## MATERNITY LEAVE POLICY

### Document Description

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<th>Document Type</th>
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<tr>
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<td>Trust Wide</td>
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<td>Version</td>
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### Lead Author(s)

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<tr>
<th>Name</th>
<th>Job Title</th>
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<tr>
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<td>Director of Human Resources</td>
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<td>Sandra Berns</td>
<td>Head of Human Resources</td>
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### Change History – Version Control

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<tr>
<th>Version</th>
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### Links with External Standards

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### Key Dates

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**Executive Summary Sheet**

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**What is the purpose of this document?**

To outline the statutory and contractual entitlements for employees in relation to Maternity Leave, also providing a process for managers/employees to follow in light of pregnancy.

**What key issues does this document explore?**

This policy covers statutory provisions for employees and entitlements under Agenda for Change in relation to Maternity Leave.

**Who is this document aimed at?**

All Walsall Healthcare NHS Trust employees.

**What other policies, guidance and directives should this document be read in conjunction with?**

Adoption Leave policy  
Flexible Working policy  
Paternity Leave policy

**How and when will this document be reviewed?**

This policy will subject to review every 2 years. This review will be undertaken by the lead author(s) or a suitably nominated member of the Human Resources Team.
1.0 Introduction

1.1 This policy is intended as guidance, for managers and employees of Walsall Healthcare NHS Trust (the Trust), relating to maternity rights under either the provisions of the NHS Agenda for Change regulations or the Employment Protection (Consolidation) Act 1978 as amended by the Employment Protection Act 1980, and the Maternity Provisions of the Trade Union Reform, Employment Rights Act 1993 and the Employment Act 2002. It also takes into account the statutory leave provisions in accordance with the Work and Family Act 2006, which applies to women whose babies are born on or after 01 April 2007.

1.2 All employees are entitled to 52 weeks Maternity Leave (ML) which is made up of two periods of 26 weeks, the first period is Ordinary Maternity leave (OML). The second is Additional Maternity Leave (AML). Payment during this period will depend on the employee’s length of service.

1.3 To apply for maternity leave and to receive the pay provisions under both Agenda for Change and/or SMP, the employee must complete the attached Appendix 1. This form must be signed by the employee and given to their manager once the employee has received confirmation of her maternity entitlement (see point 4.6 - Notification).

2.0 Scope

2.1 This policy applies to all female staff employed by the organisation including those staff employed on a temporary or fixed-term basis.

2.2 After 3 April 2011, any male employees who would like to share maternity leave with his partner can do so and this is detailed in the Special Leave Policy (Special Leave Policy Link)

2.1 This 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.

3.0 Statement of Intent

3.1 The Maternity Leave Policy aims to provide guidance for managers and employees on entitlements to maternity leave and maternity pay and inform all staff about the associated processes employed by the Trust.

4.0 Procedure

4.1 Entitlement to Maternity Leave

4.1.1 Entitlement to maternity leave is a statutory right and will be granted maternity leave under the above regulations. NB. See below for entitlements to statutory and occupational paid maternity leave.

4.1.2 Nothing in this guide alters or overrides the Agenda for Change agreement or the Employment Act and subsequent legislation.
4.1.3 Due to the complexity of the provisions and entitlements it is not feasible to cover all possible situations within this document, therefore, the Trust’s Human Resources Department is available to give guidance on the interpretation of the rules and regulations. In the first instance contact your Human Resources Manager who will gladly help you.

4.2 Entitlements to NHS Agenda for Change Regulations and SMP Provisions

4.2.1 Employees taking maternity leave may be entitled to paid leave of absence depending on their length of service (see qualifying conditions below). The payments may be made either under the Agenda for Change regulations or under the Statutory Maternity Pay provisions, or a combination of both payments.

4.3 Agenda for Change Pay

4.3.1 Qualifying Conditions

To be eligible for maternity pay under Agenda for Change employees must have been employed by the NHS for at least a continuous period of 12 months by the 11th week before the Expected Week of Childbirth. If these conditions are met and the employee intends to return to work then the payments shall be:

- 8 weeks at full pay
- 18 weeks half pay
- 13 weeks lower rate SMP
- 13 weeks unpaid leave (optional)

Employees who qualify for AfC pay under point 6.1.1, who also have 6 months continuous Trust service by the 15th week before the EWC (Notification Week) and intend to return to work, have an entitlement to an additional 18 weeks lower rate SMP or 90% of their average weekly earnings (whichever is the lower amount) to be paid at the same time as the 18 weeks half pay. The 2 combined figures will come to no more than the full pay entitlement. This does not increase the paid leave entitlement beyond 39 weeks.

Employees who are uncertain as to whether or not they will return to work may defer the payment of their AfC pay until they do actually return.

Employees need to give medical evidence of the date the baby is due as soon as this is available and no later than 28 days before the start of Maternity Leave.

4.4 Statutory Maternity Pay Provisions

Where staff do not meet the qualifying conditions for payment in accordance with Agenda for Change they may qualify for SMP.

4.4.1 Qualifying Conditions

SMP is payable to employees during Maternity Leave who:
WALSALL HEALTHCARE NHS TRUST

- have at least 26 weeks continuous Trust service by the 15th week before the EWC.

- have average weekly earnings not less than the lower earnings limit for the payment of National Insurance contributions which applies in the qualifying week.

- still be pregnant at the 11th week before the EWC or have had the baby by that time.

- give medical evidence of the date the baby is due as soon as this is available and no later than 28 days before the start of ML.

