



Human Resources Department  
**MATERNITY (and Paternity)**  
**Policy statement and protocol**

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| Prepared by :                           | HR Department  |
| Review / development group composition: | HR, HR Policy Development Team, OH&S, Payroll, Staff Side  |
| Version number :                        | V 2.0  |
| Equality Impact Assessment :            | HR-EIA-2014-01   |
| Date distributed :                      | December 2014  |
| Review date :                           | To be reviewed by December 2016  |
| Cross reference to:                     | Adoption and Fostering Policy; Annual Leave Policy; Flexible Working Requests Policy; Redeployment Policy; Occupational Health and Safety Manual |
| Signed :                                | Chief Executive and Employee Director  |

**Note:**

**This is an interim review agreed by NHS Borders HR Policies Group pending a full policy review on receipt of the Supporting the Work-life Balance PIN.**

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## Maternity leave policy statement

### Introduction

Pregnancy is probably one of the most significant experiences employees will ever encounter – a mixture of excitement and anxiety. NHS Borders believe that it is very important that employees get as much help and advice as possible to ensure that they receive the appropriate benefits and entitlements, do not compromise their health and safety and that of their baby and have access to all the information they need to allow them to achieve a balance between commitment to work and responsibility to family.

NHS Borders encourages ongoing communication between employees and managers during maternity leave and recognises that this can help facilitate a smooth transition back to work following maternity leave.

This document is supported by the NHS Borders Adoption and Fostering Policy.

### Principles and aims

NHS Borders is committed to ensuring consistent and equitable treatment for its employees in the matter of maternity leave and pay. This policy and protocol takes into account current employment legislation, associated codes of practice, Agenda for Change Regulations and progressive employment practice.

This policy and protocol is designed to answer the questions employees will have regarding maternity and paternity leave and pay and guides employees and managers through this complex and detailed subject. It includes detail of the criteria that have to be met to qualify for maternity and paternity leave and pay and the employees obligation to NHS Borders, for example the relevant timescales that have to be met and forms that have to be completed.

### Scope

This policy and protocol will apply to staff within the remit of Agenda for Change Terms and Conditions of Service, those staff within the Executive Cohort and those staff within the remit of the Doctors' and Dentists' Review Body.



Chief Executive

Employee Director

## Maternity leave protocol

Employees should read this protocol thoroughly so as to gain a full understanding of their maternity rights, entitlements and the process for their use. Applications for maternity leave and pay must be made on the appropriate forms, these are attached at **Appendix 1**. A glossary of terms is attached at **Appendix 2** to clarify some of the terminology used in the protocol and a maternity process checklist is attached at **Appendix 3**. Alternatively, employees and managers can contact the HR Employee Relations team (phone 01896 826160) at any time should further information or clarification be required.

### 1 Employees maternity rights

These notes are intended to assist managers and employees by providing a general guide to maternity rights. The Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the Employment Act 2002, provide the framework for the majority of maternity rights. These are further supported by the Maternity and Parental Leave etc Regulations 1999, the Maternity and Parental Leave (Amendment) Regulations 2002, Section 6 of the General Whitley Council Conditions of Service (revised PCS(GC)2003/1), the Agenda for Change Maternity Provisions (PCS(AFC)2005/1), the Management of Health and Safety at Work Regulations 1999 and the Work and Families Act 2006.

The earliest that employees access maternity leave and pay is 11 weeks before the baby is due unless she gives birth before then. It is up to the employee to decide when she wishes to start her maternity leave.

### 2 Employees maternity entitlements

Pregnant employees are entitled to varying amounts of maternity leave and pay (either on a statutory or occupational basis) depending on factors such as length of service and National Insurance contributions.

The main factor influencing maternity benefits is the length of continuous service with NHS Borders or another NHS employing authority. Length of service at certain stages during an employee's pregnancy determines her entitlement to varying amounts of maternity leave and pay.

Under current maternity legislation, all pregnant employees are entitled to at least 26 weeks Ordinary Maternity Leave regardless of their length of service. Contracts of employment continue during any period of Ordinary Maternity Leave. During this period, the employee continues to receive all of her contractual benefits with the exception of pay. Under NHS regulations, there are enhanced arrangements relating to the amount of pay employees receive during the Ordinary Maternity Leave period.

Employees, regardless of their length of service, are entitled to 26 weeks Ordinary Maternity Leave which can be followed by 26 weeks Additional Maternity Leave.

### Time off for ante-natal care

If an employee has an appointment for ante-natal care, including relaxation and parent craft classes, she must be granted paid time off. However, she must provide an appointment card or some other proof of the appointment.

Any employee whose partner is pregnant is also entitled to reasonable paid time off to attend ante-natal classes. They too must provide an appointment card or some other proof of the appointment. Managers should record this as Special Leave.

**Note:** For the purposes of this policy, 'partner' is defined as: an employee who has, or expects to have, responsibility for the child's upbringing and be the biological father of the child, or the mother's husband or partner (this may include the female partner in the case of same sex couples) and expect to have responsibility for the child's upbringing.

### Ill Health prior to Childbirth

The earliest that employees access maternity leave and pay is 11 weeks before the baby is due unless she gives birth before then. It is up to the employee to decide when she wishes to start her maternity leave.

Pregnant employees who are sick for any reason before the 4<sup>th</sup> week before the baby is due will have their sickness absence processed as normal with no impact on the maternity leave or pay. Managers should however, identify a 'pregnancy related disorder' when they record the absence on SSTS and eESS (Employee support System). An employee who chooses to work beyond the 4<sup>th</sup> week before the expected date of delivery and is absent through non-pregnancy related sickness at any point during the final 4 weeks will be considered as being on sick leave until the agreed date of commencement of maternity leave, or the date of her return to work if earlier.

However, where an employee who chooses to work beyond the 4<sup>th</sup> week before the expected date of delivery is absent through pregnancy related sickness at any point during the final 4 weeks she will be considered as being on maternity leave from the beginning of the 4<sup>th</sup> week before the expected week of delivery, or the beginning of the next week after the employee last worked, whichever is the later. Odd days of pregnancy related illness during this period may be disregarded if the employee wishes to continue working until the maternity leave start date previously notified to the employer.

### Sick Leave

An employee who is on maternity leave, whether paid or unpaid, cannot be on sick leave at the same time and cannot, therefore, receive sick pay while on maternity leave.

Paid sick leave can only re-commence after the confirmed Maternity Leave end date.

## Annual leave

Annual leave will continue to be accrued during maternity leave, whether paid or unpaid, i.e. leave entitlement will not be lost as a result of taking maternity leave. Public holidays are also accrued during maternity leave.

Where an employee is unable to take accrued annual leave because of service needs or as a result of an absence on maternity leave, the normal rules governing carry over provisions will not apply. It will, however, be mutually beneficial to both the employee and their manager to agree what annual leave they will take prior to their formal maternity leave period (both paid and unpaid) and the amount to be carried over, **before** they proceed on to maternity leave.

**Note:** As maternity leave is not considered to be a break in service, the total amount of maternity leave will count as service when calculating future annual leave entitlement based on years of service.

