



## NORTH EAST AMBULANCE SERVICE NHS TRUST

### Improving Working Lives through Employee Friendly Policies and Procedures & Flexible Working Practices

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North East Ambulance Service NHS Trust

Improving Working Lives through Employee Friendly Policies and Procedures and Flexible Working Practices

## Introduction

As part of the Trust's commitment to Improving Working Lives and the introduction of Guidance on the use of Employee Friendly Policies/Flexible Working Practices the following is a statement of the Trust's commitment on this issue. The Trust's definition of these policies and practices is below.

'Employee Friendly Policies/Flexible Working Practices: are policies or practices, which enable an employee to maintain their work life balance. The purpose, therefore, is to enable employees to maintain a healthy balance between their personal commitments and work, within the confines of the needs of the Trust to benefit patient care.'

The Trust currently has a number of different practices which could fall within this remit. The following list contains some examples:

- Shift Work
- Home working
- Longer/shorter working hours or week
- Job share
- Part time work
- Reduction of hours
- Supported return to work
- Career breaks
- Secondments
- Flexi-time
- Term Time Working

The Trust, as a good employer, is committed to ensuring that all policies and procedures which encompass these different working practices are developed and applied fairly and equitably without reference to the diversity of its employees in any way at all. The Trust is also committed to communicating to all employees the existence of these policies and practices throughout recruitment and induction into the workplace and through the rest of the employee's working lives. Monitoring arrangements will be implemented by the HR Directorate, where a record of all employee friendly/flexible working requests will be monitored. An annual review of all applications will be undertaken.

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## **Part A - Employee Friendly Policies and Procedures**

- 1. Arrangements for the Authorisation of Time Off**
- 2. Working Parents Policies**

# ARRANGEMENTS FOR THE AUTHORISATION OF TIME OFF

## 1.0 Introduction

This policy identifies the arrangements within the Trust for the authorisation of time off other than annual leave. Employees should have authorisation from the appropriate manager and must complete an application form for time off, where possible, prior to authorisation to enable the recording and monitoring of all applications.

This document must be read in conjunction with the appropriate sections of the Agenda for Change Terms and Conditions Handbook.

## **2.0 Applying for Time Off**

Line managers are directly responsible for authorising time off in accordance with this policy and all applications **must** be monitored and recorded by them. Urgent requests outside of normal working hours should be made to the appropriate on-call person and followed up with their line manager at the earliest opportunity. In these circumstances the employee **must** still complete an Application for Time Off retrospectively.

All completed applications must be endorsed by the line manager and forwarded to the Human Resources Team for recording and monitoring on their personal file.

The table below lists the most common reasons appropriate for the granting of time off and identifies when this is to be granted as paid or unpaid time off. This list is not exhaustive.

The examples contained in the table are intended as guidance only and should be read in conjunction with the NHS Agenda for Change Terms and Conditions of Service Handbook. In all cases if the need for time off continues, other options may be considered subject to the exigencies of the service.

## **3.0 Time off for dependants**

The Trust allows employees to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements. The emergency must involve a dependant, which means :

- The husband, wife, civil partner, child or parent of the employee; **or**
- Someone other than the above who lives in the same household as the employee (excluding tenants/lodgers); **or**
- Someone who reasonably relies on the employee for assistance, i.e. where the employee is the primary carer or the only person who can help in an emergency.

Payment will be at the discretion of the appropriate manager.

The following are examples of situations where the right may reasonably be exercised :

- Dependant falls ill, is injured or assaulted.
- Dependant gives birth
- To make arrangements for the provision of care for a dependant who is ill or injured.
- To deal with the death of a dependant
- To deal with unexpected disruption or breakdown of care arrangements for a dependant
- To deal with an incident involving the employees child which occurs unexpectedly whilst the child is at school.

<b><u>REASON</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>TIME OFF</u></b>	<b><u>EXAMPLES AND FURTHER DETAILS</u></b>
Compassionate or Bereavement	In response to a member of staff's immediate needs	Reasonable Time Off Depending on the Circumstances - Up to a maximum of 5 days paid time	Death of close relative, serious illness of close relative
Childcare	An immediate response to a breakdown in childcare arrangements	Reasonable Time Off Depending on the Circumstances - Up to a maximum of 5 days paid time	Breakdown of childcare in order to make other arrangements.
Carer leave	An immediate response to a breakdown in care for a dependant	Reasonable Time Off Depending on the Circumstances - Up to a maximum of 5 days paid time	Sudden illness or breakdown in care provision of elderly relative or dependant to make suitable arrangements.
Domestic emergency	An immediate response to a genuine domestic emergency	Reasonable Time Off Depending on the Circumstances - Up to a maximum of 5 days paid time	Burst pipe
Optical, GP, Dental (planned)	Routine appointment for medical check up	Unpaid	Dental check up – to be arranged outside work time
Optical, GP, Dental (unplanned)	Urgent appointment for immediate medical attention	Reasonable paid time off for appointment	Broken tooth
Hospital appointment	Normally pre-planned	Reasonable time off may be paid or unpaid depending on ability to influence time of appointment/working pattern of member of staff	Appointment card or letter from GP or Consultant must be presented to line manager to arrange suitable cover where necessary
Job Interview	Within NHS	Reasonable time off with pay	Evidence of interview date
Jury/Witness Service	Request to attend as juror or witness	Reasonable time off with pay	Evidence of subpoena or summons
Local Government/ Magistrate Activities/ Parliamentary Candidate	Subject to exigencies of the Trust	Reasonable Time Off Depending on the Circumstances - Up to a maximum of 18 days paid time	Justice of Peace, Prison Visitor, Local Authority duties
Reserve and Cadet Forces	Two weeks at annual camp subject to the exigencies of the Trust	First week granted with pay, second week unpaid or annual leave	Evidence of annual camp dates
Study Leave	Time off to sit external examinations relevant to career development	Half day time off per examination	For professional development external examinations only
Employment Break	Require minimum 12 months service and subject to exigencies of service	Minimum of three months up to maximum of five years unpaid	In accordance with Section 36 of AFC Terms and Conditions of Service Handbook – application in writing

