



**PWYLLGOR DIWYLLIANT, POBL A DATBLYGU SEFYDLIADOL
PEOPLE, ORGANISATIONAL DEVELOPMENT & CULTURE COMMITTEE**

DYDDIAD Y CYFARFOD: DATE OF MEETING:	15 April 2024
TEITL YR ADRODDIAD: TITLE OF REPORT:	Workforce & Organisational Policies
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Lisa Gostling, Director of W&OD and Deputy Chief Executive
SWYDDOG ADRODD: REPORTING OFFICER:	Heather Hinkin, Head of Workforce

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

Ar Gyfer Penderfyniad/For Decision

ADRODDIAD SCAA

SBAR REPORT

Sefyllfa / Situation

In line with Hywel Dda University Health Board's (HDdUHB's) written control documentation process, the People, Organisational Development & Culture Committee (PODCC) is asked to note or approve the recommendations in relation to the documents listed below.

1. Revised Local Policies for approval

- 511 – Carers
- 1085 – Leave and Pay for New and Existing Parents

In so doing, the report provides the required assurance that the Written Control Documentation (WCD) Policy (policy number 190) has been adhered to in the development of the documents and that the documents are in line with legislation/regulations, available evidence base and can be implemented within the Health Board.

2. All Wales Policy Update

We received the updated quarterly schedule of All-Wales policies from NHS Employers on 26 March 2024. A copy is attached at Appendix 1.

There are no All-Wales policies for adoption in the period.

Cefndir / Background

It is imperative that HDdUHB has up to date and accurate written control documentation in order to comply with relevant legislation and to minimise any associated risks.

Workforce & OD policy reviews are reviewed by a Task & Finish (T&F) Group which includes colleagues from, for example, Payroll, Workforce & OD, operational management leads and Trade Union (TU) representatives or via a desktop review. Both policies for consideration have undergone a desktop review based on the recent legislative changes which impact both policies. The specific changes are listed as follows: -

1. Policies for approval

511 – Carers

- Review of the legislative changes undertaken by the Regional Project Support Manager - Carers and a Senior Workforce Advisor. The policy had previously undergone a full review and approval in December 2023.
- Additions are only legislative or provide clarity as follows: -
 - Sentence included from the legislation to explain that individuals should not suffer detriment or dismissal for seeking or taking carers leave.
 - Clarification that time off for dependants is a day one right.
 - Clarification that carers leave is designed to support employees who need to provide or arrange non-emergency care for a dependant.
 - Clarification of a week's leave – e.g. equates to weekly contracted hours.
 - Clarification on how to request leave and how leave may be taken/postponed.
 - Simplified wording explaining the All-Wales Special Leave policy.
- Global staff consultation was not required due to the nature of the changes undertaken.
- The summary EQIA did not require an update.

1085 – Leave and Pay for New and Existing Parents

- Review of the legislative changes undertaken by the Assistant Head of Workforce – West.
- The amended regulations came into effect on 8 March 2024 but will only apply to children who are due to be born or placed for adoption after 6 April 2024. The changes are: -
 - An increase in the length of time available to take paternity leave following the birth or adoption of their child from 8 weeks to 52 weeks.
 - A reduction in time that employees need to give notice of the birth of their child and intention to take paternity leave from 15 weeks before the 'Expected Week of Childbirth' (EWC) to 28 days. This also necessitated a change in Appendix 3 to reflect this.
 - An increase in time to provide notification of paternity leave following the notification of the adoption of a child from 7 days to 28 days.
- Global staff consultation was not required due to the nature of the changes undertaken.
- The summary EQIA did not require update.

Asesiad / Assessment

The revised documents have been shared with the Staff Partnership. Documents that apply to Medical and Dental colleagues have been shared with the Local Negotiating Committee (LNC) for information.

Neither policy required a revised Equality Impact Assessment (EqIA).

Following approval of the recommendations contained below, all documents will be uploaded/updated on the intranet site and will replace current versions.

Argymhelliad / Recommendation

The People, Organisational Development & Culture Committee is requested to:

- **RECEIVE ASSURANCE** that the above documents have been reviewed in line with Policy 190.
- **APPROVE** the following policies for publication: -
511 – Carers
1085 – Leave and Pay for New and Existing Parents

Amcanion: (rhaid cwblhau)

Objectives: (must be completed)

Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	3.13 Approve workforce and organisational development policies and plans within the scope of the Committee.
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	N/A
Parthau Ansawdd: Domains of Quality Quality and Engagement Act (sharepoint.com)	2. Timely 3. Effective 6. Person-Centred
Galluogwyr Ansawdd: Enablers of Quality: Quality and Engagement Act (sharepoint.com)	2. Culture and valuing people
Amcanion Strategol y BIP: UHB Strategic Objectives:	1. Putting people at the heart of everything we do
Amcanion Cynllunio Planning Objectives	2b Employer of choice 2c Workforce and OD strategy
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022	5. Offer a diverse range of employment opportunities which support people to fulfil their potential

Gwybodaeth Ychwanegol:

Further Information:

