

Maternity Leave

Human Resources Policy No. HR24

Additionally refer to

- HR01 Equality and Diversity
- HR25 Adoption Leave
- HR26 Maternity Support (Paternity) Leave
- HR27 Parental Leave
- HR28 Flexible Working
- HR30 Annual Leave & Public Holidays
- HR31 Managing Sickness Absence
- HR37 Employment Breaks
- HS11 Management of Health and Safety: Risk Assessment Forms

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Policy Statement

This policy outlines the arrangements in place to support staff during pregnancy and maternity leave. It outlines the options available to staff, requirements for eligibility and provides guidance for managing this period of the employment relationship.

1. Introduction

- 1.1 The Trust is committed to providing staff with access to leave arrangements which support them in balancing work responsibilities with personal commitments. This policy is one of a series of policies that make up the Trust's approach to help staff balance work and home life.
- 1.2 The Trust recognises that mothers need time off work prior to and following the birth of a child. This policy sets out the arrangements within the Trust for Maternity Leave and Maternity Pay. In reading this, it is useful to consider entitlement to Maternity Leave and Maternity Pay separately. Maternity Leave is the period of absence from work immediately before and after the birth of a child. Maternity Pay is the entitlement to pay whilst absent.
- 1.3 A flowchart providing an overview of the process can be found in appendix A. Further information is available from your manager and Human Resources Department.

2. Scope

- 2.1 This policy applies to all staff directly employed by the Trust whether full time or part-time, temporary or permanent including those employed via the Temporary Staffing Department.
- 2.2 The policy does not apply to individuals employed by agencies or other contractors. Issues relating to Maternity Leave and Pay for these individuals should be referred to the appropriate employer.
- 2.3 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Equality and Diversity Policy (HR01). Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, by staff whose literacy or use of English is weak or for persons with little experience of working life.
- 2.4 Managers must respect the confidentiality of the employee at all times and not disclose any personal information to a third party, with the exception of where advice is being sought from their line manager, the HR Department or the Occupational Health Department.
- 2.5 Employees having a child by means of surrogacy will not be eligible for Statutory Maternity Leave and will not normally be entitled to Statutory Adoption Leave. However they will be eligible for unpaid parental leave once in receipt of a parental order, as detailed in the Trust's Parental Leave Policy HR27. Reference should also be made to the Adoption Policy HR25 where parenthood is finalised via adoption through an adoption agency.

3. Maternity Leave

3.1 Entitlement

3.1.1 Any employee who is expecting a baby is entitled to Maternity Leave, provided that she:

- i) continues to be employed until immediately before the beginning of the 11th week prior to the expected week of childbirth (the 'EWC'), commencing on the Sunday of the week in which the baby is due.
- ii) notifies her employer in writing, by the 15th week before her EWC, that she is pregnant and intends to take Maternity Leave using the form in appendix B, unless this is not reasonably practicable.
- iii) submits a statement (MAT B1) from a registered medical practitioner or practising midwife not less than 21 days before the commencement of Maternity Leave, indicating the expected date of childbirth.

3.2 Duration

3.2.1 All employees are entitled to take up to 52 weeks Maternity Leave made up of 26 weeks Ordinary Maternity Leave (OML), and 26 weeks Additional Maternity Leave (AML). (i.e 52 weeks in total). However, this may be extended (on the basis of unpaid leave) by local agreement in exceptional circumstances, for example where employees have pre-term sick babies or multiple births.

3.2.2 A period of Compulsory Maternity Leave **must** be taken for at least 2 weeks following the baby's birth.

3.3 Commencement

3.3.1 The Maternity Leave period may commence at any time after the beginning of the 11th week before the expected week of childbirth, unless the employee is absent from work due to sickness (see section 7). Should the employee wish to continue to work beyond the 11th week before the expected week of childbirth, she may be asked to seek advice from her GP or the Occupational Health Department. However, the final decision as to when Maternity Leave shall commence rests with the employee.

3.4 Notification

3.4.1 An employee is required to notify her Manager that she is pregnant as soon as possible in order for a risk assessment to be carried out and to identify any potential risk and supportive measures required (see section 8).

3.4.2 All employees should notify their manager in writing, using the form in Appendix B, of her intention to take Maternity Leave no later than the 15th week before her expected week of childbirth, unless this is not reasonably practicable.

