# Maternity Leave Policy

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<th>Author:</th>
<th>Head of HR – Employee Relations</th>
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<td>Responsible Lead Executive Director:</td>
<td>Director of HR</td>
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MATERNITY LEAVE POLICY

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**Distribution:**
- NHS Lanarkshire intranet: Firstport

CHANGE RECORD

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<td>Ann Marie Campbell</td>
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<td>Ann Marie Campbell</td>
<td>Updated in line with PIN and legislative changes – Shared Parental Leave and reformatted</td>
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<td>May `18</td>
<td>Deputy HRD</td>
<td>General Data Protection Regulations statement added into section 3 and updated name of Data Protection Act</td>
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1. INTRODUCTION

This policy sets out the rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy related illness, maternity leave and pay and rights on returning to work.

All workers are entitled to maternity leave, however pay is dependent on length of service and earnings.

NHS Lanarkshire has a duty of care to the health and safety of pregnant workers and workers that have recently given birth or are breastfeeding. This policy details what measures should be put in place if the worker or child may be at risk.

Further advice regarding maternity rights can be obtained from the Human Resources Department. Advice on health and safety matters can be obtained from Salus Occupational Health & Safety Service. Contact Names and relevant telephone numbers are detailed in Section 4.16.

Other Related Policies:
- Shared Parental Leave
- Paternity Leave
- Adoption and Fostering Leave
- Parental Leave
- Breastfeeding
- Flexible Working

2. AIM, PURPOSE AND OUTCOMES

The policy is designed to inform workers of the eligibility criteria, entitlement to and the process for applying for maternity leave and pay. The policy aims to implement best practice in the processing of applications and management of pregnant workers and return to work arrangements. The policy aims to provide guidance to both staff and managers in the application process and requirements to ensure the health and safety of mother and child.

3. SCOPE

3.1 Who is the Policy intended to Benefit or Affect?

The policy applies to all directly employed staff with NHS Lanarkshire.

NHS Lanarkshire takes care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure, and confidential. In order to find out more about current data protection legislation and how we process your information, please visit the Data Protection Notice on our website at www.nhslanarkshire.scot.nhs.uk or ask a member of staff for a copy of our Data Protection Notice.
3.2 Who are the Stakeholders?

Directly employed staff of NHS Lanarkshire.

4. PRINCIPAL CONTENT

4.1 ANTENATAL/POST-NATAL CARE

Employees are entitled to time off with pay to attend antenatal care. Antenatal care may include relaxation and parent craft classes, as well as medical examinations. This entitlement applies regardless of length of service.

Employees who have recently given birth will be entitled to paid time off with pay for post-natal care e.g. attendance at health clinics.

You must, if requested, produce a certificate of pregnancy signed by your doctor or midwife or any document showing your appointment is for the purpose of receiving antenatal/post-natal care.

4.2 WHAT TO DO PRIOR TO CHILDBIRTH

4.2.1 Notification of Pregnancy

Please note that the expected week of childbirth means the week, starting on a Sunday, during which your Doctor or Midwife expects you to give birth.

NHS Lanarkshire is required to take account of the risks to new and expectant mothers. In order that NHS Lanarkshire may do so, you must:

- Notify your manager, in writing, that you are pregnant no later than the end of the 15th week before the expected week of childbirth, or as soon as reasonably practicable;
- Advise your manager of any specific health problems, which may impact on the risk assessment undertaken;
- Provide, on request, written evidence from a registered medical practitioner, or a registered midwife, detailing any recommended restrictions on working environment.

4.2.2 Health & Safety

If following a risk assessment, it is considered that you or your unborn child may be at risk, then your manager should try to remove the hazard or prevent exposure to the risk. If that is not possible, then the following steps should be taken to remove you from the risk:

- Temporarily adjust working conditions and/or hours of work; or, if it is not reasonable to do so, or would not avoid the risk;
- Offer suitable alternative employment if any is available; or if that is not feasible;
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- Suspend you from work for as long as necessary to protect your safety or health of your unborn child. Suspension would be on normal pay. Suspension shall continue until the date of childbirth, or the date previously notified of commencing maternity leave, whichever is earlier.

4.2.3 Applying for Maternity Leave/Pay

An original Mat B1 Certificate, which is available from your midwife or G.P. after the 26th week of pregnancy, must be submitted along with the completed application form (see Appendix 1) to your line manager. You must give at least 28 days notice of when you intend to commence maternity leave.