Ar sail tystiolaeth: Evidence Base:	Legislation, national policy, terms and conditions
Rhestr Termau:	Included in each document

Glossary of Terms:	
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Diwylliant, Pobl a Datblygu Sefydliadol: Parties / Committees consulted prior to People, Organisational Development & Culture Committee:	Local Negotiating Committee Staff Partnership Forum

Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	Unforeseen and unbudgeted costs of investigations and/or defence of any legal action could arise from non-adherence to the Policies
Ansawdd / Gofal Claf: Quality / Patient Care:	Staff accessing written control documentation, which is out of date, no longer relevant or contradicts current guidance.
Gweithlu: Workforce:	The policies and procedures apply to all staff unless expressly stated as otherwise in the scope.
Risg: Risk:	The presence of written control documentation on the intranet, outside of the Policies, Procedures and other Written Control Documentation intranet webpage, may result in staff accessing documents which are out of date, no longer relevant, or contradicting current guidance.
Cyfreithiol: Legal:	It is essential that the UHB has up to date policies and procedures in place which comply with legislation as a minimum standard.
Enw Da: Reputational:	Failure to apply the appropriate entitlements under the legislation and policy framework effectively may lead to formal complaints which may have a reputational impact.
Gyfrinachedd: Privacy:	N/A
Cydraddoldeb: Equality:	EQIAs did not require update due to the minor changes made.

Workforce & Organisational Development Policies

Appendix 1 - All Wales Quarterly Policy Review Schedule

Date:-	Mar-24	Name of All Wales Policy	Last Issue Date	Original Planned Review Date	Currently Under Review	Current Position
		Disciplinary	Mar-17	Mar-20	Yes	Remains Extant*
		Organisational Change	Mar-17	Mar-20	Yes	Remains Extant*
		Capability	Jun-18	Jun-21	Yes	Remains Extant*
		Managing Attendance at Work	Oct-18	Dec-21	Yes	Remains Extant*
		Menopause	Dec-18	Dec-21	No	Remains Extant*
		Respect and Resolution	Apr-21	Apr-22	Yes	Remains Extant*
		Employment Break Scheme	Jan-20	Jan-23	No	Remains Extant*
		Reserve Forces Training and Mobilisation	Mar-20	Apr-23	No	Remains Extant*
		Procedure for NHS Staff to Raise Concerns	Sep-23	May-23	Yes	Remains Extant*
		Pay Progression	Jan-20	Oct-23	No	Remains Extant*
		Special Leave	Dec-20	Jan-24	No	Remains Extant*
		Recruitment and Retention Payment Protocol	Dec-20	Apr-24	No	Remains Extant*
		Secondment	Jul-21	Jul-24	No	Remains Extant*
		Flexible Working	Jan-24	N/A	No	Extant*
		Upholding Professional Standards in Wales	Oct-15	Oct-18	No	Remains Extant*

At its meeting held on 8 June 2023, the Welsh Partnership Forum Business Committee, agreed to a new approach to the review of All Wales policies and procedures.

The core element of this new approach is to move away from using a review date as a prompt for review of an existing policy, to recognise key prompts for review and to provide an option for a transactional review where changes/updates to an existing policy are more administrative than material.

All Wales W&OD policies remain extant until replaced by an updated version approved by the Welsh Partnership Forum.

NHS Wales Employers will issue this schedule on a quarterly basis as confirmation of policies remaining extant to provide clarity and support organisations from a governance and assurance perspective.

*Extant - legal term derived from Latin for still in existence/still live

Supporting staff who are unpaid Carers Policy

Policy information

Policy number: 511

Classification:

Corporate

Supersedes:

Previous versions

Version number:

2

Date of Equality Impact Assessment:

18/01/2024

Approval information

Approved by:

People, Planning and Performance Assurance Committee

Date of approval:

11/12/2023

Date made active:

19/12/2023

Review date:

11/12/2026

Summary of document:

This policy sets out a vision for providing a supportive working environment for Hywel Dda University Health Board staff who are looking after a family member or friend in their personal lives as unpaid carers.

Scope:

This Carers policy is for all employees under a contract of employment with the Health Board who have caring responsibilities fitting the definition of an unpaid carer in the section [‘identification of a carer’](#)

To be read in conjunction with:

[126 Work/Life Balance - Flexible Working Policy](#) – opens in a new tab

[131 Flexi Time Policy and Procedure](#) – opens in a new tab

[582 Term Time Working Policy](#) – opens in a new tab
[122 All Wales Special Leave Policy](#) – opens in a new tab
[245 Employment Break Scheme](#) – opens in a new tab
[1085 Parental Leave](#) – opens in a new tab
[129 Time Off For Medical/Dental Appointments During Normal Working Hours Policy](#)– opens in a new tab
[768 All Wales Managing Attendance at Work Policy](#) – opens in a new tab
[133 Equality, Diversity and Inclusion Policy](#) – opens in a new tab
[340 Staff Psychological Wellbeing Policy](#) – opens in a new tab
[109 Time off in Lieu Procedure](#) – opens in a new tab
[172 Confidentiality Policy](#) – opens in a new tab
[Annual Leave Purchase Scheme](#) – opens in a new tab