Her Manager must respond to the request to take maternity leave within 28 days of receiving the employees completed application form..

3.4.3 Employees will also need to produce statement form MAT B1 certificate (refer to section 4.2v).

- 3.4.4 An employee may change her mind about when she wishes to start her Maternity Leave provided she advises her Manager at least 28 days in advance (unless this is not reasonably practicable).

4. Maternity Pay

4.1 Duration

The total duration of the Maternity Pay Period is 39 weeks and payments are made from the start of the Maternity Leave Period. Should an employee wish to take less than 39 weeks Maternity Leave, her Maternity Pay (should this be payable) will be reduced on a pro-rata basis. In the case where the employee wishes to take less than 39 weeks Maternity Leave, she should, in her own interest, seek medical advice from her GP or the Occupational Health Doctor.

4.2 Entitlement to Statutory Maternity Pay

- 4.2.1 Not all employees qualify for Statutory Maternity Pay ("SMP"). To be eligible for SMP the employee must:-

- i) have been continuously employed within the Trust for at least 26 weeks continuing into the 15th week before the EWC.
- ii) still be pregnant at the 11th week before the expected week of childbirth or have had the baby by that time (see also Section 3).
- iii) earn enough money to pay National Insurance contributions.
- iv) notify her Manager of her intention to take Maternity Leave by the 15th week before her expected week of childbirth, unless this is not reasonably practicable.
- v) submit a statement (Form MAT B1) from a registered medical practitioner or practising midwife, not less than 21 days before the commencement of Maternity Leave, indicating the expected date of childbirth.

- 4.2.2 Payment for employees who meet the above criteria shall be made at the rate of 90% of average weekly earnings (Earnings-related SMP) for a period of 6 weeks, followed by 33 weeks at Standard Rate SMP (determined by the Government and reviewed annually) or 90% of their average weekly earnings if this is lower.

4.3 Entitlement to NHS Maternity Pay

- 4.3.1 To qualify for NHS rates of Maternity Pay, an employee must meet all of the criteria in 4.2 and in addition must:-

- i) have completed 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the EWC (this includes Health Authorities, NHS Boards, Primary Care Trusts and the Northern Ireland Health Service) ; and
- ii) Notify her manager that she intends to return to work within the NHS for at least 3 months after her Maternity Leave has ended.

4.3.2 Payment of NHS Maternity Pay for employees on **Agenda for Change & Medical & Dental staff** terms and conditions of service is as follows:-

First 8 weeks	Full pay (less any SMP or maternity allowance receivable)
Following 18 weeks	Half pay, plus Standard Rate SMP or maternity allowance receivable, providing the total receivable does not exceed full pay
Following 13 weeks	Standard Rate SMP or maternity allowance in accordance with the statutory scheme
Following 13 weeks	Unpaid maternity leave

4.3.3 Payment for NHS Maternity Pay for employees on **Trust** terms and conditions of service is as follows:

First 8 weeks	Full pay (less any SMP or maternity allowance receivable)
Following 14 weeks	Half pay, plus Standard Rate SMP or maternity allowance receivable, providing the total receivable does not exceed full pay
Following 17 weeks	Standard Rate SMP or maternity allowance in accordance with the statutory scheme
Following 13 weeks	Unpaid maternity leave

4.4 Maternity Leave and Pay Entitlement Quick Reference Guide

Conditions of Service	Length of Service/Continuous Employment	Mat Leave Entitlement	Maternity Pay Entitlement
All	Less than 26 weeks	52 weeks	None but Maternity Allowance may be payable
All	Over 26 weeks but less than 1 year continuous service with the Trust at the beginning of the 15 th week before EWC	52 weeks	Statutory Maternity Pay for 39 weeks (See Section 4.2.2) 6 weeks at 90% of average weekly earnings PLUS 33 weeks at SMP or 90% (whichever is lower) PLUS 13 weeks unpaid leave
Agenda for Change/Medical & Dental	12 months or more continuous service with one or more NHS employers at the beginning of the 15 th week before EWC	52 weeks	8 weeks at full pay PLUS 18 weeks at half pay + SMP PLUS 13 weeks at SMP 13 weeks unpaid leave
Trust	12 months +	52 weeks	8 weeks at full pay PLUS 14 weeks at half pay + SMP PLUS 17 weeks at SMP 13 weeks unpaid leave

4.5 Maternity Pay cannot exceed the employee's standard full rate of pay, therefore if half pay plus Standard Rate SMP is greater than full pay, Standard Rate SMP will be paid, plus an amount which brings the total to full pay rate.

