Act (1999)
- The Employment Act (2002)
- The Paternity and Adoption Leave Regulations (2002)
- The Social Security, Statutory Maternity Pay and Statutory Sick Pay (Miscellaneous Amendments) Regulations (2002)
- The Civil Partnership Act (2004)
- The Statutory Paternity Pay and Statutory Adoption Pay (Amendment) Regulations (2004)
- Work and Families Act (2006)
- Maternity and Parental Leave etc. Regulations (2009)
- Equality Act (2010)
- NHS Terms and Conditions of Service Handbook (March 2010)
- Additional Paternity Leave Regulations (2011)

- Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations (2014)
- Shared Parental Leave Regulations (2014)
- The Children and Families Act (2014)

#### Definitions / Abbreviations:

- EWC	- Expected Week of Childbirth
- OML	- Ordinary Maternity Leave
- AML	- Additional Maternity Leave
- MATB1	- Maternity Certificate
- SMP	- Statutory Maternity Pay
- OMP	- Occupational Maternity Pay
- OAL	- Ordinary Adoption Leave
- AAL	- Additional Adoption Leave
- SAP	- Statutory Adoption Pay
- OAP	- Occupational Adoption Pay
- SPP	- Statutory Paternity Pay
- SPL	- Shared Parental Leave
- ShPP	- Shared Parental Pay
- KIT	- Keeping in Touch

A full Glossary of Terms is available in Appendix 1.

### **3 Roles and Responsibilities**

The relevant responsibilities are detailed in each part of the document, according to subject area.

### **4 Maternity Provisions**

All employees who are having a baby are entitled to take 52 weeks of maternity leave, regardless of length of NHS service. The flowchart in Appendix 2 maps out the period from pregnancy to returning to work after leave, for information.

#### **4.1 Responsibilities**

##### **4.1.1 Employees need to:**

- Inform their manager as soon as possible after finding out they are pregnant, so that a [risk assessment](#) can be carried out and preliminary arrangements for leave made.
- Provide a copy of the MATB1 certificate (proof of pregnancy supplied by the midwife or doctor) around the 20 week scan date.

- Complete a [Maternity and Adoption Leave Application Form](#) at least 15 weeks (but not more than 20 weeks) before they expect to go on leave, and submit this to People and OD. Using this form, they will advise when they are planning to go on leave and whether/when they plan to return afterwards.
- Give 28 days' notice (or as much notice as possible if this is not possible) in writing if they wish to change the start of their maternity leave.
- Give 28 days' notice in writing if they wish to change the date of their return to work once this has been advised.

#### 4.1.2 **Managers** need to:

- Respect their pregnant team member's confidentiality at all times.
- Carry out a [risk assessment](#) when they are informed of the pregnancy. If this confirms that their team member or their unborn child would be at risk if they continued with their normal duties, the manager will need to find them suitable alternative work (at their normal rate of pay). Where this is not reasonably practical, the team member could be suspended on full pay.
- Ensure that their team member is given paid time off to attend the relevant [ante-natal care](#).
- Help their team member to access the necessary information about [pay while they are on leave](#).
- Ensure the communication plan agreed with their team member before they went on leave is adhered to.
- Facilitate [KIT Days](#) as appropriate.
- Ensure a suitable welcome and re-induction when their team member returns from leave.
- Make arrangements for their team member to [breastfeed/express milk](#) if required.

## 4.2 **Proof of Pregnancy**

A midwife or doctor will issue a MATB1 form at around the time of the 20 week ante-natal appointment. This is needed as proof of pregnancy for Statutory Maternity Pay (SMP) and/or Occupational Maternity Pay (OMP), and should be provided to People and OD along with the Maternity and Adoption Leave Application Form.

### **4.3 Antenatal Care**

Staff have the right to paid time off for antenatal care, which includes parenting and antenatal classes as well as antenatal appointments, if they have been recommended by a doctor or midwife.

An individual who has a qualifying relationship with the employee is eligible to take unpaid time off to accompany them to two antenatal appointments. These qualifying relationships include:

- the employee's spouse or civil partner
- the father of the expected child
- an individual in a long-term relationship with the employee
- the intended parent (in the case of surrogacy arrangements).

### **4.4 Sickness Absence During Pregnancy**

Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity for work, or a self-certificate for absences of 7 days or less, shall be treated as sickness absence in accordance with normal sickness absence provisions.

Where an illness is attributable to pregnancy, sickness absence will not be counted towards the review prompt of the management of sickness absence.

If a member of staff is absent from work with a pregnancy-related illness during the last four weeks before their expected week of childbirth, maternity leave will commence at this point or at the beginning of the next week after they last worked, whichever is the later.

### **4.5 Maternity Leave Entitlements**

#### **4.5.1 Entitlement to, and Structure of, Maternity Leave**

Any employee who is pregnant has the right to take 52 weeks Statutory Maternity Leave; there are no further conditions to this entitlement.

This leave is broken down as:

- Ordinary Maternity Leave (OML) – the first 26 weeks
- Additional Maternity Leave (AML) – a further 26 weeks

There is no obligation to take the full 52 weeks' leave but there must be a minimum of 2 weeks' leave after the baby is born.

The employee must inform their line manager of their due date and the anticipated start date for their maternity leave at least 15 weeks before their due date. For this purpose they should complete the Maternity and Adoption Leave Application Form and send it to the People and OD team with a copy of the MATB1 certificate. People and OD will write back within 28 days of receipt of the form, confirming the start and end dates of maternity leave.

#### 4.5.2 Starting Leave and Early Births

Usually, the earliest an employee can start their maternity leave is 11 weeks before the expected week of childbirth.

Leave may also start:

- the day after the birth if the baby is born early;
- automatically if someone is off work for a pregnancy-related illness in the four weeks before the expected week of childbirth (Sunday to Saturday).

### 4.6 Entitlements to Maternity Pay

The type of pay an employee can receive while on maternity leave will depend on their record of service in the NHS, and whether they intend to return to work in the NHS after their leave has ended. There are two types of pay:

- Statutory Maternity Pay
- Occupational Maternity Pay.

See Appendix 3 for fuller details.

#### 4.6.1 Statutory Maternity Pay

The conditions for Statutory Maternity Pay (SMP), and the amount of pay awarded, is determined by the UK Government, but it is paid by the employer.

SMP is paid for up to 39 weeks. In order to qualify, an employee must:

- earn at least £123 a week\*; and
- have 26 weeks' continuous service with Public Health Wales at the 15<sup>th</sup> week prior to the expected week of childbirth (EWC).

SMP is paid in the same way as wages, and PAYE tax and National Insurance contributions will also be deducted.



\*Please see [Benefits and financial support for families - GOV.UK \(www.gov.uk\)](https://www.gov.uk) for latest entitlements and eligibility criteria.

#### 4.6.2 Occupational Maternity Pay

Occupational Maternity Pay (OMP) is the additional payment made by Public Health Wales to eligible employees on maternity leave. To be eligible for this, in addition to the requirements for SMP above, the employee must:

- have 12 months' continuous service with the NHS at the 11<sup>th</sup> week prior to the EWC; and
- intend to return to work in the NHS once their maternity leave has ended.

#### 4.6.3 Maternity Allowance

Those staff not eligible for SMP/OMP might be eligible to receive [Maternity Allowance](#) instead. This is a UK Government benefit, and can be claimed online using their MA1 form.

#### 4.6.4 Calculation of Maternity Pay

Maternity pay is calculated using the 'average weekly earnings rule'. Payroll will take the average of the employee's salary/wages for the two full pay periods prior to the week that is 15 weeks before the EWC (this is known as the qualifying week). Any increments or pay awards are taken into consideration. Note that these two full 'pay periods' are derived from the two previous salary payments, and any subsequent hours recorded (e.g. timesheets submitted after those payments have been made) are not considered.

If an employee is on sick leave and receiving reduced sick pay during the period used for calculating maternity pay, average weekly earnings are calculated on the basis of notional full sick pay.

If an employee is on an employment break or away from the workplace for any other reason (e.g. secondment, parental leave) during those two pay periods, this may affect maternity pay entitlement. Therefore, it is recommended that they and their manager seek guidance from People and OD, [PeopleSupport.PHW@wales.nhs.uk](mailto:PeopleSupport.PHW@wales.nhs.uk)

Once People and OD have confirmed entitlement to maternity pay, an estimate of the gross pay can be requested from the Payroll department, [NWSSP.Payroll.PHW@wales.nhs.uk](mailto:NWSSP.Payroll.PHW@wales.nhs.uk)

If you do not return to work for a minimum of 3 months, after indicating your intention to do so, you may be liable to repay the maternity pay received, less any payments you may be entitled to receive under the Statutory Maternity Pay Regulations. See 13.8.

#### 4.6.5 Stillbirths and Miscarriage

Employees will still be entitled to full Statutory Maternity Leave and SMP if their baby:

- is born early;
- is stillborn after the start of the 24<sup>th</sup> week of pregnancy; or
- dies after being born.