Patient information:

[Patient Information Library](#)

Owning group:

People, Organisational Development and Culture Committee

Executive Director job title:

Lisa Gostling, Director of Workforce & HR

Reviews and updates:

1 – new policy 17.12.2020

2 – revised

Keywords

Caring, Flexible Working, Flexibility, Work Life Balance

Glossary of terms

N/A

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Introduction

The Health Board is committed to creating an environment that supports employees with caring responsibilities, assisting them to manage their work/life balance whilst meeting the needs of our organisation. Our Carers Policy aligns with the Health Board's values which seek to create an organisational culture which allows staff to be open about their unpaid caring responsibilities and feel respected and supported.

The three statements below provide a definition of an unpaid carer to make clear the different circumstances of caring roles:

A Carer is someone who looks after a relative, friend or neighbour who is ill, frail, disabled, has a mental health concern or problematic substance use and who could not manage without that help.

A Young Carer is someone under 18 whose life is restricted because of the need to take responsibility for a family member due to issues as above.

A parent carer is someone who looks after their child, who would struggle to manage without their help, due to illness, physical disability, learning disability or who has a mental health concern or substance misuse problem.

The care they provide is **unpaid**.

This policy also contributes to our responsibilities under the Equality Act 2010 as well as the Social Services and Well-being (Wales Act) 2014 and supports our commitment to the national Employers for Carers Scheme. It also adheres to the Carer's Leave Act 2023.

Policy Statement

This policy sets out a vision for providing a supportive working environment for Hywel Dda University Health Board staff who are looking after a family member or friend in their personal lives as unpaid carers. Aligns with statutory right to time off for dependants with long term care needs and is a Day One employment right for all employees.

Scope

This Carers policy is for all employees under a contract of employment with the Health Board who have caring responsibilities fitting the definition of an unpaid carer in the section ['identification of a carer'](#) Carer's Leave is designed to support employees who need to 'provide or arrange non-emergency care' for a dependant.

The policy provides:

- Guidance for managers on how to support staff with caring responsibilities.
- Information for staff on how to seek support from the Health Board and external services to help them with their caring responsibilities.

Aim

The aim of this policy is to:

- Support employees to remain in work and fulfil their career potential whilst continuing with unpaid caring responsibilities.
- Outline the range of existing policies and employee support which can be accessed by employees with caring responsibilities.
- Provide guidance to managers about the needs of carers to promote a supportive response to unpaid caring responsibilities/needs identified by employees.
- Improve the employee experience of balancing employment and caring responsibilities.
- Contribute to increased staff retention.

Objectives

The Health Board is committed to supporting unpaid carers in accordance with the following aims:

- **Identification as an unpaid Carer:** Proactively encourage individuals with caring responsibilities to identify themselves as an unpaid carer to their line manager.
- **Recognition of unpaid Carers:** The valuable role that unpaid carers play in our families and communities are recognised and valued by all staff working in the Health Board.
- **Support for unpaid Carers:** Where a member of staff has identified themselves as an unpaid carer, the line manager will raise awareness of the employment support available to them. Line managers will also be proactive in advising staff about how they can access information, advice and assistance from external support agencies relevant to the employees caring needs.
- **No unfair treatment:** Staff who have identified themselves as an unpaid carer and/or requested support in accordance with this policy will not be treated unfairly or be disadvantaged as a result. Staff will be protected from detriment and dismissal as a result of seeking or taking carer's leave.
- **Confidentiality:** A staff member's identification as a carer and any support requested will be disclosed no wider than is necessary, to ensure the effective day-to-day running of Health Board business.

Identification as a Carer

It is estimated that 1 in 7 unpaid carers are in employment and the number of unpaid carers is growing each year.

Not everyone recognises themselves as an unpaid carer. When people care for an ill, older or disabled family member or friend it is often just considered a part of everyday life.

Staff with caring responsibilities are encouraged to self-identify themselves as Carers by highlighting their caring role to their line manager. In addition, staff have the opportunity to register their unpaid caring role through the supplementary role function in ESR. For more information about how to do this click here: [Adding Supplementary Roles Guide](#) (opens in a new tab)

Recognition of Carers

In recognition of the important role of unpaid carers, the Health Board has made the Carer Aware e-learning mandatory. This is accessed via ESR. A guide on how to access the e-learning can be found using the link below:

[People Development - Carer Awareness e-Learning Guide.pdf - All Documents \(sharepoint.com\)](#)

(opens in a new tab)

Carer awareness training is also available:

- As part of the Health Board's corporate induction programme
- Through the delivery of bespoke training for teams and departments

For information about how to access training, email CarersTeam.hdd@wales.nhs.uk (opens in a new tab)

Support for employees with Caring responsibilities

Staff who identify themselves as an unpaid carer to their Manager can request the establishment of a 'Carers Passport'. The Carers Passport provides a template to record the caring needs of the employee and informs a supportive conversation about any adjustments which would support the employee to remain effective within their role alongside their unpaid caring responsibilities.

