



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

DYDDIAD Y CYFARFOD: DATE OF MEETING:	20 October 2022
TEITL YR ADRODDIAD: TITLE OF REPORT:	Workforce Policies
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Lisa Gostling, Director of Workforce & OD (Organisational Development)
SWYDDOG ADRODD: REPORTING OFFICER:	Lisa Gostling, Director of Workforce & OD (Organisational Development)

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 approve the following revised policy and procedure:

- 1085 - Leave and Pay for New and Existing Parents Policy (Appendix 1) (combining Policy Numbers 128 and 127) and Summary Equality Impact Assessment (Appendix 2)
- 438 – Shared Parental Leave Procedure (Appendix 3)
- 158 - Redeployment policy (Appendix 4) and Summary EQIA has also been completed for this review. (Appendix 5)
- 713 – Honorary Contracts Procedure (Appendix 6) and Summary EQIA has also been completed for this review. (Appendix 7)

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 above-mentioned written control documents and therefore that the documents are in line with legislation/regulations, available evidence base and can be implemented within the Health Board.

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.

All policy reviews have been reviewed by a Task & Finish Group which included colleagues from Payroll, across Workforce & OD, operational management leads and Trade Union (TU) representatives. The specific changes are listed as follows:

1085 - Leave and Pay for New and Existing Parents Policy

This policy arises from the amalgamation of two former policies (No 128 - Maternity, Adoption and Paternity Leave Policy and No 127 - Ordinary Parental Leave Policy) to bring together similar arrangements for our staff into one more succinct document by applying the 'HR Disrupted' approach. This has seen the length of the policies combined reduce from 36 to 11 pages and the use of links to more detailed information that sits behind the policy itself. In addition, the terminology associated with certain benefits has been revised to be more inclusive based on advice taken from Stonewall.

438 - Shared Parental Leave Procedure

This procedure remains largely unchanged due to the complexity of the legislation from which it is derived. The review has included taking advice from Stonewall in terms of the inclusion of more gender-neutral language, a reduction in content within the policy itself (from 33 pages to 15) through the use of links to further supporting information and forms.

158 - Redeployment policy

This policy has been reviewed using the HR disrupted approach and reduces it from 15 pages to 10. A process flow chart has been added to ensure the policy is user friendly and uses links for the appendices. The wording in the policy has also been reviewed to ensure it incorporates new policies such as the Respect and Resolution policy. Links to other policies and forms has also been included.

713 - Honorary contracts procedure

The procedure itself remains unchanged, however, some wording has been strengthened to include details of who is eligible, the appendices have been removed and instead been replaced by links within the main body of the procedure to the application form and a process flowchart.

Asesiad / Assessment

All reviews were undertaken with the involvement of key stakeholders including a bespoke Task & Finish Group, Stonewall and other colleagues as appropriate.

A screening Equality Impact Assessment (EqIA) has been undertaken for the Redeployment Policy, Honorary Contracts and the Leave and Pay Policy due to the amalgamation of two former policies, however not for the Shared Parental Leave Procedure due to the minor changes made. The former EIA remains valid for this procedure.

The revised documents have been shared with the Local Partnership Forums and the Staff Partnership Forum (SPF). They have also been shared via the Global email for staff to contribute to the consultation process. They will be shared with the Local Negotiating Committee (LNC) at its next meeting for information.

Following approval, all documents will be uploaded to the intranet site and will replace current versions.

Argymhelliad / Recommendation

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

- receive an assurance that the Leave and Pay for New and Existing Parents Policy (1085), Shared Parental Leave Procedure (438), Redeployment Policy (158) and Honorary contracts procedure (713) has been reviewed in line with Policy 190.
- approve the Leave and Pay for New and Existing Parents Policy for publication
- approve the Shared Parental Leave Procedure for publication.
 - approve the redeployment policy for publication
 - approve the honorary contracts procedure for publication

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:	Not Applicable
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	7. Staff and Resources 7.1 Workforce
Amcanion Strategol y BIP: UHB Strategic Objectives:	1. Putting people at the heart of everything we do Not Applicable 4. The best health and wellbeing for our individuals, families and communities
Amcanion Cynllunio Planning Objectives	1F HR Offer (induction, policies, employee relations, access to training)
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2018-2019	5. Offer a diverse range of employment opportunities which support people to fulfill their potential

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Contained within the body of the report
Rhestr Termiau: Glossary of Terms:	Included in the policy
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Diwylliant, Pobl a Datblygu Sefydliadol:	Local Partnership Forums Consultation with all staff via Global Email Staff Partnership Forum

Parties / Committees consulted prior to People, Organisational Development & Culture Committee:	Will be presented to Local Negotiating Committee's next meeting
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Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	Not applicable
Ansawdd / Gofal Claf: Quality / Patient Care:	Not applicable
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:	Not applicable
Cydraddoldeb: Equality:	<p>A summary equality impact assessment has been undertaken for Policy 128/127, 158 and 713.</p> <p>The current EQIA remains valid for Procedure 483 due to the minor changes made.</p>

Leave and Pay for New and Existing Parents Policy

DRAFT POLICY FOR APPROVAL

Policy information

Policy number: 1085

Classification: Employment

Supersedes:

Version number:

1.0

Date of Equality Impact Assessment:

Detail date of EqIA

Approval information

Approved by: People, Organisational Development and Culture Committee

Date of approval:

Enter approval date

Date made active:

Enter date made active (completion by policy team)

Review date:

Enter review date (normally three years from approval date)

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

Shared Parental Leave Policy <https://hduhb.nhs.wales/about-us/governance-arrangements/policies-and-written-control-documents/policies/shared-parental-leave-procedure/>

Special Leave Policy [All Wales Special Leave Policy](#)

Patient information: n/a**Owning group:**

People, Organisational Development and Culture Committee

Date signed off by owning group

Executive Director Job title:

Lisa Gostling, Director of W&OD

Reviews and updates:

1.0 – New policy

Keywords

Maternity, adoption, paternity leave, ordinary parental leave, parent, children, babies.

Glossary of terms

Provide a glossary of terms and abbreviations

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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](#)

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 policy will be achieved by:

- 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---APP-FOR-MATERNITY-LEAVE.doc \(sharepoint.com\)](#)

A breakdown of Maternity and Adoption Leave Entitlements can be found by following the link:
(insert link to chart)

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:

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 form can be found here: [\(insert link\)](#)

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 entitlement 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 eight 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 eight 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. In exceptional circumstances, the period of leave may be taken beyond the eight-week time limit. Any decision to allow this will depend on the circumstances in each case and will be subject to the discretion of the line manager.