In the tragic event of a child's death, or if you have a stillbirth after 24 weeks of pregnancy you may also be entitled to [Statutory Parental Bereavement Pay and Leave](#).

If such a sad event occurs, managers are strongly advised to contact People and OD for advice on how best to support their team member and access to further resources. There is more information on this in the Family Leave Pack <insert link> on the intranet.

### 4.7 Applying for Maternity Leave and Pay

Once the employee has completed and submitted the Maternity and Adoption Leave Application Form (between 20 and 15 weeks before their EWC), the People and OD team will send them a letter confirming:

- their entitlements to paid and unpaid leave and/or SMP entitlements;
- their expected return to work date (unless they have indicated an earlier return date, it will be assumed that they will take 52 weeks' leave); and
- their requirement to give at least 28 days' notice if they wish to return to work before the expected return date.

If they have any queries after applying for maternity leave, employees should contact the People and OD team via [People Support](#).

## **5 Post-Natal Care and Breastfeeding**

Employees who have recently given birth and returned to work from maternity leave should be given paid time off for post-natal care e.g. attendance at health clinics.

Employers are required to provide employees who are breastfeeding with suitable rest facilities. The Health and Safety Executive also encourages employers to provide a healthy and safe environment for those who are breast feeding with suitable access to a private room to express and store milk. For further information please refer to the [Breastfeeding Guidelines](#).

## **6 Adoption Provisions**

All adoption provisions apply equally to mixed-sex and same-sex couples, as well as single people. An adopter is a person who has been matched with a child for adoption by an adoption agency. In the case where two people have been matched jointly, the Adopter/Primary Carer is whichever of them has opted to be the child's adopter for the purpose of taking Statutory Adoption Leave. The partner of the Primary Carer is entitled to New Parent Support (formerly Paternity) Leave and Pay.

Entitlements to adoption leave are applicable for a newly matched child (up to the age of 18 years) placed with adoptive parents. Adoption leave is not available in cases where a child is not newly matched for adoption, such as where a step-parent is adopting a partner's children.

Parents who will become the legal parents of a child under a [surrogacy arrangement](#) are entitled to take Statutory Adoption Leave. Local authority foster parents who are also prospective adopters ('foster to adopt') are entitled to take Statutory Adoption Leave.

### **6.1 Responsibilities**

#### **6.1.1 Employees need to:**

- inform their manager of the adoption as soon as possible, and follow up their conversation in writing
- provide their manager with written notification of having been matched with a child or children within 7 days of notification or, if this is not possible, as soon as they can after this date, supplying their Matching Certificate along with the completed Maternity and Adoption Leave Application Form. (In 'foster to

adopt' situations, a letter from the local authority or court can be used in place of a Matching Certificate.)

- give their manager reasonable notice of intention to take time off to attend formal meetings/appointments connected to the adoption process
- give 28 days' notice in writing if they wish to change the start date of their adoption leave, or their return to work once this has been advised.

#### 6.1.2 **Managers** need to:

- Respect their team member's confidentiality at all times.
- Ensure that their team member is given paid time off to attend the [relevant pre-adoption meetings and appointments](#).
- Help their team member to access the necessary information about [pay while they are on leave](#).
- Ensure the communication plan agreed with their team member before they went on leave is adhered to.
- Facilitate [KIT Days](#) as appropriate.
- Ensure a suitable welcome and re-induction when their team member returns from leave.

### 6.2 **Prior to Adopting a Child/Children**

Primary Carers are eligible for paid leave to allow them to fulfil the requirements of the formal adoption procedure e.g. counselling, screening, interviews and meeting the child.

### 6.3 **Commencing Adoption Leave**

Adoption leave can begin:

- 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
- when the child arrives in the UK or within 28 days of this date (for overseas adoptions)
- on any day of the week.

### 6.4 **Eligibility for Adoption Leave**

Any employee who is adopting a child/children under the age of 18 as the Primary Carer is entitled to take Statutory Adoption Leave of up to 52 weeks; there are no further conditions to this entitlement.

This is made up of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL). This period of Additional Adoption Leave will commence immediately after Ordinary Adoption Leave.

Adoption leave counts as service for annual increments and for the qualification period for additional annual leave.

## **6.5 Entitlements to Adoption Pay**

An employee's entitlement to payment during adoption leave is dependent on their length of service and whether or not they intend to return to work in the NHS after their leave has ended. There are two types of pay:

- Statutory Adoption Pay
- Occupational Adoption Pay.

See Appendix 3 for further details.

### **6.5.1 Statutory Adoption Pay**

The conditions for [Statutory Adoption Pay](#) (SAP), and the amount of pay awarded, are determined by the UK Government, but it is paid by the employer.

SAP is paid for up to 39 weeks. In order to qualify, an employee must:

- earn at least £123 a week\*; and
- have 26 weeks' continuous service with Public Health Wales at the week in which they are matched with a child/children.

SAP is paid in the same way as wages, and PAYE tax and National Insurance contributions will also be deducted.

\*Please see [Benefits and financial support for families - GOV.UK \(www.gov.uk\)](https://www.gov.uk/benefits-and-financial-support-for-families) for latest entitlements and eligibility criteria.

### **6.5.2 Occupational Adoption Pay**

Occupational Adoption Pay (OAP) is the additional payment made by Public Health Wales to eligible employees on adoption leave. To be eligible for this, in addition to the requirements for SAP above, the employee must:

- have 12 months' continuous service with the NHS at the week in which they are matched with a child/children; and

- intend to return to work in the NHS once their adoption leave has ended.

### 6.5.3 Adoption Allowance

Those staff not eligible for SAP/OAP will receive an SAP1 form from Payroll explaining the reasons for that. The UK Government does not provide a standard adoption allowance for those who are not entitled to SAP/OAP, but individuals are encouraged to contact their local council to find out what other benefits might be available to them.

### 6.5.4 Calculation of Adoption Pay

Adoption pay is calculated using the 'average weekly earnings rule'. Payroll will take the average of the employee's salary/wages for the two full pay periods prior to the matching date. Any increments or pay awards are taken into consideration. Note that these two full 'pay periods' are derived from the two previous salary payments, and any subsequent hours recorded (e.g. timesheets submitted after those payments have been made) are not considered.

If an employee is on sick leave and receiving reduced sick pay during the period used for calculating adoption pay, average weekly earnings are calculated on the basis of notional full sick pay.

If an employee is on an employment break or away from the workplace for any other reason (e.g. secondment, parental leave) during those two pay periods, it is recommended that they and their manager seek guidance from People and OD, [PeopleSupport.PHW@wales.nhs.uk](mailto:PeopleSupport.PHW@wales.nhs.uk)

Once People and OD have confirmed entitlement to adoption pay, an estimate of the gross pay can be requested from the Payroll department.

If you do not return to work for a minimum of 3 months, after indicating your intention to do so, you may be liable to repay the adoption pay received, less any payments you may be entitled to receive under the Statutory Adoption Pay Regulations. See 13.8.

## **6.6 Applying for Adoption Leave and Adoption Pay**

Once the employee has completed and submitted the Maternity and Adoption Leave Application Form (within 7 days of being matched with a child/children), the People and OD team will send them a letter confirming:

- their entitlements to paid and unpaid leave and/or SAP entitlements;
- their expected return to work date (unless they have indicated an earlier return date, it will be assumed that they will take 52 weeks' leave); and
- their requirement to give at least 28 days' notice if they wish to return to work before the expected return date.

If they have any queries after applying for adoption leave, employees should contact the People and OD team via [People Support](#).

## **6.7 Parental Bereavement Leave and Statutory Parental Bereavement Pay**

In the tragic event of a child's death, or a stillbirth after 24 weeks of pregnancy, employees may also be entitled to [Statutory Parental Bereavement Pay and Leave](#).

To qualify for Parental Bereavement Leave and Statutory Parental Bereavement Pay, you must meet the [criteria](#) both as a *parent* (including if you had day to day responsibility) and an *employee*.

If such a sad event occurs, managers are strongly advised to contact People and OD for advice on how best to support their team member and access to further resources. There is more information on this in the Family Leave Pack <insert link> on the intranet.

## **7 Surrogacy**

Public Health Wales is keen to support staff involved in a surrogacy process. Staff who are acting as a surrogate are entitled to the same maternity leave and pay as any other staff member giving birth, and should refer to the information for maternity provision.

Couples or individuals who engage the services of a surrogate are known as Intended Parents (IPs), and as long as they intend on making an application for a parental order within 6 months of the birth, and they expect that to be granted, they will have rights to pay and leave equivalent to adopting couples or individuals.

The primary carer for the child is known as Intended Parent 1 (IP1), and if they are an employee they may qualify for up to 52 weeks of adoption leave, subject to the criteria described below. Intended Parent 2 (IP2), if employed, would then be eligible to apply for [New Parent Support \(Paternity\) Pay and Leave](#). Eligible couples would also

be able to use [Shared Parental Leave](#) to vary these arrangements, provided both employers opted in to the scheme.

