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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

All corporate policies and procedures are available on the Public Health Wales Intranet Pages

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
- Neonatal Care 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.	
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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 Board Business Unit

Summary of reviews/amendments				
Version number	**Date of Review**	**Date of Approval**	**Date published**	**Summary of Amendments**
	October 2025			Added in Neonatal Care leave entitlement and Pay Minor changes and amendments added to procedure.
	August – December 2022			Procedure renamed to Family Leave Procedure - Pay and Leave for New Parents.

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				Contents revised and updated throughout to reflect updated terminology. Added a link to UK Government website for latest eligibility criteria and statutory pay entitlements. Updated information provided in relation to surrogacy. Updated New Parent Support (Paternity) provisions. Added a section on leave for bereaved parents. Added a section on review and feedback. Added a paragraph on time off for carers.
	February 2022			Revision to streamline document and signpost to Family Leave Pack on intranet, Family Leave (sharepoint.com)
	December 2017			Added a paragraph to Scope of Policy to explain use of gender neutral terminology wherever possible.
	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 information to clarify average earnings calculations.
	December 2017			Updated summary of Shared Parental Leave.
	December 2017			Added a section on Parental Leave.

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	December 2017			Added a section on Equality and Welsh Language Monitoring.

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1 Introduction

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

- Maternity leave
- Neonatal Care Leave
- Parental Bereavement Leave
- Stillbirth
- 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 In the event of miscarriage and provision for leave, refer to the Pregnancy Loss Support Policy 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)
- Neonatal Care (Leave and Pay) Act (2023)

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.

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4.1 Responsibilities

4.1.1 Employees need to:

- Inform their manager at least 15 weeks prior to due date, or sooner 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)
- 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.
- Notify manager of ante-natal care appointments, should the staff member wish to receive paid leave for the appointments

4.1.2 **Managers** need to:

- Ensure their approach reflects our organisational values and behaviours; with empathy, fairness and consistency, creating psychologically safe environments, supporting open and respectful conversations that ensure staff feel supported and informed.
- 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 an employee 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.

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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 15th 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) 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 11th 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.

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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

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

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 be entitled to the same maternity leave and pay if their baby:

- is born early;
- is stillborn after the start of the 24th 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.

In such circumstances, 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. Please also refer to the Pregnancy Loss Support Policy for further information.

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

5.1 Post-Natal Care
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.

5.2 Breastfeeding
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:

- Ensure their approach reflects our organisational values and behaviours; with empathy, fairness and consistency, creating psychologically safe environments, supporting open and respectful conversations that ensure staff feel supported and informed.
- 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.

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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 £125 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) 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.
- For pay rates please see Annex 3 Adoption Pay Rates

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 Occupational Adoption Pay

Occupational 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.

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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

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

If an employee does not return to work for a minimum of 3 months, after indicating their intention to do so, they 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.

7. Parental Bereavement Leave and Occupational Parental Bereavement Pay

In the unfortunate event of the death of a child (under/over 18), NHS employees are entitled to two weeks' Parental Bereavement Leave and pay which will include any entitlement to statutory parental bereavement pay and applies from the date of the loss. A bereaved parent will not be required to demonstrate any eligibility criteria to access bereavement leave or pay

Where both parents of a deceased child work in the same NHS organisation, the entitlements in this section will apply to both members of staff.

Parents who experience a still birth from the 24th week of pregnancy will be eligible for these provisions and will subsequently still be eligible for the same amount of maternity leave and pay as if their baby was born alive.

Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their employer the leave they wish to take. Taking child bereavement leave is an individual choice, it is not compulsory for the employee to take child bereavement leave.

Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of the child.

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 and the Pregnancy Loss Support Policy for further information.

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:

- Ensure their approach reflects our organisational values and behaviours; with empathy, fairness and consistency, creating psychologically safe environments, supporting open and respectful conversations that ensure staff feel supported and informed.
- 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 £125 a week*; and
- have 26 weeks' continuous service with Public Health Wales at the 15th 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) 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 11th week prior to the surrogate's EWC; and
- intend to return to work in the NHS once their adoption leave has ended.

Please refer to Appendix 3, Adoption Pay table for further details on entitlement.