## Increments

As the whole maternity leave period, both paid or unpaid, counts towards continuous service, the employee will retain their normal incremental date. If the employee is due to have a KSF Gateway Review during the period of maternity leave, their manager must discuss the details of this with them prior to commencement of the maternity leave. For more information on this please refer to the Gateway Review section of NHS Borders Appraisal, PDP and Review Policy.

## Superannuation

### Members who intend to return to work

A member who intends to return to work following maternity leave is pensionable, regardless of whether the leave is paid or unpaid. Employee contributions during paid maternity leave are deducted on the amount of pay actually received during maternity leave. Contributions are based on the amount the member was receiving immediately before the unpaid maternity leave commenced. Employer's contributions during paid and unpaid maternity leave are based on the member's salary immediately prior to the period of maternity leave. The member's salary on which employer contributions are based is recalculated for any subsequent pay award/pay increment.

A member may elect to receive payment of Occupational Maternity Pay apportioned over the whole period of maternity leave. Employers should still calculate and deduct employee contributions on the basis of the underlying entitlement and dates for which the payments were due.

During a period of unpaid maternity leave, employee contributions will be calculated on the rate last paid i.e. Half Pay Occupational Maternity Pay + Statutory Maternity Pay.

Where an employee is not entitled to Occupational Maternity Pay but has an entitlement to Statutory Maternity Pay (SMP), employee contributions are payable on SMP.

Employer contributions are based on the member's salary immediately prior to the period of Maternity leave.

Any arrears of pension contributions can be collected when the member returns to work. The collection of pension contributions following the member returning to work ensures that the member does not have a break in their pensionable service. The Payroll department will notify the employee of the amount of contributions due to be repaid either in one pay period or spread over a longer period.

### **Members who do not intend to return to work**

A member who goes on Maternity Leave and does not intend to return to work pays contributions on Occupational Maternity Pay (OMP) if applicable. Employee contributions are based on the amount of maternity pay actually received. Employer contributions are based on the member's salary immediately prior to the period of maternity leave.

Where an employee is not entitled to OMP but has an entitlement to Statutory Maternity Pay (SMP), Employee and Employer contributions cease on the last day of employment.

### **Fixed Term or Training Contracts**

Any employee on a fixed term or training contract, who satisfies the conditions of the entitlement to maternity leave and whose contract expires after the 11th week before the expected week of delivery and before 6 weeks after the expected date of delivery will have her contract extended to enable her to receive only the 26 weeks Ordinary Maternity Leave.

The contract will not be extended to cover a period of unpaid leave. However, in the case of employees who have one or more years' continuous service, whole or part-time, an absence on maternity leave (paid or unpaid) up to 52 weeks before another NHS appointment shall not constitute a break in service.

Employees who do not have enough continuous NHS service to receive Occupational Maternity Leave may find they have an entitlement to Statutory Maternity Pay (SMP). In cases where the contract expires after the 11th week before the expected week of delivery, but before 14 weeks after the expected week of delivery, the contract will be extended to allow the employee to receive SMP.

Only employees undertaking a planned rotational training programme have the right to return to work in the same post or in the next planned post, irrespective of whether the contract would have ended if the pregnancy had not occurred. In these circumstances and where it is the wish of the employee, the contract will be extended to enable the employee to complete the agreed programme of training. Other employees have no such right.

If there is no right of return to be exercised because the fixed term contract would have ended if pregnancy and childbirth had not occurred, the repayment provisions set out in section 4.6 and 4.7 of this policy will not apply. This is in accordance with the Agenda for Change Handbook.



## Secondment

If an employee is on secondment from her permanent post, then she should seek advice from the Human Resources Department.

## Bank nurses

A Bank Nurse may be entitled to Statutory Maternity Pay provided they satisfy the earnings criteria.

The bank nurse should contact the Human Resources Department for further information.

## 3 Risk assessment of pregnant workers

The Management of Health and Safety at Work Regulations 1999 (2002) introduced measures to encourage improvements in the safety and health at work of pregnant women and workers who have recently given birth or who are breastfeeding. When undertaking risk assessment, managers are specifically required to pay attention to new and expectant mothers and to take action to ensure that they are not exposed to any significant risk.

Hazards which need to be considered include:

### Physical hazards

- ✦ Awkward spaces and workstations
- ✦ Vibration
- ✦ Noise
- ✦ Radiation (covered by specific legislation)
- ✦ Moving and handling
- ✦ Biological agents
- ✦ Infections
- ✦ Chemical hazards, for example, chemical handling (handling drugs or specific chemicals such as mercury, lead, etc)

### Working conditions

- ✦ Inadequate facilities (including rest rooms)
- ✦ Excessive working hours (night work, etc)
- ✦ Unusually stressful work

- ✦ Exposure to cigarette smoke
- ✦ High or low temperatures
- ✦ Lone working
- ✦ Working at heights
- ✦ Travelling
- ✦ Exposure to violence

Employees are strongly advised to inform their manager of their pregnancy as soon as possible. This allows managers to carry out a pregnancy risk assessment for the specific work area.

Line managers should assess the risks which an employee may be subject to and discuss these with the employee. A new and expectant mothers risk assessment template is attached at **Appendix 4**. If necessary, the line manager should change the employee's working conditions or hours or liaise with their HR Manager / Occupational Health to try to identify suitable alternative work. This will be done in line with NHS Borders Redeployment Policy. If that is not possible, then the employee should be given paid leave for as long as necessary to protect her health and safety and that of her unborn child.

It is good practice for line manager to complete a risk assessment as soon as they are made aware of the pregnancy. It may be appropriate to repeat the risk assessment later in the pregnancy.

Line managers and employees should consult the Occupational Health and Safety Service if they have ongoing concerns regarding exposure to any of these hazards.

Employees can also speak to the Occupational Health Service in confidence for advice on their work in relation to pregnancy. Doctors and midwives can also give further advice to managers using the Med3 and MatB1 certificates.

## 4 Working out maternity entitlements

Pregnant employees should use the following chart to help work out their eligibility to maternity leave and pay:

|  |       |  |
|--|-------|--|
| Start date with NHS Borders  | Box 1 |  |
| Start date with NHS (if earlier than above)                                      | Box 2 |  |
| Expected date of delivery (EDD) (ie date baby is due)                            | Box 3 |  |
| Expected week of delivery (EWD) (ie the Sunday of the week in which baby is due) | Box 4 |  |

**Note:** You should note that calculation of Statutory Maternity Pay is based on the week beginning on a Sunday and ending on a Saturday. The dates of your leave should therefore correspond to this.

Beginning of 11<sup>th</sup> week before expected week of delivery  
(ie 11 weeks before the date in box 4)



What is length of continuous service at this date  
(use dates in boxes 1 and 2)



|  |  |   |
|--|--|---|
| If less than 26 weeks,<br><b>GO TO SECTION 4.1</b> | If greater than 26 weeks,<br>but less than 1 year,<br><b>GO TO SECTION 4.2</b> | If greater than 1 year,<br><b>GO TO SECTION 4.3</b> |
|--|--|---|

**OR**

|  |   |
|--|---|
| If you do <b>not</b> intend to return to work,<br><b>GO TO SECTION 4.4</b> | If you are undecided about returning to<br>work, <b>GO TO SECTION 4.5</b> |
|--|---|

### 4.1 Employees with continuous NHS service of less than 26 weeks

#### Maternity Leave

Legally, every employee, regardless of their length of service, is eligible to receive 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.