There are two rates of SMP which can be paid for a maximum of 39 weeks. SMP cannot be paid earlier than 11 weeks before the EWC but can be paid later.

SMP can commence on any day of the week but for ease of calculation it is recommended that the maternity leave period commences at the start of a week i.e., Sunday. Should the employee give birth prior to the commencement of the maternity leave period SMP shall commence on the day the baby was born.

4.4.1.1 Higher Rate SMP

The higher rate is 90% of an employee’s average weekly earnings based on the two months or 8 weeks paid prior to the end of the notification week, which is the 15th week before the EWC. It is payable for the first 6 weeks where SMP is due. For the remainder of the maternity pay period SMP is paid at the lower rate.

NB. This is not paid as an addition to Agenda for Change pay.

4.4.1.2 Lower Rate SMP

The lower rate is a set rate, which is reviewed by the Government each year and paid for 33 weeks. (This rate is usually amended yearly).

4.4.1.3 Unpaid Maternity Leave

There is a further optional entitlement to 13 weeks unpaid leave.

4.5 Employees With Less Than 26 Weeks Service

Employees who do not meet the qualifying conditions for paid OML are still entitled to 52 weeks unpaid ML. In some circumstances they may be entitled to a benefit called Maternity Allowance. Employees who fall into this category should contact the Human Resources department for further information.

4.5.1 Compulsory Maternity Leave

Employees who do not qualify for any pay during their 52 weeks ML may wish to return to work before their leave period ends. There is, however, a compulsory 2-week leave period after the birth of the child, and if the employee is a nurse this is extended to 4 weeks. All employees wishing to
WALSALL HEALTHCARE NHS TRUST

return to work prior to the end of their ML period must first be passed fit for work by the Occupational Health department.

4.6 Notification

4.6.1 The employee must write to her manager stating that she is pregnant and giving the date maternity leave will commence. This must be done at least 15 weeks before the EWC (this is the Notification Week). The employee's manager must then respond within 28 days with the employees return to work date. (Appendix V)

4.6.2 The employee may change the date their maternity leave commences as long as she gives her manager 28 days notice of this change. This will be 28 days before the earliest date she is giving as the start of her maternity leave.

4.6.3 Once the employee is sure of her dates she should complete and sign Appendix I and forward this to her manager. Where possible the MATB1 form confirming the employee's due date should be included, if not it must be forwarded to the employee’s manager as soon as it is received but no later than 28 days before the start of ML.

4.7 Commencement of Maternity Leave

4.7.1 The earliest an employee can commence maternity leave is 11 weeks before the EWC. The latest is the date the employee gives birth.

4.7.2 Should the employee give birth within the 11 weeks before the EWC and before their maternity leave is due to commence it will automatically start on the date the baby was born (see also point 12).

4.7.3 Should the employee give birth prior to the 11th week before the EWC and the baby is required to stay in hospital the maternity leave period can be split if the employee’s manager agrees. A short period can be taken after the birth, in line with compulsory maternity leave (see point 8.) and the balance taken when the baby is discharged. The ML and working periods must be agreed with the employee’s manager prior to commencement with as much notice as possible. Paymasters must also be informed.

4.8 Working Beyond the 36th Week

4.8.1 Employees who wish to work beyond the 36th week of pregnancy may do so but must produce a medical certificate/letter, from the GP or midwife, stating that she is fit to remain at work and also stating how long they may remain at work. A copy of the medical certificate/letter must be submitted to the manager who will forward a copy to the Paymaster Section. This also applies if the employee intends to take annual leave over this period.

4.9 Absence Due to Illness
4.10 Return to Work

4.10.1 11 weeks after the commencement of maternity leave the manager will write to the employee (Appendix VII) requesting re-affirmation of the intention to return to work. This request must be replied to within 14 days of its receipt.

4.10.2 The manager must be informed at least 8 weeks before the actual date of return, unless the employee has previously stated her return date and has not altered it. This date maybe altered but there must be 8 weeks notice of the change.

4.10.3 If an employee is unable to return to work because of illness, and submits a medical certificate evidencing this, she will be deemed to have returned to work on the date on which the certificate commences; this will be her return date. Normal sick leave rules will apply thereafter. A staff member will not, however, be permitted to bring forward her date of return in order to qualify for sick leave.

4.10.4 The Trust has the right to postpone the employee’s return to work up to a maximum of 4 weeks from the notified date of return if certain arrangements have to be made to enable that return. In this case the Trust will write to the employee explaining the reason for the delay and the revised date on which she will be able to return. (Such a postponement might be due to industrial action, closures etc).

4.10.5 Employees who wish to cease their employment with the Trust but wish to maintain flexibility of employment by joining the Trust Bank Scheme, should note the requirement to be available for work during the first 3 months for a minimum of 50% of their contracted hours prior to commencement of their ML. Failure to do so will result in the employee being liable to refund the AfC pay.

4.10.6 Employees who wish to resign whilst on ML must honour their contractual obligations to give notice.

4.10.7 Employees who wish to change their working pattern on return to work must consult with their manager as soon as possible prior to their return. Applications should be made via the Flexible Working Policy. Whilst every effort will be made to accommodate the request the needs of the service must still be met and not every request may be met in full.

4.11 Pension Scheme

4.11.1 If an employee is a member of the pension scheme, deductions must continue to be made. However, when an employee is on unpaid leave, deductions cannot be made. Therefore, upon return to work, deductions for
the arrears of contributions will be made over a period of time. For further information contact the Pensions Officer, Paymaster Services.