Unpaid Carers are entitled to take up to a week's unpaid leave (equates to weekly contracted hours) in any 12-month period. Requests can be in consecutive or non-consecutive half-days or full days.

Staff must give written notice to their manager of their intention to take carer's leave. The notice given must either be three days or twice the amount of time of the period of leave requested – whichever is longer. Requests for carer's leave must not be refused, however, Managers may postpone a request if the department would be unduly disrupted. In these circumstances, the Manager must give notice of the postponement prior to the requested leave and explain the reasons why. The Manager must then allow the leave to be taken within one month of the start date of the leave originally requested and should consult with the staff member about rescheduling the leave.

There are a range of employment policies which can support employees with caring responsibilities. These include:

Flexibility of working hours/pattern

Policy Title	How it can help
Work Life Balance Flexible working Policy (opens in a new tab)	Sets out the steps needed to discuss and request a variation in working hours and/or working pattern and/or location.
Agile Working (opens in a new tab)	A guide for employees and managers when considering agile/hybrid working.
Flexi Time Policy (opens in a new tab)	Sets out the steps needed to discuss working a flexible working pattern whilst remaining on the same contractual hours.

Term Time Working (opens in a new tab)	Sets out the steps needed to request a term time working pattern.
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Time off work to deal with unforeseen emergencies (Including bereavements)

Policy Title	How it can help
All Wales Special Leave Policy (opens in a new tab)	The policy includes provision for time off work for emergency carers and dependent leave.

Time off work to deal with planned requirements.

Policy Title	How it can help
Annual Leave Purchase Scheme (opens in a new tab)	Sets out the steps to follow to request the purchase/buy back up to 4 weeks / 20 additional annual leave days.
Employment Break Scheme (opens in a new tab)	Sets out the steps to follow to request an extended period of unpaid leave between 3 months to 5 years of absence from the workplace.

Time off work to attend Medical/Dental/Hospital Appointments

Policy Title	How it can help
Time Off For Medical/Dental Appointments During Normal Working Hours Policy (opens in a new tab)	Clarifies the process in respect of staff taking time off to attend Medical/ Dental/ Hospital appointments in planned and emergency circumstances for dependants.

Managing Attendance

Policy Title	How it can help
NHS Wales Managing Attendance at Work Policy (opens in a new tab)	Sets out the provision to support the health and wellbeing of employees in the workplace.

Employee well-being services and support

There are a number of services that are available to all employed staff including unpaid carers. These include Occupational Health, employee assistance programme, and Staff Psychological and Wellbeing services. See the SharePoint page for more details:

[Staff Health & Wellbeing Gateway \(sharepoint.com\)](#) (opens in a new tab)

Staff Networks

The Health Board recognises the important role that staff networks can play as they provide an opportunity for staff to connect, socialise, support one another, and discuss issues of relevance to them in accordance with their shared characteristics and common experiences.

It is recognised that some staff with unpaid caring roles may wish to seek support through a wide variety of networks to reflect their own personal need or area of interest. The Health Board has a growing number of staff networks, including a Carers Peer Support network. More information about the staff networks can be found here: [Staff Networks](#) (opens in a new tab)

Support with career development and progression opportunities

Employees with caring responsibilities are encouraged to discuss their circumstances during one-to-one supervision and/or annual appraisal sessions in order to identify any barriers they feel they may be facing in accessing training and development to support career development opportunities.

Carer's Passport

The purpose of the Carers Passport is to enable a carer and their manager to hold a supportive conversation and document the agreed flexibilities that will be available to support the employee in their unpaid caring role and work. Sympathetic consideration will be given where support is requested by staff in accordance with this policy, based on a shared understanding of the unpaid caring situation, its impact on the employee's work and the consistency of treatment with other staff in a similar position.

The Passport is designed to be a living document to be reviewed every year and in response to any changes in the nature or impact of the caring responsibilities, although the passport does not guarantee that the previously agreed arrangements will remain in place as line managers must balance the needs of the employee with the requirement to ensure service delivery and business continuity.

The Health Board recognises that employees may find it difficult to explain their personal circumstances, issues and challenges. Completion of the Carers Passport is therefore voluntary, and the employee retains ownership of the form. See [Appendix 1 – Carer's Passport Guidance](#) and [Appendix 2 – Carers Passport Template](#).

Wider Support outside of work

In addition to employment support, some unpaid carers may need additional support from third sector or other support organisations to enable them to maintain their caring role. Staff and managers can find useful information about support services for Carers on the Carers Support West Wales Website:

[Carers Support West Wales | Cymorth Gofalwyr Gorllewin Cymru](#) (opens in a new tab)

The Health Board jointly commissions specialist Carers information and advice services in each of our three counties. These services can be contacted on the details below.