4.6 Entitlement to Maternity Allowance

- 4.6.1 If an employee is not entitled to receive either NHS Maternity Pay or Statutory Maternity Pay, she may be entitled to receive Maternity Allowance. She should contact her local Jobcentre Plus / Social Security Office for details of this. An SMP1 form will be issued by Pay Services if you do not qualify for SMP.

4.7 Payment if a woman is unsure whether or not to return to work

- 4.7.1 If a woman is unsure whether or not she is likely to return to work, she should be advised to take only Statutory Maternity Pay. If she then returns to work within the NHS for a minimum of 3 months following her Maternity Leave, the enhanced rates will be paid, less payments already made.

4.8 Failure to return to work after receiving NHS Contractual Maternity Pay

- 4.8.1 If a woman has elected to accept NHS Contractual Maternity Pay and subsequently does not return to work for the Trust or a different NHS employer for at least 3 months following her Maternity Leave, she will be expected to repay to the Trust the difference between the Statutory Maternity Pay to which she was entitled and the NHS Contractual Maternity pay paid. (see also paragraph 20, "Return to Work")

4.9 Calculation of Maternity Pay

- 4.9.1 Full pay shall be calculated on the basis of the employee's average weekly earnings during the period of at least 8 weeks leading up to the last payday prior to the 15th week before the expected week of childbirth, subject to the following qualifications:-
- i) In the event of a pay award or annual increment being implemented before the paid maternity leave period begins, the maternity pay should be calculated as though the pay award or annual increment had effect throughout the entire Statutory Maternity Pay calculation period. If such a pay award was agreed retrospectively, the Maternity Pay should be recalculated on the same basis.
 - ii) In the event of a pay award or annual increment being implemented during the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award were agreed retrospectively, the Maternity Pay should be recalculated on the same basis.
 - iii) In the case of an employee on unpaid sickness absence, or on sickness absence attracting half pay, during the whole or part of the period used for calculating average weekly earnings in accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.
- 4.9.2 Maternity Pay is subject to PAYE income tax, National Insurance contributions and to pension contributions where appropriate (see also Section 13)

5. Confirming Maternity Leave and Pay

5.1 Following discussion with the employee, the manager should confirm in writing the employee's:

- i) Paid and unpaid maternity leave entitlements in accordance with the Trust's Maternity Policy. (or SMP where relevant, if the employee does not qualify for NHS Maternity Pay).
- ii) Expected return date based on her maternity leave entitlement.
- iii) Annual leave entitlement accrued during her maternity leave period and when it will be taken. Note that a maximum of five days Annual Leave can be carried forward from one annual leave year to another (see also Section 11).
- iv) Requirement to give at least 8 weeks notice if she wishes to return to work before the expected return date.

6. Preterm, Still Birth or Miscarriage

6.1 Where childbirth occurs prior to the beginning of the 11th week before the expected week of childbirth and

- the employee has worked during the actual week of childbirth, Maternity Leave will commence on the **first day of the employee's absence**.
- the employee has been absent from work on certified sickness absence during the actual week of childbirth, Maternity Leave will commence on the **day after the day of birth**.

In either case the employee must notify her Manager as soon as is reasonably practicable. The employee will be entitled to the same amount of maternity leave and pay as if her baby had been born at full term.

6.2 If an employee's baby is born prior to the 11th week before the expected date of childbirth and the baby is kept in hospital, she may split her maternity leave period, taking a minimum period of 2 weeks leave immediately after childbirth and then returning to work to take the balance of leave following the baby's discharge from hospital.

6.3 In the event of a miscarriage taking place before the 25th week of pregnancy, maternity pay is not payable and leave should be treated as sickness absence.

6.4 In the event of an employee's baby being still born, if the birth takes place after the beginning of the 25th week of pregnancy, the employee will be entitled to the same amount of Maternity Leave and Maternity Pay as if the birth had been live.

7. Sickness Absence prior to, during and following Maternity Leave

7.1 If an employee is off work ill, or becomes ill, with a pregnancy related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the 4th week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the later.