4.11.2 Members who choose not to return to work following their maternity leave may now be given the opportunity to extend their pensionable service by continuing their pension scheme contributions to take account of the ML period.

4.12 Failure to Return to Work

Under the NHS AfC regulations, failure to return to work or resigning prior to completion of 3 months service will make the employee liable to refund some or all of the maternity pay received (other than that received under the SMP provisions). See 6.1.3 for options to defer payment of AfC pay.

IMPORTANT: This money will be actively pursued by the Trust. You should also bear in mind that a failure to return to work may also affect any annual leave you have taken or intended to take.

4.13 Risk Assessments

4.13.1 Whilst it is the responsibility of the employer to ensure that employees who are either pregnant, have recently given birth or are breast feeding are not put ‘at risk’ to themselves or their child, it is the employee’s responsibility to notify the employer that either of the above situations apply.

4.13.2 A ‘New and Expectant Mothers - Risk Assessment’ form (Appendix II) should be completed by the employee's manager as soon as they are notified of their employee's pregnancy. This is a requirement of EC law. The same risk assessment should be carried out for breast-feeding mothers. The employee should be present at this assessment. The Managers Checklist (Appendix III) identifies key actions for controlling the safety risks for new, expectant and nursing mothers.

4.14 General Entitlements

4.14.1 Ante-natal

A member of staff who is expecting a baby has the right to reasonable time off with pay to attend ante-natal appointments. An employee seeking time off for ante-natal appointments should apply to her manager at the earliest possible opportunity. Time off will not be unreasonably refused, but may exceptionally be declined on the grounds of overriding operational need. Except for the first appointment, an employee seeking time off for an ante-natal appointment may be asked to produce evidence of the appointment in question.

4.14.2 Increment and Pay Protection

Absence on ML, whether paid or unpaid, does not affect the incremental date for salary calculations.

4.14.3 Contractual Rights
4.14.4 Annual Leave

Employees continue to accrue annual leave whilst on maternity leave, based on their working hours prior to commencement of that leave. Employees may take annual leave, with the agreement of their manager, immediately prior to the commencement of their ML period. However they will still need a medical certificate stating their fitness to work if the annual leave covers the period from the 36th week.

Alternatively annual leave may be taken at the end of the paid ML period but not if this is to followed by a period of unpaid ML. Annual leave can be taken at the end of the whole ML period. Managers should give consideration to employees whose ML crosses 2 annual leave years.

A maximum of 5 days annual leave may be carried over to the following annual leave year, with the agreement of the employee's manager, if the employee has been prevented from taking their full leave entitlement because of service needs. The leave will be taken within a mutually agreed time period.

Managers must give serious consideration to the amount of AL accrued by an employee whilst on ML. Where possible this should be taken prior to commencement of ML. Where this is not possible e.g. the ML period crosses over the beginning of the new AL year, the AL from the new leave year should be taken at the end of the ML period prior to returning to work. This is particularly important where the employee was originally full time and wishes to reduce her hours. In these circumstances leave accrued during the ML period must be on the basis of the full time hours. The AL hours for the new part time hours will commence once the old AL has been exhausted (although it is recommended that a few hours are saved in case of an emergency).

There is no right to accrue bank holidays whilst on ML.

4.15 Bank Staff

4.15.1 Workers on Bank schemes who are entitled to receive Statutory Sick Pay may be entitled to statutory maternity pay (see paragraph 7) dependent on their earnings being above the national insurance limit during the qualifying period. Employees who are employed solely on a bank scheme, so do not have an entitlement to Occupational Sick Pay, do not have an entitlement to AFC maternity pay under Agenda for Change (see paragraph 6). For further information Bank workers should contact either the Human Resources Department or Paymaster Section.

4.16 Bank Shifts

4.16.1 During ML employees are not permitted to work any bank shifts unless they have returned from ML.
4.17 Keeping in Touch Days

4.17.1 An employee can complete up to 10 days work during her ML. These are known as ‘Keeping in Touch’ days. They are not compulsory and an employee should suffer no detriment if she refuses to work during her ML period. They can be used for training, refresher training or normal working. The days and type of work should be mutually agreed. Keeping in Touch days will be paid at basic daily rate of pay less any maternity pay they would have received. A risk assessment should be carried out prior to any return to work.

5.0 Roles and Responsibilities

5.1 Chief Executive

5.1.1 The Chief Executive has overall general accountability for Maternity Leave within the Trust.

5.2 Director of Human Resources

5.2.1 The Director of HR is accountable for the overall implementation of maternity leave provisions and delegates responsibility for ensuring best practice process is followed to the Head of Human Resources.

5.3 Human Resources Department

5.3.1 The Head of HR will be responsible for ensuring that this policy is adhered to.

5.3.2 All employees who are expecting a baby are advised to contact the Human Resources Department for an interview to discuss their entitlements in more detail. Ideally between their 20-22 week of pregnancy.

5.4 Managers

5.4.1 A New and Expectant Mothers Risk Assessment should be carried out as soon as the employee notifies you of her pregnancy and as soon as she returns to work if she is still breast feeding (Appendix 2 & 3).

5.4.2 The Occupational Health and Health and Safety Departments will provide advice in undertaking risk assessments.

5.4.3 The manager should ensure the employee has received a copy of the maternity policy prior to attending an interview with Human Resources.

5.4.4 The HR department will forward to the manager a copy of the employee’s entitlements and any other relevant information discussed at the interview.