## **4.0 Roles and Responsibilities**

### **4.1 Responsibility of Each Employee-** It is the responsibility of the employee to :

1. Attend for work at the expected time.
2. If unable to attend work for whatever reason, to make application to the relevant manager or department (in accordance with GEN228, Inability to Report for Duty) not later than the shift start time.
3. Complete the appropriate application form for time off (HR34).
4. Maintain contact with his/her manager during periods of time off as appropriate.

### **4.2 Responsibility of Each Manager:-** It is the responsibility of the manager to:

1. Record time off appropriately.
2. Report and submit to the Human Resources Department all applications for time off, whether paid or unpaid and whether or not approved, on an individual basis.
3. Ensure that the requirements of the procedure and the application process are applied fairly and consistently to all employees.
4. Establish and maintain regular contact with the employee during the time off as appropriate.
5. Advise employees of the Employee Support Programme.

### **4.3 Role of the Human Resources Department:-**

1. Human Resources can provide support, information and advice to managers and employees about these procedures. However, the line manager has primary responsibility for granting time off.
2. Records of time off will be kept by the Human Resources Department upon receipt of the application for time off (HR34) forms from managers.
3. On an annual basis the Human Resources Department will produce a report of all applications and outcomes which will be subject to review in partnership with local staff representatives.

## **5.0 Appeal Arrangements**

These provisions will apply to all employees and should the application for leave be declined, the applicant is entitled to receive a written explanation. Appeals against decisions to decline an application for leave should be made through the Grievance Procedure, in writing, within 14 days of the date of notification of the manager's decision.

## **WORKING PARENTS POLICIES**

These policies set out the following rights for working parents for leave and pay. They include :-

- A Paternity Leave and Pay
- B Adoption Leave and Pay
- C Parental Leave and Rights
- D Maternity Leave and Pay

# PATERNITY LEAVE AND PAY

## 1 Scope

1.1 This procedure sets out the information concerning all aspects of Paternity Leave. To qualify for paternity leave employees must satisfy the following conditions:-

- Have or expect to have responsibility for the child's upbringing.
- Be the biological father of the child or the mother's partner.
- Have worked continuously for the Trust for 26 weeks ending with the 15<sup>th</sup> week before the baby is due.

1.2 An employee will be deemed to have satisfied the condition of having responsibility for the child's upbringing but for the fact that the child was stillborn after 24 weeks of pregnancy or has died.

1.3 An employee will be deemed to have satisfied the condition that they are the biological father of the child or the mother's husband or partner.

## 2 Responsibilities

2.1 It is the responsibility of all staff who require time off for Paternity Leave to adhere to this procedure.

2.2 It is the responsibility of all Line Managers to facilitate time off in accordance with this procedure. Where applicable, the Resource Office should be informed.

## 3 Procedure

### 3.1 **How much leave can be taken?**

3.1.1 Employees are entitled to reasonable paid time off to attend ante-natal classes, up to one session per month, (maximum of 3 hours per session). In exceptional circumstances the individual should discuss their requirements with their Line Manager. Resourcing and the Line Manager should be notified of the dates for appointments as soon as possible to enable cover for shifts.

3.1.2 Employees can choose to start their leave:

- From the date of the child's birth, or
- From a chosen number of days after the date of the child's birth, or
- From a chosen date.

3.1.3 Leave can start on any day of the week, but must be completed:

- Within 56 days of the actual date of birth of the child, or
- Within 56 days of the first day of the expected week of child birth.

3.1.4 Eligible employees will be entitled to a maximum of 2 weeks paternity leave. They can choose to take the leave over periods of one week only, or two consecutive weeks. One week is equivalent to seven calendar days. Please note that this cannot be broken down into odd days or hours, or taken as separate, non-consecutive weeks.

3.1.5 Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

### **3.2 How much notice must be given?**

3.2.1 Eligible employees will be required to inform their Line Managers of their intention to take paternity leave by the 15<sup>th</sup> week before the baby is expected, unless this is not reasonably practicable. Eligible employees will need to tell their Line Managers:

- The week the baby is due;
- Whether they wish to take one or two weeks leave;
- When they want their leave to start.