- 7.2 Absence prior to the last four weeks before the expected week of childbirth shall be treated in accordance with the Managing Sickness Absence Policy, HR31.
- 7.3 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 her Manager.
- 7.4 If an employee is sick at any time during her Maternity Leave, her absence shall be treated as Maternity Leave and not sick leave.
- 7.5 In the event of illness following the date the employee was due to return to work, normal sick leave provisions apply in accordance with the Managing Sickness Absence Policy, HR31.

8. Health and Safety of Pregnant Employees

- 8.1 Managers must carry out a risk assessment as soon as reasonably practicable when it is known that an employee is pregnant, and review, where required, at regular intervals until Maternity Leave commences. Risk assessments should be completed with the employee. Arrangements must then be made to ensure that neither the employee nor her unborn baby are put at risk, for example by lifting or carrying heavy loads or exposure to toxic substances.
- 8.2 If risks are identified which prevent a new or expectant mother* from carrying out all or part of her normal duties, or if an employee has been advised by a registered medical practitioner to that effect, the Trust shall provide suitable alternative work for which she should receive her normal rate of pay, even if the work would normally attract a lower rate of pay. If no suitable alternative can be found, the employee shall be suspended on medical grounds on full pay until her Maternity Leave is due to commence. If an employee unreasonably refuses to accept suitable alternative employment, she will forfeit her entitlement to pay until her Maternity Leave is due to commence. (*The term 'new and expectant mother' applies to an employee who is pregnant or breastfeeding, or has given birth within the previous six months.)
- 8.3 Refer to the Health and Safety Pages of the intranet for guidance on completing a risk assessment and the most up to date version of the Trust Risk Assessment Form for New and Expectant Mothers available in the Management of Health and Safety: Risk Assessment Forms (HS11).

9. Entitlement to Time Off for Ante-Natal Care

- 9.1 An employee is entitled to take reasonable time off with pay to attend for ante-natal care appointments on the advice of a doctor, midwife or health visitor. Apart from the first appointment, the employee should provide proof of future appointments and give reasonable notice prior to attending the appointments.

10. Contractual Rights

- 10.1 Employees retain all of their contractual rights (except remuneration) whilst on paid and unpaid maternity leave.

11. Annual Leave

- 11.1 Employees accrue their contractual entitlement to annual leave and general public holiday during paid and unpaid Maternity Leave. General Public Holiday entitlement will accrue based on the number of general public holidays that fall within the period of maternity leave (pro rata for part time staff).
- 11.2 It must be noted however, that in exceptional circumstances only, and subject to the discretion of the line manager, a maximum of five days annual leave can be carried forward from one leave year into another. It is important, therefore that managers should discuss arrangements for taking annual leave well in advance of the commencement of Maternity Leave.
- 11.3 Should the amount of accrued annual leave exceed normal carry over provisions, it may be mutually beneficial to both the manager and the employee to agree that the annual leave be taken before and/or after the paid/unpaid maternity leave period.
- 11.4 Maternity Leave will count as service for entitlement to additional annual leave based on service.

12. Increments

- 12.1 All absence on Maternity Leave, whether paid or unpaid, will count towards the normal annual increment on the employee's pay scale, and will not defer the normal incremental date.

13. NHS Pension Scheme

- 13.1 Pension rights or contributions will be dealt with in accordance with the provision of the NHS Pension Scheme Regulations. This means that, because both paid and unpaid Maternity Leave are counted as continuous service, contributions to the NHS Pension Scheme must be maintained for the full period.
- 13.2 Whilst an employee is receiving Maternity Pay, contributions will be deducted from her salary based on payments received. As no contributions can be made whilst she is on unpaid Maternity Leave, these must be reimbursed to the scheme on her return to work. Therefore, on her return additional contributions will be deducted from her salary until the shortfall has been paid. Employees are advised to contact the Pensions Officer for further information.

14. Maternity Leave and Pay for Employees on Fixed Term or Temporary Contracts

- 14.1 If an employee is subject to a fixed term or temporary contract which expires after the 11th week before the EWC, but before the end of the paid Maternity Leave period, she should have her contract extended so as to enable her to receive 39 weeks Statutory Maternity Pay or NHS Contractual Maternity Pay and 13 weeks unpaid leave as set out in paragraphs 4.2 & 4.3, provided she satisfies the conditions in paragraph 3.1.
- 14.2 Absence on maternity leave (paid or unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.
- 14.3 An employee whose fixed term or temporary contract expires after the end of the paid Maternity Leave shall have her contract terminated on the date previously determined by the temporary contract.