#### Maternity Pay

Due to their length of service, employees who fall into this category are not entitled to Statutory Maternity Pay. However, employees may be eligible to receive Maternity

Allowance provided they are paying National Insurance contributions at the full rate. Further information is available from the Department of Work and Pensions who produce a booklet called “A guide to maternity benefits”, this can be found using the following link: <http://www.dwp.gov.uk/publications/specialist-guides/technical-guidance/ni17a-a-guide-to-maternity/statutory-maternity-pay-smp/working-in-your-maternity-pay/>

If an employee is not eligible for Statutory Maternity Pay, she will be issued with an exclusion form (called an SMP1 from the Payroll Department) which will explain why NHS Borders is unable to pay any Statutory Maternity Pay. The employee must send this form to her social security office to claim Maternity Allowance.

#### **4.2 Employees with continuous NHS service of more than 26 weeks, but less than one year**

Employees who fall into this category are entitled to Statutory Maternity Pay and Leave.

##### **Maternity leave**

Under Statutory Maternity Leave arrangements, employees in this category are entitled to 39 weeks paid maternity leave. In addition, employees have the right to extend their maternity leave by up to 13 weeks unpaid Additional Maternity Leave after their period of paid maternity leave. This option should normally be indicated when completing the maternity leave and pay application form.

##### **Maternity pay**

Employees in this category are not entitled to Occupational Maternity Pay, however, they may be eligible to receive Statutory Maternity Pay, provided their average earnings are not less than the lower earnings limit for payment of National Insurance contributions over the relevant period. As of 1 April 2007, Statutory Maternity Pay will be payable for a total of 39 weeks plus 13 weeks maternity allowance.

Statutory Maternity Pay is payable for the first 6 weeks at the higher rate which is 90% of average weekly earnings. The lower rate is paid for the next 33 weeks and is set annually by statute. More information can be accessed by using the following link: <http://www.dwp.gov.uk/publications/specialist-guides/technical-guidance/ni17a-a-guide-to-maternity/statutory-maternity-pay-smp/working-in-your-maternity-pay/>

#### **4.3 Employees with continuous NHS service of more than one year**

Employees who fall into this category are entitled to a combination of both Occupational and Statutory Maternity Pay and Leave.

##### **Maternity leave**

Under statutory maternity leave arrangements, employees in this category are entitled to 39 weeks paid maternity leave. In addition, employees have the right to extend their maternity leave by up to 13 weeks unpaid additional maternity leave after their period of paid maternity leave. This option should normally be indicated when completing the maternity leave and pay application form.

## Maternity pay

Employees on Agenda for Change Terms and Conditions, within the Executive Cohort or the remit of the Doctors' and Dentists' Review Body are entitled to 39 weeks paid leave. This will be broken down as follows:

- ✦ For the first 8 weeks, the employee will receive full pay less any Statutory Maternity Pay, Maternity Allowance or Dependants Allowance received
- ✦ For the following 18 weeks, the employee will receive half of full pay plus any Statutory Maternity Pay, Maternity Allowance or Dependants Allowance received providing the total amount does not exceed full pay. If the amount does exceed full pay, then it will be restricted to a maximum of full pay
- ✦ For the following 13 weeks, the employee will receive Maternity Allowance or Dependants Allowance.

**Note:** By prior agreement with NHS Borders an employee's entitlement to Occupational 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. This must be agreed, and Payroll informed, before the maternity payments start, once the payments commence the agreed pay arrangements cannot be changed. This option is not available to employees receiving Statutory Maternity Pay. Employees can contact the Payroll Department for more information.

### 4.4 Employees who wish to return to work

The employee who wishes to return to work after her maternity leave period must notify their manager that:

- a) She will return to work with NHS Borders for at least 3 months; **or**
- b) She will return to another NHS employing authority. In these circumstances, she must forward a copy of her letter of appointment to NHS Borders Payroll Department, within one year of commencement of maternity leave. Failure to produce evidence of employment with another NHS authority may result in some, or all, of the maternity payments being reclaimed.

### 4.5 Employees who do not wish to return to work

#### Maternity pay

If an employee decides not to return to work after her maternity leave period, this will affect her entitlement to full NHS conditions regarding leave and/or pay. The employee will still be entitled to Statutory Maternity Pay if she has over 26 weeks service at the 15th week before the expected week of delivery. This will be paid in accordance with Section 4.2 of this protocol.

If an employee **does not** qualify for Statutory Maternity Pay, but meets the following criteria and does not intend to return to work with the same or another NHS employer,

then under this agreement she will be entitled to 6 weeks maternity leave at 90% of full pay. This and a further 33 weeks unpaid leave will count towards the accrual of contractual rights.

**Criteria:**

- a) Continues to be employed by NHS Borders until immediately before the beginning of the 11<sup>th</sup> week before the expected week of delivery; **and**
- b) Notifies NHS Borders, in writing, not less than 28 days before the commencement of maternity leave (or if this is not possible, as soon as is reasonably practicable) that she intends to take maternity leave; **and**
- c) Submits a statement from a registered medical practitioner or practising midwife not less than 28 days before the commencement of maternity leave indicating the expected date of delivery, or if this is not possible, as soon as is reasonably practicable; **and**
- d) Has 2 or more years continuous service (whole time or part time)

**4.6 Employees who are undecided whether or not they wish to return to work**

**Entitlement to leave and pay**

If an employee is undecided whether she wishes to return to work, and she qualifies for full Agenda for Change benefits she may choose to take Statutory Maternity Pay only and retain her entitlement to return to work (this is known as deferring payment). If this employee subsequently decides that she does not wish to return to work, then she will not be required to refund any Statutory Maternity Pay, but will not receive any Occupational Maternity Pay. If the employee subsequently decides that she wishes to return to work, then the conditions in Section 4.4 will apply and the Occupational Maternity Payments will be made.

If an employee does not defer payment and then subsequently decides not to return to work, then she will be required to refund any Occupational Maternity Pay which she has received. On receipt of this information, the manager will complete a 'Notice of Termination Form' which will initiate the process for recovering the whole of the Occupational Maternity Pay received, less any Statutory Maternity Pay to which the employee is entitled. This sum includes income tax, superannuation contributions and National Insurance contributions and will be required to be repaid as a lump sum.

**What to do**

- a) The employee should contact her line manager who should then discuss the implications with their nominated HR Manager
- b) NHS Borders should notify the employee of the end date of her maternity leave within 28 days of the employee's notification unless the employee has since changed the date her leave will start. If the employee does change the date she wishes her leave to start, NHS Borders must notify her of the end date of her maternity leave within 28 days of the start of her leave

- c) Where an employee indicates that it is her intention to return to work, the conditions in Section 4.4 apply and the additional maternity payments will be made
- d) Where an employee indicates that it is her intention not to return to work, her employment will be terminated and any outstanding monies due will be paid. Where an employee does not intend to return to NHS employment and receives maternity pay, her superannuable employment ends 6 weeks after the date maternity leave commences. This also applies where an employee indicates her intention to return to work, but subsequently fails to return.