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

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

Please refer to Appendix 3, Adoption Pay table for further details on entitlement.

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.

8 New Parent Support (Paternity) Provisions

Employees of Public Health Wales, may be eligible for two weeks of new parent support (paternity) leave, taken around the time of birth or the placement for adoption, if they meet the following conditions:

- 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 15th 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.

This type of leave 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 Occupational 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 their approach reflects our organisational values and behaviours; with empathy, fairness and consistency, creating psychologically safe environments, supporting open and respectful conversations that ensure staff feel supported and informed.
- 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.
- Signpost their team member to the Family Leave Intranet pages for further information and New Parent Support (Paternity) Leave Application form

- Ensure discussions have taken place with their team member as detailed in the New Parent Support Leave (Paternity Leave) Application form and sign as agreement prior to the form being submitted to People Support.
- Refer to Appendix 3, New Parent Support (Paternity) Pay Entitlements

Further information and the necessary forms are available in the New Parent Support Leave (Paternity Leave) section on the Staff Hub.

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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. They do not need to be employed by the same employer. 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 Other Types of Leave

10.1 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, or have or expect to have parental responsibility 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.

Parental leave is additional to other types of time off employees are usually entitled to, such as:
- maternity, paternity, adoption and shared parental leave – for when someone's having a baby or adopting a child
- neonatal care leave – for parents to have additional time off to be with a baby who is receiving neonatal care
- holiday

Someone might take parental leave to be with their child so they can:

- provide care when usual childcare arrangements are disrupted and the time off can be planned in advance
- look after them during school holidays
- care for them when they're off school sick
- go to school open days or events with them settle them into new childcare arrangements
- visit grandparents or other relatives with them

- To extend the period of time a non-birthing parent has with the newborn. see: https://www.acas.org.uk/parental-leave/adding-parental-leave-to-paternity-leave

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.

- You must take parental leave as whole weeks (for example 1 week or 2 weeks) rather than individual days, unless your employer agrees otherwise or if your child is disabled. You do not have to take all the leave at once.
  - A 'week' equals the length of time an employee normally works over 7 days.
  - Example
  - If an employee works 3 days a week, one 'week' of parental leave equals 3 days. If an employee works irregular weeks the number of days in a 'week' is the total number of days they work a year divided by 52
- Unpaid parental leave: Entitlement - GOV.UK
  Further information on Parental Leave is available on the Staff Hub on the Intranet.

10.2 Emergency Carers and Dependants Leave

Employees have the right to take unpaid time off work to deal with an unexpected event involving someone who depends on them. This includes, for instance, a breakdown of care arrangements.

You can review the All Wales Special Leave Policy on our Intranet. Please speak to your Manager or the People and OD Team if you need support or advice on the policy.

The Carer's Network, We Care, was set up to support staff with a caring responsibility who undertake unpaid caring duties for a family member or friend. The network enables members to meet and get to know other carers in the organisation and share, discuss and think of ways that Public Health Wales can be a supportive workplace for those with caring responsibilities and to work towards raising the profile of staff with a caring responsibility across the organisation.

Find out more, including how to contact the We Care network, on our intranet page, https://nhswales365.sharepoint.com/sites/PHW_POD/SitePages/We-Care-Network.aspx

10.3 Neonatal Care Leave

Unfortunately some babies are born in need of additional support. Since April 2025 parents may be entitled to additional statutory leave in circumstances where:

- baby is born early
- baby is ill or injured when they are born
- Baby Has a low birth weight or
- The delivery was difficult

- Neonatal care (Leave and Pay) Act 2023 applies to babies born on or after 6 April 2025.

10.3.1 Neonatal Care Leave

- From 6 April 2025, parents whose babies require neonatal care will be supported with up to 12 weeks of statutory Neonatal Care Leave and Pay. This compassionate provision is designed to help families during what can be an emotionally challenging time, such as when a baby is born prematurely, with low birth weight, or following a difficult delivery.

- Leave can be taken while the baby is receiving care or afterwards and must be used within 68 weeks of birth. It is additional to other parental leave entitlements and applies to each eligible parent individually.