Notification

Where an employee wishes to request statutory paternity leave in respect of a birth child, they must give their line manager 15 weeks' 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 seven 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---APP-FOR-PATERNITY-LEAVE.doc \(sharepoint.com\)](#)

If an employee subsequently wishes to change the timing of the statutory paternity leave, they must give 28 day's 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 13 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 4 weeks 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. See link:

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](#). For long term

fostering the Work Break Scheme, see link: [Employment Break Scheme](#) 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

SUMMARY EQUALITY IMPACT ASSESSMENT – 1085 – Leave and Pay for New and Existing Parents Policy

Organisation:	Hywel Dda University Health Board
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Proposal Sponsored by:	Name:	Kate Morris
	Title:	Senior Workforce Manager Carmarthenshire
	Department:	Workforce & Organisational Development

Policy Title:	Leave and Pay for New and Existing Parents
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Brief Aims and Objectives of Policy:	The policy outlines the rules and regulations governing periods of leave in relation to maternity, paternity, adoption and ordinary parental leave. It aims to ensure that employees are made aware of their entitlements surrounding maternity, adoption, paternity and ordinary parental leave provisions and any impact the rules and regulations may have on their pay and employment. It aims to ensure that the HB does not treat any employee less favourably because they are expecting or adopting a child or for any reason connected with maternity, paternity, adoption or ordinary parental leave.
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Was the decision reached to proceed to	Yes	No ✓
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full Equality Impact Assessment?		
If no, are there any issues to be addressed?	Yes	No ✓
	No – this new policy merely merges two former approved policies into one combined new policy – therefore there are no changes to any of the benefits or terms and conditions associated with this version of the combined policies.	
Is the Policy Lawful?	Yes	Policy takes full account of Equality Act 2010, Employment Rights Act 1996 and AfC terms and conditions.

Will the Policy be adopted?	Yes	
	If no, please record the reason and any further action required:	

Are monitoring arrangements in place?	Yes	
	Application of the policy is monitored in Workforce through checking of letters prior to issue to staff to confirm entitlement and also via any complaints received in year as to the incorrect application. Lessons learnt can arise from both aspects and changes made to the policy/process or further training is given.	

Signature of all parties:	Name	Title	Signature

Who is the Lead Officer?	Name:	Lisa Gostling Approved by People, Organisational Development & Culture Committee
	Title:	Director of Workforce & Organisational Development
	Department:	Workforce & Organisational Development
Review Date of Policy:	Three yearly or sooner if required	

	Heather Hinkin	Head of Workforce	
	Helen Sullivan	Head of Partnerships, Diversity and Inclusion	

Please Note: An Action Plan should be attached to this Outcome Report prior to signature

SHARED PARENTAL LEAVE PROCEDURE

Policy information

Policy number: 438

Classification:

Employment

Supersedes:

Please detail

Version number:

3.0

Date of Equality Impact Assessment:

Detail date of EqIA

Approval information

Approved by: People, Organisational Development and Culture Committee

Date of approval:

Enter approval date

Date made active:

Enter date made active (completion by policy team)

Review date:

Enter review date (normally three years from approval date)

Summary of document:

Shared parental leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption

Scope:

This procedure applies to all staff whether they are the mother, birthing parent, adopter, spouse or the partner. The term partner/spouse applies regardless of gender and sexual orientation.

To be read in conjunction with:

Agenda for Change Terms and Conditions
Leave and Pay for New and Existing Parents Policy

Patient information:

N/A

Owning group:

People, Organisational Development and Culture Committee

Date signed off by owning group

Executive Director job title:

Lisa Gostling Director of Workforce and Organisational Development

Reviews and updates:

Provide version overview

Keywords

Provide a summary of keywords

Glossary of terms

Provide a glossary of terms and abbreviations

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Introduction

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

All eligible employees regardless of gender have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Statutory Shared Parental Pay. This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave and Statutory Shared Parental Pay

Scope

This procedure applies to all staff whether they are the mother, birthing parent, adopter, spouse or the partner.

Both parents must ensure that they are each liaising with their own employer to ensure that requests for Shared Parental Leave are handled as smoothly as possible.

Aim

The rules covering Shared Parental Leave are fairly complex; this procedure ensures that employees of Hywel Dda University Health Board (the UHB) are informed of their entitlements and provides a straightforward summary of the actions they and their managers need to take.

Objectives

- To provide comprehensive information to employees on their entitlements with regards to Shared Parental Leave and Pay
- To provide the fair, consistent and effective application of Shared Parental Leave provisions

ENTITLEMENT TO SHARED PARENTAL LEAVE

The regulations came into force on 1 December 2014. The options to use the new Shared Parental Leave rights will apply for parents who meet the eligibility criteria, where a baby is due to be born on or after 5th April 2015, or for children who are placed for adoption on or after that date.

Shared Parental Leave can only be used by two people:

- The mother/birthing parent/adopter **and**

One of the following:

- the father of the child (in the case of birth) or
- the spouse, civil partner or partner of the child's mother, birthing parent/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee seeking to take Shared Parental Leave must satisfy each of the following criteria:

- **Continuity of employment test:** this means that they have to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the '**employment and earnings test**' – this
- means that in the 66 weeks leading up to the child's expected due date/matching date they must have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
- the mother/birthing parent/adopter of the child must be entitled to statutory maternity/adoption leave or pay and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the UHB at the start of each period of Shared Parental Leave ;
- the employee must correctly notify the UHB of their entitlement and provide evidence as required.

Amount of shared parental leave available

The number of weeks available depends on when the mother/birthing parent/adopter brings their maternity/adoption leave to an end. They are entitled to a maximum of 52 weeks maternity or adoption leave, but can choose to end this early and take any remaining weeks as Shared Parental Leave.

Eligible employees may be entitled to take up to 50 weeks Shared Parental Leave during the child's first year in their family.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the organisation's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother/birthing parent/adopter. This means that the mother/birthing parent/adopter cannot curtail their maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them (although it will normally be less than this because of the maternity leave that mothers/birthing parents/adoptioners usually take before the birth).

The mother/birthing parent/adopter does not necessarily have to have ended their maternity/adoption leave for their partner to take Shared Parental Leave, as long as they have given notice to curtail their leave at a specified future date and the total amount of leave taken by both parents does not exceed 52 weeks.

If the mother/birthing parent/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/birthing parent/adopter.