5.4.5 The employee will be advised to write to their manager prior to the notification week confirming the date they intend to commence maternity leave. The manager must respond within 28 days of receipt of this letter with the date by which the employee must return to work (Appendix 5).
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5.4.6 The employee will then complete Appendix 1 which the manager should approve after discussion and then forward to Paymasters with the MATB1 form and a Change of Circumstances form confirming the date maternity leave commences. Appendix 6 or 8 can then be sent to the employee. (If the MATB1 form has not been received by the NW it should be forwarded to Paymasters as soon as possible and no later than 28 days before the start of ML).

5.4.7 If the employee has stated their intention to return to work, the manager should write to the employee 11 weeks after the commencement of maternity leave asking them to reaffirm their intention to return (Appendix 7). The employee must respond within 14 days of receipt of this letter.

5.4.8 An employee does not have to specify a return to work date prior to commencing maternity leave or in reply to the 11-week letter. She must, however, give 8 weeks notice of her intention to return to work.

5.4.9 A change of circumstances form confirming the return to work date and any change in working pattern should be sent to Paymasters prior to the employee’s return to work.

5.5 Employees

5.5.1 It is the employee’s responsibility to notify their manager:

- That they are pregnant and complete maternity leave application form including provision of original MATB1 certificate
- Liaise with their line manager regarding annual leave requirements
- Liaise with their line manager regarding risk assessment at work

5.5.2 Employees should ensure they have read the organisation’s Maternity Policy.

5.5.3 During their 20-22 week of pregnancy, employees should contact HR to arrange a maternity interview, to discuss their entitlements in more detail.

5.5.4 Provide the appropriate notice period for returning to work

5.5.5 Repay any OMP paid as a result of not returning to work following maternity leave

6.0 Audit/Monitoring Arrangements

6.1 The Human Resources Department will monitor the application of the Policy across the Trust.

6.2 Received maternity leave applications will be recorded and checked by the HR (Operations) Team, any errors/queries will be highlighted with the employee and the manager.
6.3 In the event of trends being identified for non-compliance, the training and communication to managers will be reviewed to ensure it is effective in conveying roles and responsibilities and the maternity rights of staff.

6.4 Any issues in relation to non-compliance with this policy, when directed to Human Resources, will be treated seriously and the matter will be addressed with the employee/manager concerned.

6.5 Additional ad-hoc reports can be obtained from ESR to inform the organisation of the amount of individuals who are currently on/previous taken maternity leave over any period of time to help the organisation make informed decisions about any actions it may be required to take as a result of maternity leave e.g. the financial impact.

7.0 Definitions

Policy: Clear statement of aims and objectives of process, and the means by which they are to be achieved, which must be followed by all staff.

Procedure: A description of the process, inclusive of rationale if applicable, which must be followed explicitly.

ML Maternity Leave

OML Ordinary Maternity Leave

AML Additional Maternity Leave

EDC Expected Date of Childbirth.

EWC Expected Week of Childbirth, is the week in which the baby is expected to be born commencing on the Sunday before the EDC.

NW (SMP) Notification Week, for the Statutory Maternity Pay provisions is the 15th week before the EWC.

QW (AFC) Qualifying Week, for Agenda for Change provisions is the 11th week before the EWC.

AfC Agenda for Change

MATB1 Maternity certificate issued by the doctor or midwife which states the date on which the baby is expected or was born.

SMP Statutory Maternity Pay.

MA Maternity Allowance payable in some instances to those who do not qualify for SMP or AfC pay.

Qualifying Week The date used for the basis of maternity leave pay. The 8 weeks prior to the 15th week before the EWC are used to determine the average earnings of the employee, the qualifying week is therefore the 15th week before the EWC.
8.0 Legal and Professional Issues

8.1 The Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2008

8.1.1 Women expecting their baby to be born on or after 5 October 2008 are entitled to the same non-pay contractual terms and conditions during AML as they were during OML.

8.2 Work & Family Act 2006

8.2.1 The Act contains new provisions relating to maternity leave and maternity pay, which apply to women whose babies are born on or after 01 April 2007.

8.2.2 The Act gives all pregnant employees the right to up to 52 weeks Maternity Leave regardless of their length of service.

8.2.3 Statutory Maternity Pay is extended to 39 weeks (from 26 weeks) for those employees with 26 weeks continuous service by the 15th week before the baby is due and paying National Insurance contributions.

8.2.4 Employees must now give 8 weeks notice of the return to work date.

8.2.5 Employees are able to undertake 10 days work prior to their return for reasons of ‘Keeping in Touch’ without losing their maternity rights.

9.0 Appendices

9.1 Appendix 1 – Maternity Leave Form
9.2 Appendix 2 – New and Expectant Mothers - Risk Assessment
9.3 Appendix 3 – New and Expectant Mothers – Managers’ Checklist
9.4 Appendix 4 – Table of Entitlements: Employees Intending to Return to Work & Table of Entitlements: Employees Not Intending to Return to Work
9.5 Appendix 5 – Maternity Leave Acknowledgement Letter to Employee
9.6 Appendix 6 – Acknowledgement of Submission of Maternity Form Letter to Employee
9.7 Appendix 7 - Letter Asking Employee to Reaffirm Intention to Return to Work Following Maternity Leave
9.8 Appendix 8 – Letter to Employee Acknowledging Maternity Leave, not returning to work
Please complete the relevant section of this form, which details the pay provisions and entitlements, and return it together with your certificate of expected date of confinement (the MATB1 form) to your manager as soon as you are sure of your dates but no later than 28 days before commencement of maternity leave.