10.3.2 Eligibility for Leave

- Neonatal Care Leave is a day-one right for employees who are caring for a baby receiving medical attention. This includes:
  - Parents, intended parents (via surrogacy), or partners of the birth parent
  - Those with responsibility for the child's upbringing
  - Those taking leave to care for the child.

- Eligible care settings include hospital-based care, consultant-led care outside hospital, and palliative or end-of-life care. We understand that neonatal care may occur in various settings, and we are committed to supporting parents wherever their baby receives care.

10.3.3 Eligibility for Pay

- To receive Neonatal Care leave and Pay, employees must have 26 weeks' continuous service by the 15th week before the expected birth and earn at least £125/week during the relevant 8-week period. This mirrors other statutory parental rights and ensures financial support during a difficult time.

10.3.4 Leave Entitlement

- Parents are entitled to one week of leave for each week their baby receives neonatal care, up to a maximum of 12 weeks. Leave must be taken within 68 weeks of birth and can be added to maternity or paternity leave. In cases of multiple births, leave may accrue separately if care is received at different times. It is intended that Line Managers should provide flexibility and understanding for colleagues navigating complex medical situations.

10.3.5 Leave Types

- There are two tiers of leave:
  Tier 1: Is for the period when the child is still receiving neonatal care, and including 1 week after the care has ended. Leave can be taken in weekly blocks, allowing parents to respond quickly to their baby's needs.

  Tier 2: For any leave not used during the Tier 1 period. Leave taken more than one week after care ends and must be taken in a single continuous block before the end of 68 weeks from birth.

  Example of tier 1 leave
  Pat's baby is born early and is in neonatal care for 4 weeks in total from birth. Pat takes 2 weeks of paternity leave straight after the birth. They then take a further 2 consecutive weeks

of neonatal care leave when their paternity leave ends. Pat has 2 more weeks of neonatal care leave accrued to take at a later time.

Example of tier 2 leave
Pat's baby is now at home after 4 weeks in total in neonatal care. Pat gives notice to take the remaining 2 weeks of neonatal care in 1 months' time. This allows Pat to take time off as soon as they can to continue the babies at home care.

These options are designed to give families the time they need to bond and care for their baby, whether during hospital stays or recovery at home.

10.3.6 Notice Requirements

Notice requirements are:

Tier 1: Verbal notice before leave starts or as soon as possible

Tier 2: Written notice at least 15 days before 1 week of leave, or 28 days before 2 or more weeks of leave. Employee to complete the 'Notification and self-declaration neonatal care leave and pay form' (Appendix 4)

- Requests for leave should come from the employee, however we understand that when a baby needs care, it can be a deeply emotional and stressful time. If the employee is unable to provide notice before the leave starts, a friend or family member may inform the manager on their behalf. Managers are encouraged to show compassion and flexibility when applying the notice period requirements, e.g., as a supportive measure, managers may wish to offer to help complete the form together with the employee. Support from People & OD should be sought as needed.

- Neonatal Care Leave can be added to other entitlements, such as maternity or paternity leave, and any unused leave can be taken after other statutory leave ends.

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- **10.3.7 Managers need to:**

- Ensure their approach reflects our organisational values and behaviours; with empathy, fairness and consistency, creating psychologically safe environments, supporting open and respectful conversations that ensure staff feel supported and informed.
- Respect their team member's confidentiality at all times.
- Help their team member to access the necessary information

Further advice on taking Neonatal Care leave is available through People Support, HR clinics, phone line if urgent.

Neonatal Care Pay and Leave: Overview - GOV.UK
Neonatal care leave and pay - Acas

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 a period of agreed unpaid special leave, in any rolling 12-month period. Please refer to the Special Leave Policy.

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 Sickness 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 Sickness 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.

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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.

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The line manager should keep a record of all hours worked on KIT days. If KIT days are to be paid during maternity leave, the manager should email Payroll, NWSSP.Payroll.PHW@wales.nhs.uk with the number of hours to be paid. If KIT days are to be paid 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 11th 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/ shared parental 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/shared parental 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 15 weeks prior to the Expected Week of Confinement (EWC) for the period of maternity, or 15 weeks prior to the matching date for adoption leave.
The calculation of maternity pay is 15 weeks prior to the Expected Week of Confinement (EWC). An example of this is provided below:

Expected Date of Confinement	01/12/2025
Expected Week of Confinement (EWC)	30/11/2025
Sunday Commencing Qualifying Week (15th Week)	17/08/2025
To Saturday Ending Qualifying week	23/08/2025

In this example the two payslips used for the average weekly earnings would be related to the pay dates prior to the 23rd August, so this would be July and August's payslips.

