



**Workforce**

**Shared Maternity and Shared  
Adoption Policy: guide for  
employees**

This guide will help employees to understand the Shared Maternity and Shared Adoption Policy. The policy supports employees who want to share their leave following the birth or adoption of a child.

The following guide forms part of the standard for workforce policies. These policies apply to all eligible staff within NHSScotland, regardless of the Board they are employed by.

NHSScotland wants to create an inclusive workplace where employees can thrive and feel confident about their ability to balance their personal and professional responsibilities.

It is recognised that policies to support this are particularly important in NHSScotland given the predominantly female workforce who largely take on primary caring roles within the family. The guide covers:

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# What is the purpose of the Shared Maternity and Shared Adoption Policy?

The Shared Maternity and Shared Adoption Policy supports employees who want to share their leave following the birth or adoption of a child. It allows eligible parents to take time to bond with their new baby or child before returning to work. This time off can be taken at the same or a different time as the other parent. It also sets out the statutory and contractual rights employees are entitled to.

The procedure for supporting employees who are participating in a surrogacy arrangement mirror adoption unless otherwise stated.

## Eligibility

The eligibility for maternity or adoption leave is described in the following policies:

- [Maternity Policy](#)
- [Adoption, Fostering and Kinship Policy](#)

You can convert up to 50 weeks of your maternity or adoption leave into Shared Parental Leave (SPL). You can take SPL and Shared Parental Pay (ShPP) at any time within one year of the birth or when the child is placed for adoption. You must take at least 2 weeks of compulsory adoption leave or maternity leave immediately after giving birth or 4 weeks if you are a factory worker. In the NHS, examples of a factory worker include:

- laundry services
- sterile services
- mechanical maintenance

Specific eligibility criteria, depending on your circumstances, can be found in the [Shared Maternity and Shared Adoption Policy](#).

You should check that you and your partner meet the eligibility criteria for both SPL and both statutory and occupational ShPP.

If you are currently under UK immigration control, you should contact the human resources department to discuss how your SPL may impact your visa conditions.

# Applying for shared parental leave and pay

You should apply for SPL and ShPP using the [shared parental leave forms](#). The completed form should be returned to your manager no later than 8 weeks before you wish SPL to start.

## Shared parental leave in touch (SPLIT) days

You can ask to return to work for a maximum of 20 days during your shared parental leave. A further 10 keeping in touch (KIT) days are also available to those on maternity or adoption leave. SPLIT and KIT days can be consecutive or not. If you and your partner work any days over your entitlement, your SPL will come to an end.

If you are on an unpaid period of leave, you should be paid the relevant enhancements for the shift worked. If the SPLIT day falls within the full pay period, you will receive one day in lieu once you have returned to work. If the SPLIT day falls within the half pay period, you will receive a half day in lieu once you have returned to work.

Working for part of any day will count as one SPLIT day from the 20-day allowance or one KIT day from the 10-day allowance.

Any SPLIT or KIT days should be agreed between you and your manager. Your manager is encouraged to support these requests wherever possible.

You do not have to use your SPLIT or KIT days, and your manager cannot force you to work them. You cannot take KIT days within the first 2 weeks following childbirth or 4 weeks if you work in a factory setting.

Any SPLIT days taken will not extend the SPL period.

If you are breastfeeding, your manager will review the pregnant workers and new mothers risk assessment with you. Your employer must provide breastfeeding facilities, as outlined in the [Breastfeeding Policy](#).

## Extending SPL

If you have any unused SPL and wish to extend your SPL period, you must inform your manager 8 weeks before the start of the extension.

In the situation where you have used all your SPL and wish to extend your SPL period, you can request annual leave or [parental leave](#).

When considering the request, your manager will take into account the needs of the service. You may wish to consider other options, and you should refer to other policies, such as a [career break](#).

## Returning to work

You should plan with your manager for your return to work. The plan should include your return date, use of annual leave, equipment, and systems access.

You may want to change your hours or other working arrangements on return from SPL. If so, you should request the change under our flexible working policies:

- [Flexible Work Pattern Policy](#)
- [Flexible Work Location Policy](#)

When discussing your return to work, you should confirm if you intend to continue breastfeeding. In this circumstance, your manager will review the pregnant workers and new mothers risk assessment with you.

You have the right to return to your job under your original contract of employment. If this is not possible, because the post no longer exists, your manager should follow your employing board's organisational change policy.