3.2.2 Eligible employees wishing to take Paternity Leave should complete the Application for Working Parents Leave Form (HR35) and provide a Self Certificate (SC3 available from Inland Revenue) as evidence of eligibility for paternity leave and forward it to their Line Manager for authorisation. The Line Manager should then send a copy to the Resource Office and send the original to the Human Resource Department for the individual's personal file.

3.2.3 The employee must provide certain details to the employer, including confirmation that he meets the statutory requirements concerning his responsibility for the child.

### **3.3 What happens if the child is born early?**

3.3.1 Employees who notify their intention to take leave from the date of the birth may take the leave when the child is born, whether or not the child is born on the due date.

3.3.2 However, the employee will be able to change their mind about the date on which they wish to commence leave if they inform the HR Team at least 28 days in advance, unless this is not reasonably practicable.

3.3.3 The earliest date upon which leave may be taken is the date of the birth or adoption.

### **3.4 Returning to work**

3.4.1 The employee will have the right to return to the position in which they were employed before their paternity leave. They will also be protected from detriment and unfair dismissal arising from any reason connected with taking this leave.

### **3.5 How much is paid?**

3.5.1 The employee will receive their normal rate of full pay whilst on Paternity Leave.

### **3.6 Introduction of the right to additional paternity leave and pay**

3.6.1 **From 6 April 2010**, eligible employees will have the right to take additional paternity leave and pay (APLP).

However, the right will only apply where :

- their partner is due to give birth on or after 3 April 2011

- they and/or the other adoptive parent receive notification on or after 3 April 2011 that they have been matched with a child for adoption

Additional paternity leave (APL) will allow an employee to take up to 26 weeks leave to care for the child.

The employee will only be able to start their APL:

- 20 or more weeks after the child's birth or placement for adoption
- once their partner has returned to work from maternity leave or adoption leave and/or ended their entitlement to statutory maternity or adoption pay, or maternity allowance

The employee's additional statutory paternity leave (ASPL) will cease by the end of the 52nd week after the child's birth or placement for adoption.

The employee will only receive additional statutory paternity pay (ASPP) during the time their partner would have been receiving statutory maternity or adoption pay, or maternity allowance.

The eligibility criteria for APLP are the same as they are for 'ordinary' paternity leave.

However, there will be additional notification requirements for employees wishing to take APLP.

Eight weeks before they wish their APL to start, the employee must provide :

- notice of when they wish their leave to start
- a declaration stating that they are taking the leave to care for the child
- a declaration from the mother or other adoptive parent stating certain information

If they are also eligible for ASPP, the employee will also have to state when they expect their ASPP period to begin and end.

## **ADOPTION LEAVE AND PAY**

### **1 Scope**

1.1 Adoption rights in relation to leave and pay apply to the following employees:-

- individuals
- couples where they adopt jointly – allowed to choose who takes adoption leave

1.2 The partner of an individual who is adopting or the other member of a couple may be entitled to paternity leave and pay.

### **2 Eligibility**

2.1 To qualify for adoption leave the employee must :-

- be newly matched with a child for adoption by an approved adoption agency
- have at least 26 weeks continuous service with their employer

2.2 Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children. In accord with the legislation, a child is defined as a person under the age of 18 (Regulation 2 (1)).

### **3 Amount of Pay**

3.1 Where an employee intends to return to work the amount of contractual adoption pay receivable is as follows :-

3.1.1 Up to 12 months continuous service at the end of the matching week

- 39 weeks Statutory Adoption Pay (SAP)
- Followed by 13 weeks unpaid adoption leave

3.1.2 More than 12 months continuous service at the end of the matching week

- 26 weeks full pay
- 13 weeks SAP followed by 13 weeks unpaid adoption leave

3.2 Where an employee does not intend to return to work for a minimum of 3 months after their adoption leave has ended, the amount of contractual adoption pay receivable is as follows:

3.2.1 Up to 12 months continuous service at the end of the matching week

- 39 weeks SAP

3.2.2 More than 12 months continuous service at the end of the matching week

- 6 weeks at 90% of average weekly earnings
- Followed by 33 weeks SAP

## 4 **Timing of Adoption Leave**

4.1 The employee can choose to start their leave :-

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a fixed date which can be up to 14 days before the expected date of placement

4.2 Leave can start on any day of the week.

4.3 Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

## 5 **Notice of Intention to take Adoption Leave**

5.1 Adopters are required to inform the Trust of their intention to take adoption leave within 7 days of being notified by the adoption agency that a child has been matched with them. The employee must inform the Trust :-

- when the child is expected to be placed with you and
- when you wish your leave to start
- 28 days notice to change date

5.2 The employee should complete the attached Application for Working Parents Leave Form (HR35) and supply the Trust with a matching certificate from the adoption agency as evidence of entitlement.

5.3 **Responsibility of Each Manager** - On receipt of an application for adoption leave a meeting will be arranged between the manager, HR Rep and staff member. The member of staff will also have the opportunity to be accompanied by a trade union representative or colleague. During this meeting all issues will be discussed surrounding adoption leave and in particular annual leave, bank holidays and accrued leave. **The manager will also confirm to the member of staff that during their adoption leave, bank holidays or additional hours will not be accrued.**

## 6 **Requests to Return to Work on a Part Time Basis Following Adoption Leave**

6.1 The Trust will consider requests from employees wishing to return to work on reduced hours following their adoption leave. All requests should be made in accordance with Section B of this document – Flexible Working Practices.