#### 4.7 Employees who decide not to return to work

If an employee has indicated that either:

- a) She will return to work with NHS Borders for at least 3 months at the end of her maternity leave; **or**
- b) She will a return to another NHS employing authority

**but...**

she decides not to return to work or does not forward a copy of her letter of appointment with another employing authority within one year of commencement of maternity leave.

**then...**

the employee will be required to refund the whole of the Occupational Maternity Pay received, less any Statutory Maternity Pay to which she is entitled. This sum includes income tax, superannuation contributions and National Insurance contributions and will be required to be repaid as a lump sum.

## 5 Notification and commencement of maternity leave

Once employees have decided on the type of maternity leave and pay they are eligible to receive, they must notify their manager and the Human Resources Department by completing either a ML1 or ML2 form (**Appendix 1**) before the end of the 11th week before the expected date of delivery (or if this is not possible, as soon as is reasonably practicable thereafter). Notification must include:

- ✦ The employee's intention to take maternity leave
- ✦ The date the employee wishes to start maternity leave
- ✦ The employee's intention to return to work with NHS Borders or another NHS employer for a minimum period of 3 months after maternity leave has ended
- ✦ The MatB1 form from a midwife or GP giving the expected date of delivery. This must be the original form and must be signed no earlier than the 20<sup>th</sup> week of pregnancy. Any delay in supplying this form could affect an employee's maternity pay

If an employee subsequently wishes to change the date she intends to start maternity leave she must notify her manager at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

If an employee works beyond the 4<sup>th</sup> week before the expected week of delivery and subsequently becomes unfit for work through a pregnancy related illness, maternity leave will commence automatically in accordance with the Statutory Maternity Pay / Agenda for Change Regulations. Managers and employees can obtain further advice from their nominated HR Manager.

## **6 Keeping in touch**

Before the start of the maternity leave, the manager and the employee should agree any voluntary arrangements for keeping in touch during the employee's maternity leave.

Employees may work for up to 10 days without bringing their maternity leave to an end or losing Statutory Maternity Pay or Maternity Allowance. These are known as Keeping in Touch Days and can be used for any work-related activity including training, conferences or just to keep in touch with developments at work. Such days are different to the reasonable contact that employers and employees may make with one another during maternity leave, for example, to discuss the return to work or any developments that may affect the employee's intended date of return. Any work undertaken during the maternity leave must be by agreement and neither the employee or the manager can insist on it.

Employees can use keeping in touch days during Ordinary or Additional Maternity Leave but cannot work during the two weeks of compulsory maternity leave immediately after the birth.

The employee will be paid at their basic daily rate for the hours worked, less appropriate maternity leave payment for KIT days worked. Working for part of any day will count as one KIT day.

Further advice on this is available from the employee's nominated HR Manager.

## **7 Delivery**

### **Premature birth / early delivery**

Where the delivery occurs before the expected commencement of maternity leave, the period of maternity leave will commence from the first day of the employee's absence. If the employee has worked in the actual week of delivery she is entitled to pay in respect of work done.

Please seek advice from your HR Manager if you have any questions relating to this.

Where the delivery has occurred prematurely and/or where the child requires to remain in hospital, the employee may, with the agreement of her manager, choose to split her maternity leave entitlement by taking a minimum period of 2 weeks leave immediately



after delivery and take the balance of leave on the child's discharge from hospital. This would, however, impact on her entitlement to Statutory Maternity Pay. Please seek advice from the Payroll Department before taking this action.

It is recommended that the employee seeks advice from Occupational Health in this situation.

### **Late delivery**

If an employee's baby is born after the expected week of delivery, then the maternity pay period is not affected.

### **After delivery**

- a) If an employee has opted for 26 weeks Ordinary Maternity Leave (paid or unpaid) and has indicated an intention to return to work, she will be expected to be back at work from the day after her maternity leave ends. There is no requirement for the employee to give notice of her return, unless she is returning earlier. If an employee wishes to return before the completion of the 26 weeks, she must give her manager at least 8 weeks notice of the date she intends to return to work.
- b) If an employee has opted for a period of 26 weeks unpaid maternity leave, NHS Borders is entitled to send her a written request, not earlier than 14 days before the end of the paid maternity leave, asking the employee to confirm, in writing, that she intends to return to work. In this case, employees must give the written confirmation asked for within 28 days of receiving the request.
- c) If an employee, having commenced her maternity leave decides she does not wish to take her full entitlement of 52 weeks and gives her employer notice that she will return after 6 months, she can still change her mind and take a longer period away, up to a full year of maternity leave, so long as she gives 8 weeks notice before the earlier date.
- d) If an employee has informed her employer that she wishes to return to work at the end of the 52 weeks maternity leave, and has not told NHS Borders that she wishes to come back at any other time, she does not need to provide any further notice.

### **Extensions to maternity leave**

There can be no extension to maternity leave beyond the period of entitlement. If an extension to Maternity Leave is requested, it must be treated as a normal application for unpaid leave, a career break or parental leave. It will be for the manager to agree or refuse such an application taking into account the relevant organisational policy and all the circumstances of the case.

However, where service needs allow, it may be possible for employees to utilise annual leave entitlement carried forward from prior to the commencement of their maternity leave or the annual leave accrued during their maternity period to extend their period of time away from work. This should be agreed with the line manager.

## **Subsequent maternity leave**

Once an employee has established her entitlement to Maternity Leave, any subsequent request for maternity leave can be granted without having to gain further qualifying service. No part of a period of maternity leave should be regarded as a break in service.

## **Miscarriage / pregnancy loss**

Where an employee has a miscarriage before the 25th week of pregnancy, normal sick leave provisions will apply.

## **Still birth / death of a newborn child**

In the event of a still birth on or after the 24th week of pregnancy the employee will be entitled to Maternity Leave and pay entitlements as if the birth had been live and will be allowed to return to work as soon as she wishes after a minimum break of 2 weeks from the date of delivery, providing she is fit to do so.

If the child is stillborn, or dies after birth, within the period of Maternity Leave, the woman will be allowed to return to work as soon as she wishes after a minimum break of 2 weeks from the date of delivery, providing she is fit to do so.

For women who have opted not to return to work, there is no provision for them to return to work on the death of their new born child. However, if she wishes, the organisation will make every attempt to find her work.

## **8 Breastfeeding and returning to work**

### **Breastfeeding at work**

Many women return to work before the recommended period for exclusive breastfeeding of 4-6mths. NHS Borders aims to support and encourage employees who wish to return to work and continue breastfeeding through the provision of appropriate facilities where possible and the development of a supportive culture.

Employees should notify their managers of their intention in writing to continue breastfeeding on their return to work. Where practicable, employees will be allowed reasonable time off work to express breast milk or continue breastfeeding, if their baby is cared for nearby. For more details, please contact the nominated HR Manager.