Upon receipt of your completed application form and original Mat B1 certificate, the line manager will review the application form and process the leave in eESS. This will be processed and the Payroll Department will process your application and forward a copy to you confirming your entitlement.

All mothers, regardless of entitlement are required to complete an application form.

4.2.4 Commencement of Maternity Leave

You may begin your maternity leave at any time between eleven weeks before the expected week of childbirth and the expected week of childbirth provided you give the required notice; 28 days.

4.2.5 Changing the Maternity Start Date

If you subsequently want to change the date from which you wish your leave to start you should notify your Line Manager and the Pay Department at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

4.3 MATERNITY LEAVE / PAY ENTITLEMENTS

All workers are entitled to 52 weeks maternity leave, regardless of service.

Your entitlement to maternity pay depends upon your length of service at 11 weeks prior to the expected week of childbirth. Service with NHS employers, health authorities, NHS Boards, NHS Trusts and the Northern Ireland Health Service counts if continuous. Breaks of less than 3 months will not break continuity of service. You must continue to be employed until immediately before the beginning of the 11th week before the expected week of childbirth.

Mothers may not work immediately after childbirth. The compulsory maternity leave lasts for two weeks from the date of childbirth.

Note: To qualify for Statutory Maternity Pay, you must be employed by NHS Lanarkshire continuously for at least 26 weeks at the 15th week prior to the expected date of confinement and be earning enough to take you above the lower earnings limit for National Insurance contributions.
4.3.1 If You Are Returning To Work

(a) One or more years service
If you have one or more years service you will be entitled to 39 weeks paid leave plus
13 weeks unpaid leave which must be continuous. The paid leave is broken-down as follows:

- Weeks 1 - 8 (inc) - Full pay (inclusive of Statutory Maternity Pay (SMP))
- Weeks 9 - 26 (inc) - Half Pay (plus SMP, not exceeding normal full pay)
- Weeks 27 – 39 (inc) - 90% of average weekly earnings or SMP per week
  whichever is the lesser
- Weeks 40 – 52 (inc) - Unpaid Leave

Current rates of SMP can be found on [www.direct.gov.uk](http://www.direct.gov.uk) or from a member of the HR or Payroll Team.

By prior agreement maternity pay (exclusive of SMP) may be paid in a different way, for example a combination of full pay and half pay or a fixed amount spread over the paid maternity leave period. If you wish your payment to be spread you must put this request in writing to the Pay Department.

(b) Less than one years service, but more than 26 weeks
If you have been employed for a continuous period of at least 26 weeks by the 26th week of pregnancy, you will be entitled to 39 weeks Statutory Maternity Pay plus 13 weeks unpaid leave. The Statutory Maternity Pay is broken-down as follows:

- Weeks 1 - 6 (inc) - 90% of average weekly earnings
- Weeks 7 - 39 (inc) - 90% of average weekly earnings or SMP per week,
  whichever is the lesser
- Weeks 40 – 52 (inc) - Unpaid Leave

(c) Less than 26 weeks service
If you have less than 26 weeks service you will be entitled to 52 weeks maternity leave. The Pay Department will forward form SMP1 along with your original MATB1 to you, which will enable you to claim maternity benefits from the Social Security Department. The benefits payable are dependent upon your individual circumstances.

4.3.2 If You Are Not Returning To Work

More than 26 weeks service
If you have been employed for a continuous period of 26 weeks or more by the 25th week of pregnancy, you will be entitled to 39 weeks Statutory Maternity Pay plus 13 weeks unpaid leave, which is broken-down as follows:

- Weeks 1 – 6 (inc) - 90% of average weekly earnings
- Weeks 7 – 39 (inc) - 90% of average weekly earnings or SMP, whichever is the lesser
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Less than 26 weeks service
If you have less than 26 weeks service you will be entitled to 52 weeks maternity leave. The Pay Department will forward form SMP1 along with your original MATB1 to you, which will enable you to claim maternity benefits from the Social Security Department. The benefits payable are dependent upon your individual circumstances.

4.3.3 If You Are Undecided
If you are undecided as to whether you wish to return to work, your entitlement to maternity leave/pay will be the same as though you were not returning to work (see section 4.3.2). If, however, you subsequently decide that you do wish to return to work, your entitlement will be in accordance with returning to work pay/leave (see section 4.3.1).