Carmarthenshire Carers Information Service, 01267 230791

Email: carersincarms@adferiad.org Website: www.adferiad.org.uk (opens in a new tab)

Ceredigion Carers and Community Support, 01545 574200. Email: clic@ceredigion.gov.uk

Website: www.ceredigion.gov.uk/carers (opens in a new tab)

Pembrokeshire Carers Information and Support Service, 01437 611002. Email:

pciss@adferiad.org Website: www.adferiad.org.uk (opens in a new tab)

Further information for staff and managers is available on the Health Board Carers Sharepoint page:

[Unpaid Carers \(sharepoint.com\)](http://Unpaid Carers (sharepoint.com)) (opens in a new tab)

Responsibilities

Chief Executive

The Chief Executive holds overall responsibility for the effective management of organisational policies.

Director of Workforce & Organisational Development

The Director of Workforce & OD has responsibility for ensuring that all employment policies are developed in line with employment legislation and practice and are reviewed and updated as appropriate.

Line Manager

Managers have the responsibility to familiarise themselves with this Policy and to work within its parameters.

Employee's responsibilities

Employees are not obliged to disclose to their managers that they are caring for someone but are encouraged to do so in order to benefit from the support available from the Health Board. In this way the manager can work with the employee to ensure that, wherever possible, they can effectively balance their work and care commitments.

Workforce and Organisational Development

Provide support and guidance to managers on the application of this policy.

Evidence base and References

The policy has drawn on evidence and good practice from a range of sources including:

Employers for Carers www.employersforcarers.org __ (opens in a new tab)

Carers Trust www.carers.org (opens in a new tab)

Carers UK www.carersuk.org (opens in a new tab)

Useful links

Intranet:

[Strategic Partnerships Diversity and Inclusion - Home \(sharepoint.com\)](#) (opens in a new tab)

[Staff Health & Wellbeing Gateway \(sharepoint.com\)](#) (opens in a new tab)

Appendix 1 – Carers Passport Guidance for Managers

If a member of staff identifies themselves as an unpaid carer, their manager should arrange a confidential one to one meeting to discuss the details. The following questions, are provided as guidance rather than an exhaustive list, and can be used to help facilitate the discussion:

- What are your caring responsibilities? Who are you caring for, what do you do and how frequently?
- What impact or potential impact, do the caring responsibilities have on your work role (if any)?
- Do you already receive any support in work which helps you to combine your work and unpaid caring role?
- Do you need to apply for flexible working to continue your caring responsibilities?
- How would you prefer to communicate with your manager if you are unable to come to work because of your caring responsibilities?
- What would help ensure that the service and business needs of the team / Health Board continues to be met?
- What is most important to you in order to effectively combine your work and caring responsibilities?
- Have you identified any specific support that you need from the Health Board? e.g. access to the use of a private room to make phone calls.
- Have you identified any specific support that you need which you might need to seek from external organisations?
- Do you expect your caring responsibilities to change in the future, and if so, how?

It is up to the employee to decide how much information to share, but it is important that employees give their manager enough information for them to understand the issues and challenges faced by the employee. Any actions agreed should be recorded on the Carers Passport, see [Appendix 2](#), together with an agreed review date.

Employees will need to follow relevant Health Board procedures e.g. [flexible working policy](#) (opens in new tab) for formal requests. Employees who require support will be provided with guidance on the options available to them in line with Health Board policies. The manager will need to look at all options and seek, wherever possible and reasonable, to accommodate a long or short-term caring need. Each case/episode will need to be reviewed on an individual basis.

If an employee moves department the Passport provides a framework for discussion with the new manager but **does not guarantee that the previously agreed arrangements will remain in place**. Any flexibilities agreed must be mutually agreed to ensure that the needs of the individual are balanced with the needs of the Health Board service/team.

Appendix 2 – Carers Passport Template

Carers Passport (to be completed by the employee)	
Employee Name:	Name of Manager:
Overview of your caring responsibilities This section should include: <ul style="list-style-type: none">• A summary of your caring responsibilities• The impact this has on your working life• Any further information that may help your manager understand the impact your caring responsibilities have on you and your work	
Overview of your role and team:	

Flexibilities which would be helpful:

This section deals with flexibilities specific to your current job which would help you combine caring and work. These are intended to inform your discussion with your manager.

Flexibilities agreed:

This section deals with flexibilities specific to your current job which would help you combine your caring responsibilities and work commitments. Set out agreed actions with dates for implementation and reviews should take place annually, or more frequently as required.

Action Agreed	Date of Implementation	Date to Review Action

Additional support or actions identified:

This section might include for example contacting the Occupational Health Team, Staff Psychological Services or Employee Counselling Service, Carers Assessment or Signposting Services.

I consent to my manager keeping a copy of my Carers Passport.

Employee Signature:

Date:

Manager Signature:

Date:

Date of Next Review Meeting:

HYWEL DDA LOCAL HEALTH BOARD

APPENDIX 3 - APPLICATION FOR PATERNITY/ADDITIONAL PATERNITY LEAVE

FULL NAME.....
JOB TITLE.....
STAFF NUMBER.....DEPARTMENT.....
DATE OF COMMENCEMENT WITH NHS.....
DATE OF COMMENCEMENT WITH LOCAL HEALTH BOARD

EXPECTED OR ACTUAL DATE OF CONFINEMENT.....
OR ADOPTION PLACEMENT.....
PATERNITY LEAVE COMMENCES.....
PATERNITY LEAVE ENDS.....