Full Name: ____________________________________________________________

Home Address: _______________________________________________________

Home Telephone: ______________________________________________________

Department/Ward: _____________________________________________________

Work Telephone: ___________________________ Extension: __________

Date of Commencement in NHS: _________________________________________

Date of Commencement in Trust: _________________________________________

Hours of Work: _______________________________________________________

Date of Commencement of Maternity Leave: _______________________________

Expected Date of Confinement: _________________________________________

Date of Return from Maternity Leave: _________________________________

-------------------------------------------------------------------------------

SECTION 1

A. 1 year or more NHS service by the 11th week before the expected week of confinement - with intention to return to work:

I wish to claim maternity leave and pay in accordance with AfC regulations. I intend to return to work by _______________ and will remain at work for at least 3 months.

_I fully understand that if I fail to return to work I will be required to refund the monies paid in respect of this leave (other than that provided by the SMP provisions 1987)._ 

Signed: ________________________________ Date: ____________
WALSALL HEALTHCARE NHS TRUST

B. 1 year or more service by the 11th week before the expected week of confinement - uncertain of return to work

I wish to return to work within the NHS by  

I wish to claim my 39 weeks maternity pay provided by the SMP provisions. I request that the Trust withhold any maternity payments under the AfC regulations until my return to work for 3 months following my maternity leave.

Signed:  

Date:  

C. 1 year or more service by the 11th week before the expected week of confinement - not returning to work

I do not intend to return to work but wish to claim my 39 weeks maternity pay provided by the SMP provisions.

As I do not intend to return to work *I wish to continue/do not wish to continue, making pension scheme contributions during my period of paid maternity leave.

Signed:  

Date:  

SECTION 2

Over 26 weeks and less than 12 months service by the 15th week before EWC.

A. Returning to Work

I wish to return to work within 52 weeks following commencement of my maternity leave and claim 39 weeks maternity pay provided by the SMP provisions.

I understand that I must remain at work until the 11th week before the expected week of confinement to exercise the right to return.

Signed:  

Date:  

B. Not returning to Work

I do not intend to return to work but wish to receive the 39 weeks maternity pay provided by the SMP provisions.

As I do not intend to return to work *I wish to continue/do not wish to continue, making pension scheme contributions during my period of paid maternity leave.

Signed:  

Date:  

For One & All
SECTION 3
Under 26 weeks service by the 15th week before EWC.

A. Returning to Work

I wish to take unpaid maternity leave and intend to return to work within 52 weeks. I understand that I must remain at work until the 11th week before the expected week of confinement to exercise the right to return to work.

I understand that I have no entitlement to maternity pay under AfC or SMP provisions.

Signed: ____________________________ Date: ______

B. Not Returning to Work

I do not intend to return to work and understand that I have no entitlement to maternity pay under AfC or SMP provisions.

Signed: ____________________________ Date: ______

DEPARTMENTAL MANAGER - I approve the above application.

Signed: ____________________________ Date: ______

Print Name: ____________________________
NEW AND EXPECTANT MOTHERS - RISK ASSESSMENT

To be completed by Departmental Manager in discussion with employee:

Employee’s Name: ____________________________________________________________

Post Title: __________________________________________________________________

Department/Ward: __________________________________________________________________

Assessment Ref Number: __________________________________________________________________

Q1. Has the employee been confirmed as:

   a) pregnant?  [ ] Yes (go to Q2)  [ ] No
   b) recently given birth?  [ ] Yes (go to Q2)  [ ] No
   c) breast feeding?  [ ] Yes (go to Q2)  [ ] No

Q2. Are there:

   a) Any existing specific risks encountered in the workplace?
      e.g. manual handling, chemicals, electricity, potential violence
      and aggression.  [ ] Yes (go to Q3)  [ ] No (requires review
      if conditions change)

   b) Any exposure to the agents, process or working conditions
      as determined in the non-exhaustive list below?
      [ ] Yes (go to Q3)  [ ] No (requires review
      if conditions change)

      Physical agents:  e.g. shocks, vibrations, movements, handling of loads, noise,
      ionising and non-ionising radiation, extremes of cold and heat,
      mental and physical fatigue etc.

      Biological agents:  e.g. Toxoplasma, rubella, hepatitis B etc.

      Chemical agents:  e.g. substances labelled – anaesthetic gases, methyl-
      methacrylate, xylene, mercury (and directivities), cytotoxic drugs,
      carbon monoxide and all chemical agents of know and dangerous
      percutaneous absorption etc.

Q3. State the preventative actions required to protect the employee from the risks as
    identified in Q2.

   If the above preventative actions cannot be implemented, proceed to Q4 then to Q5.

Q4. If the risk still remains which would jeopardise the employee’s  [ ] Yes (go to Q5)

For One & All
WALSALL HEALTHCARE NHS TRUST

health and safety, is it possible to alter the working conditions/hours or provide alternative duties within the department? □ No (HR department must be notified)

Q5. If the employee is a ‘night-worker’ has she produced a medical certificate stating that she cannot continue to do such work? □ n/a (end) □ Yes (go to Q6) □ No (HR department must be notified)

Q6. Can the employee be transferred to daytime work? □ Yes (end) □ No (HR department must be notified)

SUMMARY OF MANAGEMENT ACTION

Employee’s Signature: __________________________ Date: ____________

Print Name: __________________________

Manager’s Signature: __________________________ Date: ____________

Print Name: __________________________

On completion of this form, one copy to be retained by Departmental Manager, one copy to be given to employee and presented to HR Department as and when requested.