4.4 BANK WORKERS & SESSIONAL WORKERS

In accordance with the Statutory Regulations, bank workers and sessional workers are entitled to Statutory Maternity Pay only. Payment will be made by NHS Lanarkshire dependent upon your earnings and length of service at 11 weeks prior to the expected week of childbirth.

Workers do not have an entitlement to time off for Antenatal/Post natal care or KIT days.

4.5 CHILDBIRTH BEFORE THE INTENDED START DATE OF MATERNITY LEAVE

If childbirth occurs before the date the worker has notified that she is commencing maternity leave, the maternity leave shall start automatically on the day after childbirth.

In such circumstances, the worker must, as soon as practicable notify the line manager and the Payroll Department of the date of childbirth to enable maternity leave entitlements to be re-calculated.

With agreement of the line manager, an employee whose childbirth has occurred prior to the 11th week before the expected week of childbirth and whose child is in hospital may choose to split her Maternity Leave entitlement taking a minimum period of two weeks’ leave immediately after childbirth and the rest of your leave following your baby’s discharge from hospital.

4.6 STILLBIRTH / MISCARRIAGE

4.6.1 Still Birth

In the event of this unfortunate circumstance occurring after the 24th week of pregnancy you will be entitled to maternity pay/leave in accordance with Section 4.3.

4.6.2 Miscarriage
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In the event of this unfortunate circumstance occurring before the 25th week of pregnancy normal sick leave provisions will apply.

4.7 SHARED PARENTAL LEAVE (SPL)

SPL is a new legal entitlement for eligible parents of babies due, or children placed for adoption. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child’s first year.

The amount of leave available is calculated using the mother’s entitlement to maternity/adoption leave, which allows them to take up to 52 weeks’ leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL. This means their partner could begin to take SPL while the mother is still on maternity/adoption leave.

SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave.

Staff will find that having early conversations regarding leave intentions will be beneficial, enabling them and their manager to be clear regarding the entitlement, what leave arrangements are being considered and how any leave will be accommodated.

Staff will remain entitled to take maternity, paternity, adoption and parental leave. However, an eligible mother or adopter may now choose to reduce their maternity/adoption leave early and opt into SPL.

For further information refer to Shared Parental Leave PIN / Policy.

4.8 RETURNING TO WORK

4.8.1 Right to Return To Substantive Post

Employees, who have notified their intention to return to work, have the right to return to their job under their original contract and on no less favourable terms and conditions.

If you intend to return to work at the end of your full maternity leave (52 weeks) you will not be required to give any further notification to NHS Lanarkshire, although if you wish to return early you must give at least 28 days' notice in writing to your manager and the Pay Department. You should have previously indicated a date of return which will be held as your return date.

4.8.2 Right to Request Flexible Working Hours

It may be possible to return to work under more flexible working arrangements e.g. part-time working or job sharing. You should arrange to discuss your request with your line
4.8.3 Failure to Return to Work

If having indicated that you will return to work with NHS Lanarkshire for at least 3 months and you do not do so, or indicated a return to another NHS employer and you fail to forward a copy of your letter of appointment within 15 months of commencement of maternity leave, you will be required to refund your maternity pay as follows:

- If you have one or more years service at 11 weeks before the expected week of childbirth, you will be required to refund the whole of the maternity pay received, less Statutory Maternity Pay
- If you have less than 1 year's service and only received Statutory Maternity Pay, you will not be required to refund this.

4.9 KEEPING IN TOUCH (KIT)

Before going on leave, you should discuss and agree with your Line Manager any voluntary arrangements for keeping in touch during your maternity leave including:

- any voluntary arrangements that you may find helpful to help you keep in touch with developments at work and, nearer the time of your return, to help facilitate your return to work;
- keeping the Line Manager in touch with any developments that may affect your intended date of return.

KIT days are intended to facilitate a smooth return to work for women returning from maternity leave, however, are not compulsory.

It is important that you have early discussions with your Line Manager to plan and make arrangements for KIT days before your maternity leave takes place.

You may work for up to a maximum of 10 KIT days without bringing your maternity leave to an end. Any days of work will not extend the maternity leave period. The work can be consecutive or not and can include training or other activities which enable you to keep in touch with the workplace. Any such work must be by agreement and neither you or your Line Manager can insist upon it.