## **7.1 Responsibilities**

### **7.1.1 Employees need to:**

- inform their manager of the pregnancy as soon as possible, and follow up their conversation in writing
- provide their manager with written notification of the pregnancy, supplying a copy of the surrogate's MAT B1 form (supplied by the midwife or doctor around the 20 week scan date) along with the completed Maternity and Adoption Leave Application Form. This needs to be supplied at least 15 weeks before the expected leave date.
- give their manager reasonable notice of any intention to take time off to attend ante-natal appointments with the surrogate.
- give 28 days' notice in writing if they wish to change the start date of their adoption leave, or their return to work once this has been advised.

### **7.1.2 Managers need to:**

- Respect their team member's confidentiality at all times.
- Ensure that their team member is given unpaid time off to attend up to two ante-natal appointments with the surrogate.
- Help their team member to access the necessary information about [pay while they are on leave](#).
- Ensure the communication plan agreed with their team member before they went on leave is adhered to.
- Facilitate [KIT Days](#) as appropriate.
- Ensure a suitable welcome and re-induction when their team member returns from leave.

## **7.2 Proof of Pregnancy**

A midwife or doctor will issue a MATB1 form to the surrogate at around the time of the 20 week ante-natal appointment; the surrogate will need this if they will be claiming maternity pay and leave from their employer. Intended Parent 1 will also need a copy or scan of this, and should provide it to People and OD along with the Maternity and Adoption Leave Application Form.



### **7.3 Eligibility for Adoption Leave**

Any employee who is the Intended Parent 1 in a surrogacy arrangement is entitled to take Statutory Adoption Leave of up to 52 weeks, provided that they intend on making an application for a parental order in respect of the child within 6 months of the birth and they expect that order to be granted; they also need to give the correct notice to us, as described in this procedure.

Statutory Adoption Leave is made up of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL). This period of Additional Adoption Leave will commence immediately after Ordinary Adoption Leave.

Adoption leave counts as service for annual increments and for the qualification period for additional annual leave.

### **7.4 Entitlements to Adoption Pay**

An employee's entitlement to payment during adoption leave is dependent on their length of service and whether or not they intend to return to work in the NHS after their leave has ended. There are two types of pay:

- Statutory Adoption Pay
- Occupational Adoption Pay.

See Appendix 3 for further details.

#### **7.4.1 Statutory Adoption Pay**

The conditions for [Statutory Adoption Pay](#) (SAP), and the amount of pay awarded, are determined by the UK Government, but it is paid by the employer.

SAP is paid for up to 39 weeks. In order to qualify, an employee must:

- earn at least £123 a week\*; and
- have 26 weeks' continuous service with Public Health Wales at the 15<sup>th</sup> week prior to the surrogate's expected week of childbirth (EWC).

SAP is paid in the same way as wages, and PAYE tax and National Insurance contributions will also be deducted.

\*Please see [Benefits and financial support for families - GOV.UK \(www.gov.uk\)](https://www.gov.uk/benefits-and-financial-support-for-families) for latest entitlements and eligibility criteria.

#### 7.4.2 Occupational Adoption Pay

Occupational Adoption Pay (OAP) is the additional payment made by Public Health Wales to eligible employees on adoption leave. To be eligible for this, in addition to the requirements for SAP above, the employee must:

- have 12 months' continuous service with the NHS at the 11<sup>th</sup> week prior to the surrogate's EWC; and
- intend to return to work in the NHS once their adoption leave has ended.

#### 7.4.3 Adoption Allowance

Those staff not eligible for SAP/OAP will receive an SAP1 form from Payroll explaining the reasons for that. The UK Government does not provide a standard adoption allowance for those who are not entitled to SAP/OAP, but individuals are encouraged to contact their local council to find out what other benefits might be available to them.

#### 7.4.4 Calculation of Adoption Pay

Adoption pay is calculated using the 'average weekly earnings rule'. Payroll will take the average of the employee's salary/wages for the two full pay periods prior to the week that is 15 weeks before the surrogate's EWC (this is known as the qualifying week). Any increments or pay awards are taken into consideration. Note that these two full 'pay periods' are derived from the two previous salary payments, and any subsequent hours recorded (e.g. timesheets submitted after those payments have been made) are not considered.

If an employee is on sick leave and receiving reduced sick pay during the period used for calculating adoption pay, average weekly earnings are calculated on the basis of notional full sick pay.

If an employee is on an employment break or away from the workplace for any other reason (e.g. secondment, parental leave) during those two pay periods, this may affect their adoption pay entitlement. Therefore, it is recommended that they and their manager seek guidance from People and OD, [PeopleSupport.PHW@wales.nhs.uk](mailto:PeopleSupport.PHW@wales.nhs.uk)

Once People and OD have confirmed entitlement to adoption pay, an estimate of the gross pay can be requested from the Payroll department.

### **7.5 Applying for Adoption Leave and Pay**

Once the employee has completed and submitted the [Maternity and Adoption Leave Application Form](#) (between 20 and 15 weeks before the surrogate's EWC), the People and OD team will send them a letter confirming:

- their entitlements to paid and unpaid leave and/or SAP entitlements;
- their expected return to work date (unless they have indicated an earlier return date, it will be assumed that they will take 52 weeks' leave);
- their requirement to give at least 28 days' notice if they wish to return to work before the expected return date.

If they have any queries after applying for adoption leave, employees should contact the People and OD team via [People Support](#).

### **7.6 Parental Bereavement Leave and Statutory Parental Bereavement Pay**

In the tragic event of a child's death, or a stillbirth after 24 weeks of pregnancy, employees may also be entitled to [Statutory Parental Bereavement Pay and Leave](#).

To qualify for Parental Bereavement Leave and Statutory Parental Bereavement Pay, you must meet the [criteria](#) both as a *parent* (including if you had day to day responsibility) and an *employee*.

If such a sad event occurs, managers are strongly advised to contact People and OD for advice on how best to support their team member and access to further resources. There is more information on this in the Family Leave Pack on the intranet.

## **8 New Parent Support (Paternity) Provisions**

Provisions for leave are made available to any employee who:

- is the spouse or partner of someone who will be giving birth, or the father of that baby;
- has been matched with a child for adoption, but whose partner has opted to be the Primary Adopter and take adoption leave;
- or

- is expecting a child via a surrogacy arrangement, but whose partner has opted to be Intended Parent 1 and will take adoption leave

In addition, the employee must:

- have been continuously employed by Public Health Wales for at least 26 weeks up to any day in the 15<sup>th</sup> week before the EWC, in the case of birth or surrogacy, or by the matching week, in the case of adoption; and
- provide the correct notice, as described below.

To qualify for this leave the employee must have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the primary care-giver.

This leave cannot commence prior to the birth of the child or the placing of a newly adopted child with an adopter. It must be taken within eight weeks of the date of childbirth or, in the case of adoption, within eight weeks of the date on which the child is placed with the adopter. It must be taken as periods of whole weeks, either as a single period of one week only or as two consecutive weeks. A 'week' equates to the same number of days as the employee usually works during a week.

Employees have the right to unpaid time off to accompany their spouse, partner or surrogate to up to two ante-natal appointments, or two meetings with the adoption agency.

### **8.1 Notification of New Parent Support (Paternity) Leave**

To take New Parent Support (Paternity) Leave for newborn children, employees are required to give their manager notice of their intention to take this leave 28 days before they wish to take it. For newly adopted children, they are required to give their manager notice of their intention to take this leave within 7 days of the date on which they have been notified of having been matched with the child.

The employee should complete the New Parent Support (Paternity) Leave Application Form and give this to their manager for approval.

## **8.2 New Parent Support (Paternity) Pay**

### **8.2.1 Statutory Paternity Pay**

To qualify for Statutory Paternity Pay, in addition to the qualifying criteria for leave (as set out above) an employee must:

- be employed by Public Health Wales up to the date of birth or the 'matching week'; and
- have average weekly earnings that are at least equal to the [lower earnings limit for National Insurance contributions](#).

The amount of Statutory Paternity Pay equates to the [UK Government's standard rate for that benefit](#) or 90% of the employee's average weekly earnings (whichever is lower).

### **8.2.2 NHS New Parent Support (Paternity) Pay**

To be eligible for full pay during this two-week period, an employee will need to have 12 months' continuous service (including any annual leave taken) with Public Health Wales or any other NHS employer, before they take their leave and satisfy the conditions for Statutory Paternity Pay, as set out above.

New Parent Support (Paternity) Pay is paid in the same way as wages, and PAYE Tax and National Insurance will also be deducted.

An employee who does not meet these qualifying conditions will not be entitled to New Parent Support (Paternity) Pay, but will still be entitled to leave of 2 weeks.

Neither Occupational New Parent Support Pay nor Statutory Paternity Pay can be paid for any week in which the employee actually works.

## **8.3 Responsibilities**

### **8.3.1 Employees need to:**

- Give their manager notice or of their intention to take leave: in the case of a newborn child this needs to be at least 28 days' notice; in the case of adoption it must be within 7 days of the matching date.
- Complete the New Parent Support (Paternity) Leave application form and give it to their manager for approval.