NB. Advice on the completion of this form and the action to be taken when assessing risks can be obtained from the Health & Safety Officer (Extension 6946) and the Occupational Health Department (extension 6497).
NEW & EXPECTANT MOTHERS – MANAGERS’ CHECKLIST

The checklist below identifies key actions involved in controlling the safety risks to new and expectant mothers. Further information about these issues in the checklist are contained in this Policy.

☐ Have you been notified by an employee that they are pregnant, have given birth or are breast feeding?
☐ Have you considered new and expectant mothers who work at night?
☐ Have you considered the risks to the employee if she is breast feeding?
☐ Have any additional control measures been put in place as a result of carrying out the risk assessment?
☐ Is further action necessary to adequately control risks to the employee?
☐ Consider whether any of the control measures you have put in place affect others, i.e, employees or visitors.
☐ If there is still genuine concern about the level of remaining risk (to include working at night) or you have received information from the employees midwife or GP it may be necessary to take the following steps:-
   • Temporarily adjust her working conditions and or/hours of work
   • If it is not reasonable to do so, or would not avoid the risk, it maybe necessary to offer her alternative work if available but this should not be done without reference to the HR Dept.
   • If that is not feasible, you must suspend her from work on paid leave for as long as necessary to protect the Health & Safety of her and her child, again this should not be done without reference to the HR Dept.
☐ Have you arranged suitable periods of time to review the assessment as the maternity progresses? You will need to keep your risk assessments for the employee and agree dates for review with them. Although hazards are identified and remain constant, the risk of damage to the mother and unborn child can alter at different stages of pregnancy. Dexterity, agility, co-ordination, speed of movement and reach may be impaired because of increasing size.
☐ Breast Feeding – There are other risks to consider for employees who are breastfeeding, you need to ensure , on receiving written notification that an employee is breast feeding, that she is not exposed to risks that could damage her health and safety and that of her child for as long as she continues to breastfeed. When employees continue to breastfeed for many months you will need to review the risks regularly. The Maternity risk assessment form should be used for this. Additional aspects/work issues relating to this can be detailed in the risk assessment under “other aspects of the pregnancy which may be affected by work”
Any issues relating to expressing/storage of milk and identification of suitable rest facilities should always be discussed with the employee.
**TABLE OF ENTITLEMENTS:**
**EMPLOYEES INTENDING TO RETURN TO WORK**

<table>
<thead>
<tr>
<th>LENGTH OF SERVICE</th>
<th>LEAVE ENTITLEMENT</th>
<th>PAY PROVISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 26 weeks continuous Trust &amp; NHS service by the 15&lt;sup&gt;th&lt;/sup&gt; week before the EWC</td>
<td>52 weeks ML</td>
<td>No pay provision (may be an entitlement to Maternity Allowance via the Benefits Agency)</td>
</tr>
<tr>
<td>26 weeks or more continuous Trust service by the 15&lt;sup&gt;th&lt;/sup&gt; week before the EWC but less than 12 months NHS service by 11&lt;sup&gt;th&lt;/sup&gt; week before EWC</td>
<td>52 weeks ML</td>
<td>6 weeks at 90% of average salary 33 weeks at lower rate SMP 13 weeks unpaid</td>
</tr>
<tr>
<td>Less than 26 weeks Trust service by the 15&lt;sup&gt;th&lt;/sup&gt; week before EWC but 12 months or more NHS service by 11&lt;sup&gt;th&lt;/sup&gt; week before EWC</td>
<td>52 weeks ML</td>
<td>8 weeks full pay 18 weeks half pay 13 weeks unpaid leave</td>
</tr>
<tr>
<td>26 weeks or more Trust service by the 15&lt;sup&gt;th&lt;/sup&gt; week before EWC and 12 months or more NHS service by 11&lt;sup&gt;th&lt;/sup&gt; week before EWC</td>
<td>52 weeks ML</td>
<td>8 weeks full pay. 18 weeks half pay + lower rate of SMP or 90% of average weekly earnings (whichever is the lower) 13 weeks lower rate SMP 13 weeks unpaid</td>
</tr>
</tbody>
</table>
## TABLE OF ENTITLEMENTS: EMPLOYEES NOT INTENDING TO RETURN TO WORK

<table>
<thead>
<tr>
<th>LENGTH OF SERVICE</th>
<th>LEAVE ENTITLEMENT</th>
<th>PAY PROVISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 26 weeks continuous Trust &amp; NHS service by the 15th week before the EWC</td>
<td>52 weeks ML</td>
<td>No pay provision (may be an entitlement to Maternity Allowance via the Benefits Agency)</td>
</tr>
</tbody>
</table>
| 26 weeks or more continuous Trust service by the 15th week before the EWC but less | 52 weeks ML       | 6 weeks at 90% of average salary  
| than 12 months NHS service by 11th week before EWC                                 |                   | 33 weeks at lower rate SMP  
|                                                                                   |                   | 13 weeks unpaid                                                                |
| Less than 26 weeks Trust service by 15th week before the EWC but 12 months or more  | 52 weeks ML       | No pay provision  
| NHS service by 11th week before EWC                                               |                   | (may be an entitlement to Maternity Allowance via Benefits Agency)               |
| 26 weeks or more Trust service by 15th week before the EWC and 12 months or more   | 52 weeks ML       | 6 weeks at 90% of average salary  
| by 11th week before EWC                                                            |                   | 33 weeks at lower rate SMP  
|                                                                                   |                   | 13 weeks unpaid                                                                |

N.B. Payment of AfC monies can be deferred until the employee returns to work if they are unsure of their return.
Dear

Thank you for informing me that you are pregnant and intend to commence your maternity leave on __________. Your NHS employment commenced on __________ and you have been employed by this Trust since __________.