I confirm that I am eligible to apply for Paternity Leave/Adoption leave and agree to abide by the regulations outlined in Hywel Dda Local Health Board's procedure. I further understand that any adjustments to my salary will be made retrospectively.

SIGNATURES

APPLICANT.....DATE.....
MANAGER.....DATE.....

Please forward this form together with the MAT B1 or adoption certificate to the County Workforce Team who will inform Payroll and Pensions to make the necessary payments. Due to the inability to predict actual dates of paternity leave, it may be necessary to make retrospective adjustments to your salary/wage.

PROCESSED BY WORKFORCE&OD

DEPARTMENT.....DATE.....

To qualify for additional paternity leave and pay, the employee must return this form to the Workforce & OD Department not less than four weeks before the start date chosen for additional paternity leave and pay.

A partner is a person, whether of a different sex or the same sex, who lives with the mother or primary adopter and the child in an enduring family relationship but is not a relative of the mother or primary adopter. A "relative" for these purposes includes the mother's parents, grandparents, sisters, brothers, aunts and uncles.

Leave and Pay for New and Existing Parents Policy

Policy information

Policy number: 1085

Classification:
Employment

Supersedes:
127 Ordinary Parental Leave
128 – Maternity Policy

Version number:
3

Date of Equality Impact Assessment:
Completed

Approval information

Approved by: People, Organisational Development and Culture Committee (PODCC)

Date of approval:
20/10/2022

Date made active:
02/01/2024

Review date:
20/10/2025

Summary of document:

The Health Board recognises the need for employees to be able to take time away from the workplace when they become parents. This policy provides the basis for a clear understanding of their statutory and employment entitlements and the type and period of leave, both paid and unpaid that can apply in relation to maternity, adoption, paternity leave, shared parental leave and ordinary parental leave.

Scope:

All Health Board employees, including Medical and Dental Staff.

To be read in conjunction with:

Agenda for Change Terms and Conditions

[438 - Shred Parental Leave Procedure](#) (opens in new tab)

[122 - All Wales Special Leave Policy](#) (opens in new tab)

Patient information:

Include links to [Patient Information Library](#)

Owning group:

People, Organisational Development and Culture Committee (PODCC)

20/10/2022

Executive Director job title:

Lisa Gostling – Director of Workforce and Organisational Development

Reviews and updates:

1.0 – New Policy

2.0 – amended version with corrected legal requirement dates

3.0 – amended appendix 1 minor

Keywords

Maternity, Adoption, Paternity Leave, Ordinary Parental Leave, Parent, Children, Babies

Glossary of terms

IVF - In Vitro Fertilisation

OD – Organisational Development

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Introduction

This policy provides a summary of the pay and leave available for staff in relation to a suite of family friendly benefits.

Scope

This policy applies to all staff employed by the Health Board, including Medical and Dental staff.

This guidance document should be read in conjunction with the Agenda for Change Terms and Conditions Section 15: Leave and Pay for New Parents (England, Wales and Scotland): [NHS Terms and Conditions of Service Handbook | NHS Employers](#) (opens in new tab)

Aim

The aim of this document is to:

- Provide the basis for a clear understanding of the benefits, entitlements and the nature and period of leave, paid and unpaid, that will apply in relation to Maternity, Adoption, Paternity Leave and Ordinary Parental Leave.

Objectives

The aim of this document will be achieved by the following objectives:

- Summarising the process for maternity leave, adoption leave, surrogacy entitlements, time off to attend ante-natal appointments
- Maternity and adoption leave and pay entitlements
- What happens if you do not return to work
- Lease cars
- Paternity leave entitlement
- Ordinary statutory paternity leave process
- Rights if fostering

Who is Eligible for Maternity Leave?

All pregnant employees irrespective of length of service or type of employment contract are entitled to take up to 52 weeks maternity leave.

Notification

All pregnant employees are required to notify the Health Board in writing of their intention to take maternity leave before the end of the fifteenth week before the expected week of child birth (or if this is not possible, as soon as is reasonably practicable thereafter).

The employee must advise:

- Of their intention to take maternity leave;
- The date they wish their maternity leave to start;
- Whether the employee intends to return to work with the same or another NHS employer for a minimum period of three months after their maternity leave has ended.

What Form do I need to Complete?

The employee is required to provide a MATB1 form from their midwife or GP giving the week the baby is expected to be born and complete an application for Maternity Leave form. A link to the form can be found here: [Appendix 1 - Application for Maternity Leave/Pay](#) (opens in new tab).

A breakdown of Maternity and Adoption Leave Entitlements can be found by following the above link.

Am I Entitled to Ante-natal Care?

All pregnant employees are entitled to paid time off to attend ante-natal clinic on the advice of a registered midwife, health visitor or doctor. Ante-natal care may include relaxation and parentcraft classes.