### **Working patterns**

When possible managers should be flexible to employees who return to work and who wish to continue breastfeeding. This may mean changing work patterns or hours to avoid excessively long periods of time working, which may be detrimental to breastfeeding.

## 9 Other forms of leave

### Parental leave

Every parent is legally entitled to take up to 18 weeks unpaid parental leave for each child (no more than 4 weeks in any one year). If the child is claiming DLA, the entitlement is up to 18 weeks.

To be eligible for Parental Leave an employee must be a parent (named on the birth certificate) of, or have formal parental responsibility for, a child who is aged under 14 years i.e. up to the child's 14<sup>th</sup> birthday.

In the case of an adopted child, eligibility will apply for 18 years after the child is first placed with the family for adoption, or up until the child's 18<sup>th</sup> birthday, whichever is earlier.

In the case of a child with a disability i.e. one for whom disability living allowance is paid, eligibility will apply up until the child's 18<sup>th</sup> birthday.

Requests for parental leave should be submitted in writing to the line manager. Managers and employees who require further information on this subject should contact their nominated HR Manager.

### Shared Parental Leave

For parents whose babies are due on or after 5 April 2015, there will be a new system of shared parental leave (ShPL). In case of adoptions, the regulations apply in relation to children matched with a person or placed for adoption on or after 5 April 2015.

Mothers of babies due on or after 5 April 2015 will be able to bring their maternity leave to an end early and convert the balance into ShPL. This leave can be taken by either of the parents in periods of a week or multiples of a week. ShPL cannot be taken after the baby's first birthday.

### Eligibility

To qualify for leave, you must have 26 weeks' continuous employment at the 15<sup>th</sup> week before the expected week of childbirth (EWC) and remain in employment when the leave is taken. Your partner must also satisfy minimum employment and earnings criteria to be eligible for ShPL.

Leave can only be taken after the initial two weeks of leave following the birth as a recovery period.

### Notification

If you qualify for ShPL you must notify your line manager of your entitlement and intention to take ShPL at least eight weeks before your first planned period of leave. This notification should include –

1. Details of how much ShPI is available
2. The amount of leave each parent intends to take
3. And an indication of leave dates

You can vary the amount of leave taken by notifying your line manager.

### Self Certification

Your notification provided to your line manager must be accompanied by declarations from both parents of your entitlement to ShPL and that they agree to the amount of ShPL the other parent wishes to take. You should also provide a copy of the child's birth certificate and name and address of your partner's employer.

### Leave

Employees are required to give separate written notice at least eight weeks before the start of any period of ShPI. The notice must state when the leave will start and end, and can request more than one period of leave.

If employees have requested a continuous period of leave, they are entitled to take it. If employees have requested separate periods of leave, the line manager can –

1. Agree to the requested pattern of leave
2. Refuse the request
3. Refuse the request and propose alternative dates

If agreement cannot be reached within two weeks, employees can withdraw their request, or take the leave requested as a single continuous period.

Employees can submit up to three notices of their intention to take leave. If a notice is withdrawn. If a notice to take leave is withdrawn because a pattern of leave cannot be agreed, this does not count towards this limit.

### Right to Return

During ShPL your normal terms and conditions of employment will be maintained, except those relating to pay. Employees can work on up to 20 KIT (Keeping in Touch) days during ShPL without bringing the leave to an end.

An employee returning from ShPL is normally entitled to return to the same job if you are returning from a period of ShPL of 26 weeks or less. If the period exceeds this, and it is not reasonably practicable to return to the same job, you will be entitled to return to a suitable alternative.

### Paternal leave (per delivery)

All NHS employees are entitled to up to two consecutive weeks paternity leave. In order to be eligible for full pay during the leave period employees must:

- ✦ Have or expect to have responsibility for the child's upbringing

- ✚ Be the biological father of the child or the mother's husband, civil partner or partner
- ✚ Have worked continuously for 26 weeks by the end of the 11<sup>th</sup> week before the baby is due; **and**
- ✚ Still be employed on the day the child is born

If the employee is not married or in a civil partnership with the mother, they count as her partner if they live with her in an 'enduring family relationship' but is not a close blood relative. This applies to opposite sex and same sex partners.

Employees who do not meet the criteria for paid leave may take up to two consecutive weeks unpaid paternity leave or may be entitled to Statutory Paternity Pay (the rate for this is the same as Statutory Maternity Pay).

Paternity leave can be taken:

- ✚ From the date of the baby's birth, whenever that takes place
- ✚ From a chosen number of weeks after the date of the baby's birth (whenever it is born); **or**
- ✚ From a chosen date which falls at any point after the due date, as long as the leave is completed within 56 days of the birth (but see below for premature babies).

Leave can start on any day of the week but must be completed within 56 days of the actual birth. However, if the baby is born early, leave must be completed within the period from the actual date of birth up to 56 days after the expected week of birth. This means that parents of premature babies have a longer period after the birth in which to take paternity leave.

There is only one period of leave available even if more than one child is being born. If a baby is stillborn after 24 weeks, or is born alive at any time but then dies, employees have the right to take paternity leave as usual.

Requests for paternity leave should be submitted on an **SC3 form 'Becoming a Parent'** to the line manager at least 28 days before they want the leave to start. This form is available from HR or can be accessed using the following link:

<http://www.hmrc.gov.uk/forms/sc3.pdf>

The required information includes:

- ✚ When the baby is expected to be born (or the date of birth if the baby has already been born)
- ✚ How much paternity leave is being requested - one or two weeks leave; **and**
- ✚ When it is expected that the leave will start

Managers are required to complete a Notification of Change form for each employee who requests paternity leave.

### **Additional Paternity Leave**

All NHS employees can request Statutory Additional Paternity Leave (APL) and Pay if their partner returns to work before the end of their maternity (or adoption) leave or pay period.

#### **Entitlement**

Eligible employees are entitled to:

APL can be taken for a period of between 2 and 26 weeks. APL must be taken as one continuous period and must be for full weeks.

#### **Start and End Dates**

APL may be taken at any time between 20 weeks after the date on which the child was born and the child's first birthday.

Pay stops when the mothers maternity or adoption pay would have ended.

If the mother has not taken her full entitlement to statutory maternity pay when she returns to work the outstanding amount of pay transfers to the father/her partner who is taking APL.

Employees can change the dates of APL, by giving their line manager 6 weeks' notice.

#### **Unpaid Additional Paternity Leave**

Employees can take unpaid additional paternity leave if they're eligible for leave but not pay. All additional paternity leave taken after the end of the statutory maternity pay, maternity allowance or statutory adoption pay period is unpaid.