You will be paid at the 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.

If you are breastfeeding you must be risk assessed and provided with facilities to do so, where possible.

You may not work during the two weeks of compulsory maternity leave immediately after the birth of your baby.
4.10 SICKNESS ABSENCE

4.10.1 Pregnancy Related Illness

If you are absent on sick leave due to a pregnancy related illness prior to the 36th week of pregnancy, normal sick leave provisions will be applied. However, if the absence continues beyond the 36th week of pregnancy then maternity leave will start automatically.

Odd days of pregnancy related illness during this period may be disregarded if you wish to continue working until the maternity leave start date previously notified.

4.10.2 Illness Unrelated to Pregnancy

If you are absent on sick leave due to an illness un-related to pregnancy, normal sick leave provisions will be applied. Sick leave shall continue until the date of childbirth or the date previously notified of commencing maternity leave, whichever is earlier.

4.10.3 General

When an employee submits a Fit Note from a registered medical practitioner, or a self-certificate, to cover absence from:

- the date she has notified her employer that she will return to work following confinement; or
- the date she and the employer have agreed that she will return; or
- where no date has been notified or agreed, the first day following the maximum period of Maternity Leave to which she is entitled, and this includes 13 weeks without pay she will be entitled to sick leave in accordance with the normal sick leave provisions.

4.11 ANNUAL LEAVE/PUBLIC HOLIDAYS

Leave will continue to accrue during maternity leave, whether paid or unpaid.

Where the amount of accrued leave would exceed normal carry over provisions, it may be mutually beneficial to both the employer and the employee for the employee to take leave before and/or after the formal (paid and unpaid) maternity leave period. The amount of leave to be taken in this way, or carried over, must be discussed and agreed between the employee and the manager, prior to commencement of maternity leave. Failure to agree leave may result in a loss of leave.

4.12 SUPERANNUATION

If an employee usually pays superannuation contributions, then these payments will continue throughout the period of leave whether they are on full pay, half pay or unpaid leave.
Whilst on unpaid leave employees will not be required to make any superannuation contributions, however upon their return to work they will be required to increase their weekly/monthly superannuation contributions to bring payments up to date within a reasonable timescale. Arrears of contributions are based on pensionable pay prior to start of maternity leave. For further advice please contact the pay department.

Employees may choose to opt out of the superannuation scheme by completing an opt out form, which is available on the Pensions Agency website www.sppa.gov.uk. However, they can re-join the scheme at a later date by informing the pay department in writing.

4.13 FIXED TERM CONTRACTS AND TRAINING CONTRACTS

4.13.1 Employees whose contracts expires after the 11th week before the expected date of confinement and who satisfy these conditions shall have their contracts extended so as to allow them to receive the 52 weeks maternity leave.

4.13.2 Absence on maternity leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.

4.13.3 If you are on a fixed-term contract that does not meet the twelve months continuous condition set out above, you may still be entitled to Statutory Maternity Pay.

4.13.4 Where you are on a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, you shall have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. In such circumstances your contract will be extended to enable you to complete the agreed programme of training.

4.13.5 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 will not apply.

4.14 BREAST FEEDING

NHS Lanarkshire recognises the enormous short and long term health advantages of breastfeeding for both mother and baby and recommend breastfeeding as the optimal infant feeding choice for all parents. The World Health Organisation and the UK Government recommends breastfeeding alone for the first six months of life as it provides all the nutrients that a baby will need.

Breastfed babies have a reduced risk of: chest infections, diarrhoea, gastro-enteritis and tummy upsets, ear infections, urinary infections, juvenile onset of diabetes, eczema and other allergies. The long-term benefits include: lower blood pressure into adulthood. Mothers who breastfeed are less likely to have: breast cancer, ovarian cancer and hip fractures in later life. Breastfeeding into the second year of life will enhance a mother’s protection against breast cancer.
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NHS Lanarkshire seeks to encourage and support staff to continue breastfeeding on their return to work from maternity leave to maximise the full benefits (short and long term) of breastfeeding.

4.14.1 Breastfeeding or Expressing Milk During Working Hours

Flexibility in working patterns should be granted, where possible, to breastfeeding mothers. This may mean temporarily changing working hours or patterns to allow mothers to breastfeed, for example an employee should not be required to work excessively long hours or attend courses which would negatively affect breastfeeding.