## 7 **Pension Implications**

7.1 Adoption leave is counted as continuous employment, therefore contributions to the NHS Pension Scheme, if the employee is a member, must be maintained. Arrangements are normally made to collect the money owing during unpaid leave once the employee has returned to work. This is normally deducted over a period of time equivalent to the unpaid leave they have taken.

7.2 If the employee does not intend returning to work after their adoption leave, they may opt to continue paying into the Pension Scheme for 14 weeks after the date they start their adoption leave. If they are not intending to return to work, the Human Resources team will give the employee a form to complete to inform the Payroll Department of the date they wish the pension contributions to cease.

- 7.3 If the employee wishes to discuss the implications of their adoption leave on their pension position, please contact the Pensions Officer at Payroll Services on Tel : 01752 437620.

## **PARENTAL LEAVE AND RIGHTS**

Employees who have completed 12 months service within the NHS and who have nominated caring responsibility for a child under the age of 14 (or 18 in cases of adopted or disabled children) are entitled to a maximum of 13 weeks unpaid parental leave for each child. In cases of adopted children, parents must take this leave within 5 years of the placement or by the child's 18th birthday.

Parental leave is defined as time taken to look after the child/children to strike a better balance between their work and family commitments. This is planned leave rather than leave in response to an immediate care need, when special leave may be granted.

### **1 Who can take parental leave?**

- 1.1 Employees who have completed 12 months service with the NHS, and have nominated caring responsibility for a child/children under the age of 14 (or 18 in cases of adopted or disabled children).

### **2 How long does parental leave last?**

- 2.1 Employees are entitled to a maximum of 13 weeks in total unpaid parental leave for each child (18 weeks for each disabled child). Employees can choose to take parental leave any time until the child's 14th birthday (or 18<sup>th</sup> birthday in cases of adopted or disabled children).
- 2.2 Leave arrangements will be as flexible as possible and can be taken in short or long blocks, subject to agreement by the Trust. It should be taken in periods of not less than one working week.
- 2.3 A maximum of four weeks parental leave can be taken in any one leave year. The Trust may consider extending this in exceptional circumstances up to a maximum of 13 weeks in one year.

### **3 How do employees apply for parental leave?**

- 3.1 Employees should give the Trust a minimum of 21 days (3 weeks) written notice of their intention to take Parental Leave by completing the Application for Working Parents Leave Form (HR35). A copy must be placed on the employee's personal file.
- 3.2 The Trust may ask employees to verify birth dates of the child/children by requesting a copy of the birth certificate.
- 3.3 During parental leave the employee retains all contractual rights, except remuneration, and should return to the same job or a similar job.
- 3.4 It is good practice for employees and managers to maintain contact with each other whilst the employee is on parental leave.

### **4 Appeal Arrangements**

- 4.1 Employees have a right to appeal against decisions made within this procedure. If they wish to appeal, they must do so, in writing, in accordance with the Trust's Grievance Procedure.

## **MATERNITY LEAVE AND PAY**

### **Introduction**

An employees working full time or part time will be entitled to paid and unpaid maternity leave under the NHS contractual maternity pay scheme and as set out in Section 15 of the NHS Agenda for Change Terms and Conditions of Service Handbook.

To ensure that employees receive both statutory entitlements and those entitlements offered by the NHS and the Trust, they must abide by the terms outlined in this policy.

If employees have any queries regarding the information laid out in this document, they should consult with their Manager, the Human Resources Team, or for the relevant sections, the Health & Safety Manager. After employees have read this policy they are advised to contact a member of the Human Resources Team in order to discuss their individual entitlements.

### **Terms/Abbreviations used**

<b>Childbirth</b>	The live birth or stillbirth of a child after a pregnancy lasting at least 24 weeks
<b>EWC</b>	Expected Week of Childbirth – the week beginning with midnight between Saturday and Sunday, in which it is expected that the baby will be born.
<b>Mat B1</b>	A certificate from a registered medical practitioner or a certified midwife stating the Expected Week of Childbirth. This is normally available approximately 15 weeks prior to the Expected Week of Childbirth.
<b>SMP</b>	Statutory Maternity Pay - This is paid by the Trust, on behalf of the government, to employees meeting certain criteria.
<b>MA</b>	Maternity Allowance – This is paid by the Social Security/Jobcentre Plus to qualifying women. It is based on the woman's recent employment and earnings record.
<b>OMP</b>	Occupational Maternity Pay – This is paid by the Trust to employees meeting certain criteria.

