



MATERNITY POLICY & PROCEDURE

1	POLICY DRAFTED BY:	HR BUSINESS PARTNER
2	ACCOUNTABLE DIRECTOR:	DIRECTOR – QUALITY & INTEGRATED GOVERNANCE
3	APPLIES TO:	ISLINGTON CCG EMPLOYEES
4	COMMITTEE & DATE APPROVED:	Joint Partnership Group–30 January 2015 Executive Management Team – 11 March 2015
5	VERSION:	2
6	RELATED DOCUMENTS:	PATERNITY LEAVE POLICY & PROCEDURE PARENTAL LEAVE POLICY & PROCEDURE FLEXIBLE WORKING POLICY & PROCEDURE EMPLOYEE BREAK SCHEME
7	DATE OF IMPLEMENTATION:	23 March 2015
8	DATE OF NEXT REVIEW:	April 2016 or earlier should there be national NHS terms & condition/ legislative changes

DOCUMENT CONTROL

Date	Version	Action	Amendments
01 September 2015	2	Amendments to Policy	Additional information on still births/miscarriages Bank Holidays to accrue during maternity leave

Maternity Policy & Procedure

Contents	Page Number
Introduction	3
Policies Statement	3
Purpose and Scope of the Policy	3
Who this Policy applies to	3
Definition	4
Entitlement to Maternity Leave	4
Compulsory Maternity Leave	4
Eligibility & Entitlement to Maternity Pay	5
Employees on a Fixed Term Contract	6
Notification Requirements	6
Commencement of Maternity Leave	6
Ante-natal & Post-natal Care	7
Sickness Absence prior to Maternity Leave	7
Health & Safety	8
Rights during Maternity Leave	8
Keeping in Touch	9
Return to Work	9
Failure to Return to Work	10
Sickness Absence following the end of Maternity Leave	10
Transfer of Maternity Leave	10
Childcare Vouchers	11
Provision for Nursing Mothers	11
Monitoring & Review	11
Associated Policies	11
Breach of Policy	11
Notification of intention to take maternity leave form	12
Risk Assessment Form	13

Notification of return to work from maternity leave form	15
Equality Analysis Initial Assessment	16

1. Introduction

- 1.1 This policy & procedure is designed to provide a framework across Islington CCG for a consistent and timely approach for the new and expectant mother.
- 1.2 The policy is intended to promote an employees awareness of their rights and entitlements to maternity pay and leave during, and following pregnancy and conforms to the NHS Staff Council Terms and Conditions of Service and current legislation.

2. Policies statement

Islington CCG's policies set out the organisation's standards and intentions, and are written with the aim of being as clear and comprehensive as possible. However, we operate in a dynamic and evolving work environment and attention should be paid to the spirit of the policy as well as the letter. Policies by themselves cannot guarantee effective behaviour or the delivery of key objectives. While they are designed to support the CCG, and the people working within it, our success depends on continuous, high quality effort by everyone the policy covers. Therefore thought must be given to good practice when applying or interpreting any of the CCG's policies, and you should read any guidance or supporting documentation that relates to this policy to help you do this. In addition, this policy should work in accordance with national and local guidance on child and adult safeguarding as applicable.

3. Purpose and Scope of the Policy

The aims of the policy and procedure are:

- To provide staff with a policy and procedure that sets out their rights to maternity leave and maternity pay
- To ensure equality at work by ensuring family rights are effective and fair for all employees
- To support employees to balance work and family life
- To maintain contact with staff and assist them in their return to work
- To provide guidance to managers responsible for implementing the policy and procedure
- To ensure employees are aware of their responsibilities and obligations to the CCG
- To attract and retain staff

4. Who this policy applies to

This policy & procedure applies to Islington CCG employees. The policy does not apply to contractors, agency staff or office holders.