### 8.3.2 Managers need to:

- Ensure that their team member is given paid time off to attend certain appointments with their partner before the birth/arrival of the baby/child.

## 9 Shared Parental Leave

Shared Parental Leave (SPL) allows primary care givers to share 50 weeks of their 52 weeks Statutory Maternity/Adoption Leave and 37 weeks of their 39 weeks Statutory Maternity/Adoption Pay with their partner if they so wish. If a parent does not opt into the system, they will still be entitled to maternity/adoption leave and pay as normal. The key points are:

- The shared leave applies to those with a working partner as long as both of them meet the qualifying conditions.
- Both parents will have to notify their employers of their intention to opt in to the SPL scheme. The notice will include providing the name and national insurance number of both the employee and the other parent.
- Both parents can take their leave together if they wish, or take it in succession.
- Employees will be required to provide a non-binding indication of their expected pattern of leave when they initially notify their employers that they intend to take SPL.
- Employees will have to give notice of their intention to actually take the period of leave.
- The primary care giver will be expected to give at least eight weeks' notice to end maternity/adoption leave (in order to start SPL). The notice is binding and can be given before or after the birth/placement.
- Both employees must give the employer eight weeks' notice before the start of the SPL which includes a two-week discussion period.
- If the primary care giver gives notice of their intention to end maternity/adoption leave before the birth/placement they will be able to revoke that notice up to six weeks after the birth/placement.
- The number of times an employee can notify an employer of a period of leave will be capped at three (the original notification and two further notifications or changes). Changes which are mutually agreed between employer and employee do not count towards this cap.
- Each parent will have the right to have up to 10 'Keeping in Touch' (KIT) days during SPL (this is in addition to the 10 days allowed during maternity and adoption leave).

- Employees who have taken SPL will have the right to return to the same job if the total leave taken is 26 weeks or less in aggregate, even if the leave is taken in discontinuous blocks.

Further information and the necessary forms are available in the [Shared Parental Leave 'How To' Guidance](#).

## **10 Parental Leave**

Parental Leave is different from *Shared* Parental Leave. An employee is entitled to up to 18 weeks' unpaid parental leave per child if they are the birth or adoptive parent of a child who is under 18 years of age. To qualify for parental leave, employees must have completed at least one year's continuous service with the organisation.

Each parent can take a maximum of 4 weeks' unpaid parental leave for each child in any one year. Parental leave is taken as whole weeks rather than individual days. A 'week' equals the length of time an employee normally works over 7 days.

## **11 In-Vitro Fertilisation (IVF) and Other Fertility Treatments**

Public Health Wales recognises that infertility can cause considerable distress. As a provider of healthcare services, we are sympathetic to staff who decide to undertake fertility treatment and will provide limited special leave for this purpose, where the request is supported by documentary evidence from the employee's GP, consultant or specialist.

### **11.1 Scope of the Guidance**

This guidance will apply to all employees who have completed a minimum of 12 months' continuous service with Public Health Wales.

### **11.2 Leave Arrangements**

In view of the fact that fertility treatment can be a lengthy process, managers should discuss the likely duration of the treatment with their team member, together with the number of occasions and dates, where possible, when they are likely to need time off from work to attend hospital for the fertility treatment appointments.

In any one leave year, Public Health Wales will provide an employee who is to receive fertility treatment with up to 3 days' paid special leave and up to 7 days' unpaid special leave.

To apply for special leave to receive fertility treatment, an employee should complete the [Special Leave Application Form](#) and input onto ESR (Special Leave Increasing Balance). Wherever possible, an employee is required to request the leave at least 7 days in advance of the proposed treatment date.

### **11.3     Sickiness Absence**

If an employee experiences side effects or ill health as a result of fertility treatment which renders them unfit for work, this should be reported, certificated and recorded in accordance with the All Wales Sickiness Absence Policy.

## **12         Fostering**

Public Health Wales is keen to support staff involved in a fostering process. However, there is no statutory right to paid time off for employees who foster a child. All employees have the right to request flexible working, so if you are becoming a foster parent you can request a working pattern that fits with your caring responsibilities.

## **13         Important Information**

### **13.1     Annual Leave**

Employees are encouraged to take any annual leave accrued prior to maternity/ adoption/ shared parental leave ('family leave') prior to starting leave. Any annual leave to be carried forward should be discussed and agreed between the employee and manager and detailed on the return to work form. There is no requirement to use up any accrued annual leave at the end of the financial year.

Employees will continue to accrue annual leave during family leave, whether paid or unpaid, and will also be entitled to accrue hours for any public (bank) holidays which fall during the leave period. All arrangements for annual leave should be agreed prior to starting family leave.

Employees may not take annual leave whilst on maternity or adoption leave. However, employees can agree with their managers to use some annual leave after their maternity/adoption leave has ended. If an employee decides to take this option, they are ending their maternity/adoption leave and considered to be returning to work.

Employees cannot go back onto maternity/adoption leave after taking annual leave. However, annual leave can be used at the end of the maternity/adoption leave period to return to work on a phased return.

However, employees who are taking shared parental leave can insert periods of annual leave in between blocks of shared parental leave.



If employees have indicated that they will not be returning to work following maternity/adoption leave, the contract of employment will cease at the end of maternity/adoption leave unless indicated otherwise. Employees will only be entitled to the annual leave that has accrued as at the date the contract ends.

### **13.2 Keeping in Touch**

'Keeping in Touch' (KIT) days are not obligatory and must be agreed between the employee and manager. KIT days are intended to help the employee keep in touch with their workplace and enable them to do some work during this period.

Those taking maternity leave cannot work on a KIT day until at least 2 weeks after the birth of their child.

Employees can work up to 10 KIT days whilst on maternity/ adoption leave.

The work to be undertaken on a KIT day must be work that the employee is entitled to perform under their contract of employment (including training) or activities which helps them to keep in touch with the workplace.

KIT days do not have to be consecutive. A KIT day will be counted as one KIT day regardless of the length of time that is worked on that day. The total duration of the Statutory Maternity Leave or Statutory Adoption Leave period will remain at 52 weeks regardless of whether or not the employee has worked any KIT days.

Any KIT day(s) worked must be by mutual agreement and neither the employee nor the line manager can insist upon such days taking place.

If an employee works a KIT day the maternity or adoption pay/allowance will be made up to full pay for those hours worked. If the employee is on unpaid maternity/adoption leave, they will receive full pay for the hours they are in work.

It is important to note that an employee will only be paid for the hours they work on the KIT day. For example, someone working for 4 hours will be paid for 4 hours; someone working for 6 hours will be paid for 6 hours.

The line manager should keep a record of all hours worked on KIT days. If KIT days to be paid during maternity leave, the manager should email Payroll, [NWSSP.Payroll.PHW@wales.nhs.uk](mailto:NWSSP.Payroll.PHW@wales.nhs.uk) with the

number of hours to be paid. If KIT days to be on return to work, include the number of hours to be paid on the return to work form. Please state the date(s) worked and the number of hours worked and the employee will then be paid in the next available pay period.

### **13.3 Fixed Term, Training and Rotational Contracts**

Staff employed on a fixed term, temporary or training contract which is due to expire after the 11<sup>th</sup> week before the EWC will have their contracts extended to allow them to receive maternity/ adoption leave and pay entitlements.

If you choose to take maternity leave (paid and unpaid) for up to 52 weeks before a further NHS appointment, this will not constitute a break in service.

If you are unable to return to your original job, as the contract would have ended if pregnancy and childbirth/ adoption had not occurred, then the repayment provisions set out in 13.8 will not apply.

If you are on a planned rotation of appointments with one or more NHS employer, as part of an agreed programme of training, you shall have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy and childbirth/ adoption had not occurred. In such circumstances your contract will be extended to enable you to complete the agreed programme of training.

### **13.4 Reporting for Work**

Employees who have stated on the Maternity and Adoption Leave Application Form that they intend to return to work must report for work on the first working day after the date set out in the letter confirming the maternity or adoption leave and pay entitlements.

Employees who have stated on the Maternity and Adoption Leave Application Form that they have not decided whether or not they intend to return to work will need to be contacted by their line manager, to ask if they intend to exercise their right to return to work.

Should an employee wish to return to work before the end of their maternity/adoption leave, or before the date indicated on their form, they may do so. However, they must provide their manager with 28 days' written notice. Not providing this notice may result in the delay of their return to work.

The employee's manager must complete the Maternity/ Adoption/ New Parent Support (Paternity) Leave Return to Work Form to inform Payroll of their return from maternity/adoption leave; if they don't do this, there may be a delay in the employee's pay.

### **13.5 Return to Work**

After the period of ordinary maternity/ adoption leave, employees will be entitled to return to work to their original job under their original contract and on no less favourable terms and conditions.

If the employee decides to take a period of additional leave, they will be entitled to return to work to their original job, but if this is not possible for practical reasons they will have the right to a similar job, where the terms and conditions are not substantially less favourable than those of their present job.