## **1 Eligibility**

- 1.1 An employee working full time or part time will be entitled to paid and unpaid maternity leave under the NHS contractual maternity pay scheme if
  - 1.1.1 She has 12 months continuous service with one or more NHS employers at the beginning of the 15<sup>th</sup> week before the expected week of childbirth
  - 1.1.2. She notifies the Trust in writing before the end of the 15<sup>th</sup> week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practicable) :
    - a) of her intention to take maternity leave
    - b) of the date she wishes to start her maternity leave

- c) that she intends to return to work with the Trust or another NHS employer for a minimum period of 3 months after her maternity leave has ended
- d) and provides a MAT B1 form from her midwife or GP giving the expected date of childbirth

1.1.3 **Responsibility of Each Manager** - On receipt of an application for maternity leave a meeting will be arranged between the manager, HR Rep and staff member. The member of staff will also have the opportunity to be accompanied by a trade union representative or colleague. During this meeting all issues will be discussed surrounding maternity leave and in particular annual leave, bank holidays and accrued leave. **The manager will also confirm to the member of staff that during their maternity leave, bank holidays or additional hours will not be accrued.**

## **2 Payment During Maternity Leave**

2.1 If an employee is entitled to receive either Statutory or Occupational Maternity Pay, this will be paid by bank credit direct from the Payroll Department. The standard pay slip will be forwarded to the employee's home address, therefore, they should remember to inform their manager if they change their address.

2.2 If an employee is not entitled to receive either Statutory or Occupational Maternity Pay, they will need to contact the DSS for information regarding benefits paid direct by them. They are still required to complete the form at the back of this policy and return it to the Human Resources Team for verification and recording purposes.

2.3 Where an employee intends to return to work the amount of contractual maternity pay receivable is as follows :-

2.3.1. Up to 12 months continuous service at the beginning of the 15<sup>th</sup> week before the EWC

- 39 weeks SMP or MA
- Followed by 13 weeks unpaid maternity leave

2.3.2. More than 12 months continuous service at the beginning of the 15<sup>th</sup> week before the EWC

- 26 weeks full pay
- 13 weeks SMP or MA (the total receivable should not exceed full pay)
- Followed by 13 weeks unpaid maternity leave

2.4 Where an employee does not intend to return to work for a minimum of 3 months after her maternity leave has ended, the amount of contractual maternity pay receivable is as follows:

2.4.1. Up to 12 months continuous service at the beginning of the 15<sup>th</sup> week before the EWC

- 39 weeks SMP or MA

2.4.2. More than 12 months continuous service at the beginning of the 15<sup>th</sup> week before the EWC

- 6 weeks at 90% of average weekly earnings
- Followed by 33 weeks SMP or MA

### **3 Calculation of Maternity Pay**

3.1 Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the following qualifications :

- In the event of a pay award or annual increment being implemented **prior** to the paid maternity leave period begins, the maternity pay should be calculated as though the pay award or annual increment had effect throughout the entire Statutory Maternity Pay calculation period. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis.
- In the event of a pay award or annual increment being implemented **during** the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated accordingly.
- In the case of an employee on unpaid sick leave or ½ pay sick leave during the whole or part of the period used for calculating average weekly earnings. In accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings are for the period of sick absence should be calculated on the basis of notional full sick pay.

### **4 Failure to Return to Work**

4.1 In the event of an employee who has notified her employer of her intention to return to work for the same or a different NHS employer and fails to do so within 15 months of the commencement of her maternity leave, she will be liable to refund the whole of her maternity pay, less any SMP payable. In cases where the employer considers that to enforce this provision would cause undue hardship or distress the employer would have the discretion to waive their rights to recovery.

### **5 Timing of Maternity Leave**

5.1 The earliest a period of maternity leave may begin is at the start of the 11th week before the EWC provided she gives the required notice. An employee can begin their maternity leave at any time between eleven weeks before the expected week of childbirth and the expected week of childbirth provided she gives the required notice without losing any entitlement to either Statutory or Occupational Maternity Pay.

5.2 If the date of childbirth falls earlier than the date on which the employee anticipated commencing their maternity leave, their maternity leave will actually start on the day after the childbirth.

5.3 The employee must also notify the Human Resources Team of their pregnancy and the date that they plan to take maternity leave in writing by the 15<sup>th</sup> week before their baby is due. Human Resources will write to the employee confirming their entitlements within 28 days of receiving notification. If the date that they intend to leave changes, they should give at least 28 days notice of their intention to commence their maternity leave unless they are prevented from doing so due to the early birth of their child.

5.4 An employee's maternity leave must continue until at least two weeks after the actual date of birth and may be extended until they have taken up to a total of either 26 or 52 weeks (depending on their entitlements outlined in this policy).

## 6 Keeping in Touch

6.1 Before going on leave, the manager and the employee should also discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave including :-

- any voluntary arrangements that the employee may find helpful to enable her to keep in touch with developments at work and, nearer the time of her return, to help facilitate her return to work
- arrangements to ensure that the employee is kept up to date with any service developments that may affect her position or impact upon her intended date of return to work

### 6.2 Keeping in Touch Days

- To facilitate the process of Keeping in Touch Days (KIT days) it is important that the employer and employee have early discussions to plan and make arrangements for KIT days before the employee's maternity leave takes place. There should however, be some degree of flexibility in order to accommodate any development or service updates which have not been scheduled at this time.
- To enable employees' to take up the opportunity to work KIT days and employers' should consider the scope of reimbursement of reasonable childcare costs or the provision of childcare facilities
- KIT days are intended to facilitate a smooth return to work for women returning from maternity leave.
- An employee may work for up to a maximum of 10 KIT days without bringing her maternity leave to an end. Any days of work will not extend the maternity leave period
- An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.
- The work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace.
- Any such work must be by agreement and neither the employer nor the employee can insist upon it.
- In the event of the employee receiving the statutory minimum payment only whilst on maternity leave. The employee will be paid at their basic hourly rate, for the hours undertaken during a KIT day less the appropriate statutory maternity leave payment.
- Working for part of any day will count as one KIT day.
- Any employee who is breastfeeding must be risk assessed and facilities provided accordingly.

