

KiT and SPLiT Days Guidance

July 2020

Please note that the finer points of KiT and SPLiT day logistics and pay are part of the ongoing junior doctors contract negotiations and therefore are potentially subject to future change. However, to our knowledge, these details are correct as of June 2020. Please be aware this document is Guidance, please refer to your employer when applying for KiT and SPLiT days.

What are KiT and SPLiT days?

Keeping in Touch during days are intended to facilitate a smooth return to work for people returning from maternity, adoption or shared parental leave. This document is guidance aimed at returning trainees, but KiT and SPLiT days are an entitlement for all people in employed work, not just NHS workers.

Keeping in Touch Days – Maternity and Adoption

- Each trainee can take up to 10 KiT days per maternity leave and adoption leave.
- Working part of one day counts for one whole KiT day use.
- A trainee does not have to use all their KiT day allowance.
- KiT days do not need to be used consecutively.
- Using KiT days does not alter the duration of a trainee's parental leave or affect their CCT date.
- The use of KiT days is not compulsory.

SPLiT days (Shared Parental Leave in Touch days)

These days are available to both parents taking shared parental leave. Under the Statutory provision, parents taking shared parental leave are entitled to 20 *SPLiT days each. These SPLiT days can be taken in addition to the 10 KiT days that the mother is entitled to whilst on maternity leave, this also applies to adoption leave for the primary adopter. For example, a mother who chooses to take 6 months' maternity leave followed by a period of shared parental leave would be entitled to 10 KiT days during her 6 months of maternity leave and a further 20 SPLiT days during shared parental leave. The partner of the mother, also taking shared parental leave is entitled to 20 SPLiT days. The rules surrounding SPLiT days are the same as for KiT days, it is only the number of days which differs.

*Note: In some circumstances only one parent is entitled to shared parental leave, but maybe eligible for shared parental pay. In this case we would advise you to speak to your employer. Please see this link for more information - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/881347/shared-parental-leave-and-pay-employers-technical-guide.pdf

What can KiT and SPLiT days be used for?

- “Any work that enables a trainee to keep in touch with the workplace”
 - e.g. clinical work, local or regional teaching, specialty-specific training courses, generic life support courses, return-to-work courses, conferences, hospital induction, e-learning.
- The work must be mutually agreed between the employer and the trainee.
- It may be possible to use study leave to undertake work deemed appropriate for KiT and SPLiT day usage.
- If applicable, the level of clinical responsibility of the trainee must be mutually agreed *in advance* of them undertaking any clinical work.
- A high level of supervision is strongly recommended if the trainee has been away from the workplace for more than three months.

When can KiT and SPLiT days be used?

- They may not be used during the two weeks of compulsory maternity and adoption leave immediately after the birth of the baby.
- KiT and SPLiT days can be taken at any other time during the period of maternity, parental and adoption leave.
- Whilst ‘KiT days’ specifically apply only to the statutory maternity and adoption leave period, it is recognised that trainees may wish to undertake similar activities prior to returning to work (such as those relating to Supported Return to Training) outside of the statutory leave period, for instance during their accrued annual leave period. In this case, they will in effect be giving up a day (or more) of this annual leave, so will be entitled to the equivalent number of days back later. They will not receive additional pay.

Pay and time off in lieu for parental leave associated KiT and SPLiT days

- It is strongly advised that the details regarding pay for KiT and SPLiT days are discussed and agreed by the employee and their employer *prior* to undertaking them.
- The employee will be paid at their basic daily rate for the hours worked, less the occupational or statutory maternity, adoption, shared parental leave payments.
- Pay for a KiT and SPLiT day undertaken by a LTFT trainee should be the same as that of an equivalent grade full-time trainee, basic daily rate for the hours worked.
- Following the most recent junior doctors contract review, trainees can now claim time back in lieu, to reflect the loss of maternity, adoption, shared parental leave and pay associated with taking KiT and SPLiT days.
 - If a KiT and SPLiT day is worked in the full pay period, the employer will make arrangements to ensure the employee receives a day of paid leave in lieu once the employee has returned to work.
 - If a KiT and SPLiT day is worked on a day of leave in the half pay period, the trainee is entitled to a half day of paid leave in lieu once the employee has returned to work.

Pay and time off in lieu for parental leave associated KiT and SPLiT days

- Course costs incurred can usually be reimbursed by the employing trust through the individual trainee's study budget, via the usual method for that trust, but this should be discussed prospectively. We would advise trainees to speak to their Trust before applying for study leave to check local arrangements.
- Pay for KiT and SPLiT days is from the trust paying the maternity, shared parental and adoption leave pay, even if the trainee is due to return to work in a different trust and it has been agreed that the trainee will undertake the KiT and SPLiT days in their new trust.
- If a trainee is transferring into a new deanery have issues relating to payment for KiT and SPLiT days from their previous trust, we would advise you speak to the employer HR Department.

Additional financial considerations

- If a trainee takes averaged occupational pay for their maternity, shared parental and adoption leave, we advise that they discuss the financial and lieu day reimbursements for KiT and SPLiT days with their employer at their earliest opportunity. Reimbursement should be equitable, but there is no specific NHS Employers guidance on such cases at present.
- Childcare costs can potentially be more than the KiT and SPLiT day financial remuneration, especially if KiT and SPLiT days are taken early in the parental leave.
- The NHS Terms and Conditions of Service from the NHS Staff Council states "To enable employees to take up the opportunity to work KiT and SPLiT days, employers should consider the scope for reimbursement of reasonable childcare costs or the provision of childcare facilities". Trainees can apply to their trust for additional funding to cover this, but its payment lies at the discretion of the employing trust. (Please see the link below).

Other considerations

- Any employee who is breast-feeding must be risk-assessed and appropriate facilities provided.
- If the trainee or their child is deemed to be at risk from the KiT and SPLiT day work proposed, alternative work should be considered.
- Medical indemnity cover may be required if clinical work is to be undertaken. It is suggested that the trainee prospectively arranges this with their usual insurer. The mainstream insurers all have policies relating to KiT and SPLiT day cover.
- The trainee must have valid DBS clearance if undertaking clinical work.
- If the trainee has not completed the trust induction where they are undertaking their KiT and SPLiT days, they must clear the arrangements with HR and only work in a supernumerary capacity. Alternatively, it may be possible to prospectively arrange an honorary contract. This also applies in the case of other relevant activities undertaken prior to returning to work, such as those related to Supported Return to Training.
- Childcare arrangements are the responsibility of the trainee and can take time to organise.

The NHS Terms and Conditions of Service from The NHS Staff Council on KiT and SPLiT day pay can be found at:

<https://www.nhsemployers.org/tchandbook/part-3-terms-and-conditions-of-service/section-15-leave-and-pay-for-new-parents-england-and-wales>

Recent changes released by the BMA as a result of the ongoing revisions to the Junior Doctors' contract can be found at:

<https://www.bma.org.uk/advice/work-life-support/working-parents/shared-parental-leave/enhanced-shared-parental-leave-for-junior-doctors>