SPL can commence as follows:

- The pregnant employee can take SPL after they have taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner/spouse cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/birthing parent/adopter gives notice to curtail their maternity/adoption entitlement then the mother/birthing parent/adopter's partner can take leave while the mother/birthing parent/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

Shared Parental Leave must end no later than one year after the birth/placement of the child. Any Shared Parental Leave not taken by the first birthday or first anniversary of placement for adoption is lost.

(N.B. the partner may also be entitled to two weeks paternity leave and they are encouraged to use this before taking shared parental leave. If they do not do so they will lose any untaken paternity leave entitlement)

NOTICE REQUIREMENTS FOR SHARED PARENTAL LEAVE

The notices that the parents must give to their employer to be able to take Shared Parental Leave are made up of three elements. They are:

- a "curtailment notice" from the mother /birthing parent/adopter setting out when they propose to end their maternity /adoption leave (unless they have already returned to work from maternity or adoption leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of Shared Parental Leave that they are requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of Shared Parental Leave that they are requesting.

The notice periods set out below (see Maternity/Adoption Curtailment Notice, Employee's notice of entitlement and intention and Employee's period of leave notice) are the minimum required by law. However, the earlier the employee informs the UHB organisation of their intentions, the more likely it is that the UHB will be able to accommodate them, particularly if the employee wants to take periods of discontinuous leave.

If an employee has already decided the pattern of Shared Parental Leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother /birthing parent/adopter could provide a curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the partner could provide their notice of entitlement and intention and period of leave notice at the same time.

(See Appendix 1 for Summary of Shared Parental Leave Application [Insert Link](#))

Maternity / Adoption Curtailment Notice

Before either parent can take Shared Parental Leave, the mother /birthing parent/adopter must give notice of their intention to end their maternity / adoption leave by completing, in full, the curtailment notice (Appendix 2 [Insert Link](#)) and submitting it to their line manager.

The curtailment notice can be provided before or after the birth/adoption but must be in writing and state the date on which maternity/adoption leave is to end. That date must be:

- after the two week compulsory maternity leave period, or after the adopter has taken two weeks adoption leave
- at least eight weeks after the date on which the mother/birthing parent/adopter gave the maternity leave curtailment notice to her employer; and
- at least one week before what would be the end of the maternity / adoption leave period.

The mother/birthing parent/adopter must provide her maternity leave curtailment notice at the same time they provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother/birthing parent/adopter confirming that their partner has given their employer a notice of entitlement and intention (see Employee's notice of entitlement and intention below).

All receipt of Curtailments notices received by the UHB will be confirmed in writing (Appendix 3 [Insert Link](#)).

Revocation of maternity leave curtailment notice

Once the mother / birthing parent /adopter has given notice to end their maternity or adoption leave this is binding and can only be withdrawn in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother/ birthing parent/adopter has

not returned to work. The mother/birthing parent/adopter can withdraw their maternity leave curtailment notice if:

- it is discovered that neither the mother/birthing parent/adopter nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother/birthing parent/adopter withdraws their maternity leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity leave curtailment notice was given before the birth of the child and the mother/birthing parent/adopter withdraws their maternity leave curtailment notice within six weeks of the child's birth; or
- the partner has died.

Notice of Entitlement and Intention

Employee who are entitled and intend to take Shared Parental Leave must give their line manager written notice of this at least eight weeks before they can take any period of Shared Parental Leave. This can be done at the same time as the curtailment notice, or separately, as long as the required 8 weeks notice is given.

Part of the eligibility criteria requires the employee to provide the UHB with specific, correct notification. In order to ensure that the correct notification is given it is essential that the employee completes, in full, the Notice of Entitlement form (Appendix 4 (mother/birthing parent/adopter) & 5 (partner) [Insert links](#). Failure to complete all sections of this form may affect their eligibility for Shared Parental Leave.

The notice of entitlement to take Shared Parental Leave must include:

- how many weeks maternity/adoption leave has/will be taken
- how much leave both parents are entitled to take
- how much leave each parent intends to take
- when they expect to take their leave
- the signatures of both parents

The UHB will ask for a copy of the birth certificate/parental order or evidence of when they were matched with the child, and the name and business address of the partner's employer within 14 days of the Shared Parental Leave entitlement notification being given. In order to be entitled to Shared Parental Leave, the employee must produce this additional information within 14 days of the request.

If either parent wishes to claim Shared Parental Pay then the mother/birthing parent/adopter must also give notice to reduce or end their maternity / adoption pay entitlement. The notice to claim Shared Parental Pay is included in the Notice of Entitlement form.

Variation or cancellation of notice of entitlement and intention

The details provided in the Notice of Entitlement and Intention are not binding and can be varied (or cancelled) until a Period of Leave Notice in relation to that period of leave is submitted. To change the allocation of leave between them, both parents must notify their employer in writing of the following:

- Details of their original division of leave

- Advising of the fact they are changing it
- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);

Both parents must sign the notice to confirm that they are in agreement with the variation.

There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

Period of Leave Notice

To take a period of shared parental leave, the employee must provide the organisation with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice. To do this, employees should complete the Period of Leave Notice Form (Appendix 6 [Insert Link](#)) and submit it to their manager.

Employees can submit up to three Period of Leave Notices, and each of these can be a request for a continuous or discontinuous period of leave.

The Period of Leave Notice form must be submitted at least 8 weeks before the start date of the first period of shared parental leave requested in the notice. In many cases this notice may be given at the same time as a notice of entitlement and intention. However, while the notice of entitlement and intent can be varied any number of times, employees are only entitled to submit three separate notices to book leave. Any variation to leave already booked will, in most circumstances, count as one of the three notices. Both parents are therefore advised to ensure that they have detailed discussions about their wishes with their line manager before submitting the Period of Leave Notice. However, a change as a result of a child being born early, or as a result of the organisation requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

If the child has not been born the Period of Leave Notice can specify that the leave will commence after a period of time following the birth.

Continuous leave notifications

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

E.g. An employee can submit a request for 3 weeks leave in January (given the correct notice) which would have to be agreed. Then submit a later request (again with the correct notice) for 3 weeks leave in March that would have to be agreed. The same for another request later in the year for a further 3 weeks in May.

Discontinuous leave notifications

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the organisation or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the organisation.

The organisation will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

RESPONDING TO A SHARED PARENTAL LEAVE NOTIFICATION

Once the line manager receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for Shared Parental Leave will be confirmed in writing ([Appendix 7 insert link](#)).