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

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.

Monitoring should include consideration of how the procedure is experienced by staff to ensure it is applied in a way that supports wellbeing and inclusion.

16 Review and feedback

This procedure and 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

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 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.

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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 11th 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 15th 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

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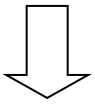
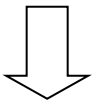
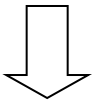
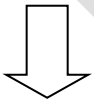
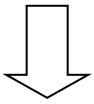
Statutory Maternity Pay/Statutory Adoption Pay. This is the element of pay that Public Health Wales must pay qualifying employees as a statutory minimum.

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

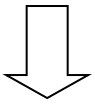
SPP
Statutory Paternity Pay. This is the element of pay that Public Health Wales must pay qualifying employees as a statutory minimum.

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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

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	Agree return to work date – need to give 28 days' notice if before date agreed when leave began	Complete Maternity Return to Work form and send to Payroll – include KIT days, annual leave carry over and any changes to hours

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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 15th week prior to the EWC and 12 months' continuous service with the NHS at the 11th 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 15th week prior to the EWC but 12 months' continuous service with the NHS at the 11th 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 15th 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

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but less than 12 months' continuous service with the NHS at the 11th week prior to the EWC			the 6 week period you 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 15th week prior to the EWC and less than 12 months' continuous service with the NHS at the 11th 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.

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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

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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.	C1	You wish to return to work 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 * 13 weeks at nil pay (* if this exceeds the amount you received in the 6 week period you will remain at the lower rate)
	C2	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)
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.	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 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
	D2	You do not wish to return to work 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 a SAP1 form which you must complete

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			and send to the Job Centre Plus and/or local Social Security Office together with your matching certificate.

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.

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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**
In the case of childbirth (including surrogacy), you must: • have been continuously employed with one or more NHS employer for 26 weeks ending with the 15th week before the expected week of childbirth (known as the 'qualifying week') • be employed up to the date the child is born (or placed with the adopter) • meet the earnings threshold and other eligibility conditions for statutory paternity pay • give the correct notice In the case of adoption, you must: • 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	Statutory Paternity Pay	2 weeks Statutory Paternity Pay (SPP) at the standard rate or 90% of your average weekly earnings (whichever is lower).

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pay to start (overseas adoptions) • confirm that your partner is getting Statutory Adoption Pay in writing or by giving your manager a copy of your partner's form SC6 • meet the other eligibility conditions for paternity leave and pay.		
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.	NHS New Parent Support Pay	2 weeks full pay, inclusive of SPP.

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 (unpaid) of 2 weeks.

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APPENDIX 4 - NOTIFICATION AND SELF-DECLARATION NEONATAL CARE LEAVE AND PAY FORM

To be completed for Tier 2 leave applications

Employee to complete

Name:		**Job Title:**	
Staff Number:		**Department:**	
My baby was born / placed for adoption or fostered to adopt on:		**Day/ Month / Year**	
My baby was admitted to neonatal care on:		**Day/ Month / Year**	
My baby was discharged from neonatal care (if known) on:		**Day/ Month / Year**	
I have worked for PHW Public Health Wales continuously for a minimum of 26 weeks by the relevant week (see Section of the procedure):		**Yes** ☐ **No** ☐ I am not entitled to receive Statutory Neonatal Care Leave Pay	
My neonatal care leave will start on:		**Day/ Month / Year**	
My neonatal care leave will end on:		**Day/ Month / Year**	
Employee's Signature		**Date Day/ Month / Year**	
Manager's Signature		**Date Day/ Month / Year**	

Manager to Action

Date the manager emailed the completed form via email to PAYROLL requesting them to process the statutory neonatal pay, if applicable	**Date Day/ Month / Year** **Not Applicable**

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