### **13.6 Flexibility**

If at the end of their maternity, adoption, or shared parental leave an employee wishes to return to work but change their working hours, their manager is obliged to give the request fair and due consideration and we hope to facilitate this wherever possible. If this is not possible, the manager must provide their decision in writing, setting out objectively justifiable reasons in line with the [Flexible Working Policy](#).

If it is agreed that an employee may return on a flexible basis, including changed or reduced hours, for an agreed temporary period this will not affect their right to return to their job under their original contract at the end of the agreed period.

The [Flexible Working Policy](#), which is applicable to all staff, contains details of an employee's rights and explains the application process. It is recommended that an employee discusses this with their manager in the first instance and applies as soon as possible.

### **13.7 Postponing a Return to Work**

The only circumstance in which an employee will ordinarily be able to postpone their return to work following maternity or adoption leave is for health reasons. In such circumstances, individuals must provide a medical certificate/ Fit Note to certify their absence from work.

### **13.8 Deciding Not to Return to Work**

Should an employee who has notified their manager of their intention to return to work within Public Health Wales, or for a different NHS employer, for a minimum of 3 months decide not to return to work

at the end of their agreed maternity/adoption leave period, they will be liable to refund the whole of their maternity/adoption pay received, less any SMP/SAP.

Return to work on an ad hoc NHS Bank arrangement will not constitute a return to work. In such instances the employee would be liable to refund the whole of their maternity/adoption pay received, less any SMP/SAP.

In cases where Public Health Wales considers that to enforce this provision would cause undue hardship or distress, they will have the discretion to waive their rights to recovery.

### **13.9 Pension**

Pension contributions are payable during periods of paid and unpaid maternity/adoption leave, to avoid a break in service and the possible loss of pension rights which have already been accrued. Therefore, members of the NHS Pension Scheme are required to continue to pay pension contributions throughout their paid maternity/adoption leave. Deductions are calculated on the variable amount of pay (occupational and statutory) received each month.

During any unpaid maternity/adoption leave period taken, pension contributions are not deducted but are assessed on the amount of pay received immediately prior to the unpaid leave. These arrears of pension contributions will then be deducted from salary on the employee's return to work, over the same period as the accumulation took place. In the event that an employee decides to return to work on a part-time basis, the period over which repayment takes place can be extended. This can be arranged between the manager and the Payroll Department, if so requested by the employee.

Employees should take this into consideration when planning their finances during and after their maternity/adoption leave. Employees can contact the [Pensions Section](#) of the Payroll Department before their maternity/adoption leave starts, to seek further advice.

Should an unpaid period of the maternity/ adoption leave necessitate a tax refund, this will automatically be paid through the employee's salary. It should be noted, however, that the Payroll Services Department will use any such refund due to offset any pension contribution owing. Employees who have any queries regarding this matter should contact the Payroll Department.

### **13.10 Qualifying Pay Period**

The qualifying pay period is two full pay periods prior to the EWC for the period of maternity, or two full pay periods prior to the matching date for adoption leave. If there are any salary sacrifice schemes in place, such as childcare vouchers or annual leave purchase, the average pay will be calculated after deductions. It is important that employees are aware of the impact such schemes might have on their maternity/ adoption leave, and seek advice as early as possible from People and OD in the first instance.

## **14 Training and awareness raising**

All staff will be made aware of this procedure upon commencement with Public Health Wales. Copies can also be viewed on the Public Health Wales internet or obtained via the People and OD team, [PeopleSupport.PHW@wales.nhs.uk](mailto:PeopleSupport.PHW@wales.nhs.uk)

## **15 Monitoring and Auditing**

The designated lead will monitor and audit this document to ensure it is compliant with current legislation, and that it is implemented and adhered to.

## **16 Review and feedback**

This procedure will be reviewed every three years or whenever a relevant change in legislation occurs.

We are continually looking to improve our employment practices and welcome any feedback you may have in relation to this procedure. Feedback can be provided by emailing, [PeopleSupport.PHW@wales.nhs.uk](mailto:PeopleSupport.PHW@wales.nhs.uk)

## **17 Equality and Welsh Language Monitoring**

This procedure is inclusive of all staff regardless of age, marriage, including equal/same sex marriage and civil partnership, disability, sex, sexual orientation, pregnancy and maternity, race, religion or belief, or gender identity.

The policy and procedure will be available to staff in both Welsh and English, and all supporting documents or forms pertaining to leave will be available in both official languages, in compliance with the Welsh Language Standards Regulations No.7 (2018).

## **18 Information Governance Statement**

All documents generated under this procedure are official records of Public Health Wales and will be managed and stored and utilised in accordance with the Public Health Wales' Guidance on Record Retention and Destruction.

This procedure has the potential to deal with extremely sensitive information and Public Health Wales staff involved need to be fully aware of the material they are handling.

## **19      Appendix 1 - Glossary of Terms**

### **AML/AAL**

Additional Maternity Leave/Additional Adoption Leave. An additional period of leave of up to 26 weeks immediately following OML or OAL.

### **Expected Week of Childbirth (EWC)**

This is the date during the week (commencing on Sunday) given by a Registered Medical Practitioner/Registered Midwife which indicates when the baby is expected.

### **MATB1**

The name of the Maternity Certificate given by a Registered Medical Practitioner/Registered Midwife during pregnancy, indicating the EWC.

### **Matching Certificate**

In cases of adoption, a document confirming the adoption is referred to as the Matching Certificate and is issued by the adoption agency or local authority.

### **OML/OAL**

Ordinary Maternity Leave/Ordinary Adoption Leave. The core period which covers the first 26 weeks of maternity/adoption leave.

### **OMP/OAP**

Occupational Maternity Pay/Occupational Adoption Pay – the element of pay that Public Health Wales makes provision for over and above the statutory minimum; it is subject to at least 1 year's continuous service in the NHS at the 11<sup>th</sup> week before the EWC.

### **Primary Carer**

The parent that is taking maternity leave or adoption leave as the primary care giver for the child or children.

### **Qualifying Week (QW)**

This is the 15<sup>th</sup> week *before* the EWC and influences eligibility to maternity pay and leave (and adoption pay and leave, in the case surrogacy) under this policy.

### **ShPP**

Shared Parental Pay. This is the element of pay that Public Health Wales must pay qualifying employees as a statutory minimum.

### **SMP/SAP**

Statutory Maternity Pay/Statutory Adoption Pay. This is the element of pay that Public Health Wales must pay qualifying employees as a statutory minimum.

**SPL**







Shared Parental Leave where statutory and additional maternity or adoption leave can be divided by parents.


**SPP**

Statutory Paternity Pay. This is the element of pay that Public Health Wales must pay qualifying employees as a statutory minimum.



## 20 Appendix 2 - Maternity Flowchart

	Employee	Manager
	Employee contacts manager to inform them of pregnancy and discuss potential timescales	
	Review any salary sacrifice schemes as can effect OMP	Carry out a risk assessment and make any necessary adjustments - seeking advice from Occupational Health, Health and Safety or Facilities if appropriate
	Manager and employee discuss options and develop a plan to accommodate the leave, taking into account divisional needs	
	Employee completes application form and sends to HR by email, along with copy of MATB1 – no later than the 26 week of pregnancy	
		Agree when annual leave will be taken before and plan leave for after return to work
	HR writes to employee within 28 days of receipt of notification and MATB1 confirming dates	
	Commence maternity leave Whilst on maternity leave can start childcare vouchers	
	Can work up to 10 KIT days without affecting maternity leave/pay	Keep a record of KIT days

	<p>Agree return to work date – need to give 8 weeks’ notice if before date agreed when leave began</p>	<p>Complete Maternity Return to Work form and send to Payroll – include KIT days, annual leave carry over and any changes to hours</p>
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## 21 Appendix 3 - Pay Entitlements