During maternity leave the Human Resources Department will automatically send out copies of adverts for vacancies and the PR/Communications Department will send copies of all NEAS monthly or special bulletins.

## **7 Sickness Absence During Pregnancy**

- 7.1 Absences prior to maternity leave will be dealt with under the Attendance Management Policy if the absence is certified as unrelated to their pregnancy. This absence will be recorded as such until the date previously agreed that they should commence their maternity leave. However, odd days of pregnancy related illness during this period may be disregarded if the employee wishes to continue working until the maternity leave start date previously notified to the employer.
- 7.2 Should an employee be absent due to a pregnancy related illness within the last four weeks prior to the commencement of their maternity leave, the maternity leave will normally commence at the beginning of the fourth week before the EWC. This absence will not be counted towards sick leave entitlement.

## **8 Health & Safety Risk Assessment**

- 8.1 This section relates to new and expectant mothers and includes women who are pregnant, who have given birth within the last six months, or who are breastfeeding. Employees should inform their Line Manager as soon as possible that they are pregnant and the manager will then make arrangements to conduct a risk assessment in accordance with the Risk Assessment Guidelines Form and Checklist / Guidelines for (New & Expectant Mothers), Form M-R and agree action to be taken.
- 8.2 The Line Manager will carry out the Risk Assessment for their Department and action to be taken will be agreed with the new or expectant mother. Any concerns should be raised with the Risk Department, Occupational Health or Human Resources Department for further advice or guidance. Should the employee and her child be at risk by continuing to undertake her normal duties, the employer should provide suitable alternative work for which the employee will receive her normal rate of pay. Where it is not reasonably practicable to offer suitable alternative work, the employee should be suspended on full pay.

## **9 Requests to Return to Work on a Part Time Basis Following Maternity Leave**

- 9.1 The Trust will consider requests from employees wishing to return to work on reduced hours following their maternity leave. All requests should be made in accordance with Section B of this document - Flexible Working Practices.

## **10 What Happens If An Employee is Not Well Enough To Return To Work?**

- 10.1 If an employee has completed all of their entitlement to maternity leave, but is still unwell, further absence should be medically certified and will be treated as sick leave in accordance with the Trust's Attendance Management policy. Please note that if they claim such sick leave, they will be treated as having returned to work and will therefore be unable to take further maternity leave.

## **11 Antenatal Care**

- 11.1 During an employee's pregnancy, whilst an employee is still at work, they are entitled to reasonable paid time off for antenatal care which may include relaxation and parent craft classes as well as appointments for antenatal care. The employee must make the necessary arrangements for this with her line manager, giving him/her reasonable notice of their appointment. Appointments are not expected to last a full day and employees are asked to attend for work before and/or after their appointment. If requested, employees should produce evidence of their appointments.

## **12 Post-natal Care and Breastfeeding Mothers**

- 12.1 Women who have recently given birth should have paid time off for post-natal care e.g. attendance at health clinics.
- 12.2 Employers are required to provide breastfeeding women with suitable rest facilities. The HSE also encourages employers to provide a healthy and safe environment for women who are breastfeeding with suitable access to a private room to express and store milk.

## **13 Pre Term Birth**

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

## **14 Stillbirths**

- 14.1 In the unfortunate event of a stillbirth after the start of the 24<sup>th</sup> week of an employee's pregnancy, she will be entitled to the same maternity pay and leave entitlements already outlined.

## **15 Miscarriage**

- 15.1 Where an employee has a miscarriage before the 25<sup>th</sup> week of pregnancy normal sick leave provisions will apply as necessary.

## **16 Accrual of Annual Leave**

- 16.1 If an employee intends to return to work, their annual leave entitlement continues to accrue during maternity leave, whether paid or unpaid. If their maternity leave period spans two leave years, employees should be aware that they may only carry over up to one working week annual leave to the following leave year. They are therefore advised to take the majority of their outstanding annual leave prior to the commencement of their maternity leave. Employees need to clarify their annual leave entitlement with their manager before they start their maternity leave.

## **17 Pension Implications**

- 17.1 Maternity leave is counted as continuous employment, therefore contributions to the NHS Pension Scheme, if the employee is a member, must be maintained. Arrangements are normally made to collect the money owing during unpaid leave once the employee has returned to work. This is normally deducted over a period of time equivalent to the unpaid leave they have taken.
- 17.2 If the employee wishes to discuss the implications of their maternity leave on their pension position, please contact the Pensions Officer at Payroll Services on Tel : 01752 437620.

## **18 Miscellaneous Provisions**

- 18.1 Fixed Term Contracts
- Employees subject to fixed term contracts which expire after the eleventh week before the expected week of childbirth and who satisfy the conditions shall have their contracts extended so as to allow them to receive the 52 weeks which includes paid contractual and SMP and the remaining 13 weeks of unpaid maternity leave

- Absence on maternity leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.
- If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred the repayment provisions will not apply.