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse impact to the business.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of Shared Parental Leave.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the organisation may propose a modified version of the request.

If a discontinuous leave pattern is refused (See Appendix 8 Letter Confirming Refusal of a Discontinuous Leave Booking [insert link](#)) then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

Variations to arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the organisation in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

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

SHARED PARENTAL PAY

Eligible employees may be entitled to take up to 37 weeks Statutory Shared Parental Pay while taking Shared Parental Leave. The amount of weeks available will depend on the amount by which the mother/birthing parent/adopter reduces their maternity/adoption pay period or maternity allowance period.

Statutory Shared Parental Pay may be payable during some or all of Shared Parental Leave, depending on the length and timing of the leave. It is up to the parents as to who is paid the Statutory Shared Parental Pay and how it is apportioned between them.

There is no entitlement to Occupational Maternity or Adoption Pay while on Shared Parental Leave.

Eligibility for statutory shared parental pay

In addition to meeting the eligibility requirements for Shared Parental Leave, an employee seeking to claim Shared Parental Pay must satisfy each of the following criteria:

- the mother/birthing parent/adopter must be entitled to statutory maternity or adoption pay (or allowance) and must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must intend to care for the child during the week in which Shared Parental Pay is payable;
- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date which are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of Shared Parental Pay has begun;
- the employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive Shared Parental Pay they must, at least eight weeks before receiving any Shared Parental Pay, give their line manager written notice advising of their entitlement to Shared Parental Pay. To avoid duplication, where possible, this should be provided by completing part two of the Notice of Entitlement form. (App4)

Any Shared Parental Pay due will be paid at a rate set by the Government for the relevant tax year.

TERMS AND CONDITIONS DURING SHARED PARENTAL LEAVE

Contractual rights

During Shared Parental Leave (both paid and unpaid) employees retain all of their contractual rights except remuneration.

Taking a period of Shared Parental Leave will not affect the employee's incremental date, pay awards or continuous service.

Annual Leave

Shared Parental Leave is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where any Shared Parental Leave period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the leave year.

NHS Pension Scheme

All periods of Shared Parental Leave will be counted as continuous service for the purpose of the NHS Pension Scheme.

Contributions will be deducted as usual while an employee is on paid leave.

Contributions due for the unpaid section of an employee's Shared Parental Leave will be accumulated and recovered over the same number of periods as the unpaid leave on the employee's return to work.

If an employee prefers to pay their contributions during their unpaid leave they should contact the payroll department to discuss this.

Returning to work after Shared Parental Leave

The employee will have been formally advised in writing of the end date of any period of Shared Parental Leave. The employee is expected to return on the next working day after this date, unless they notify their manager otherwise. If they are unable to attend work due to sickness or injury, the UHB's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give their manager at least eight weeks notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the UHB does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after Shared Parental Leave, the employee is entitled to return to the same job if their aggregate total statutory maternity/paternity/adoption leave and Shared Parental Leave amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of Shared Parental Leave, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and Shared Parental Leave amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

CONTACT DURING SHARED PARENTAL LEAVE

Before going on Shared Parental Leave, the line manager and employee should discuss and agree any voluntary arrangements for keeping in touch during the Shared Parental Leave period, including:

- any voluntary arrangements that may help the employee keep in touch with developments at work and, nearer the time of their return, to help facilitate their return to work
- keeping the manager in touch with any developments that may affect the intended date of return.

Shared Parental Leave in Touch (SPLIT) days

An employee can agree to work for the organisation (or attend training) for up to 20 days during Shared Parental Leave without bringing their period of Shared Parental Leave to an end or impacting on their right to claim Shared Parental Pay for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The UHB has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's Shared Parental Leave. Any work undertaken is a matter for agreement between the line manager and the employee. If a SPLIT day is worked the employee's Shared Parental Pay will be made up to full pay for those hours worked. If the employee is on unpaid Shared Parental Leave they will be paid at the normal hourly rate. If a SPLIT day occurs during a week when the employee is receiving Shared Parental Pay, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of Shared Parental Leave.

An employee, with the agreement of the line manager, may use SPLIT days to work part of a week during Shared Parental Leave. The line manager and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of Shared Parental Leave or to trial a possible flexible working pattern.

FRAUDULENT CLAIMS FOR SHARED PARENTAL LEAVE AND PAY

Employees who deliberately defraud the system could face a significant financial penalty and be required to pay back over claimed ShPP. HMRC will use a risk-based regime to identify those who

have over claimed (claimants can be linked to each other via their National Insurance numbers). If fraud is detected or where there is a suspicion that fraudulent information may have been provided, the UHB can investigate the matter further in accordance with the usual investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

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 Shared Parental Leave and to complete the appropriate application and provide any documentary evidence as required.

Redeployment Policy

Policy information

Policy number: 158

Classification:

Employment

Supersedes:

Previous Versions

Local Safety Standard for Invasive Procedures (LOCSSIP) reference:

N/A

National Safety Standards for Invasive Procedures (NatSSIPs) standards:

N/A

Version number:

4.0

Date of Equality Impact Assessment:

Detail date of EqIA

Approval information

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

Date of approval:

Enter approval date

Date made active:

Enter date made active (completion by policy team)

Review date:

Enter review date (normally three years from approval date)

Summary of document:

Redeployment is the process by which suitable alternative employment is sought for employees who are unfit or no longer able to carry out the duties of their current post for reasons other than Organisational change.

Scope:

Policy applies to all Health Board Staff.

To be read in conjunction with:

[995 - All Wales Respect and Resolution Policy](#) (opens in new tab)

[204 - All Wales Secondment Policy](#) (opens in new tab)

[768 - All Wales Managing Attendance at Work Policy](#) (opens in new tab)

[121 - Relocation Expenses Policy](#) (opens in new tab)

[203 - All Wales Capability Policy and Procedure](#) (opens in new tab)

[573 - All Wales Organisational Change Policy](#) (opens in new tab)

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

[315 - Flexible Development of Staff Procedure](#) (opens in new tab)

[948 - Disclosure & Barring and Referral \(DBS\) Policy](#) (opens in new tab)

Patient information:

Include links to [Patient Information Library](#)

Owning group:

People, Organisational Development and Culture Committee (PODCC)

Date signed off by owning group

Executive Director job title:

Lisa Gostling – Director of Workforce and Organisational Development

Reviews and updates:

1.0 – New Policy – 30.10.2011

2.0 – No Changes – therefore extended for 3 years – 05.02.2015

3.0 – Revised – 15.03.2021

4.0 - Revised

Keywords

Redeployment

Glossary of terms

OD – Organisational Development

OCP - Organisational Change Policy

DBS – Disclosure and Barring Check

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Introduction

This policy outlines the process to be followed when an employee needs to be redeployed for reasons other than organisational change. The [All Wales Organisational Change Policy \(OCP\)](#) (opens in new tab) sets out the process to be followed for staff who need to be redeployed due to organisational change.