### Maternity Pay

Qualifying Period	Option	Intention	Entitlement
You have 26 weeks' continuous service with Public Health Wales at the 15 <sup>th</sup> week prior to the EWC and 12 months' continuous service with the NHS at the 11 <sup>th</sup> week prior to the EWC	A1	You wish to return to work with the same employer or another NHS employer for a minimum of 3 months	8 weeks full pay inclusive of SMP 18 weeks half pay plus SMP 13 weeks SMP 13 weeks nil pay
	A2	You do not wish to return to the same or another NHS Employer for a minimum of 3 months	SMP which is 6 weeks at 90% of your average weekly earnings and 33 weeks at the standard rate * (* if this exceeds the amount you received in the 6 week period you will remain at the lower rate)
If you have less than 26 weeks' continuous service with Public Health Wales at the 15 <sup>th</sup> week prior to the EWC but 12 months' continuous service with the NHS at the 11 <sup>th</sup> week prior to the EWC	B1	You wish to return to work with the same or another NHS employer for a minimum of 3 months	8 weeks full pay 18 weeks half pay 26 weeks nil pay
	B2	You do not wish to return to the organisation or another NHS employer for a minimum of 3 months	You will not be entitled to SMP. However, you may be entitled to Maternity Allowance. The Payroll department will send you form SMP1 with instructions on how to claim
You have 26 weeks' continuous service with the organisation at the 15 <sup>th</sup> week prior to the EWC but less than 12 months' continuous service with the NHS at the 11 <sup>th</sup> week prior to the EWC	C1	You wish to return to work with the same or another NHS employer for a minimum of 3 months	SMP which is 6 weeks at 90% of your average weekly earnings and 33 weeks at the standard rate * (* if this exceeds the amount you received in the 6 week period you will remain at the lower rate)

months' continuous service with the NHS at the 11 <sup>th</sup> week prior to the EWC			will remain at the lower rate) 13 weeks at nil pay
	C2	You do not wish to return to the organisation or another NHS employer for a minimum of 3 months	SMP which is 6 weeks at 90% of your average weekly earnings and 33 weeks at the standard rate * (* if this exceeds the amount you received in the 6 week period you will remain at the lower rate)
You have less than 26 weeks' continuous service with Public Health Wales at the 15 <sup>th</sup> week prior to the EWC and less than 12 months' continuous service with the NHS at the 11 <sup>th</sup> week prior to the EWC	D1	You wish to return to work with the same or another NHS employer for a minimum of 3 months	You will not be entitled to SMP. However, you may be entitled to Maternity Allowance. The Payroll department will send you form SMP1 with instructions on how to claim
	D2	You do not wish to return to the organisation or another NHS employer for a minimum of 3 months	You will not be entitled to SMP. However, you may be entitled to Maternity Allowance. The Payroll department will send you form SMP1 with instructions on how to claim

If you do not return to work with Public Health Wales, after indicating your intention to do so, you may be liable to repay the maternity pay received, less any payments you may be entitled to receive under the Statutory Maternity Pay Regulations.

## Adoption Pay

Qualifying Period	Option	Intention	Entitlement
You have 26 weeks' continuous service with Public Health Wales and 12 months' continuous service with the NHS as at the week you are notified of successfully being matched with a child/ children.	A1	You wish to return to work with the same or another NHS employer for a minimum of 3 months	8 weeks full pay inclusive of SAP 18 weeks half pay plus SAP 13 weeks SAP 13 weeks nil pay
	A2	You do not wish to return with the same or another NHS Employer for a minimum of 3 months	SAP which is 6 weeks at 90% of your average weekly earnings and 33 weeks at the standard rate * (* if this exceeds the amount you received in the 6 week period you will remain at the lower rate)
If you have less than 26 weeks' continuous service with Public Health Wales but 12 months' continuous service with the NHS as at the week you are notified of successfully being matched with a child/ children.	B1	You wish to return to work with the same or another NHS employer for a minimum of 3 months	8 weeks full pay 18 weeks half pay 26 weeks nil pay
	B2	You do not wish to return with the same or another NHS Employer for a minimum of 3 months	You will not be entitled to SAP. However, you may be entitled to Adoption Allowance. The Payroll department will send you an SAP1 form which you must complete and send to the Job Centre Plus and/or local Social Security Office together with your matching certificate

<p>You have 26 weeks' continuous service with Public Health Wales but less than 12 months' continuous service with the NHS as at the week you are notified of successfully being matched with a child/children.</p>	C1	<p>You wish to return to work with the same or another NHS employer for a minimum of 3 months</p>	<p>SAP which is 6 weeks at 90% of your average weekly earnings and 33 weeks at the standard rate * 13 weeks at nil pay (* if this exceeds the amount you received in the 6 week period you will remain at the lower rate)</p>
	C2	<p>You do not wish to return with the same or another NHS Employer for a minimum of 3 months</p>	<p>SAP which is 6 weeks at 90% of your average weekly earnings and 33 weeks at the standard rate * (* if this exceeds the amount you received in the 6 week period you will remain at the lower rate)</p>
<p>You have less than 26 weeks' continuous service with Public Health Wales and less than 12 months' continuous service with the NHS as at the week you are notified of successfully being matched with a child/children.</p>	D1	<p>You wish to return to work with the same or another NHS employer for a minimum of 3 months</p>	<p>You will not be entitled to SAP. However, you may be entitled to Adoption Allowance. The Payroll department will send you an SAP1 form which you must complete and send to the Job Centre Plus and/or local Social Security Office together with your matching certificate</p>
	D2	<p>You do not wish to return to work with the same or another NHS employer for a minimum of 3 months</p>	<p>You will not be entitled to SAP. However, you may be entitled to Adoption Allowance. The Payroll Department will send you a SAP1 form which you must complete</p>

			and send to the Job Centre Plus and/or local Social Security Office together with your matching certificate.
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If you do not return to work with Public Health Wales, after indicating your intention to do so, you may be liable to repay the adoption pay received, less any payments you may be entitled to receive under the Statutory Adoption Pay Regulations.

## New Parent Support (Paternity) Pay Entitlements

You must be taking time off to look after the child and be one of the following:

- the child's father;
- the spouse or partner of the person giving birth or primary adopter; or
- Intended Parent 2 (if you're having a baby through a surrogacy arrangement)

Qualifying Period/Conditions	Option	Entitlement
<p>In the case of childbirth (including surrogacy), you must:</p> <ul style="list-style-type: none"><li>• have been continuously employed with one or more NHS employer for 26 weeks ending with the 15<sup>th</sup> week before the expected week of childbirth (known as the 'qualifying week')</li><li>• be employed up to the date the child is born (or placed with the adopter)</li><li>• meet the earnings threshold and other eligibility conditions for paternity pay</li><li>• give the correct notice</li></ul> <p>In the case of adoption, you must:</p> <ul style="list-style-type: none"><li>• have worked continuously with one or more NHS employer for at least 26 weeks by the end of the week you are matched with a child (UK adoptions) or when the child arrives in the UK or you want your</li></ul>	Statutory Paternity Pay	2 weeks Statutory Paternity Pay (SPP) at the standard rate or 90% of your average weekly earnings (whichever is lower).



<p>pay to start (overseas adoptions)</p> <ul style="list-style-type: none"> <li>• confirm that your partner is getting Statutory Adoption Pay in writing or by giving your manager a copy of your partner's form SC6</li> <li>• meet the other eligibility conditions for paternity leave and pay.</li> </ul>		
<p>You must have been continuously employed with one or more NHS employer for a period of no less than 12 months at the beginning of the week in which the baby is due or, in the case of adoption, for a period of no less than 12 months ending with the week you are notified of successfully being matched with a child/children.</p>	<p>NHS New Parent Support Pay</p>	<p>2 weeks full pay, inclusive of SPP.</p>

If you do not meet these qualifying conditions, you will not be entitled to New Parent Support (Paternity) Pay; however, you will be entitled to New Parent Support (Paternity) Leave of 2 weeks.

# Template

## Equality & Health Impact Assessment for

### *Family Leave Policy*

#### Part 1

Please answer all questions:-

<b>1.</b>	For service change, provide the title of the Project Outline Document or Business Case and Reference Number	n/a Family Leave Policy and Procedure
<b>2.</b>	Name of Clinical Board / Corporate Directorate and title of lead member of staff, including contact details	Public Health Wales Policy People & OD Directorate Lead: Karen Fitzgibbon, Head of People and OD Operations <a href="mailto:karen.fitzgibbon@wales.nhs.uk">karen.fitzgibbon@wales.nhs.uk</a>
<b>3.</b>	Objectives of strategy/ policy/ plan/ procedure/ service	The purpose of the Family Leave Policy is to set out the entitlement of all staff to maternity, new parent support (paternity), adoption, surrogacy, and other parental leave, and also the entitlements for those staff planning/in receipt of In Vitro Fertilisation (IVF) treatment. It should be read in conjunction with the Family Leave Procedure which provides further detail on entitlements and responsibilities within each of these areas, and the more detailed advice and guidance available on the Family Leave pages of the staff intranet.
<b>4.</b>	Evidence and background information considered. For example <ul style="list-style-type: none"> <li>population data</li> </ul>	<b>Staff Data</b> (All data has been taken from the ESR records as at 31 March 2022)