5 Definitions

The following definitions are used in this policy and procedure:

- Expected week of childbirth [EWC] – means the week starting on a Sunday, during which the employee's doctor/midwife expects her to give birth
- Qualifying week – means the 15th week before the expected week of childbirth
- Statutory Maternity Pay [SMP] – Paid by the employer to eligible employees. For the first 6 weeks, 90% of average weekly earnings followed by 33 weeks at the standard SMP rate [currently £138.18] or 90% of average weekly earnings, whichever is lower.
- Maternity Allowance [MA] – Eligible employees can claim MA if they don't qualify for SMP.
- MATB1 Certificate – Certificate from a Doctor/Midwife confirming the expected week of childbirth. The certificate must have the Doctor/Midwife's name, address and registration number.

6 Entitlement to Maternity Leave

All employees will be entitled to 26 weeks Ordinary Maternity Leave [OML] and 26 weeks Additional Maternity Leave [AML] – total 52 weeks, regardless of length of service.

7. Compulsory Maternity Leave

The legal minimum period of maternity leave which an employee is required to take is 2 weeks. This will commence on the day that the baby is born.

8. Eligibility & Entitlement to Maternity Pay¹

The following table outlines the three different types of maternity pay and the eligibility requirements for each type of maternity pay:

	Maternity Pay	Eligibility Requirements
8.1	<p><u>Occupational Maternity Pay</u></p> <ul style="list-style-type: none"> ▪ 8 weeks full pay (less SMP/MA or equivalent benefits receivable) ▪ 18 weeks half pay (plus SMP/MA or equivalent benefits receivable), only reduced where the total receivable does not exceed full pay ▪ 13 weeks SMP/MA ▪ 13 weeks unpaid 	<p>Employees with 12 months continuous NHS service at the 11th week before the expected week of confinement and intends to return to work for 3 months.</p> <p>-Comply with the notification requirements detailed in section 10</p>
8.2	<ul style="list-style-type: none"> ▪ 6 weeks SMP, paid at 90% average weekly earnings. ▪ 33 weeks at the Statutory Maternity Pay rate <u>or</u> 90% of average weekly earnings if less than the SMP rate ▪ Up to 13 weeks unpaid 	<p>Employees with 26 weeks continuous NHS service by the 15th week before the expected week of confinement (and has earnings above the lower earnings limit for national insurance contributions)</p> <p>Or</p> <p>Employees with 12 months' continuous NHS services at the 11th week before birth but <u>does not</u> intend to return to work.</p> <p>-Comply with the notification requirements detailed in section 10</p>
8.3	<ul style="list-style-type: none"> ▪ No payment will be made during maternity leave ▪ May be entitled to Maternity Allowance² 	<p>Employees with less than 26 weeks' continuous service, whether or not she intends to return to work.</p> <p>-Comply with the notification requirements detailed in section 10</p>

¹ Maternity Pay is calculated on average earnings paid for two months prior to the Qualifying week which is the 15th week before the EWC. Employees with average weekly earnings below the Lower Earnings Limit who do not qualify for SMP may be entitled to MA or other benefits.

² Employees should contact their local social security/Jobcentre Plus office to enquire about eligibility for Maternity Allowance. Maternity Allowance payment are made by the social security/Job Centre Plus office rather than the CCG.

BEFORE USING THIS POLICY ALWAYS ENSURE YOU ARE USING THE MOST UP TO DATE VERSION

- 8.4 Employees are required to return to work for 3 months to the CCG or another NHS employer within 15 months of the beginning of her maternity leave in order to retain the maternity pay provisions outlined in section 8.1. Please see section 19 for further information.
- 8.5 By prior agreement with the CCG, occupational maternity pay may be paid in a different way e.g. a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period.