Where practicable, managers must allow time off during working hours to breastfeed, if the baby is cared for nearby. Appropriate breaks will be permitted per day to allow for this. If the baby is being cared for outwith reasonable travelling distance then time will be allowed, during working hours to express milk.

4.14.2 Facilities Available for Breastfeeding Mothers

Where possible the following facilities will be provided:

A clean, warm room with a comfortable chair and where necessary the facility to lie down. This area will be lockable to allow privacy. There will be access to hand washing facilities and an electric point for an electric pump. Your line manager will advise of a suitable room.

4.14.3 Facilities for Storing Breast Milk

Where possible NHS Lanarkshire will provide a clean area where sterilising equipment may be stored and a dedicated refrigerator for storing expressed milk at 2-4°C until it is taken home.

4.14.4 Notification

Employees must notify their line manager of their intention to breastfeed upon returning to work to ensure that appropriate support and measures are put in place.

4.14.5 Advice

Should employees wish further advice on breastfeeding, then contact should be made with their health visitor, in the first instance or the Occupational Health Department.

4.15 ADDITIONAL INFORMATION

Maternity leave cannot start before the 29th week of pregnancy.

For part-time staff, 'full pay' means the amount earned for the hours normally worked and 'half pay' means half that amount.

Maternity leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave. In the case
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of medical staff the expectation is that whilst on maternity leave you will progress through the job plan and appraisal, on the due date if concerns had not been raised about your ability to meet the criteria outlined prior to maternity leave.

Telephone rental will continue to be paid to those employees returning to work but other emoluments will cease when maternity leave commences.

If you are in receipt of a leased car, there is a range of options available and you should contact the Car Leasing Section, NHS Lanarkshire Headquarters, Kirklands Hospital, Fallside Road, Bothwell, G71 8BB, Tel: (01698) 855686, or email cld@lanarkshire.scot.nhs.uk who will provide you with the relevant information.

During maternity leave (both paid and unpaid) an employee retains all of her contractual rights except remuneration.

If you change your address while on maternity leave notify your manager and the Pay Department immediately.

If you return to work prior to the end of your paid Maternity leave, please advise the Pay Department. Failure to do so may affect your salary.

4.16 CONTACTS

<table>
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<th>HR CONTACT</th>
<th>ADDRESS</th>
<th>TELEPHONE &amp; EMAIL DETAILS</th>
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<tbody>
<tr>
<td>Ann Bowman, Human Resources Assistant</td>
<td>Employee Relations, Law House, Airdrie Road Carluke, ML8 5EP</td>
<td>01698 377732, <a href="mailto:Ann.Bowman@lanarkshire.scot.nhs.uk">Ann.Bowman@lanarkshire.scot.nhs.uk</a></td>
</tr>
<tr>
<td>Medical &amp; Dental Staffing Lynn Hill</td>
<td>Law House, Airdrie Road Carluke, ML8 5EP</td>
<td>01698 377732, <a href="mailto:Lynn.hill2@lanarkshire.scot.nhs.uk">Lynn.hill2@lanarkshire.scot.nhs.uk</a></td>
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Occupational Health Services
Wishaw Hospital
Monklands

Payroll Department
Any payroll enquiries should be emailed to ePayroll.Lanarkshire@nhs.net

5. ROLES AND RESPONSIBILITIES

Employees must
• Ensure they are familiar with the policy and procedures
• Comply with the policy, seeking clarification where required
• When considering applying for maternity leave, do so timeously
• Make your manager aware of any health concerns immediately
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Managers must
- Ensure they communicate with staff about the policy
- Give due consideration to applications and process timeously
- Undertake risk assessments and take appropriate action as required
- Consistently implement the policy at their local level
- Keep accurate records

Staff Side Representatives must
- Support the principles and procedures in the policy
- Act in accordance with NHS Lanarkshire’s Partnership Agreement

Human Resources Staff must
- Provide expert advice and support on the application of the policy
- Monitor and review the policy

6. RESOURCE IMPLICATIONS

None identified, additional to costs of occupational/statutory pay.

7. COMMUNICATION PLAN

The policy and process will be communicated via the NHSL internet and intranet. Articles referring to the policy will be carried in the staff briefs. The policy will also be discussed at management team meetings.