<ul style="list-style-type: none"> <li>• staff and service users data, as applicable</li> <li>• needs assessment</li> <li>• engagement and involvement findings</li> <li>• research</li> <li>• good practice guidelines</li> <li>• participant knowledge</li> <li>• list of stakeholders and how stakeholders have engaged in the development stages</li> <li>• comments from those involved in the designing and development stages</li> </ul> <p>Population pyramids are available from Public Health Wales Observatory and the 'Shaping Our Future Wellbeing' Strategy provides an overview of health need.</p>	<p><b>Age Profile</b></p> <table> <tr> <th>Age</th><th>%</th></tr> <tr> <td>&lt;20</td><td>0.29%</td></tr> <tr> <td>20-25</td><td>7.91%</td></tr> <tr> <td>26-30</td><td>11.72%</td></tr> <tr> <td>31-35</td><td>12.95%</td></tr> <tr> <td>36-40</td><td>13.52%</td></tr> <tr> <td>41-45</td><td>14.55%</td></tr> <tr> <td>46-50</td><td>11.43%</td></tr> <tr> <td>51-55</td><td>12.99%</td></tr> <tr> <td>56-60</td><td>9.59%</td></tr> <tr> <td>&gt;60</td><td>5.04%</td></tr> </table> <p><b>Disability</b></p> <p>6% of our staff have indicated that they have a disability, but this information is not known for 20% of staff.</p> <p><b>Gender</b></p> <p>The gender breakdown of the organisation is approximately 75% female and 25% male.</p> <p>The gender breakdown of part time workers is approximately 92% female and 8% male.</p> <p><b>Marital Status</b></p> <table> <tr> <th>Marital status</th><th>%</th></tr> <tr> <td>Civil Partnership</td><td>1.02%</td></tr> <tr> <td>Divorced</td><td>6.02%</td></tr> <tr> <td>Legally Separated</td><td>0.45%</td></tr> <tr> <td>Married</td><td>48.40%</td></tr> <tr> <td>Single</td><td>35.70%</td></tr> <tr> <td>Unknown</td><td>7.50%</td></tr> </table>	Age	%	<20	0.29%	20-25	7.91%	26-30	11.72%	31-35	12.95%	36-40	13.52%	41-45	14.55%	46-50	11.43%	51-55	12.99%	56-60	9.59%	>60	5.04%	Marital status	%	Civil Partnership	1.02%	Divorced	6.02%	Legally Separated	0.45%	Married	48.40%	Single	35.70%	Unknown	7.50%
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	Widowed	0.90%								
	Grand Total	100.00%								
	<b>Ethnicity</b>									
	84.3% of our staff have indicated their ethnic group; of this proportion, 78.9% are White, 2.5% are Asian, 1.8% are Black and 1.1% fall into another ethnicity category (including mixed).									
	<b>Religious Belief</b>									
	Belief	%								
	Atheism	20.8%								
	Buddhism	0.4%								
	Christianity	37.2%								
	Hinduism	0.4%								
	Islam	1.7%								
	Not Disclosed	15.2%								
	Other	9.4%								
	Sikhism	0.2%								
	Unspecified	14.4%								
	<b>Sexuality</b>									
	80.9% of our staff have disclosed this information; 75.6% indicated they are heterosexual, 3% gay or lesbian, 1.9% bisexual, 0.1% other sexual orientation not listed and 0.3% undecided.									
	We currently do not collect information regarding gender re-assignment or socio-economic status. However, we do know the income profile of our staff, which is as follows:									
	<table><tr><td>Pay Band</td><td>Grand Total</td></tr><tr><td>Band 2</td><td>4.88%</td></tr><tr><td>Band 3</td><td>10.49%</td></tr><tr><td>Band 4</td><td>15.82%</td></tr></table>		Pay Band	Grand Total	Band 2	4.88%	Band 3	10.49%	Band 4	15.82%
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	Band 3	10.49%								
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		<table><tr><td>Band 5</td><td>14.51%</td></tr><tr><td>Band 6</td><td>13.20%</td></tr><tr><td>Band 7</td><td>16.84%</td></tr><tr><td>Band 8 - Range A</td><td>8.40%</td></tr><tr><td>Band 8 - Range B</td><td>3.52%</td></tr><tr><td>Band 8 - Range C</td><td>2.99%</td></tr><tr><td>Band 8 - Range D</td><td>1.43%</td></tr><tr><td>Band 9</td><td>2.13%</td></tr><tr><td>Other</td><td>5.78%</td></tr><tr><td>Grand Total</td><td>100.00%</td></tr></table> <p><b>Research and Good Practice</b></p> <p>A range of other organisational policies and EqHIAs have been reviewed to look at good practice and to review the impact that maternity, adoption, paternity and shared parental leave policies may have on particular groups of people.</p> <p>Policy Workshops have taken place with staff and Trades Union partners for their input to the revised Policy and Procedure documents and the Family Leave intranet pages.</p>	Band 5	14.51%	Band 6	13.20%	Band 7	16.84%	Band 8 - Range A	8.40%	Band 8 - Range B	3.52%	Band 8 - Range C	2.99%	Band 8 - Range D	1.43%	Band 9	2.13%	Other	5.78%	Grand Total	100.00%
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Grand Total	100.00%																					
5.	<p>Who will be affected by the strategy/ policy/ plan/ procedure/ service</p> <p>Consider staff as well as the population that the project/change may affect to different degrees.</p>	<p>All staff of Public Health Wales, in particular new or prospective parents.</p>																				

## Part 2- Equality and Welsh language

### 6. EQIA / How will the strategy, policy, plan, procedure and/or service impact on people?

Questions in this section relate to the impact on people on the basis of their 'protected characteristics'.

<b>How will the strategy, policy, plan, procedure and/or service impact on:-</b>	<b>Potential positive and/or negative impacts (unintended consequences) Opportunities or gaps</b>	<b>Action taken by Directorate.</b> Make reference to where the mitigation is included in the document, as appropriate <b>This column is to be updated in future reviews</b>	<b>Recommendations for improvement/ mitigation/ identified gaps or opportunities</b>
<b>6.1 Age</b> For most purposes, the main categories are: <ul style="list-style-type: none"> <li>• under 18;</li> <li>• between 18 and 65; and</li> <li>• over 65</li> </ul>	<p>There is no age limit to maternity, adoption, paternity or shared parental leave. However, it is less likely that older staff will need to/want to make use of maternity leave.</p> <p>There is no specific evidence to suggest the policy has a disproportionate impact on people in relation to their age.</p>		

	The policy and procedure prevent indirect discrimination by setting out the processes that should be followed.		
<b>6.2 Persons with a disability as defined in the Equality Act 2010</b> Those with physical impairments, learning disability, sensory loss or impairment, mental health conditions, long-term medical conditions such as diabetes	There is no specific evidence to suggest the policy has a disproportionate impact on people in relation to disability.		
<b>6.3 People of different genders:</b> Consider men, women, people undergoing gender reassignment  <b>NB</b> Gender-reassignment is anyone who proposes to, starts, is going through or who has completed a process to change his or her gender with or without going through any medical procedures. Sometimes	The policy applies to all staff, regardless of gender. Trans people have an equal opportunity to apply for leave under this policy.  The policy and procedures do treat men and women differently in that only staff who give birth can access maternity provision. However, all other provisions are available to	The Policy and Procedures are supported by the Family Leave pack on the staff intranet, which gives more explicit details to managers about the need to apply them in a gender-neutral way as far as that is possible (i.e. with the exception of Maternity Pay and	

<p>referred to as Trans or Transgender</p>	<p>all staff regardless of gender, provided they meet the qualifying criteria.</p> <p>The policy and procedures have been carefully written to ensure that gender-neutral language is used, with the aim of reducing or removing any discrimination in their application.</p> <p>Parents applying for Maternity or Adoption Leave and Pay may be negatively affected by salary sacrifice schemes due to the way Maternity Pay is calculated. There is a risk that prospective parents will be less likely to take up salary sacrifice schemes for childcare and bicycles, as they may reduce their Maternity or Adoption Pay.</p>	<p>Leave in the case of cis-gendered women).</p> <p>Salary Sacrifice and impact on statutory payments – Adoption and Maternity Pay in particular. This effect is stated in the policy and procedure and attention drawn to it in order to allow staff to make an informed choice regarding salary sacrifice schemes.</p>	
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<b>6.4 People who are married or who have a civil partner.</b>	<p>The Policy and Procedures have been carefully written to ensure that no eligibility is based on marital status.</p>	<p>The Family Leave pack on the intranet is explicit in its advice that the provisions of this policy and procedures apply to employees regardless of their marital status (including those who are single).</p>	
<b>6.5 Women who are expecting a baby, who are on a break from work after having a baby, or who are breastfeeding.</b>	<p>The policy provides a framework to ensure that those who meet the qualification criteria will receive their statutory and contractual entitlements and therefore there is a potential positive impact on women who are expecting a baby, who are on a break from work after having a baby, or who are breastfeeding.</p>		
<b>6.6 People of a different race, nationality, colour, culture or ethnic origin including non-English speakers,</b>	<p>There is no specific evidence to suggest the policy has a disproportionate impact on people in relation to race, nationality, culture or ethnic origin.</p>		

<b>gypsies/travellers, migrant workers</b>			
<b>6.7 People with a religion or belief or with no religion or belief.</b> The term 'religion' includes a religious or philosophical belief	There is no specific evidence to suggest the policy has a disproportionate impact on people in relation to belief of lack of belief.		
<b>6.8 People who are attracted to other people of:</b> <ul style="list-style-type: none"> <li>• the opposite sex (heterosexual);</li> <li>• the same sex (lesbian or gay);</li> <li>• both sexes (bisexual)</li> </ul>	The policy is explicit in applying to all parental partnerships/couples regardless of sexual orientation.  The support available to couples who choose to adopt a child through surrogacy arrangements are also explicitly included, along with the support available for people undergoing IVF treatment, which could have a positive impact on those same-sex couples who opt to follow these routes to creating their family.		