9. Employees on a Fixed-Term Contract

- 9.1 An employee on a fixed term contract who is entitled to the maternity pay under section 8.1 and whose contract is due to end after the 11th week before the EWC, will have her contract extended to enable her to receive 52 weeks Maternity Leave and the maternity pay provisions in section 8.1. Under these circumstances, there will be no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred.
- 9.2 Employees who do not satisfy the eligibility requirements under section 8.1 and whose contract ends after the 15th week prior to the EWC but before the 11th week prior to the EWC, will not be entitled to maternity leave but SMP may be payable. In this case, the contract will not be extended but the CCG will be responsible for paying any SMP due. Under these circumstances, the employee must inform the CCG if she starts work for another employer following the birth of the baby and must still provide evidence of pregnancy in accordance with section 8 of this policy and procedure.

10. Notification Requirements

On becoming pregnant, an employee should notify her line manager as soon as possible. By the end of the qualifying week [15th week before the EWC] or as soon as reasonably practicable afterwards, the employee must:

- Inform the CCG of the fact she is pregnant;
- Provide the CCG with the MATB1 certificate confirming the expected week of childbirth
- Provide the date on which she intends to start her maternity leave

HR will write to the employee to confirm the following:

- The right to maternity leave & maternity pay [paid & unpaid]
- The expected return to work date if she takes the full 52 week maternity leave entitlement unless an earlier return date has been given
- The need for the employee to give at least 28 day's notice before the start date [or as reasonably practicable] if she wishes to change the date she would like to start her maternity leave. This notification must be in writing.
- The need for the employee to give at least 8 week's notice in writing if she wishes to change the date she would like to return from maternity leave.

11. Commencement of Maternity Leave

BEFORE USING THIS POLICY ALWAYS ENSURE YOU ARE USING THE MOST UP TO DATE VERSION

- 11.1 Maternity Leave may commence at any time between 11 weeks before the EWC and the expected week of childbirth, provided the required notice is given.
- 11.2 Where childbirth occurs before the 11th week before the EWC and the employee has worked during the actual week of childbirth, Maternity Leave will start on the first day of the employee's absence.
- 11.3 Where childbirth occurs before the 11th week before the EWC and the employee has been absent from work on certified sickness absence during the actual week of childbirth, Maternity Leave will start the day after the day of birth.
- 11.4 Where an employee's baby is born before the 11th week before the EWC, and the baby is in hospital, she may split her Maternity Leave entitlement, taking a minimum period of two weeks' leave immediately following the birth and the rest of her leave following the baby's discharge from hospital.

12. Ante-natal and Post-natal Care

- 12.1 Pregnant employees have the right to reasonable paid time off for ante-natal care including relaxation and parent craft classes.
- 12.2 Employees who return to work shortly after giving birth will be given paid time off for post natal care e.g. attendance at health clinics.

13. Sickness Absence Prior to Childbirth

- 13.1 Sickness absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity for work, or a self-certificate, shall be treated as sickness absence in accordance with the Managing Sickness Policy.
- 13.2 If an employee is off work ill, or becomes ill, with a pregnancy related illness during the last four weeks before the EWC, maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the later.
- 13.3 Odd days of pregnancy related illness during the period may be disregarded if the employee wishes to continue working until the maternity leave start date previously agreed.
- 13.4 Where an employee is absent due to illness which is not pregnancy related then normal sick leave provisions in accordance with the Managing Sickness Absence Policy will apply until the date agreed that maternity leave would commence.
- 13.5 Where an employee has a miscarriage before the 25th week of pregnancy then normal sick leave provisions will apply.

14. Miscarriage/Stillbirths

- 14.1 In the event of a still birth after the 24th week of pregnancy the employee will be entitled to the same amount of maternity leave and pay as if her baby was born alive.

BEFORE USING THIS POLICY ALWAYS ENSURE YOU ARE USING THE MOST UP TO DATE VERSION

- 14.2 Where an employee has a miscarriage before the 24th week of pregnancy then normal sick leave provisions will apply and there will be no entitlement to maternity leave and pay.
- 14.3 The Organisation recognises that this will be a difficult and traumatic time and would encourage the use of the Employee Assistance Programme.