Your maternity entitlements are therefore: (delete as applicable)

a) 52 weeks unpaid leave (you may have an entitlement to Maternity Allowance via the Benefits Agency).

b) 52 weeks leave of which 39 weeks will be paid in line with SMP provisions as follows; 6 weeks at higher rate SMP (90% of your salary) and 33 weeks at lower rate SMP (or 90% of your salary, whichever is the lower amount). The remaining 13 weeks leave are unpaid and are optional.

c) 52 weeks leave of which 26 weeks will be paid in line with AfC provisions as follows; 8 weeks at full pay and 18 weeks at half pay. The remaining 13 weeks pay entitlement should be claimed through the Benefits Agency as Maternity Allowance. The remaining 13 weeks leave are unpaid and are optional.

d) 52 weeks leave of which 39 weeks will be paid in line with SMP and AfC provisions as follows; 8 weeks at full pay, 18 weeks at half pay paid conjointly with 18 weeks at lower rate SMP (or 90% of your salary whichever is the lower amount), followed by 13 weeks at solely lower rate SMP. The remaining 13 weeks leave are unpaid and optional.

You will therefore be expected to return to work by __________.

(In the case of employees entitled to options C or D please include *)

*If you receive maternity pay under AfC provisions and do not return to work or leave within 3 months of your return, you will be liable to pay back some or all of your AfC provision payment. The Trust will actively pursue these monies.

You will continue to accrue annual leave whilst on Maternity leave. Should you change your mind about the date your maternity leave commences you must give 28 days notice of the change from the earliest date.

The Maternity Leave request form Appendix 1, contained in the Maternity Policy, must be with Paymasters at least 28 days before your maternity leave commences.

In the meantime please do not hesitate to contact me if you have any concerns.
MATERNITY LEAVE ENTITLEMENT

Dear

I confirm that I have authorised your request form and this has been forwarded to Paymasters together with your MATB1 form /* your MATB1 form should be forwarded to Paymasters within 28 days of commencement of your maternity leave.

Your paid maternity leave period will commence on until . *You will be returning to work on / Your last day of maternity leave will be ; * the period from to will be unpaid leave.

(* delete as applicable)

I will write to you again, 11 weeks following the start of your maternity leave, asking you to reaffirm your intention to return to your post with the Trust. You will be required to reply to this letter within 14 days.

(If the employee has not specified a return to work date and is entitled to unpaid leave include the following **).

**As you have not specified a return to work date you must give 8 weeks notice of your return to work.

It is important we maintain regular contact during your maternity leave in order to be better prepared for your return to work; I may therefore, contact you from time to time to check on your progress.

In the meantime, I should like to take this opportunity of wishing you well during your leave. I look forward to hearing news of your happy event.
WALSALL HEALTHCARE NHS TRUST

APPENDIX 7

MATERNITY LEAVE ENTITLEMENT:
LETTER ASKING EMPLOYEE TO REAFFIRM INTENTION TO RETURN TO WORK FOLLOWING MATERNITY LEAVE

Our Ref

Date

Dear

I was pleased to hear that you gave birth to a baby (boy/girl) on and would like to offer my congratulations to you and your (husband/partner).

In accordance with the Work and Families Act, I am writing to ask you to reaffirm that you will be returning to work following your maternity leave (on) . You are required to apply to this letter within 14 days. If for any reason you are unable to do so would you please let me know, as failure to reply could result in you foregoing your maternity rights.

I look forward to hearing from you and hope that you will be able to return.

Yours sincerely
MATERNITY LEAVE ENTITLEMENT

Dear

Please find enclosed your authorised request form. This form should now be sent to Paymasters with your MATB1 form.

Your paid maternity leave period will commence on .

I note from your form that you do not intend to return to work following your leave. Your last day of employment will therefore be .

If you have not taken all of your annual leave entitlement it will be paid to you at the end of your Maternity leave period.

In the meantime, I would like to wish you well during your leave and thank you for your services to Walsall Hospitals NHS Trust.