14.4 If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred, the repayment provisions set out in section 4.8 will not apply.

14.5 Employees on fixed-term contracts who do not need the 12 months continuous service condition may still be entitled to Statutory Maternity Pay.

15. Staff Employed through the Temporary Staffing Department

15.1 An employee employed through the Temporary Staffing Department or employed directly by a department on a zero hours contract shall be entitled to Statutory Maternity Leave and Pay provisions provided that:

- i) she has worked for each of the 26 weeks (which may include two weeks annual leave) prior to the 15th week before the expected week of childbirth, and
- ii) she complies with the conditions set out in Section 3.1, and Section 4.2 ii) to v).

15.2 Employees will be entitled to NHS Maternity Leave and Pay where

- i) she has worked a regular pattern of work (as a minimum once every month) for 12 months with the NHS by the beginning of the 11th week before the EWC.
- ii) she complies with the conditions set out in Section 3.1, and Section 4.3 ii)

16. Rotational Training Contracts

16.1 Where an employee is on a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, she will have the right to return to work in the same post she was in at the start of her Maternity Leave or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. In such circumstance the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.

17. Working during the Maternity Leave Period

17.1 An employee may return to work for up to ten days during her maternity leave without losing her right to maternity leave or maternity pay. These working days are known as keeping in touch days. The Trust is not obliged to offer this, and the employee is not obliged to accept. In this instance 'work' refers to training or any activity undertaken for the purposes of keeping in touch with the workplace.

17.2 It is important that the manager and the individual discuss and make arrangements for any keeping in touch days before the employee commences on maternity leave.

17.3 The employee will be paid at their basic daily rate for the hours worked less appropriate maternity payment, for keeping in touch days worked. (See section 18)

17.4 The keeping in touch day should reflect the individuals "normal" working day as mutually agreed between the individual and their manager. (See section 18)

- 17.5 Any keeping in touch days worked will not extend the maternity leave period.
- 17.6 If an employee starts work for another employer after her baby is born, who did not employ her during the 15th week before the expected week of childbirth, Maternity Pay will cease on the Saturday before she starts work with the new employer. If she starts work with another employer who did employ her during the 15th week, the Trust is still liable to pay Statutory Maternity Pay.

18. Keeping in Contact

- 18.1 Prior to going on leave, the manager and employee should discuss and agree any voluntary arrangements for contact during the employee's maternity leave, including keeping in touch days (section 17).
- 18.2 This may include inviting employees to attend ward/department meetings or sending relevant documents, such as newsletters, to them. This ensure that individuals are kept up to date on developments at work and facilitate a return to work following leave.
- 18.3 By the same token, it will be the responsibility of the employee to keep the Manager up-to-date with any developments that may affect her intended date of return. This includes any change of address and contact details.

19. Employment Ending Prior to Maternity Leave

- 19.1 If an employee who is eligible for Statutory Maternity Pay leaves the Trust or is dismissed after the start of the 15th week before the expected week of childbirth, she is entitled to be paid Statutory Maternity Pay by the Trust providing she complies with the conditions set out in Section 4.2. Statutory Maternity Pay will commence on the date notified as the start date for Maternity Leave. If the employee leaves or is dismissed before giving notice of when her Maternity Leave is to commence, payment will begin either at the beginning of the 11th week before the expected week of childbirth, or at the start of the week after her employment with the Trust ends, whichever is the later.
- 19.2 An employee must comply with her terms of conditions of employment in giving appropriate notice to terminate employment.

20. Return to Work

- 20.1 An employee who intends to return to work on the date previously notified will not be required to give any further notification to her Manager, although it is advisable for the employee to keep in touch. However, if she decides to return to work before the date previously notified, she will need to give her Manager 8 weeks notice, advising of the date she intends to return to work in writing.
- 20.2 A new mother cannot legally return to work within the first two weeks of childbirth.
- 20.3 If an employee returns after OML, she has the right to return to the job she occupied before her maternity leave. If she has taken AML, she has the right to return to her original job unless it is not reasonable practicable, in which case she has the right to be offered suitable alternative employment on no less favourable terms and conditions. However, this may not necessarily be the same job.
- 20.4 If at the end of Maternity Leave the employee wishes to return to work on flexible working arrangements, she should make an application in accordance with the Trust's

Flexible Working Policy HR28 giving three months notice of their requested change where possible. The Trust guarantees to give reasonable consideration to requests.