Policy statement

It is recognised across NHS Wales that the process of securing alternative employment for displaced staff requires a consistent and committed approach from all parties. Hywel Dda University Health Board is committed to following best practice in this.

This policy incorporates principles for redeployment of employees in cases of capability due to ill health and capability due to poor performance in accordance with best practice. On occasion redeployment may also be the outcome from a [995 - All Wales Respect and Resolution Policy](#) (opens in new tab) issue.

Scope

This Policy applies to all employees of the Health Board.

Aim

The aim of this document is to:

- Secure alternative employment for displaced employees within the Health Board.

Objectives

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

- Ensure staff are aware of redeployment opportunities and the process followed to match appropriate vacancies with eligible staff.

Circumstances which may lead to Redeployment

Health Reasons

Where it is recommended by the Occupational Health Department that an employee can no longer carry out the duties of their post due to health reasons, redeployment on ill health grounds will be considered. Occupational Health will provide guidance in respect of any post which becomes available. Where appropriate an assessment should be undertaken to determine if reasonable adjustments can be made to either the work environment or any specific duties of the post. Where this can be achieved, it may not be necessary to seek redeployment to an alternative post. The above options must be considered prior to considering ill health retirement.

Temporary Redeployment

There may be occasions when Occupational Health, a General Practitioner or Consultant suggests redeployment for a limited time (e.g. an employee may be unable to perform their substantive duties while waiting for /recuperating from surgery or after a period of long term sickness). In these cases the temporary redeployment process should be managed in line with the [768 - All Wales Managing Attendance at Work Policy](#) (opens in new tab) and employees will not be placed on the redeployment register.

The Flexible Deployment of staff procedure can be found [here](#) (opens in new tab).

Capability - Performance

The outcome of a capability process could also result in a member of staff being temporarily or permanently redeployed.

Respect and Resolution

Where a complaint is about another person, such as a colleague, patient or visitor, we will consider what action may be appropriate to protect employees involved pending the outcome of the investigation, bearing in mind the reasonable needs of the organisation and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party. We will also seriously consider any request that an employee makes for changes to their working arrangements during the investigation. For example, a change to duties or working hours so as to avoid or minimise contact between the parties involved. The [995 - All Wales Respect and Resolution Policy](#) (opens in new tab) should be followed.

Agreement

Whatever the reason the employee is being considered for redeployment, an agreement form must be signed by both the employee and the designated Workforce Representative.

The Employee agreement proforma can be found [here](#) (opens in new tab).

Procedure

Staff Consultation

The Health Board is committed to partnership working and will work in partnership with the employee and their representative at all stages of the redeployment procedure. Employees are entitled to be accompanied by a trade union representative or a work colleague, not acting in a legal capacity, at any stage in the process, apart from informal or competitive interviews.

Entry onto the Redeployment Register

Employees whose employment in their current post is no longer tenable due to health related issues will only be placed on the Register on the advice of Occupational Health. Where it is known following Occupational Health advice that an employee will not be able to return to work in any capacity in the foreseeable future, they will have no entitlement to be considered for redeployment.

Employees who are required to be on the redeployment register must complete the form below:

[Registration onto redeployment register](#) (opens in new tab).

Timescales

Opportunities will be sought for 12 weeks, excluding any trial periods. This 12 week period will include the employees contractual notice period. Where the redeployee is not entitled to 12 weeks' notice, it will be made clear to them on what date during the 12 week search period their contractual/statutory notice period will start. This will be confirmed by the line manager in writing.

Should the search for alternative employment prove unsuccessful, the employment will be terminated on the grounds of incapacity due to ill-health, performance or redundancy at the end of the 12 week

period with notice having been served appropriately during that time in line with the employees contractual notice provisions.

Identification of Suitable Employment

Each week a link to all Hywel Dda vacancies will be e-mailed to all employees on the redeployment register. It is the employees responsibility to review the list and contact the designated HR Advisor if they are interested in any vacancy on the list.

Suitable alternative employment will only be deemed appropriate where the employee secures a post at either the same band as their substantive post or one band below. If the post is at a lower band, affected employees will continue to receive prior consideration for available posts up to the level of their original banding while they are on the redeployment register.

Employees are expected to be flexible when considering whether a post is suitable. Reasonable attempts to accommodate an employee's preference will be made. However, as no guarantees can be given, employees should not unreasonably refuse a post that is within a reasonable travel distance to their preferred location or at a lower pay band.

Should an employee unreasonably fail to pursue a post which is deemed to be suitable alternative employment, the Workforce Representative will discuss the implications of their decision with them and their reasons for declining the opportunity will be noted. The employee will be made aware that their employment may be terminated and any compensatory payment (if applicable), will be withheld as the employee will be deemed to have refused suitable alternative employment.

Informal Interview

Employees on the redeployment register will be afforded prior consideration for suitable live vacancies (that they meet the essential criteria for), that arise within the Health Board as part of the recruitment process. Prior consideration means that employees will be entitled to an interview with the appointing manager for the position before any other candidate is considered for the vacancy.

Once an employee has expressed an interest in a vacancy the employee will contact the Workforce Representative who will advise the Resourcing Team. This will then place the vacancy on hold until an informal interview has taken place with the Appointing Manager.

The redeployment process does not preclude the employee from applying for any posts (including at a higher band) via the normal recruitment process at any stage and in such instances the normal recruitment and selection process would apply.

Where only one individual is involved, the decision to offer a trial period will be based on whether the individual can reasonably be expected to undertake the duties of the post to the required standard. The benefits and practicality of providing further training to bring an individual up to the required standard should be a normal consideration before any decision is made. Where more than one eligible employee wishes to be considered for a vacancy, a competitive interview process will be arranged.

Appointing managers who choose not to offer a trial period must provide substantiated and reasonable evidence for their decision.

Where appropriate, redeployment to a fixed term or temporary post will be considered in the interest of both the service and the individual. Individuals can continue to be on the redeployment register until a permanent appointment becomes available.

The Workforce Representative will advise the Resourcing Team of the outcome of the meeting and document it appropriately (i.e. changes form, letter, contract etc).