15. Health & Safety

- 15.1 Where an employee is pregnant, has recently given birth or is breastfeeding, then a risk assessment of her working conditions will be carried out. If it is found, or if a medical practitioner considers, that an employee or her child would be at risk were she to continue with her normal duties, she will be provided with suitable alternative work for which she will receive her normal rate of pay. Where it is not reasonably practicable to offer suitable alternative work, the employee will be suspended on full pay.
- 15.2 These provisions also apply to an employee who is breastfeeding if it is found that her normal duties would prevent her from successfully breastfeeding.

16. Rights during Maternity Leave

16.1 Implementation of a Pay Award or Annual Increment

- 16.1.1 Absence on Maternity Leave, whether paid or unpaid, counts as service towards the normal annual increment.
- 16.1.2 Where a pay award and/or annual increment are implemented from a date prior to the paid Maternity Leave period, the Maternity Pay will be calculated as though the pay award had effect throughout the entire SMP calculation period. If a pay award is agreed retrospectively, the Maternity Pay will be recalculated on the same basis
- 16.1.3 Where a pay award and/or annual increment is implemented from a date during the paid Maternity Leave period, the Maternity Pay due from the operative date of the pay award or annual increment should be increased accordingly. Again, if such a pay award were agreed retrospectively, the Maternity Pay should be recalculated on the same basis.

16.2 Annual Leave

- 16.2.1 Annual leave will continue to accrue during maternity leave, whether paid or unpaid.
- 16.2.2 Where the amount of accrued leave would exceed the normal carry over provisions, the manager and employee should agree arrangements for the leave to be taken either prior to or immediately following the maternity leave period.
- 16.2.3 In exceptional circumstances, where leave cannot be carried over for operational reasons, payment in lieu of annual leave may be considered.
- 16.2.4 All maternity leave, including unpaid maternity leave, will count as service for the purpose of satisfying the service qualification for accruing additional annual leave entitlements.

16.2.5 Bank Holiday leave is accrued whilst on paid or unpaid maternity leave and should be added to and taken as holiday leave.

16.3 Pension

16.3.1 Contributions will be deducted from salary as normal during paid Maternity Leave and continue to be payable during unpaid leave. On return to work, arrears of contributions will be recovered and deducted from salary over an agreed period of time.

17 Keeping in Touch

17.1 Before going on maternity leave employees should discuss and agree with their Line Manager any voluntary arrangements for keeping in touch during their leave. It should be noted that staff absent on maternity leave should receive details of vacancies and other pertinent business information; this is normally done via the post to the employees' home address.

17.2 Keeping in Touch (KIT) days allow employees to do a limited amount of work under their contract during the Maternity Pay Period without loss of SMP for the week. They are intended to facilitate a smooth return to work for women returning from maternity leave and can include training or other activities which enable the employee to keep in touch with the workplace.

17.3 An employee may work a maximum of 10 KIT days without bringing her maternity leave to an end. Any days of work will not extend the maternity period.

17.4 An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.

17.5 Working for part of any day will count as a whole KIT day.

16.6 The employee will be paid at their basic daily rate for the hours worked less appropriate maternity leave payment for KIT days worked

17.7 Any work must be by agreement and neither the employer nor the employee can insist upon it.

17.8 Employees who are breastfeeding will be risk assessed in accordance with Section 4.2 and facilities will be provided, where possible, in accordance with Section 8.2

17.9 In certain circumstances, the Organisation may consider the reimbursement of reasonable childcare costs in order to enable the employee to take up the opportunity to work KIT days.

18. Return to Work

18.1 If the employee wishes to take her full entitlement to Maternity Leave she need not give any further notification of her return to work. An employee has the right to return to her job under her original contract and on no less favourable terms and conditions.

18.2 If the employee wishes to return to work before the end of her full entitlement to leave, she must give at least 28 days' notice of her date of return in writing using the form in Appendix 3.