Employees must provide evidence (record card or certificate of pregnancy) of the ante-natal appointment(s) if requested. Where evidence is requested but not provided by the employee, time off without pay may be approved. The employee should provide as much notice as practicably possible.

Health and Safety considerations Pre and post Birth

Where an employee is pregnant or has recently given birth or is breastfeeding, the line manager must carry out a risk assessment of the working conditions as early as possible. If it is found, or a medical practitioner considers, that an employee or the child would be at risk were they to continue with their normal duties, the employer should provide suitable alternative work for which the employee will receive their normal rate of pay.

Am I Eligible for Adoption Leave?

Adoption leave, paid and unpaid will be available to employees wishing to adopt a child and who have primary care responsibilities for that child. Where a couple adopt jointly, the couple may choose which partner takes adoption leave. The partner of an individual who adopts, or the other member of a couple who are adopting jointly may be entitled to paternity leave and pay.

To qualify for adoption leave, an employee must be 'newly matched' with a child for adoption by an approved adoption agency. If there is an established relationship with the child, such as fostering prior to adoption, time off for official meetings only will be considered.

If you have adoption leave, you can also have paid time off work to attend 5 adoption appointments after you've been matched with a child.

Notification

All employees who wish to take adoption leave must write to their manager as soon as practicably possible but no later than 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. Employees must inform their manager:

- When the child is expected to be placed with them;
- When they want their adoption leave to start;
- If they intend to return to work for a minimum of three months after adoption leave

A link to the form can be found here: [Appendix 2 - Adoption Leave Application Form](#) (opens in new tab).

What if I am on a Fixed-Term, Temporary or Training Contracts?

Employees subject to fixed-term, temporary or training contracts which expire after the eleventh week before the expected week of childbirth or the date of matching, or the 15th week before the baby's due date if applying for surrogacy arrangement and satisfy the conditions in option 1a shall have their contracts extended so as to allow them to receive the 52 weeks which includes paid occupational and statutory maternity/adoption/shared parental pay, and the remaining 13 weeks of unpaid maternity/adoption/shared parental leave.

- If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth/adoption/shared parental leave had not occurred the repayment provisions will not apply.
- Employees on fixed term contracts who do not meet the criteria set out below may still be entitled to receive Statutory Maternity/Adoption/Shared Parental Pay.
- Absence on maternity leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.

Surrogacy Entitlements

An employee who is carrying a baby as a surrogate will receive their entitlement in respect of maternity pay and leave. The entitlements will be based on their service in accordance with the maternity leave provisions.

There are 2 potential surrogacy scenarios:

- Where the birth parent is not genetically related to the baby (gestational or host IVF)
- Where one parent is genetically related (traditional surrogacy)

In both these circumstances new parents of a surrogate baby will be treated the same as those who have gone through the formal adoption process via an agency.

It is recognised that not all parents of a surrogate baby will go through the formal adoption process.

Adoption leave and pay is available to one of the parents of a child under a parental order provided that one of the intended parents is genetically related to the child and the child must live with the intended parents.

Notification

An employee using a surrogate to have a baby must inform the employer of the due date and when they want their leave to start in writing at least 15 weeks before the expected week of the child's birth. The employee must also provide a statutory declaration or written statement signed in the presence of a legal professional to confirm they have applied, or will be applying for a parental order in the 6 months after the child's birth.

Where a couple has a parental order in relation to a child or is applying for one, one of the parents can be eligible for adoption leave and pay and the other can be eligible for paternity leave and pay. The couple must elect which of them will take adoption leave.

A link to the forms can be found here: [Surrogacy Application Form](#) (opens in new tab).

[Application for Adoption Leave and Pay in Connection with Application for Surrogacy](#) (opens in new tab).

Time off to attend Ante-natal Appointments

Employees who intend to apply for a parental order and expect to become the child's legal parents in a surrogacy situation have the right to unpaid time off work to accompany the birth parent for no more than two ante natal appointments.

How will my Entitlements be Paid?

By prior agreement with the Health Board and payroll services, maternity pay may be paid in a different way, for example, a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period.

What happens if I don't return to Work?

Where an employee indicates that they intend to return to work for the same or a different NHS employer and have received maternity pay on that basis but then does not return to work within 15 months of the beginning of their maternity leave period will be liable to refund the whole of their occupational maternity pay. In cases where the Health Board considers that to enforce this provision would cause undue hardship or distress, the health board will have the discretion to waive recovery of salary.

Lease Cars

All terms and conditions remain in respect of Lease Cars. This includes subsidy, contributions, conditions of use and penalties. Employees should contact the Lease Cars Department to confirm details of their lease and possible changes affecting their tax and other leasing arrangements.

What Paternity Leave am I Entitled to?

An employee whose partner or civil partner gives birth to a child, or is the biological parent of the child, is entitled to two weeks' statutory paternity leave provided that they have 26 weeks' continuous service by the end of the 15th week before the expected week of childbirth.

Statutory paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption.

To qualify for statutory paternity leave, the employee must also 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 other parent.

When can I take Paternity Leave?