Employment and Disclosure and Barring Check

Should the role require a disclosure and barring (DBS) check, the appointing manager will need to discuss this with the Workforce Representative supporting the redeployment process to make arrangements for the employee to complete the DBS check.

New DBS checks should be carried out when there is a change in the job role that requires either a different level of DBS, a new DBS or where the employee has not had one in their previous role. Refer to [948 - Disclosure & Barring and Referral \(DBS\) Policy](#) (opens in new tab).

Trial Period

During the trial period, regular informal reviews will be held with the employee and the appointing manager. The purpose of the reviews will be to monitor progress, identify any issues to be addressed and allow both parties to comment on the suitability of the redeployment. The manager should keep a record of the meetings.

At the end of the trial period a formal evaluation meeting will be held to review the trial and decide if the employee will be redeployed permanently into that post. If it is agreed the trial is successful, the substantive and receiving manager must complete the relevant documentation. If an employee proves to be competent in the role at an early stage, confirmation of the appointment can be granted at any point during the 4 weeks.

Here is a link to the form to record the trial period. [Record of Trial Period](#) (opens in new tab).

If it is evident from the outset that the role is not suitable then, with agreement, the trial period may cease early. If the trial period is not successful, the appointing Manager must liaise with the Workforce Advisor explaining why the employee is unsuitable for the role and provide written documentation/evidence of this. Equally, it is recognised that the employee may have legitimate reasons for deeming the post to be unsuitable and they will also be required to provide written documentation/evidence of this.

The Workforce Representative will be responsible for checking:

- The post or elements of the post are clearly different in nature to that previously held by the employee in the organisation.
- Agreed training has taken place.
- Any other factors considered relevant by the manager, employee or Trade Union

Where the trial period has not been successful, the original manager, employee and Workforce Representative will then be responsible for pursuing further redeployment if appropriate.

Funding Arrangements

During the trial period the employee will be paid by the department in which the trial period is being undertaken who will also fund any additional training required.

[Click here for Change of Circumstances Form](#) (opens in new tab)

Appeals

Any employee who feels they have been treated unfairly during the redeployment process, or can demonstrate that the procedure has not been properly followed, can raise their concerns as part of their appeal against termination in line with the [995 - All Wales Respect and Resolution Policy](#) (opens in new tab).

Responsibilities

Chief Executive

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

Director of Workforce and OD

The Director of Workforce and 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 Organisational Development Department to identify suitable alternative employment opportunities and provide advice to employees in respect of this policy.

Occupational Health Department

It is the responsibility of the Occupational Health Department to provide advice on:-

- Possible reasonable adjustments in respect of the current position
- Redeployment in situations when the employee is unable to remain in their current position due to a health related problem.

Workforce and Organisational Development Department

The Workforce Representative will ensure full details of eligible staff are collected and placed on the redeployment register and provide support and guidance to managers and affected employees.

Resourcing Team

The Resourcing team will on a weekly basis circulate vacancies to all individuals on the redeployment register and County Workforce Representatives so that individuals can view vacancies to identify possible suitable posts.

Employee

All employees who are placed on the redeployment register have a responsibility to review all vacancies weekly, should they identify a post which may be suitable they must contact their Workforce Representative to obtain further information.

Staff Representative

Staff representatives have a role in supporting and advising employees regarding the redeployment process and working with the employee and managers to help achieve a successful outcome.

Where can I get Further Advice?

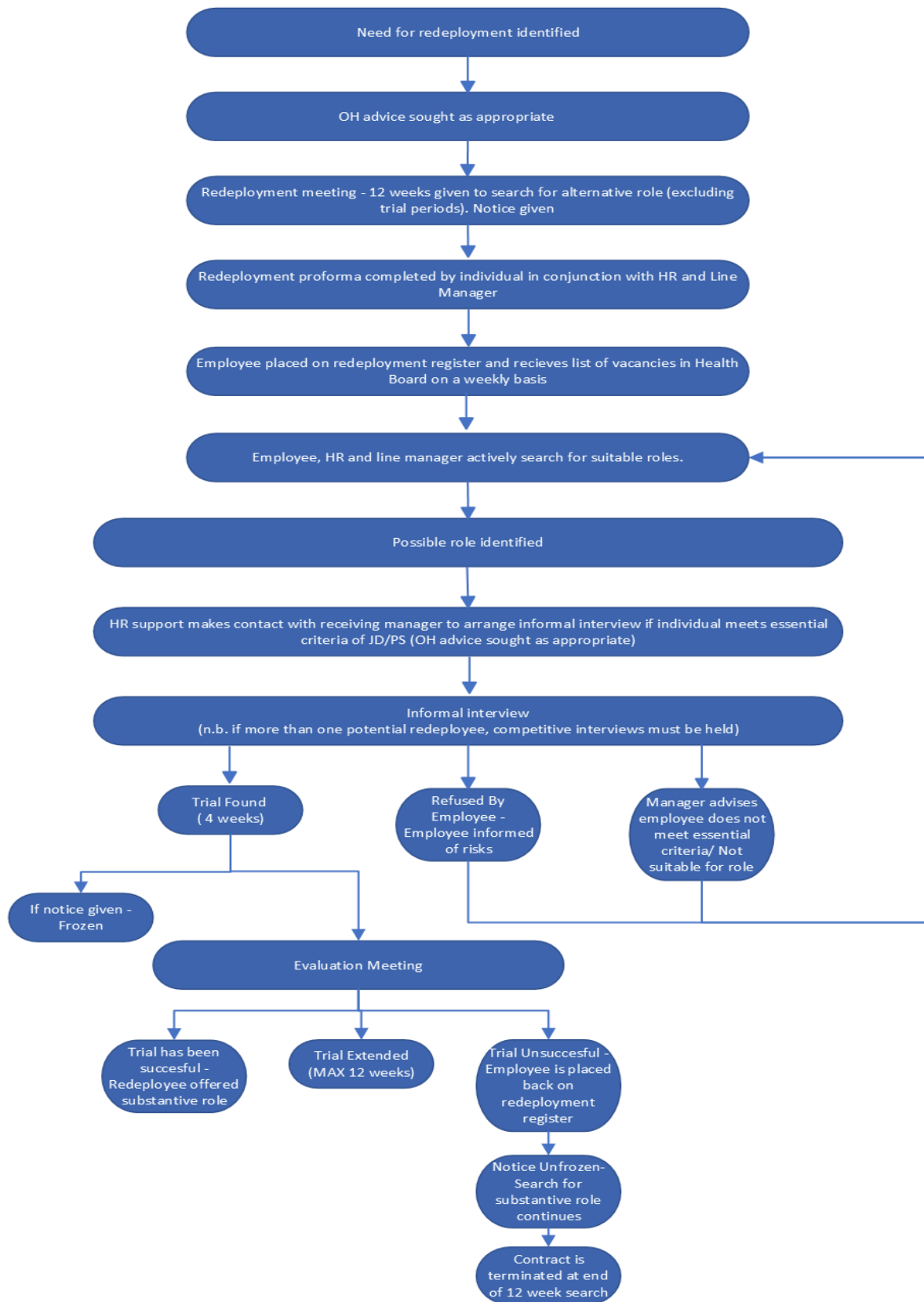
In the first instance speak to your line manager, alternatively you may contact:

Operational Workforce Team:

Carmarthenshire: 0300 303 6138 Pembrokeshire: 01437 773138

Ceredigion: 01970 635782 Or email: WorkforceEnquiries.HDD@wales.nhs.uk

Redeployment Process Flowchart



SUMMARY EQUALITY IMPACT ASSESSMENT – 158 –Redeployment Policy

Organisation:	Hywel Dda University Health Board	
Proposal Sponsored by:	Name:	Laura Palmer
	Title:	Workforce Manager Carmarthenshire
	Department:	Workforce & Organisational Development
Policy Title:	Redeployment Policy	
Brief Aims and Objectives of Policy:	<p>The policy outlines the procedure to be followed where necessary for staff to be redeployed. The policy enables staff to be made aware of redeployment opportunities across the Health Board and outlines the process to match appropriate vacancies with eligible staff. It sets out the process to secure alternative employment for staff who are unable to continue in their current role due to Ill Health, performance or an outcome of a Respect and Resolution case. The policy is a local policy and will be implemented in line with other Health Board policies which address Equality, Diversity and Inclusion which are designed to support staff with a protected characteristic and eliminate discrimination.</p>	
Was the decision reached to proceed to	Yes	No ✓

full Equality Impact Assessment?		
If no, are there any issues to be addressed?	Yes	No ✓
	No – this policy has been reviewed and updated in accordance with the planned review date.	
Is the Policy Lawful?	Yes	Policy takes full account of Equality Act 2010, Employment Rights Act 1996 and AfC terms and conditions.

Will the Policy be adopted?	Yes	
	If no, please record the reason and any further action required:	

Are monitoring arrangements in place?	Yes	
	Application of the policy is monitored by the assigned Workforce Support.	

Who is the Lead Officer?	Name:	Lisa Gostling Approved by People, Organisational Development & Culture Committee	
Signature of all parties:	Name	Title	Signature

	Title:	Director of Workforce & Organisational Development
	Department:	Workforce & Organisational Development
Review Date of Policy:	Three yearly or sooner if required	

	Heather Hinkin	Head of Workforce	<i>HHinkin</i>
	Helen Sullivan	Head of Partnerships, Diversity and Inclusion	
<p>Please Note: An Action Plan should be attached to this Outcome Report prior to signature</p>			

SUMMARY EQUALITY IMPACT ASSESSMENT –

Organisation:	Hywel Dda University Health Board
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Proposal Sponsored by:	Name:	Heather Hinkin
	Title:	Head of Workforce
	Department:	Workforce & OD

Policy Title:	Honorary Contracts Procedure
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Brief Aims and Objectives of Policy:	This procedure aims to ensure that the issuing of honorary contracts occurs in line with the All Wales Policy on Insurance NHS Indemnity and Related Risk Management for Potential Losses and Special Payments (Welsh Risk Pool, 2015). It defines when to issue an Honorary Contract or make alternative arrangements and outlines the procedures for applying for, approving and issuing an honorary contract.
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Was the decision reached to proceed to full Equality Impact Assessment?:	Yes	No ✓
	The procedure has a low relevance to equality duties and follows best practice in relation to employment law and practice in line with the All Wales Policy on Insurance NHS Indemnity and Related Risk Management for Potential Losses and Special Payments (Welsh Risk Pool, 2015). It is assessed as having a neutral impact on protected groups as Honorary Contracts are issued under the appropriately prescribed circumstances, irrespective of protected	



	<p>characteristics of individuals requesting/ being issued with honorary contracts.</p> <p>. A search of similar policies elsewhere indicated a neutral impact on protected groups.</p>	
If no, are there any issues to be addressed?	Yes	No √

Is the Policy Lawful?	Yes √	
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Will the Policy be adopted?	Yes √	
	<p>If no, please record the reason and any further action required:</p>	

Are monitoring arrangements in place?	Yes ✓	
	Any complaints received in relation to equality, diversity or human rights following implementation of the policy will be addressed on an individual basis and appropriate action taken.	

Who is the Lead Officer?	Name:	
	Title:	
	Department:	
Review Date of Policy:	Three yearly or sooner if required	

Signature of all parties:	Name	Title	Signature
	Kate Morris	Senior Workforce Manager	
	Heather Hinkin	Head of Workforce	

Use of Honorary Contracts Procedure

Procedure information

Policy number: 713

Classification:
Employment

Version number:
4

Date of Equality Impact Assessment:
Detail date of EqIA

Approval information

Approved by:
People, Organisational Development and Culture Committee

Date of approval:
Enter approval date

Date made active:
Enter date made active (completion by policy team)

Review date:
Enter review date (normally three years from approval date)

Summary of document:

To ensure that the issuing of honorary contracts occurs in line with the All Wales Policy on Insurance NHS Indemnity and Related Risk Management for Potential Losses and Special Payments (Welsh Risk Pool, 2015) [Welsh Risk Management Standards \(nhs.wales\)](https://www.nhs.uk/welsh-risk-pool/).

Scope:

The procedure will apply to staff involved in the requesting, approving, issuing and monitoring of honorary contracts.

To be read in conjunction with:

NHS Wales Shared Services Partnership, Welsh Risk Pool Services (2015) All Wales Policy on Insurance NHS Indemnity and Related Risk Management for Potential Losses and Special Payments
Wales: Shared Services Partnership

Owning group:

People, Organisational Development and Culture Committee

Date signed off by owning group

Executive Director job title:

Lisa Gostling, Director of Workforce & OD

Reviews and updates:

4

Keywords

Honorary Contract,

Glossary of terms

DBS – Disclosure and Barring Service

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Scope

This procedure will apply to staff involved in the requesting, approving, issuing and monitoring of honorary contracts.