#### **Eligibility**

- ✦ Have or expect to have responsibility for the child's upbringing
- ✦ Be the biological father of the child or the mother's husband, civil partner or partner
- ✦ Have worked continuously for 26 weeks by the end of the 11<sup>th</sup> week before the baby is due
- ✦ Still be employed on the day the child is born
- ✦ Earn at least £111 a week (gross) in an 8 week period
- ✦ Your partner has at least 2 weeks left of their maternity or adoption pay

## Notice Period

You are required to provide your line manager with 8 weeks notice using the following forms –

- | For births: <http://www.hmrc.gov.uk/forms/sc7.pdf>
- | For UK adoptions: <http://www.hmrc.gov.uk/forms/sc8.pdf>
- | For overseas adoptions: <http://www.hmrc.gov.uk/forms/sc9.pdf>
- | If the mother or adopter dies: <http://www.hmrc.gov.uk/forms/sc10.pdf>

## Proof Required

The following may be required to be submitted dependant on your circumstances for claiming APL –

1. Proof of the birth or adoption, e.g. a birth certificate, letter from the adoption agency or official notification
2. Contact details of your partner's employer, e.g. to check when your partner's maternity pay ends

## Career break

A career break is a period of unpaid leave from work, usually lasting between one and five years. Managers and employees who require further information on this subject should contact their nominated HR Manager.

## 10 Flexible working

Employees returning to work after a period of maternity leave have the right to request flexible working. NHS Borders will, whenever possible, support an employee who wishes to return to work under flexible working arrangements. Line managers will attempt to identify suitable options for employees wishing to change their working patterns. Employees should be aware that the process could take up to 14 weeks to complete, and sometimes longer where a problem arises, therefore, if an employee is considering alternative work patterns, she should alert her line manager as soon as is reasonably practicable. Her request will then be taken forward in line with the Flexible Working Request Policy.

## 11 Adoption leave and pay

Employees have an entitlement to adoption leave in line with maternity leave for all adoptions of children under age 18. For more information, please refer to NHS Borders Adoption and Fostering Policy.



## 12 Summary of roles and responsibilities

### The responsibilities of all managers are to:

- ✦ Support employees and give general advice on this policy and protocol
- ✦ Undertake risk assessments for all new and expectant mothers
- ✦ Consult the Occupational Health and Safety Service if there are ongoing concerns regarding any exposure to hazards
- ✦ If necessary, change the employee's working conditions or hours or liaise with their HR Manager to try to identify suitable alternative work
- ✦ Identify all 'pregnancy related disorders' when recording sickness absence on the Staff Governance Information System (SGIS)
- ✦ Before the start of the maternity leave, agree any voluntary arrangements for keeping in touch during the employee's maternity leave
- ✦ Where relevant, ensure that employees going on maternity leave have a KSF Gateway Review prior to commencement of the maternity leave
- ✦ Support and encourage employees who wish to return to work and continue breastfeeding
- ✦ Whenever possible, support an employee who wishes to return to work under flexible working arrangements

### The responsibilities of all employees are to:

- ✦ Follow this policy and protocol
- ✦ Inform their manager of their pregnancy as soon as possible
- ✦ Provide an appointment card or some other proof of ante-natal appointments/care including relaxation and parent craft classes
- ✦ Apply for maternity leave and pay on the appropriate forms
- ✦ Inform their manager if any absence is pregnancy related
- ✦ Notify their manager of the intended maternity leave start date
- ✦ Where necessary, send the relevant form(s) to her social security office to claim Maternity Allowance
- ✦ Notify their manager of their intentions to return to work after her maternity leave
- ✦ If an employee subsequently wishes to change the date she intends to start maternity leave she must notify her manager at least 28 days beforehand
- ✦ Before the start of the maternity leave, the employee should agree any voluntary arrangements for keeping in touch during maternity leave
- ✦ If returning to work earlier than agreed, the employee must give her manager at least 8 weeks notice of the new date she intends to return

### The responsibilities of HR are to:

- ✦ Proactively advise, support and guide all staff in this policy and protocol
- ✦ Record maternity leave on the Staff Governance Information System (SGIS)
- ✦ Notify the employee of the end date of her maternity leave within 28 days of the employee's notification
- ✦ Where necessary, liaise with line managers try to identify suitable alternative work

**The responsibilities of the Occupational Health service are to:**

- ✦ Provide managers with advice relating to new and expectant mothers exposure to any significant risk or hazards
- ✦ Provide employees with advice on their work in relation to pregnancy

**The responsibilities of the Payroll Department are to:**

- ✦ Check employees eligibility to the different types of maternity pay and process accordingly
- ✦ Issue exclusion forms (SMP1) to employees not eligible for Statutory Maternity Pay
- ✦ Where appropriate, notify the employee of the amount of contributions due to their NHS Superannuation Scheme on return to work following a period of unpaid leave
- ✦ Facilitate the payment of Occupational Maternity Pay in different ways if required

**The responsibilities of all staff side representatives are to:**

- ✦ Represent staff fairly and in line with this policy and protocol
- ✦ Act at all times in line with their responsibilities under the Partnership Agreement

**The responsibility of Training and Professional Development is to:**

- ✦ Develop the skills of managers and staff representatives to allow this policy and protocol to be put into practice effectively

**Maternity Policy Working Group members:**

|                   |                                |
|-------------------|--------------------------------|
| Irene Bonnar      | Occupational Health and safety |
| Geraldine Bouglas | HR Policy Development Manager  |
| Edwina Cameron    | Staff Side                     |
| Karen Merchant    | HR                             |
| Janet Miller      | HR Manager                     |
| Lorna Nisbet      | Payroll                        |
| Julie Roberts     | HR Policy Training Manager     |

## **Appendix 1**

### **Maternity forms - ML1 and ML2**

**Form ML1**

**NHS Borders**

**APPLICATION FOR MATERNITY LEAVE (PAID OR UNPAID)  
FOR EMPLOYEES RETURNING TO WORK**

*It is recommended that you read, and discuss with your Manager and/or HR Manager, the information in the Maternity Policy and Protocol before filling in this form.*

**Part 1**

| <b>EMPLOYEE DETAILS:</b>  |    |               |           | <b>To be completed by the employee</b> |  |
|---|----|---------------|-----------|--|--|
| Name:   |    | Home Address: |           |  |  |
| Pay number:   |    |               |           |  |  |
| Post title:   |    |               |           |  |  |
| Dept/Ward/Team:   |    | Postcode:     |           |  |  |
| <b>Details of NHS work in the last 12 months (including your current post):</b> |    |               |           |  |  |
| Dates   |    | Post held     | Hours p/w | Place of work / employer               |  |
| From  | To |               |           |  |  |
|   |    |               |           |  |  |
|   |    |               |           |  |  |
|   |    |               |           |  |  |
|   |    |               |           |  |  |

| <b>MATERNITY LEAVE DETAILS:</b>   |  | <b>To be completed by the employee</b> |  |
|---|--|--|--|
| My expected date of delivery (EDD) is:  |  |  |  |
| My expected date of delivery certificate (MAT B1): <b>is attached/will be sent later</b><br>(please delete one)   |  |  |  |
| My period of Maternity Leave is:  |  | from                                   | to<br>(no less than 2 weeks after the birth) |
| My period of Statutory Maternity Pay/Maternity Pay is requested:  |  | from                                   | to   |
| I wish to return to work no later than ..... weeks after my baby is born  |  |  |  |
| I <b>am/am not</b> (please delete one) agreeable to having the payment of my salary/wage due to me in respect of the NHS Maternity Leave Scheme deferred until I have resumed work and completed three months' service (please see Condition Number 1 below). |  |  |  |

**CONDITIONS:**

1. I understand that if the payment is made and I do **not** return to regular contracted hours of work within the specified period for NHS Borders or another NHS employer for at least 3 months, I will have to pay back **all** the NHS Maternity Leave pay received except the first 6 weeks at 9/10ths (if due this). If I return to work for **another** NHS employer I undertake to send a copy of my letter of new appointment to NHS Borders within 15 months of beginning maternity leave.
2. I shall return to work under the same terms and conditions of my present contract of employment, unless it is agreed with my manager that these terms and conditions may be varied.
3. I shall give my manager at least 8 weeks written notice of the date of my return to work.