If you wish to return to work earlier than previously agreed, you must provide your manager with at least 28 days' notice of your intention to return.

If you experience pregnancy loss, child bereavement, or adoption disruption, your manager should support you at this difficult time. Your manager should take a person-centred approach. This could include a return to work earlier than planned, only if you wish to.

If you are entitled to Occupational ShPP, you must return to NHS paid employment for a minimum of 3 months. Your employment does not have to be with the same employing board. It can be any NHS employer in the UK. You should provide a copy of the letter of your appointment to your manager. This will be sent to the payroll department. Bank and agency work does not count as a return to employment.

If you have more than one post, entitlement to Occupational ShPP is not affected, provided you are returning to one of your substantive posts.

## **Employees not returning to NHS employment**

If you decide to resign, you must provide your manager with written notice as specified in your employment contract. You can resign and leave at any point during your SPL.

If you do not return to NHS paid employment for a minimum of 3 months after your SPL has ended, you must repay your Occupational ShPP. You can discuss the option to use accrued annual leave to count as paid employment with your manager.

In cases where the repayment of Occupational ShPP would cause undue hardship or distress, employers have discretion to waive the right to recovery.

## **Annual leave and public holidays during SPL**

Annual leave and public holidays will accrue as normal during SPL. You may use accrued annual leave following SPL to delay your return date. Annual leave must be taken and will not be paid in lieu. You should discuss this with your manager and request leave in line with your board's annual leave policy. You may wish to use the [annual leave calculator](#).

## **Bank and agency staff**

Bank staff have no entitlement to Occupational ShPP or shared maternity or shared adoption leave. You may be entitled to statutory ShPP, depending on your level of earnings. The employer may review entitlement to Occupational ShPP in exceptional cases, such as if you can demonstrate regular work patterns over an extended period.

If you can demonstrate a regular work pattern over an extended period, your manager should contact your local staff bank service for advice.

If you are an agency staff member, you may be entitled to shared maternity or shared adoption leave and statutory ShPP if you are

considered to be an employee of the agency. You should check with your agency.

## **Employees on a fixed-term or training contract**

If you are on a fixed-term or training contract, you will have it extended to allow you to receive 50 weeks of shared parental leave and Occupational ShPP or ShPP if your contract is due to expire:

- after the 11th week before your EWC
- after the date of adoption or date of matching for adoption
- after the 15th week before the baby's due date if applying via surrogacy arrangement

You will continue to accrue annual leave entitlements during any extension period.

The provisions for employees on a fixed term or training contract are described in the following policies:

- [Maternity Policy](#)
- [Adoption, Fostering and Kinship Policy](#)

## **Rotational training contracts**

If you are on a rotational training contract, your manager is responsible for making sure the employing Board is aware of your intention to take shared parental leave.

Where there is a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, you have the right to return to work after SPL in the same post or the next planned post.

## **Adoption disruption**

If you experience an adoption placement breakdown, your manager should support you during this difficult time. Further information can be found in the [Adoption, Fostering and Kinship Policy : guide for employees](#).

## Loss of a child

If you experience the loss of a child, your manager should support you during this difficult time. Further information can be found in the following guides:

- [Maternity Policy : guide for employees](#)
- [Special Leave Policy : guide for employees](#)

## Pension contributions

SPPA pension contributions will continue during ShPP and Occupational ShPP. Normally, you will pay any outstanding contributions for your unpaid period of SPL leave on your return to work. If you do not repay these contributions, you will not be credited with pensionable service for this period.

For private or other pensions, you will need to check with your pension provider.

## Professional registration

You are required to maintain your professional registration during SPL as you continue to be employed by the organisation. It is up to you to consider how you will maintain your professional competence. However, shared maternity and shared adoption provisions can support you in doing so through access to KIT days.

Salary sacrifice arrangements during the Occupational ShPP or ShPP period of SPL

You are entitled to the benefit of the terms and conditions of employment which would have applied had you not been absent. Examples include:

- Cycle to Work scheme
- credit union arrangement

You should seek advice from the payroll department.



# Links to other policies

You may need to cross reference with other policies, including:

- [Maternity Policy](#)
- [New Parent Support Policy](#)
- [Parental Leave Policy](#)
- [Adoption, Fostering and Kinship Policy](#)
- [Breastfeeding Policy](#)
- [Flexible Work Location Policy](#)
- [Flexible Work Pattern Policy](#)