- 20.5 On return to work, managers must ensure that an assessment is undertaken to identify any potential health and safety risks and to establish whether any facilities or special working arrangements are required to enable the employee to breast-feed her baby, or to express and store milk. Employees who intend to continue breast-feeding or expressing milk on return to work should let their manager know in writing prior to returning to work to allow arrangements to be put in place.
- 20.6 If, following Maternity Leave, an employee is to take an employment break under the terms of the Trust's Employment Break Policy, she must return to work at the end of her employment break for a period of at least 3 months in order to retain her entitlement to NHS rates of Maternity Pay. If she has been in receipt of NHS rates of Maternity Pay and fails to do so, paragraph 4.8 applies.
- 20.7 If an employee chooses not to return to work, her employment will cease at the end of her Maternity Leave period unless she commences employment elsewhere before that time, in which case her employment will cease on the day before she takes up her new post. In this situation, the individual must write to her Manager, giving notice in accordance with her contract of employment, stating her intention to resign from employment with the Trust. The Manager must then write to the individual confirming acceptance of the resignation and outlining arrangements in relation to section 4.8 where this applies
- 20.8 An employee may choose to request a period of Parental Leave of up to four weeks to continue immediately after a period of maternity leave. The employee must give 21 days notice of their request to extend their leave by using Parental Leave before their expected date of return to work. Parental leave does not need to follow straight after maternity leave; employees can make a request in accordance with the Trust's Parental Leave Policy, HR27. Where Parental Leave is used to extend Maternity Leave and the employee has taken Contractual NHS Maternity Pay at the end of the Parental Leave Period the individual must return to work for a period of 3 months, alternatively the terms set out in section 4.8.1 will be applicable.

21. Training

- 21.1 Training required to fulfil this policy will be provided in accordance with the Trust's Training Needs Analysis. Management and monitoring of training will be in accordance with the Trust's Development and Training Support Policy (HR59).
- 21.2 This information can be accessed via the Learning Zone pages on the Trust intranet.

22. Review Process

- 22.1 The Trust will review this policy every 3 years, unless there are significant changes at either national policy level, or locally.

23. Equality Impact Assessment (EQIA)

23.1 This policy applies to all employees and positively applies benefits to women in accordance with statutory requirements.

24. Process for Monitoring Compliance

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Access and uptake to be monitored	At policy review access and uptake of policy entitlement to be reviewed	HR Team	On policy review	TNCC
Organisations expectations in relation to staff training	Management and monitoring of training will be in accordance with the Trust's Development & Training Support (HR59) and Risk Management Training Policy			

25 References

Legislation

- Equality Act 2010
- The Maternity and Parental Leave and the Paternity and Adoption Leave (Amendment) Regulations 2006
- The Health and Safety and Work Act 1974

Other references

The NHS Employers Website provides further information and resources on employees entitlements: [/www.nhsemployers.org](http://www.nhsemployers.org)