18.3 An employee has the right to apply to return to work on a part-time or flexible working basis. Applications should be made to their Line Manager in accordance with the CCG's Flexible Working Policy & Procedure.

19. Sickness Absence following the end of Maternity Leave

Where an employee is unable to return to work following the date she was due to return as a result of illness, normal sick leave provisions will apply.

20. Failure to return to Work

20.1 An employee who has notified the CCG of her intention to return to work for a minimum of three months for the same or another NHS employer, and fails to do so within 15 months of the beginning of her maternity leave will be liable to refund the whole of her maternity pay, less any Statutory Maternity Pay received.

20.2 In cases where the CCG considers that to enforce this provision would cause undue hardship or distress, the organisation has the discretion to waive the right of recovery.

21. Transfer of maternity leave

21.1 Shared parental leave

Shared parental leave is available in relation to babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and statutory pay as shared parental leave with their partner.

Shared parental leave must be taken in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block or as a number of discontinuous blocks of leave (in which case the individual needs the CCG's agreement).

To be able to take shared parental leave, an employee and his/her partner must meet various eligibility and notification requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave.

21.2 Additional paternity leave

Additional paternity leave is available in relation to babies due before 5 April 2015. If an employee proposes to return to work by giving proper notification, her spouse, civil partner or partner may be eligible to take additional paternity leave (and additional statutory paternity pay) once she has returned to work.

BEFORE USING THIS POLICY ALWAYS ENSURE YOU ARE USING THE MOST UP TO DATE VERSION

The earliest that additional paternity leave may commence is 20 weeks after the date on which the child is born and it must end no later than 12 months after the date of birth. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. Please refer to the Paternity Leave Policy & Procedure for further information.

22 Childcare Vouchers

Information on the childcare voucher scheme and provisions available locally can be obtained from the HR Team.

23. Provision for Nursing Mothers

23.1 If you are a nursing mother returning to work, please inform your Line Manager as soon as possible so they are able to make the necessary arrangements.

23.2 An employee who is breastfeeding will be given suitable access to a private room to express and store milk in an appropriate refrigerator. Requests for flexible working arrangements to support breastfeeding mothers at work will be considered.

24 Monitoring & Review

The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

25 Associated Policies

Please refer to the following policies for further information:

- Paternity Leave Policy & Procedure
- Parental Leave Policy & Procedure
- Flexible Working Policy & Procedure

26. Breach of Policy

Unauthorised absence and/or the misuse of this policy & procedure will be managed under the Disciplinary Policy.

**Appendix 1 Notice of intention to take Maternity Leave Form
[to be completed by employee]**

Personal Details					
Full Name					
Employee Number					
Department					
Line Manager					
Home Address					
Telephone Number					
Hours per week					
Maternity Leave Dates					
Expected Date of Childbirth					
I intend to start my maternity leave on:					
Expected date of return to work:					
Dates of annual leave [before maternity leave]					
Eligibility for Maternity Pay [please tick appropriate box]					
I have at least 52 weeks continuous service by the 11 th week before my baby is due and am entitled to occupational maternity pay and I intend to return to work for 3 months	<input type="checkbox"/>				
I have 26 weeks continuous service but less than 52 weeks continuous service by the 15 th week before my baby is due. I am entitled to 39 weeks Statutory Maternity Pay. <i>or;</i> I have at least 52 weeks continuous service by the 11 th week before my baby is due and am entitled to occupational maternity pay and I do not intend to return to work for 3 months	<input type="checkbox"/>				
I have less than 26 weeks continuous service by the 15 th week before my baby is due.	<input type="checkbox"/>				
If you are entitled to occupational maternity pay and would prefer to combine your pay differently, please indicate how you would like your maternity pay configured. [OMP can be evenly spread, no less than 26 weeks and no more than 52 weeks]					
I receive child care vouchers and wish to continue to receive the vouchers during my maternity leave:	<table border="1"> <tr> <td>Yes</td> <td><input type="checkbox"/></td> <td>No</td> <td><input type="checkbox"/></td> </tr> </table>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>		
I attach my MATB1 Certificate	<table border="1"> <tr> <td>Yes</td> <td><input type="checkbox"/></td> <td>No</td> <td><input type="checkbox"/></td> </tr> </table>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>		
Signature of Employee:	Date:				
Signature of Manager:	Date:				
HR Approval:	Date:				