Aim

The aim of this document is to:

- ensure that the issuing of honorary contracts occurs in line with the All Wales Policy on Insurance NHS Indemnity and Related Risk Management for Potential Losses and Special Payments (Welsh Risk Pool, 2015)

Objectives

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

- To issue an honorary contract or make alternative arrangements
- Outline the procedure for applying for honorary contract
- Outline the procedure for approving and issuing a honorary contract

Procedure

In addition to its core workforce, Hywel Dda University Health Board will, from time to time, engage the services of people, who are not paid employees, to carry out regular or ad hoc work on behalf of the health board. In addition, occasions often arise when an individual from an outside organisation wishes to work within the Health Board in an unpaid capacity, for example to gain work experience or shadow experienced staff.

It is important to note for those individuals that require an honorary contract, an individual will not be covered by the Health Board insurance policies and will not be indemnified if an honorary contract has not been issued. Therefore, no individual should be allowed to participate or observe in a department without an honorary contract in place.

Principles to be considered when determining whether to issue an honorary contract:

An Honorary Contract should be used when no other process is suitable to define the relationship between the Health Board and an individual in order to facilitate effective operation of Health Board services.

The All Wales Policy on insurance and NHS Indemnity, referenced above, outlines that NHS Indemnity can be applied to enable the Health Board to accept legal and financial responsibility for the actions and omissions of its employees and others who are directly involved in NHS service provision.

It must be noted that NHS Indemnity applies only to NHS directly provided activities arising from the actions of:

- NHS employees who, at the relevant time (i.e. at the time alleged negligence occurred), are providing services as employees of the Health Board or
- Others who, at the relevant time, are providing services not as employees of the Health Board but nevertheless under the HB's management supervision and control e.g. work experience placements.

By issuing an honorary contract the HB accepts legal and financial responsibility for the actions and omissions of signee of the honorary contract and therefore the NHS Indemnity will apply.

However, the HB has a duty to avoid unnecessary acceptance of any risk or liability which should be borne by another body and therefore, the issuing of honorary contracts needs to be considered within the context of directly provided activities. In circumstances where there is no intention for the Health Board to apply NHS Indemnity, honorary contracts should not be used and a formal contract or service level agreement requires to be entered into and, assurance sought that the required governance arrangements are in place.

If a service is externally commissioned or procured by the Health Board from outside of the organisation, the contract awarded to, or agreement with, that provider must not offer NHS Indemnity to that provider but must instead expressly require the provider to manage the risk of negligence claims itself and must have in force an arrangement which provides appropriate cover. The risk of poor patient service must remain firmly with the commissioned provider.

This arrangement applies equally if the commissioned provider is another NHS body or an external organisation, although the arrangements for Memorandums of Understanding between NHS Wales Health Bodies is less complex than with external providers.

The Health Board Legal Services team can provide advice on this topic. If a decision on whether to issue an honorary contract remains unclear, advice can be escalated by the Health Board Legal Services team to the Risk Pool Service. Individual departments and staff should not contact the Welsh Risk Pool Service directly.

If a request is to be made to the Welsh Risk Pool Service, it is likely that the information will need to be completed on the Indemnity Query Form, which can be found in appendix A of the All Wales Policy on Indemnity and Insurance.

Individuals eligible for issue of any Honorary Contract include:

- Return to Practice Students
- A doctor, nurse or other clinical practitioner from another Health Board undertaking further clinical experience
- Individuals working for another Health Board following through a patients' treatment whilst in Hospital
- Work experience/shadowing/observers individuals where placements exceeds a two week period

Action to be taken if the arrangement being considered is externally commissioned

When considering whether an Honorary Contract should be issued, the person making the decision needs to establish whether the request is for staff from an externally commissioned service outside the NHS.

An externally commissioned service is one whereby either the whole service or a discrete element of a service is managed and delivered by a person or body external to NHS Wales pursuant to a contract. External providers in this context include independent contractors. The 'externally commissioned service' may well require a formal contract award procedure to be run under the public procurement

rules. In any event, a formal contract or Service Level Agreement will need to be entered into which allocates risk appropriately and specifies robust performance management provisions. This will also include a requirement for the provider to indemnify the commissioning body as set out above.

If the service is externally commissioned to an organisation outside the NHS, a formal contract or Service Level Agreement will need to be entered into which allocates risk appropriately and specifies robust performance management provisions and governance arrangements.

Action to be taken if the arrangement being considered is provided by another NHS Body

In circumstances where a request for an honorary contract is made in relation to a service which is commissioned by the Health Board to be provided by another health body within the NHS, indemnity must be provided by that body undertaking the service. The requirement for a formal contractual provision of this arrangement is not necessary as this is covered in the agreements between all organisations.

In this circumstance, a 'memorandum of understanding' would be sufficient and honorary contracts are unnecessary.

Action to be taken if the arrangement being considered is for a person working directly for the Health Board:

If the request for an honorary contract relates to an individual who is not externally commissioned to provide the service and will be under the Health Board's direct management, supervision and control, then an honorary contract would be the most effective way of demonstrating that the Health Board takes legal and financial liability for the actions of the individual. If so, then an honorary contract may be requested.

Actions prior to making a request for an honorary contract:

The person making the request for an honorary contract must be an employee of the Health Board. Prior to completing the Request for an Honorary Contract form [713-Request-For-Honorary-Contract.v3.docx \(sharepoint.com\)](#), the following needs to be undertaken by the appropriate manager:

1. Allocate a line manager who will take on the management supervision and control of the individual.
2. Refer to Occupational Health Department for Health Screening
3. Obtain appropriate DBS disclosure (if applicable to the role)
4. Obtain appropriate copy of qualifications and/or professional registration.

Ensure you obtain all of the above documents prior to forwarding a request to the Workforce department.

Procedure for approval and issuing of honorary contract:

The member of staff within the Workforce team receiving the request for an honorary contract will:

1. Establish if the request for an Honorary Contract has been received for an individual who will be under the Health Boards management supervision and control or an externally commissioned/procured services from outside the NHS (this includes staff who work for the service).

2. Decide if an honorary contact is required – using the [Process Flowchart](#)
3. If it is not deemed appropriate, provide a response outlining the reasons to the requester
4. Where it is deemed appropriate, provide the Honorary Contract to the individual with a copy to the allocated supervisor.

References

All Wales Policy on Insurance NHS Indemnity and Related Risk Management for Potential Losses and Special Payments (Welsh Risk Pool, 2015) [Welsh Risk Management Standards \(nhs.wales\)](#)