8. QUALITY IMPROVEMENT – Monitoring and Review

This policy will be monitored by the HR directorate and reviewed in conjunction with the Joint Policy Forum and the Human Resources Forum.

9. EQUALITY AND DIVERSITY IMPACT ASSESSMENT

This policy meets NHS Lanarkshire’s EDIA. A completed copy has been sent to hina.sheikh@lanarkshire.scot.nhs.uk (tick box)

10. SUMMARY

The policy is designed to inform workers of the eligibility criteria, entitlement to and the process for applying for maternity leave and pay.

11. REFERENCES

- General Data Protection Legislation 2018
- The Maternity and Parental Leave etc. Regulations 1999
**APPENDIX 1 - APPLICATION FOR MATERNITY LEAVE/PAY**

### Part A - To be completed by Employee

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<tr>
<td>Expected Week of Confinement (Starting on a Sunday) ........................................</td>
<td></td>
</tr>
<tr>
<td>Annual Leave Dates Agreed ..........................................................</td>
<td></td>
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</tbody>
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I wish to apply for Maternity Leave/Pay on the conditions contained in the policy, which accompanied this form. I confirm that I intend commencing my Maternity Leave on **Sunday** ..............................................

Please indicate which option you have chosen by ticking one of the undernoted boxes.

- [ ] a. I undertake to return to work (see section 4.3.1)
- [ ] or
- [ ] b. I do not wish to return to work (see section 4.3.2)
- [ ] or
- [ ] c. I am undecided as to whether I wish to return to work (see section 4.3.3)
- [ ] or
- [ ] d. I am on a Fixed Term Contract. Starting………………Ending………

I wish/do not wish my maternity pay to be spread over…………... months. (excluding SMP)

I am a member of the pension scheme and will make arrangements upon my return to work to increase my contributions to bring my payments up to date.

- [ ] YES
- [ ] Not in pension scheme

Signature of Employee .......................... Date ..........................

Signature of Head of Department .......................... Date ..........................

Print Name ......................................
APPENDIX 2.

GUIDELINES FOR MANAGERS

CONTENTS

SECTION A. MANAGEMENT OF NEW AND EXPECTANT MOTHERS
SECTION B. MANAGEMENT OF REQUESTS FOR MATERNITY LEAVE/PAY
SECTION A: MANAGEMENT OF NEW AND EXPECTANT MOTHERS

1. INTRODUCTION

NHS Lanarkshire is required to take account of the risks to new and expectant mothers when carrying out the risk assessment process as required by the Management of Health and Safety at Work (Amendment) Regulations 1994.

A new and expectant mother is defined as: an employee who is pregnant, who has given birth within the last six months or who is breast-feeding.

Given birth is defined as: delivering a living child or, after 24 weeks of pregnancy, a stillborn child.

2. WHAT YOU SHOULD DO


b) Review existing risk assessment to ensure that arrangements in place are adequate to minimise the risk to new and expectant mothers. At this stage advise the expectant mother to access Salus Occupational Health & Safety independently for advice and support.

c) Reduce the risks as far as possible through appropriate preventive or protective measures. If risks cannot be reduced, or if the employee remains anxious, consult Salus Occupational Health & Safety.

d) In consultation with Salus Occupational Health & Safety, review suitable alternative employment if measures to reduce risks are unreasonable or would not avoid risk.

e) Only after considering the above measure consult with the Human Resources Department with regard to suspending the woman from work (on paid leave).

f) Review risk assessment to take account of changing circumstances.

g) Provide continued support to the employee as appropriate.

3. RISK ASSESSMENT

Risk assessments undertaken under the Management of Health and Safety Regulations, Manual Handling Operations Regulations and the Control of Substances Hazardous to Health Regulations require to take account of new and expectant mothers.

You should consider the following factors:
- Physical agents, e.g. manual handling, radiation, extremes of heat or cold
- Biological agents, e.g. toxoplasma gondii (toxoplasmosis), rubella, hepatitis B
- Chemical agents, e.g. cytotoxics, mercury, carcinogens, anaesthetic gases
- Working conditions, e.g. shift patterns including night work, overtime, protective clothing.

Supporting medical evidence may be required before adjustments will be considered.