<p><b>6.9 People according to their income related group:</b> Consider people on low income, economically inactive, unemployed/workless, people who are unable to work due to ill-health</p>	<p>The Policy makes provision for employees to receive Occupational Maternity and Adoption pay that is more generous than the government's Statutory Pay, enabling staff to be able to balance home and work responsibilities better as well as remaining in employment. This is further enhanced by organisational flexibility around organising work both before and after leave.</p>	<p>The supporting Family Leave pack provides additional detail for employees and managers about the importance of flexibility and understanding, to ensure that staff feel able to balance the needs of their work and their new family. It also provides advice and support around matters of pay, to enable employees to better plan for their financial situation when they are on leave.</p>	
<p><b>6.10 People according to where they live:</b> Consider people living in areas known to exhibit poor economic and/or health indicators, people unable to access services and facilities</p>	<p>There is no specific evidence to suggest the policy has a disproportionate impact on people according to where they live.</p>		
<p><b>6.11 Consider any other groups and risk factors relevant to this strategy, policy, plan,</b></p>	<p>There is no specific evidence to suggest the policy has a disproportionate impact on any other groups.</p>		

<b>procedure and/or service</b>			
<b>6.12 Welsh Language</b>			
<b>There are 2 key considerations to be made during the development of a policy, project, programme, service to ensure there are no adverse effects and/or a positive or increased positive effect on:</b> (please note these will continue to be reviewed to ensure Public Health Wales fulfils their duties to comply with one or more standards outlined within the Welsh Language Standards (No 7) Regulations 2018)			
<b>Opportunities for persons to use the Welsh language</b>	The Policy and Procedure will be translated and available to staff equally in Welsh and English.		
<b>Treating the Welsh language no less favourably than the English language</b>	The Policy and Procedure will be translated and available to staff equally in Welsh and English.		

## Part 3 – Health

Questions in this section relate to the impact on the health and wellbeing outcomes of the population **and** specific population groups who could be more impacted than others by a policy/project/proposal.

The part of the assessment identifies;

- which specific groups in the population could be impacted more (inequalities)
- what those potential impacts could be across the wider determinants of health framework?
- Potential gaps, opportunities to maximise positive H&WB outcomes
- Recommendations/mitigation to be considered by the decision makers

## 7. Identification of specific population groups

Use the WHIASU Population Groups checklist as a reference to identify the population groups who could be more impacted than others by a policy/project/proposal. The check list can be found on the PHW Integrated EqHIA guidance pages (requires link to PHW Intranet pages for additional information and resources)

The groups listed have been identified as more susceptible to poorer health and wellbeing outcomes (health inequalities) and therefore it is important to consider them in a HIA assessment. In a HIA, the groups identified, as more sensitive to potential impacts will depend on the characteristics of the local population, the context, and the nature of the proposal itself.

7.1 Groups identified	Rational/explanation

### Assessment

Complete the wider determinants framework table below providing rational/evidence where appropriate:

1. Consider how the proposal could impact on the population and specific population groups identified above (positive/negative) for each of the wider determinants (the bullets under each determinant are there as a guide)
2. Record any unintended consequences (negative impacts) and/or gaps identified
3. Record any positive impacts or missed opportunities to maximise positive health and wellbeing outcomes
4. identify and record mitigation/recommendations where appropriate

**Please note** you may find that not all determinants are relevant to the project/plan however recording N/A is not acceptable a rational or evidence should be explained/referenced

Wider determinant for consideration	Positive impacts or additional opportunities	Unintended consequences or gaps	Population groups affected	Mitigation/recommendations
<b>7.2 Lifestyles</b> <ul style="list-style-type: none"> <li>Diet/nutrition/breastfeeding</li> </ul>	The Policy lays out a range of benefits to		Women and other people giving birth	

<ul style="list-style-type: none"> <li>• Physical activity</li> <li>• Use of alcohol, cigarettes, e-cigarettes</li> <li>• Use of substances, non-prescribed drugs, abuse of prescription medication</li> <li>• Social media use</li> <li>• Sexual activity</li> <li>• Risk-taking activity i.e. gambling, addictive behaviour</li> </ul>	<p>staff to enable them to maintain good health throughout pregnancy and childbirth, and emphasizes the importance for managers to support those who choose to breastfeed.</p>			
<p><b>7.3 Social and community influences on health</b></p> <ul style="list-style-type: none"> <li>• Adverse childhood experiences</li> <li>• Citizen power and influence</li> <li>• Community cohesion, identity, local pride</li> <li>• Community resilience</li> <li>• Domestic violence</li> <li>• Family relationships</li> <li>• Language, cultural and spirituality</li> <li>• Neighbourliness</li> <li>• Social exclusion i.e. homelessness</li> <li>• Parenting and infant attachment</li> <li>• Peer pressure</li> <li>• Racism</li> <li>• Sense of belonging</li> <li>• Social isolation/loneliness</li> <li>• Social capital/support/networks</li> <li>• Third sector &amp; volunteering</li> </ul>	<p>By supporting all parents with leave and pay, the Policy aims to have a positive impact on family relationships and to ensure that children have a good start in life</p>			<p>Further emphasis is put on the need to support family life in the guidance for managers included in the Family Leave pack on the intranet</p>
<p><b>7.4 Mental Wellbeing</b></p> <ul style="list-style-type: none"> <li>• Does this proposal support sense of control?</li> <li>• Does it enable participation in community and economic life?</li> <li>• Does it impact on emotional wellbeing and resilience?</li> </ul>	<p>By supporting all parents with leave and pay, the Policy aims to have a positive impact on families' economic stability</p>			<p>Further emphasis is put on the need to support the mental wellbeing of prospective and new parents in the guidance for managers included in the Family Leave pack on the intranet</p>

<b>7.5 Living/ environmental conditions affecting health</b> <ul style="list-style-type: none"> <li>• Air quality</li> <li>• Attractiveness/access/availability/quality of area, green and blue space, natural space.</li> <li>• Health &amp; safety, community, individual, public/private space</li> <li>• Housing, quality/tenure/indoor environment</li> <li>• Light/noise/odours, pollution</li> <li>• Quality &amp; safety of play areas (formal/informal)</li> <li>• Road safety</li> <li>• Urban/rural built &amp; natural environment</li> <li>• Waste and recycling</li> <li>• Water quality</li> </ul>	No impacts detected			
<b>7.6 Economic conditions affecting health</b> <ul style="list-style-type: none"> <li>• Unemployment</li> <li>• Income, poverty (incl. food and fuel)</li> <li>• Economic inactivity</li> <li>• Personal and household debt</li> <li>• Type of employment i.e. permanent/temp, full/part time</li> <li>• Workplace conditions i.e. environment culture, H&amp;S</li> </ul>	The Policy makes provision for employees to receive Occupational Maternity and Adoption pay that is more generous than the government's Statutory Pay, enabling staff to be able to balance home and work responsibilities better as well as remaining in employment.			
<b>7.7 Access and quality of services</b> <ul style="list-style-type: none"> <li>• Careers advice</li> <li>• Education and training</li> <li>• Information technology, internet access, digital services</li> <li>• Leisure services</li> <li>• Medical and health services</li> </ul>	No impacts detected			

<ul style="list-style-type: none"> <li>• Other caring services i.e. social care; Third Sector, youth services, child care</li> <li>• Public amenities i.e. village halls, libraries, community hub</li> <li>• Shops and commercial services</li> <li>• Transport including parking, public transport, active travel</li> </ul>				
<b>7.8 Macro-economic, environmental and sustainability factors</b> <ul style="list-style-type: none"> <li>• Biodiversity</li> <li>• Climate change/carbon reduction/flooding/heatwave</li> <li>• Cost of living i.e. food, rent, transport and house prices</li> <li>• Economic development including trade</li> <li>• Government policies i.e. Sustainable Development principle (integration; collaboration; involvement; long term thinking; and prevention)</li> <li>• Gross Domestic Product</li> <li>• Regeneration</li> </ul>	No impacts detected			

### Stage 3

**Summary of key findings and actions Please answer question 8.1 following the completion of the EHIA and complete the action plan**

Key findings: Impacts/gaps/opportunities	Actions (what is needed and who needs to do) to address the identified mitigation and recommendations	Lead		
	As above, actions taken are listed throughout sections 6 and 7. No further action is recommended at this time.			



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**Alternatively, if appropriate, please explain the steps taken to consult with and consider the differential impact of the changes on the various protected characteristic groups (part 2) or any specific identified population groups (part 3).**

The supporting Family Leave pack on the intranet provides additional detail for employees and managers about the importance of flexibility and understanding, to ensure that staff feel able to balance the needs of their work and their new family. It also provides advice and support around matters of pay, to enable employees to better plan for their financial situation when they are on leave. This has been developed following feedback from Staff Diversity Networks and Trades Unions Partners and is provided in a format designed to be accessible and easy to understand, to supplement the policy and procedure documents.