## **19 How to apply for Maternity Leave and Pay**

- 19.1 When the employee has read this policy, she should contact a member of the Human Resources Team in order to discuss their entitlements. They will also need to complete and return to the Human Resources Team, the application form for maternity leave and pay (HR36) by no later than 15 weeks before the expected week of childbirth. When the form is received by the Human Resources Team, the employee's individual entitlements will be confirmed in writing within 28 days.
- 19.2 If, after an employee has completed this form, either their expected date of childbirth or the date they intend to commence their maternity leave changes, they should inform the Human Resources Team.
- 19.3 On return to work following maternity leave the Trust will if necessary consider a supported return to work following receipt of appropriate advice from the Occupational Health Department.

## **20 Childcare**

The Trust provides employees with basic childcare information as a first step to supporting staff. The Human Resources Department can provide information on childcare or the local Children's Information Services (CIS) can provide a full range of listings of local registered childcare at [www.childcare.gov.uk](http://www.childcare.gov.uk)

## **21 Further Advice**

Statutory maternity leave and pay provisions may be subject to change at short notice. Employees should always check their entitlements before applying for leave and/or pay. They may also wish to check with their local Job Centre Plus office.

If an employee has any questions after reading this policy, they should contact a member of the Human Resources Team for further advice.

### Useful Contacts

BERR website	<a href="http://www.berr.gov.uk">www.berr.gov.uk</a>
Department of Work and Pensions	<a href="http://www.dwp.gov.uk">www.dwp.gov.uk</a>
Health and Safety Executive	<a href="http://www.hse.gov.uk">www.hse.gov.uk</a>
Job Centre plus	<a href="http://www.jobcentreplus.gov.uk">www.jobcentreplus.gov.uk</a>
NEAS Intranet Site	

## **Part B – Flexible Working Practices**

- 1. Guidance on Flexible Working Practices**
- 2. The Right to Apply**
- 3. Procedure on Application for Flexible Working**

## 1 GUIDANCE ON FLEXIBLE WORKING PRACTICES

All employees of the Trust may apply to work flexibly in accordance with this policy. However, employees who are parents of children under age 16 or with a disabled child under age 18 will have the right to apply to work flexibly. Employers will have a statutory duty to consider applications seriously but the employee does not have an automatic right to work flexibly.

Please note when reading the following section that an employee who wishes to apply to their manager to take up some form of flexible working practice must make their request in writing, outlining their reasons for the request and how the service may benefit from this change of working practice. The North East Ambulance Service NHS Trust maintains the right in all cases, except where the regulations differ as in employees who are eligible to apply for flexible working under Part C of this document, to refuse a request based on business and service needs. The Trust will endeavour to comply with a request if it is at all reasonably able to do so in line with good working practice and to fulfil its obligations as already outlined in the Statement of Intent.

## 2 THE RIGHT TO APPLY FOR FLEXIBLE WORKING

From 6<sup>th</sup> April 2003 following a Government initiative to help working parents, all employers must have a system in place to consider applications for flexible working. From April 2007 this consideration has been extended to cover carers of adults. In order to be eligible to make an application, employees should fulfil the following criteria:

- Be an employee
- Have worked for the Trust for 26 weeks continuously at the date that the application is made
- Have a child under age 16, or under age 18 in the case of a disabled child on the date the application is made.
- Make an application no later than 2 weeks before the child's 16<sup>th</sup> or 18<sup>th</sup> birthday in the case of a disabled child.
- Have or expect to have responsibility for the child's upbringing
- Be making the application to enable them to care for the child
- Be a carer for an adult
- Not be an Agency Worker
- Not have made another application to work flexibly under this agreement during the past 12 months.
- Employees can apply to work flexibly to look after a 'relative'. This definition covers parents, parent-in-law, adult child, adopted adult child, siblings (including those that are in-laws) uncles, aunts, grandparents or step relatives.

### 2.1 Parents

To qualify the employee must have parental responsibility for the child. This includes biological parents, legal guardians, adoptive and foster parents and spouses if these, including the same sex partners provided that they have parental responsibility for the child.

### 2.2 Carers

The Work and Families Act defines a carer as an employee who is or expects to be caring for an adult who:

- Is married to, or the partner or civil partner of the employee
- Is a relative of the employee

- Falls into neither category but lives at the same address as the employee (excluding tenants and lodgers)

Requests that do not fulfil the above criteria will be dealt with sympathetically in accordance with the procedure.

### 2.3 Scope of a Request

If an employee is eligible according to the above criteria they can request:

- A change in hours
- A change to times required to work
- To work from home
- Place of work

The Trust is currently developing the following policies which give further more detailed information on different types of flexible working. These include :-

- Policy on Job Sharing
- Policy on Changes to Working Practices and Hours
- Policy on Home Working
- Policy on Flexi-time

For further information on these particular policies please refer to the NEAS Intranet or contact the Human Resources Department.