**NOTE: FOR THOSE IN RECEIPT OF PAY UNDER NHS MATERNITY LEAVE SCHEME**

It is known that many employees are primarily concerned in protecting their job and in fact do not wish or intend to return to work after the birth of the child, providing all is well. You are, therefore, being given an option to defer the payment due to you under the NHS Maternity Leave Scheme until you have resumed work and completed three months service thereby preventing the problems and inconvenience of repayment from occurring. It is stressed that regardless of what option is taken, the full job protection of the scheme still exists

I confirm that I have read and understand the conditions of deferring my maternity leave/pay.

**Employee’s signature:**

**Date:**

**... now give this form to your manager.**

**Part 2**

| <b>MANAGERS CONFIRMATION:</b>  | <b>To be completed by the manager</b> |
|--|---------------------------------------|
| <p>I confirm that the above details are correct.</p> <p><b>I do/do not</b> (please delete one) wish the temporary vacancy to be considered by the Board for filling.</p> <p>Date Staff Change Form completed .....</p> <p>Manager Signature: ..... Date: .....</p> <p>Name (please print): .....</p> |                                       |

**This original form, and your original MAT B1, must be returned to the Human Resources Department who will retain photocopies in your personal file and forward the originals to the Payroll Department.**

**Part 3**

| <b>PAYROLL CONFIRMATION:</b>  | <b>To be completed by payroll</b> |
|---|-----------------------------------|
| Date ML1 form received from HR: .....   |                                   |
| I confirm that the above employee is eligible for ..... weeks leave (maximum) |                                   |
| and ..... weeks pay.  |                                   |
| Normal pay / salary up to and including .....                                 |                                   |
| Signature: ..... Date: .....  |                                   |

... after completion, Payroll to send copies of this form to the manager and HR.

**Part 4**

| <b>ACTION REQUIRED BY THE MANAGER:</b>                   | <b>To be completed by the manager</b> |
|--|---------------------------------------|
| Date written notice of intention received from employee: |                                       |
| (please delete as appropriate)                           |                                       |
| Employee intends to Return to work on:                   |                                       |
| Employee has not yet agreed a return date                |                                       |
| Employee does not intend to return to work               |                                       |
| Date Staff Change Form / Termination Form completed:     |                                       |
| Manager Signature: ..... Date: .....                     |                                       |
| Name (please print): .....                               |                                       |

... to be retained in personal file after completion.

## **Maternity form ML2**

**Form ML2**

**NHS Borders**

**APPLICATION FOR MATERNITY LEAVE / PAY  
FOR EMPLOYEES NOT RETURNING TO WORK**

*It is recommended that you read, and discuss with your Manager and/or HR Manager, the information in the Maternity Policy and Protocol before filling in this form.*

| <b>EMPLOYEE DETAILS:</b> |               | <b>To be completed by the employee</b> |
|--------------------------|---------------|--|
| Name:                    | Home Address: |  |
| Pay number:              |               |  |
| Post title:              |               |  |
| Dept/Ward/Team:          |               |  |
| Hours p/w:               | Postcode:     |  |

| <b>MATERNITY LEAVE / PAY DETAILS:</b>   | <b>To be completed by the employee</b> |
|---|--|
| My expected date of delivery (EDD) is:  |  |
| My expected date of delivery certificate (MAT B1): <b>is attached/will be sent later</b><br>(please delete one) |  |
| My period of Statutory Maternity Leave/Pay is: from _____ to _____  |  |
| Date of termination of employment is:   |  |
| <b>I do not intend to return to work and hereby apply for Maternity Pay/Statutory Maternity Pay/Leave.</b>      |  |
| Employee's signature:   | Date:                                  |

| <b>MANAGERS CONFIRMATION:</b>                 | <b>To be completed by the manager</b> |
|---|---------------------------------------|
| I confirm that the above details are correct. |                                       |
| Date Staff Change Form completed .....        |                                       |
| Manager Signature: .....                      | Date: .....                           |
| Name (please print): .....                    |                                       |

**This original form, and the original MAT B1, must be returned to the Human Resources Department who will retain photocopies in the personal file and forward the originals to the Payroll Department.**



## **Appendix 2**

### **Glossary of terms**

## Glossary of terms

- EDD**      **Expected Date of Delivery.** This is the date your GP/Midwife gives you estimating the date your baby is due.
- EWD**      **Expected Week of Delivery.** This is the week in which your baby is due to be born. A week, for social security purposes, is a period of 7 days starting at midnight between Saturday and Sunday. Your EWD will be the date of the Sunday in the week before your baby is due.
- OMP**      **Occupational Maternity Pay.** This is paid to employees with continuous service of more than one year.
- SMP**      **Statutory Maternity Pay.** This is paid to employees who do not qualify for OMP and is paid at 2 rates. The higher rate which is paid for 6 weeks and is based on your actual salary (including overtime and deductions). The lower rate is paid for the next 33 weeks and is set annually by statute.
- OML**      **Ordinary Maternity Leave.** This is sometimes known as the Ordinary Maternity Leave period and is the minimum period of leave due to all employees regardless of their length of service. This lasts for 26 weeks.
- AML**      **Additional Maternity Leave.** This is the extended period of 26 weeks unpaid leave beyond the 26 weeks Ordinary Maternity Leave.
- MA**      **Maternity Allowance.** If you are not entitled to SMP, MA may be paid by the Benefits Agency. For further information, please contact your local Benefits Agency.
- QW**      **Qualifying Week.** This is 11 weeks before your EWD and is the date used to determine your entitlement to SMP and your average pay.
- MAT B1**      This is a certificate issued by your doctor or midwife confirming your EDD. Payroll/HR needs this form before we can pay you OMP/SMP.