Statutory Paternity Leave must be taken in a single block of one or two weeks within 52 weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within 52 weeks of the expected date of childbirth.

Statutory Paternity Leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

Leave may start on any day of the week following the child's birth.

Notification

Where an employee wishes to request statutory paternity leave in respect of a birth child, they must give their line manager 28 days written notice of the date on which the baby is due, the length of statutory paternity leave they wish to take and the date on which they wish the leave to commence.

In the case of an adopted child, the employee must give written notice of their intention to take statutory paternity leave no later than 28 days after the date on which notification of the match with the child was given by the adoption agency.

A link to the application form can be found here: [Appendix 3 - Application for Paternity/Additional Leave](#) (opens in new tab).

If an employee subsequently wishes to change the timing of the statutory paternity leave, they must give 28 days written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that they are entitled to statutory paternity leave and statutory paternity pay.

Ordinary Statutory Paternity Pay

Pay during ordinary paternity leave will be at a standard rate or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than the standard rate. However, employee's whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for statutory paternity pay.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

What is Ordinary Parental Leave?

Employees are entitled to up to 18 weeks unpaid parental leave in respect of any individual child – an employee who is a parent of multiple birth children or several children of different ages under 18 will be entitled to 18 weeks in respect of each child. Parental leave must be taken no later than each child's 18th birthday.

How can Parental Leave be taken?

It may be taken in blocks of a week. Employees can take more than 1 week at a time up to a maximum of four weeks in any year. A part of a week counts as a week. In the case of a child with a disability, parental leave may be taken in one day, or multiples of a day, subject to a maximum of four weeks in any year.

How much Parental Leave can be taken?

Employees may not take more than 4 weeks leave in respect of any individual child in any year. For these purposes, a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question and each successive period of 12 months beginning on the anniversary of that date.

Part time staff are entitled to a pro-rata equivalent of 18 weeks.

In other than exceptional circumstances, a minimum of 4 weeks' notice is required, so that service cover can be planned.

The employee must give proper notice of the period of leave that they propose to take. This notice must be given at least 21 days before the date on which the leave is to start and must specify the dates on which the period of leave is to begin and end.

How do I request Parental Leave?

Employees should submit a completed application form to their line manager. [Request for Parental Leave](#) (opens in new tab).

For applications in respect of parental leave for disabled children, additional evidence will be required e.g. Disability Living Allowance.

Line managers should consider the request and respond as soon as practicably possible, contacting Workforce & OD for advice as appropriate. Managers must keep a record of all requests for parental leave.

Line managers are responsible for recording the amount of parental leave taken by employees particularly where the leave is taken in blocks of one week or more rather than in its entirety.

What are my Rights during Parental Leave?

Qualifying employees will be entitled to up to 18 weeks parental leave to be taken up until the child's 18th Birthday. During parental leave, the employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will however, remain in place.

What happens when I return from Parental Leave?

At the end of parental leave an employee is entitled to return to the same job provided that the leave was for a period of 4 weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave).

If the period of parental leave was longer than 4 weeks (or followed on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

What are my Rights if I am Fostering?

There is no legal right to either paid or unpaid leave for fostering. Fostering can be for varying lengths of time, from very short term to long term fostering, as such the health board will adopt a flexible approach. Employees must discuss their intentions to foster with their line manager as soon as possible to ascertain any support required. For very short term fostering requests for time off will be considered through the Special Leave Policy, see link: [All Wales Special Leave Policy](#) (opens in new tab). For long term fostering the Work Break Scheme, see link: [Employment Break Scheme](#) (opens in new tab) can be considered. Further advice and guidance is available from the Workforce & OD Department.

Responsibilities

Chief Executive

As Accountable Officer, the Chief Executive has overall responsibility for ensuring the health board has appropriate WCDs in place. These WCDs must comply with legislation, meet mandatory requirements, and provide services that are safe, evidenced-based and sustainable.

Director of Workforce & OD

The Director of Workforce & OD has responsibility for ensuring that all employment policies are developed in line with employment legislation and practice and are reviewed and updated as appropriate.

Managers

It is the responsibility of the manager in liaison with the Workforce and OD Department to ensure employees are aware of their entitlements under this policy and that any applications are made correctly within appropriate timescales.

Workforce & Organisational Development Department

The Workforce representative will ensure that all applications are processed in an appropriate timescales.

All Staff

It is the responsibility of the employee to notify the health board that they wish to take Maternity, Adoption, Paternity or Ordinary Parental Leave and to complete the appropriate application and provide any documentary evidence as required.

Where can I get Further Advice?

In the first instance please speak to your line manager, alternatively you may contact:

Operational Workforce Team:

Carmarthenshire: 0300 303 6138

Pembrokeshire: 01437 773138

Ceredigion: 01970 635782

Or email: WorkforceEnquiries.HDD@wales.nhs.uk

Appendix 1 - [Application for Maternity Leave/Pay](#) (opens in new tab).

Appendix 2 - [Adoption Leave Application Form](#) (opens in new tab).

Appendix 3 - [Application for Paternity/Additional Leave](#) (opens in new tab).