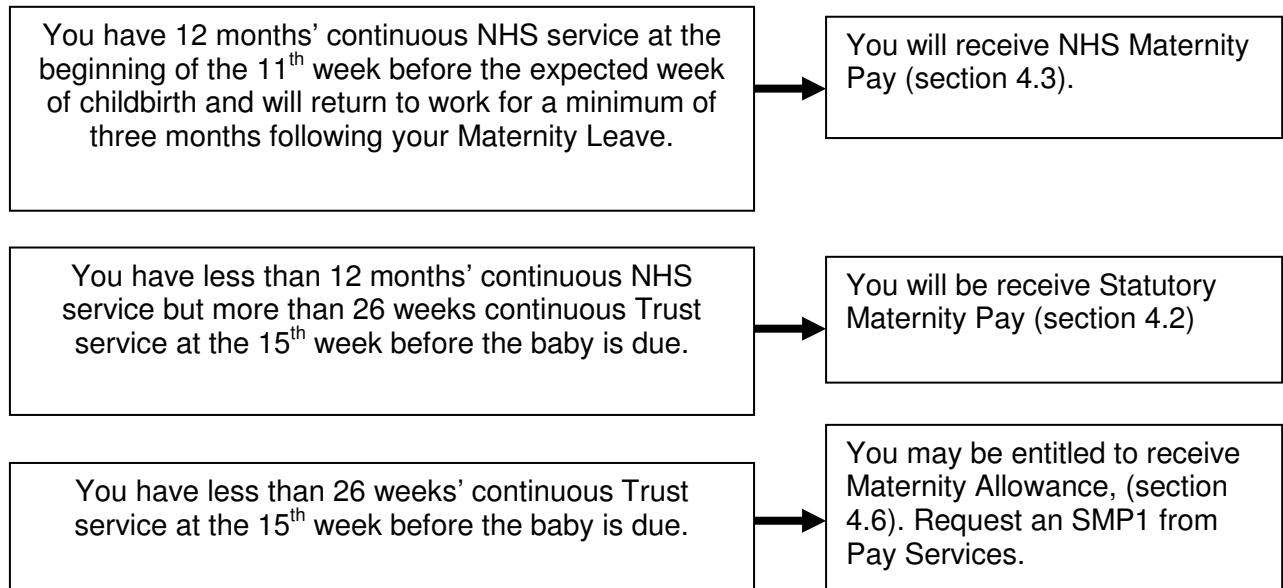
- Agenda for Change Terms and conditions Handbook. (AfC). (2011) [http://www.nhsemployers.org/SiteCollectionDocuments/AfC tc of service handbook_fb.pdf](http://www.nhsemployers.org/SiteCollectionDocuments/AfC%20tc%20of%20service%20handbook_fb.pdf)