**Appendix 3**

**Maternity process check list**

**Maternity process check list**

| When   | What   | Complete<br>(✓) |
|--|--|-----------------|
| <b>12<sup>th</sup> – 15<sup>th</sup> WEEK OF PREGNANCY</b> | Between 12 and 15 weeks into your pregnancy it is advisable that you inform your manager in writing that you are pregnant in order that a Risk Assessment of your workplace can be undertaken. |                 |
| <b>20<sup>th</sup> WEEK OF PREGNANCY</b>                   | Submit MAT B1  |                 |
| <b>29<sup>th</sup> – 40<sup>th</sup> WEEK OF PREGNANCY</b> | Proceed to Maternity Leave   |                 |
| <b>40<sup>th</sup> WEEK+ /- OF PREGNANCY</b>               | Baby Born  |                 |
| <b>7 WEEKS AFTER EXPECTED DELIVERY</b>                     | If “undecided”, Letter requesting decision whether to return to work. (No date required at this point).  |                 |
| <b>8 WEEKS BEFORE RETURN TO WORK</b>                       | Inform Manager of return to work date in writing (if this is before end of 52 week entitlement).   |                 |

**It is very important that you comply with these timescales otherwise your entitlements / rights to return to work may be affected.**

## **Appendix 4**

### **New and expectant mothers risk assessment**

## OCCUPATIONAL HEALTH & SAFETY SERVICE

### NEW & EXPECTANT MOTHERS RISK ASSESSMENT

The purpose of this document is to assess the working conditions of employees who are pregnant or have recently given birth, as specified by the Management of Health and Safety at Work Regulations 1999

| <b>Section 1. Employee Details</b>        |
|---|
| <b>Name:</b>                              |
| <b>Date of Birth:</b>                     |
| <b>Job Title:</b>                         |
| <b>Directorate:</b>                       |
| <b>Location:</b>                          |
| <b>Section 2. Location of Work</b>        |
| <b>Where do you work predominately?</b>   |
| a) Within the ward/clinical area?         |
| b) An office environment?                 |
| c) Kitchen environment?                   |
| d) Community based?                       |
| e) Other [please state]                   |
| <b>Section 3. The Working Environment</b> |
| <b>3.1 Where do you work?</b>             |
| a) Inside only?                           |
| b) Outside only?                          |
| c) Partly indoors, partly outdoors?       |

| Section 3. Continued  | YES | NO |
|---|-----|----|
| <p><b>3.2 Are vehicles or moving mechanical equipment found in the area?</b></p> <p>Details:</p>                                      |     |    |
| <p><b>3.3 Does your work area contain stairs, or require you to work in areas raised above floor level?</b></p> <p>Details:</p>       |     |    |
| <p><b>3.4 Is there an adequate level of lighting within the working area?</b></p> <p>Details:</p>                                     |     |    |
| <p><b>3.5 Is the working area kept clean and tidy?</b></p> <p>Details:</p>  |     |    |
| <p><b>3.6 Is the temperature of the working area:</b></p> <p>a) Comfortable?</p> <p>b) Too hot?</p> <p>c) Too cold?</p>               |     |    |
| <p><b>3.7 Is the air quality in your area:</b></p> <p>a) Comfortable?</p> <p>b) Uncomfortably dry?</p> <p>c) Uncomfortably humid?</p> |     |    |
| <p><b>3.8 Is there restricted space in your work area, or does your job involve working in tight spaces?</b></p> <p>Details:</p>      |     |    |

| Section 4. Task Assessment   | YES | NO |
|--|-----|----|
| <p><b>4.1 Does your job involve sitting for long periods of time?</b></p> <p>(a) If yes, how many hours approximately are you seated per day?</p> <p>(b) Can you adjust the seat height and inclination?</p> <p>Details:</p>   |     |    |
| <p><b>4.2 Does your job involve standing stationary for lengthy periods of time?</b></p> <p>If yes...</p> <p>(a) How many hours on average do you remain standing in the one place each day?</p> <p>Details:</p> <p>(b) Are chairs available in your area?</p> <p>If not, why?</p> |     |    |
| <p><b>4.3 Do you regularly use visual display screen equipment (VDUs)?</b></p> <p>If yes, how many hours on average do you use VDUs each day?</p> <p>Details:</p>  |     |    |
| <p><b>4.4 Does your job involve pushing, pulling, lifting or handling people or objects?</b></p> <p>Details:</p> <p>If yes, please carry out a Manual Handling Assessment to take into account of personal capabilities.</p>   |     |    |



| Section 5. Chemical Hazards  | YES | NO |
|--|-----|----|
| <p><b>5.1 Are chemicals or gases used routinely in your working area?</b></p> <p>Details:</p>  |     |    |
| <p><b>5.2 Are chemicals used infrequently or for cleaning purposes only in this area?</b></p> <p>Details:</p>  |     |    |
| <p><b>5.3 Which type of chemicals are used in your working areas?</b></p> <p>(a) Gases</p> <p>(b) Solvents</p> <p>(c) Acids</p> <p>(d) Cleaning Fluids</p> <p>(e) Cytotoxic Drugs</p> <p>(f) Others, please specify below:</p>                             |     |    |
| Section 6. Physical Hazards  |     |    |
| <p><b>6.1 Noise</b></p> <p>Is there a problem with the noise levels in this area, i.e. is it difficult to hear instructions or emergency alarms in this area due to the background noise levels?</p> <p><b>If yes, do you wear hearing protection?</b></p> |     |    |
| <p><b>6.2 Vibration</b></p> <p>Do you come into close contact with vibratory equipment or machinery?</p> <p>Details:</p>   |     |    |

| Section 6. Continued   | YES | NO |
|--|-----|----|
| <p><b>6.3 Electromagnetic Radiation</b></p> <p><b>Does your work involve contact with any of the forms of electromagnetic radiation listed below? (✓).</b></p> <ul style="list-style-type: none"> <li>a) Ultraviolet (UV) light?</li> <li>b) Infrared (IR) light?</li> <li>c) Lasers?</li> <li>d) Radio frequency (RF)?</li> <li>e) X-rays?</li> </ul> <p>Details:</p>                 |     |    |
| <b>Section 7. Biological Assessment</b>  |     |    |
| <p><b>7.1 Does your working area potentially expose you to any of the following agents:</b></p> <ul style="list-style-type: none"> <li>a) H.I.V?</li> <li>b) Hepatitis B?</li> <li>c) Chickenpox?</li> <li>d) Rubella?</li> </ul> <p>Details:</p>  |     |    |
| <p><b>7.2 Have you been immunised or do you have antibodies against any of the following:</b></p> <ul style="list-style-type: none"> <li>a) Hepatitis B?</li> <li>b) Chickenpox?</li> <li>c) Rubella?</li> </ul> <p>Details:</p>   |     |    |
| <b>Section 8. Violence and Aggression</b>  |     |    |
| <p><b>8.1 Do you feel that there is a risk from violence and aggression in relation to the workplace?</b></p> <p><b>8.2 If yes, are there reasonable steps you can take to ensure this risk is adequately reduced?</b></p> <p>Details:</p> <p><b>8.3 If no, do you feel that it would be in the employees best interests to be re-deployed to a different working environment?</b></p> |     |    |

## **Section 9. Conclusions**

**9.1 Summary of conclusions about the risks to a pregnant woman or a woman who has recently given birth.**

**a) Areas of risks identified.**

**b) Methods currently in place to control risks.**

**c) Further action required to improve control.**

**Section 9. Continued**

**9.2 Recommendations:**

**9.3 Assessor(s):**

Name:

Signature:

Name:

Signature:

**Date of assessment completion:**

No. of weeks pregnant at time of assessment:

Due Date:

**Dates for Review:**

1<sup>st</sup> Review:

2<sup>nd</sup> Review:

3<sup>rd</sup> Review:

**Please inform Occupational Health (Tel: 01896 825982) that you have a pregnant employee and forward a copy of this assessment, if you have not already done so.**

OH&S June 2006