On completion please give the form to your manager to review and sign. The form should then be returned to Darshna Pankhania, HR Business Partner

Appendix 2 Risk Assessment Form

Managers are required to undertake risk assessments for members of their staff who are expectant or nursing mothers.

Personal Details	
Full Name	
Job Title	
Department	
Expected Date of Childbirth	
Line Manager/Assessor	
Date of Assessment	

Section A: Detailed assessment of risks

Please consider the work activities carried out and the potential hazards of the expectant/nursing employee.

Potential Hazard	Level of Risk – Tick as appropriate			
	No Risk	Low	Medium	High
Physical agents – may cause foetal lesions and placental displacement				
Shock, vibration or movement				
Manual handling of loads				
Noise				
Ionising radiation				
Non-ionising radiation				
Extremes of cold or hot				
Mental or physical fatigue				
Biological Agents & Chemical Hazards– these lists are not exhaustive				
Biological agent in hazard groups 2,3,4 of Advisory Committee or dangerous pathogens, i.e. viruses (HBV, HCV, HIV) TB, chickenpox				
Biological agents known to cause abortion or physical and neurological damage, i.e. Rubella, toxoplasma, CMV				
Chemical agents as listed in the COSHH and CHIP regulations				
Mercury derivatives				
Cytotoxic drugs				
Chemical agents with percutaneous absorption, i.e. pesticides				
Carbon monoxide				
Lead and lead derivatives				
Working Conditions				
Work with DSE (VDUs)				
Night Work				
Lone Working				
Working Hours				
Rest break facilities				
Any other hazards [please specify]				

BEFORE USING THIS POLICY ALWAYS ENSURE YOU ARE USING THE MOST UP TO DATE VERSION

This form should be completed at least 28 days prior to return date. On completion the form should be sent to the line manager to approve and then forwarded to the HR Business Partner.

Personal Details			
Name			
Home Address			
Contact Number			
Employee Number			
Directorate			
Job Title			
Line Manager			
Return to work dates			
The dates I will take annual leave are:			
My first day in the office will be:			
Detail of working hours/pattern on return to work			
On your first day in the office, please specify the working hours/days you will work per week.			
These are the same working hours I worked before going on maternity leave	Yes		No
This is a reduction/change in my working hours/pattern which I have agreed with my manager	Yes		No
Declaration			
I hereby give notice of my intention to return from maternity leave and have agreed the above return to work arrangements with my manager.			
Signature [Employee]		Date	
Signature [Manager]		Date	
HR Approval		Date	

Please return the completed form to Darshna Pankhania, HR Business Partner

Equality Analysis Initial Assessment

Title of the change proposal or policy:

Maternity Policy & Procedure

Brief description of the proposal:

To ensure that the policy & procedure is fit for purpose, legally compliant, complies with NHS LA Standards and takes account of best practice.

Name(s) and role(s) of staff completing this assessment:

Darshna Pankhania, HR Business Partner

Date of assessment: 20 January 2015

Please answer the following questions in relation to the proposed change:

Will it affect employees, customers, and/or the public? Please state which.

Yes it will affect female employees.

Is it a major change affecting how a service or policy is delivered or accessed?

No

Will it have an effect on how other organisations operate in terms of equality?

No

If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC Terms and Conditions, is legally compliant and takes account of best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

Please return a copy of the completed form to the Equality & Diversity