Yours sincerely
<table>
<thead>
<tr>
<th>Title of document being reviewed: AGENDA FOR CHANGE BANDING POLICY &amp; PROCEDURE</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Title</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the title clear and unambiguous? It should not start with the word policy.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Is it clear whether the document is a guideline, policy, protocol or standard?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>2. Rationale</td>
<td></td>
<td></td>
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<tr>
<td>Are reasons for development of the document stated? This should be in the purpose section.</td>
<td>Yes</td>
<td></td>
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<tr>
<td>3. Development Process</td>
<td></td>
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<tr>
<td>Is the method described in brief? This should be in the introduction or purpose.</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Are people involved in the development identified?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Do you feel a reasonable attempt has been made to ensure relevant expertise has been used?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Is there evidence of consultation with stakeholders and users?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>4. Content</td>
<td></td>
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<tr>
<td>Is the objective of the document clear?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Is the target population clear and unambiguous?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Are the intended outcomes described?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Are the statements clear and unambiguous?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>5. Evidence Base</td>
<td></td>
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<tr>
<td>Is the type of evidence to support the document identified explicitly?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Are key references cited?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Are the references cited in full?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Are supporting documents referenced?</td>
<td>Yes</td>
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<tr>
<td>6. Approval</td>
<td></td>
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<tr>
<td>Does the document identify which committee/group will approve it?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>If appropriate have the joint Human Resources/staff side committee (or equivalent) approved the document?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>7. Dissemination and Implementation</td>
<td></td>
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<tr>
<td>Is there an outline/plan to identify how this</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>Title of document being reviewed:</strong> AGENDA FOR CHANGE BANDING POLICY &amp; PROCEDURE</td>
<td>Yes/No</td>
<td>Comments</td>
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<tr>
<td>Does the plan include the necessary training/support to ensure compliance?</td>
<td>Yes</td>
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<tr>
<td><strong>8. Document Control</strong></td>
<td></td>
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<tr>
<td>Does the document identify where it will be held?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Have archiving arrangements for superseded documents been addressed?</td>
<td>Yes</td>
<td></td>
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<tr>
<td><strong>9. Process to Monitor Compliance and Effectiveness</strong></td>
<td></td>
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<tr>
<td>Are there measurable standards or KPIs to support the monitoring of compliance with and effectiveness of the document?</td>
<td>Yes</td>
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<tr>
<td>Is there a plan to review or audit compliance with the document?</td>
<td>Yes</td>
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<tr>
<td><strong>10. Review Date</strong></td>
<td></td>
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<tr>
<td>Is the review date identified?</td>
<td>Yes</td>
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<tr>
<td>Is the frequency of review identified? If so is it acceptable?</td>
<td>Yes</td>
<td></td>
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<tr>
<td><strong>11. Overall Responsibility for the Document</strong></td>
<td></td>
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<tr>
<td>Is it clear who will be responsible for coordinating the dissemination, implementation and review of the documentation?</td>
<td>Yes</td>
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</tbody>
</table>

**Lead Director**

If you are assured that the correct procedure has been followed for the consultation of this policy, sign and date it and forward to the chair of the committee for ratification.

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
<td>Approving Committee</td>
</tr>
</tbody>
</table>

**Ratification Committee Approval**

If the committee is in agreement to ratify this document, can the Chair sign and date it and forward to the Risk & Assurance Team

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
<td></td>
</tr>
</tbody>
</table>
**Equality Impact Assessment Tool**

To be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

<table>
<thead>
<tr>
<th>Title of the policy/guidance:</th>
<th>Maternity Leave Policy</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Does the policy/guidance affect one group less or more favourably than another on the basis of:</strong></td>
<td></td>
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<tr>
<td>Race</td>
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<tr>
<td>Ethnic origins (including gypsies and travellers)</td>
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<tr>
<td>Nationality</td>
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<td>Gender</td>
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<tr>
<td>Culture</td>
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<tr>
<td>Religion or belief</td>
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<tr>
<td>Sexual orientation including lesbian, gay and bisexual people</td>
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<tr>
<td>Age</td>
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<tr>
<td>Disability - learning disabilities, physical disability, sensory impairment and mental health problems</td>
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<tr>
<td><strong>2 Is there any evidence that some groups are affected differently?</strong></td>
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<td></td>
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<tr>
<td><strong>3 If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?</strong></td>
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<tr>
<td><strong>4 Is the impact of the policy/guidance likely to be negative? (If no, please go to question 5.)</strong></td>
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<tr>
<td>If so can the impact be avoided?</td>
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<tr>
<td>What alternatives are there to achieving the policy/guidance without the impact?</td>
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<tr>
<td>Can we reduce the impact by taking different action?</td>
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<tr>
<td><strong>5 Health inequalities</strong></td>
<td></td>
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<tr>
<td><strong>6 Please consider the following questions relating to Human Rights Act:</strong></td>
<td></td>
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<tr>
<td>Will it affect a person’s right to life?</td>
<td></td>
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<tr>
<td>Will someone be deprived of their liberty or have their security threatened?</td>
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<tr>
<td>Could this result in a person being treated in a degrading or inhuman manner?</td>
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<tr>
<td>Is there a possibility that a person will be prevented from exercising their beliefs?</td>
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<tr>
<td>Will anyone’s private and family life be interfered with?</td>
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</tbody>
</table>

If you have identified a potential discriminatory impact of this procedural document, please complete Impact Assessment Action Plan identifying the action required to avoid/reduce this impact.

For advice in respect of answering the above questions, please contact the Equality and Diversity Manager.
Is further detailed impact assessment required? Yes/No

If yes, please detail how this is to be processed and by whom

Details (names and roles) of staff involved in this impact assessment

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Date completed</th>
<th>Outcome</th>
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<tbody>
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Addendum to: MATERNITY LEAVE POLICY

Additional Paternity Leave (APL)


The 2010 Additional Paternity Leave Regulations entitle employees who are fathers or partners of mothers, to take paternity leave of up to 26 weeks in the first year of their child’s life, pursuant to the Work and Families Act 2006. APL has effect in relation to children whose expected week of birth is on or after 3rd April 2011.

For fathers or partners of children due on or after 3rd April 2011, an employee must satisfy specific criteria in order to be eligible for APL, please refer to the organisation's Paternity Policy for information relating to this.

- APL must be taken in multiples of complete weeks, as one continuous period and for a minimum period of two weeks.

- APL may be taken at any time between 20 weeks after the date on which the child was born.

- The notice period for a father or partner to take APL is eight weeks prior to the chosen start date.