## 3 PROCEDURE ON APPLICATION FOR FLEXIBLE WORKING (see Flow Chart and Standard Forms: Appendix 1 – Appendix 8)

If an employee wishes to make a request to change their work pattern they should make a request in writing on the standard form (Appendix 1) to their manager and include the following information:

- State if the request is being made under the statutory right to apply for a flexible working pattern (see statutory right to apply above)
- Confirm they have responsibility for upbringing of the child and their relationship to the child
- Explain what effect if any the employee thinks the proposed change would have on the employer and how any such effect might be dealt with
- Specify the flexible working pattern applied for
- State the effective date of the proposed change
- State whether a previous application has been made and if so when
- Date the request is made

They should bear in mind an accepted application will mean a permanent change to terms and conditions, unless otherwise agreed.

Once the written request has been received their manager will arrange a meeting as soon as practicable but this must be within 28 days.

When a manager considers a request they should consider carefully in relation to the business whether they are acting fairly and whether they have acted reasonably in relation to the request made by the employee. The following may be grounds to refuse a request for flexible working:

- Burden of additional costs

- Detrimental effect on the ability to meet patient/service user demands
- Inability to organise work among existing employees
- Detrimental impact on performance
- Detrimental impact on quality
- Planned structural changes
- Inability to recruit additional staff
- Insufficiency of work during the periods the employee proposes to work

At the meeting they will discuss if the desired work pattern can be accommodated. If there are problems in accommodating the desired work pattern outlined in the employee's application then this can be discussed at this point. The employee has the right to be accompanied at the meeting by a recognised trade union representative or colleague.

Within 14 days after the date of the meeting the manager must write to the employee to either, agree a new work pattern and start date or to provide business grounds why the application cannot be accepted and the reason why this applies in the circumstances.

### **3.1 Appeal Arrangements**

Employees have a right to appeal against decisions made within this procedure. If they wish to appeal, they must do so, in writing, in accordance with the Trust's Grievance Procedure.

### **3.2 Unresolved Applications**

There may be cases where an employee feels their application has not been dealt with to their satisfaction. For instance, where they feel the manager has failed to follow the procedure properly; or the decision to reject an application was based on incorrect facts.

In these circumstances, employees have a number of options available in order to address their concerns.

These are:-

- through an informal discussion with the appropriate manager(s)
- through the Trust's Grievance Procedure
- via third party involvement, e.g. union representative, and
- in specific circumstances, making a formal complaint to the ACAS Arbitration Scheme or an Employment Tribunal.

An employee has no right to make a complaint where they simply disagree with the business grounds provided by the employer for declining a request.

### **3.3 Timescales**

All parties referred to, may, by mutual agreement, modify the time limits referred to in this procedure. If the timescales relating to this procedure are changed, the manager must make a written record of the agreement.

The written record of the agreement must:-

- specify what period the extension relates to
- specify the date on which the extension is to end
- be dated, and,
- sent to the employee

**Part C - Monitoring and Approval in accordance with the National Health Service  
Litigation Authority (NHSLA)**

- 1. Monitoring Compliance with the effectiveness of Procedural Documents**
- 2. Equality and Diversity Statement**
- 3. Related Documents**
- 4. Dissemination and Implementation**
- 5. Consultation, Approval and Ratification process**

## **1. Monitoring Compliance with and the effectiveness of Procedural Documents.**

This policy will be reviewed annually or earlier if required by:

- The Trust Board
- The Assurance Committee

The effectiveness of the policy will be monitored on a regular basis via the Trusts Executive Team. Key performance indicators will be monitored by analysing data received from the HR team against agreed Trust/national targets.

## **2 Equality and Diversity Statement**

The Trust is committed to providing equality of opportunity, not only in its employment practices but also in the services for which it is responsible. As such, this document has been screened, and if necessary an Equality Impact Assessment has been carried out on this document, to identify any potential discriminatory impact. If relevant, recommendations from the assessment have been incorporated into the document and have been considered by the approving committee. The Trust also values and respects the diversity of its employees and the communities it serves. In applying this policy, the Trust will have due regard for the need to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Provide for good relations between people of diverse groups

For further information on this, please contact the Equality and Diversity Department.

## **3 Related documents**

- Dignity at Work Policy (QSSD 316)
- Grievance Procedure (QSSD 309)
- Single Equality Scheme (QSSD 1507)
- Recruitment and Selection Policy (QSSD 307)
- Attendance Management Policy (QSSD 357)

## **4 Dissemination and Implementation**

### **4.1 Dissemination**

Once ratified this policy will be added to the Document Quality Control System and added to the Intranet site to which all staff have access. Earlier versions of the document will be archived in the quality system.

The policy will also be added to the Net Consent system once it is implemented. This system will require staff to read the policy before allowing access to IT systems, and will record the date and time staff members have read the document.

### **4.2 Implementation of Procedural Documents**

Information about this policy will be added to Statutory and Mandatory Training which is delivered to all staff on an annual basis.

## **5 Consultation, Approval and Ratification Process**

### **5.1 Consultation Process**

This policy has been discussed with the Equality and Diversity Group which includes representatives from staff side and all directorates.

### **5.2 Policy Approval Process**

This policy has been submitted to the Policy Review Group for approval.

### **5.3 Ratification Process**

This policy has been approved by the Policy Review group and submitted to the JCC for ratification.

**How does the process work?**