ACAS Maternity Rights <http://www.acas.org.uk/index.aspx?articleid=1753>

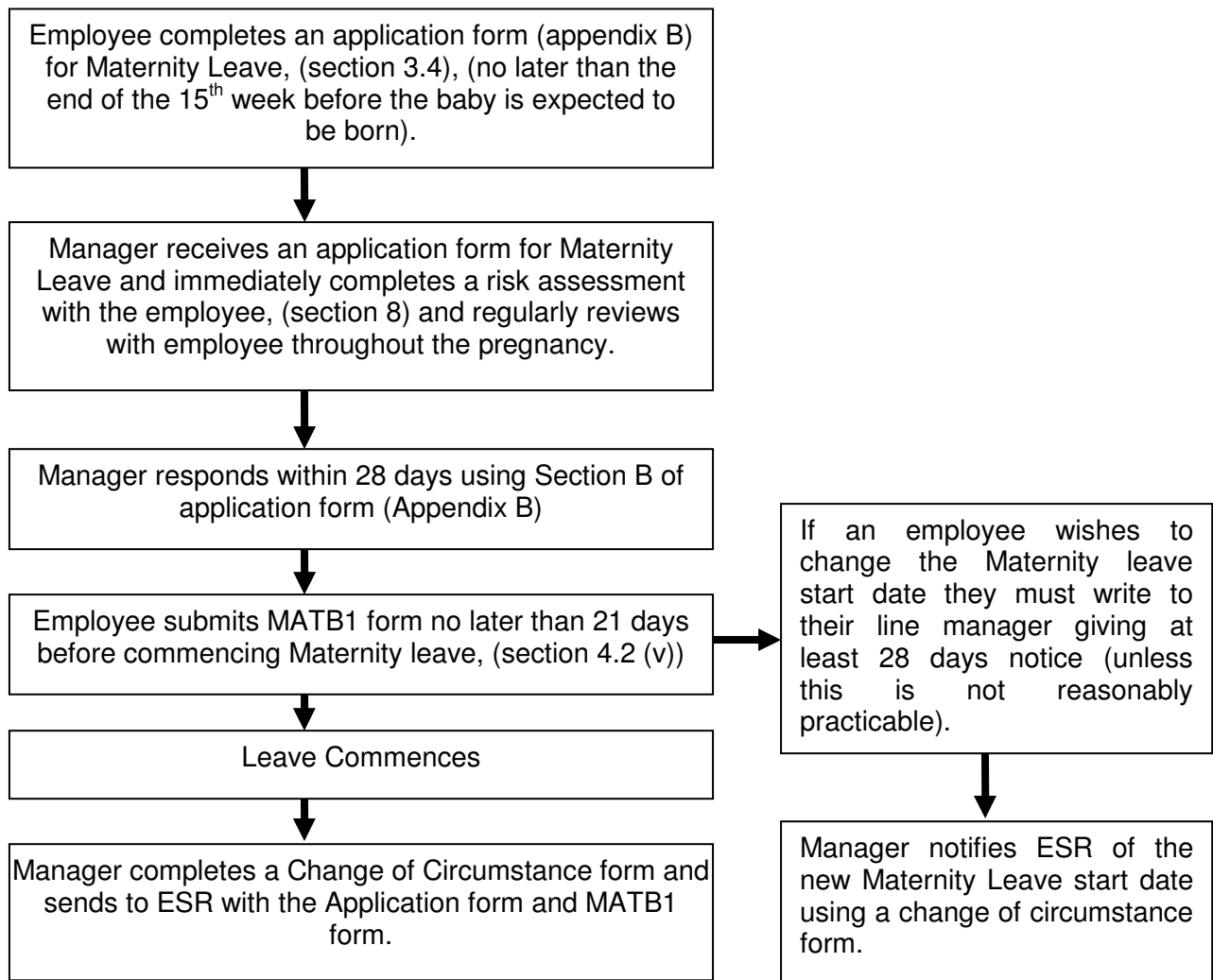
Appendix A

Overview of Maternity Leave, Pay & Procedure

Eligibility



Application Process



Appendix B

Application for Maternity Leave - HR24

Section A - To be completed by the employee:			
Part 1 – Personal Details			
First Name:		Surname:	
Employee No:		Department:	
Start Date with Trust:		Start Date with NHS:	
Part 2 – Notification and Evidence			
I wish to request Maternity Leave and advise the following dates:			
Date of 11 th week prior to date of childbirth		Date of 15 th week prior to date of childbirth	
Date of commencement of Maternity Leave		Expected week of childbirth (Sunday prior to baby's birth)	
Have you had a break in service of more than 3 months in the year before the 11 th week before the expected week of childbirth? (Please circle)	YES		NO
If yes, what were the dates?	to:		
I have attached the MATB1 form as stated in section 4.2 (v) and understand that should I wish to change the commencement date of leave I must write to my Manager giving at least 28 days' notice (or as soon as is reasonably practicable).			<input type="checkbox"/>
Part 3 – Maternity Leave			
I intend to take Ordinary Maternity Leave for a period of 26 week. (All members of staff are entitled to this leave)			<input type="checkbox"/>
In addition, I intend to take Additional Maternity Leave (AML) for a further period up to 26 weeks (All members of staff are entitled to this leave)			<input type="checkbox"/>

Section A continued...

Part 4 – Maternity Pay Request

**Please select ONE of the following options as defined in section 4 of the policy :
(please tick)**

I wish to apply for NHS Maternity pay, and have met the criteria in paragraph 4.2 and 4.3 of the policy. I confirm I intend to return to work at Shrewsbury and Telford Hospital NHS Trust or a different NHS employer for a minimum period of 3 months following my Maternity Leave. I understand that should I fail to return to work I will be expected to repay the Trust the difference between SMP to which I was entitled and the NHS rates paid.

I wish to apply for Statutory Maternity Pay (SMP) and have met the criteria in paragraph 4.2 of the policy.

I have less than 26 weeks service and wish to apply for Maternity Allowance, please send me an SMP1 form, (Section 4.6)

Part 5 – Declaration

I have read and understand the Maternity Leave Policy (Human Resources policy HR24) and wish to apply for leave and pay as indicated above. I have attached the required documentation and believe I meet the criteria as detailed in the policy.

Signed:

Date:

Section B - To be completed by the Manager:

I confirm I have discussed this policy and it's implications with the employee above. I have discussed and confirmed the dates as accurate according to the information with which I have been provided.

Name (Print):		Job Title:	
Signed:		Date:	
Is this a revised application? (ie has this application been submitted previously but the date has now changed)	Yes <input type="checkbox"/> No <input type="checkbox"/>	Date copy of this application, evidence & ESR Change of Circumstances form sent to ESR:	

Line Manager Action:

Please

- retain a copy of the signed documentation, evidence and ESR Change of Circumstances form on the individual's personal file and
- send the Application for Maternity Leave to ESR with an ESR Change of Circumstances form.

Please note if the commencement of leave date changes a new Application for Maternity Support Leave must be completed and a further copy and change of circumstance form sent to Pay Services indicating that this is a revised application.