If it is found or a medical practitioner considers that the employee or their child would be at risk were they to continue with their normal duties, you should supply suitable alternative work for which the employee shall receive their normal rate of pay. Where it is not reasonably practicable to offer suitable alternative work the member of staff should be suspended on full pay. These provisions also apply to an employee who is breastfeeding if it is found that her normal duties would prevent her from successfully breastfeeding her child.

4. **EMPLOYEES ARE REQUIRED TO:**

   a) Notify their employer in writing that they are an ‘expectant mother’.

   b) Advise their manager of specific health problems, which may impact, on the risk assessment.

   c) Provide on request, for the employer’s inspection, a certificate from a registered medical practitioner or registered midwife showing that the employee is pregnant (MAT B1). This is only available after the 26th week of pregnancy.

   d) Provide on request, written evidence from a registered medical practitioner or registered midwife, detailing any recommended restrictions on working environment.

   e) Contact SALUS Occupational Health and Safety if advice is required.

5. **SALUS OCCUPATIONAL HEALTH AND SAFETY**

   a) Provide early help and advice on occupational hazards and risks to managers and employees.

   b) Arrange consultation with the Occupational Health Nurse or Physician if required.

   c) Provide advice, with regard to job alterations, suitable alternative work or paid leave, as appropriate.

   d) Offer continued support as appropriate.
Further advice is available from Health & Safety Control Book for Managers.

SECTION B: MANAGEMENT OF REQUESTS FOR MATERNITY LEAVE/PAY

1. Discuss with employee and:
   a) give employee NHS Lanarkshire Maternity Leave Policy or contact relevant Human Resources Department to issue;
   b) give explanation of maternity leave/pay regulations;
   c) once employee has had time to consider the above, request her to complete the application for Maternity Leave/Maternity Pay form, indicating whether she intends to return to work or not and return completed application form to her line manager as soon as possible, together with form MAT B1 from GP or midwife, as soon as possible (MAT B1 form issued at 26 weeks gestation).

   NB Line Managers should ensure all pregnant employees complete an application for Maternity Leave/Pay, whether they appear to have entitlement to maternity pay or not and ensure employee fully understands their entitlements and what is required of them.

2. On receipt of completed application for Maternity Leave/Maternity Pay form, the line manager should check details of service - exact dates where possible - before processing the application in eESS.

3. The line manager will advise the employee, in writing, of her annual leave entitlement, which should be taken prior to Maternity Leave. Failure to agree annual leave may result in a loss of annual leave.

4. The line manager should ensure an entry is made on the SSTS each month from when the employee commences maternity leave through to the end of maternity leave (return date).

5. The line manager should ensure a Termination Form is completed when an employee is not intending to return to work.

6. KEEPING IN TOUCH (KIT)

Before going on leave, you should discuss and agree any voluntary arrangements for keeping in touch during the employee’s maternity leave including:

   o keeping in touch with developments at work and, nearer the time of their return, to help facilitate a return to work;
   o keeping you in touch with any developments that may affect the intended date of return.
Keeping in Touch Days (KIT)

KIT days are intended to facilitate a smooth return to work for women returning from maternity leave.

It is important that you have early discussions with the employee to plan and make arrangements for KIT days before maternity leave takes place.

Employees may work for up to a maximum of 10 KIT days without bringing their maternity leave to an end. Any days of work will not extend the maternity leave period.

The work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither you or the employee can insist upon it.

Payment will be at the 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.

If the employee is breastfeeding you must carry out a risk assessment and provide facilities to do so, where possible.

The employee cannot work during the two weeks of compulsory maternity leave immediately after the birth of the baby.

7. NOTICE OF RETURN TO WORK

It is the member of staffs responsibility to ensure that the information pertaining to return dates is notified accordingly to the Payroll Department as well as their line manager.

It is assumed that, unless notified otherwise, return to work date will be end of unpaid leave. Although there is no requirement for employees to state the date of return at this stage, for planning/management purposes it is useful to obtain some indication of this.

If a message is taken by a telephone call from the employee to the line manager stating her return date, ensure that the employee follows this up in writing.

Any request by the employee to return to work under more flexible working arrangements e.g. on a part-time working or job-sharing basis should be considered by the line manager as soon as possible. If this is not possible, you must provide written, objectively justifiable reasons for this.

If any further information is required, you can contact the relevant Human Resources Representative as indicated above.