

## Maternity Guidelines

<b>Author with contact details</b>	Business HR		
<b>Lead Executive/ Senior Manager</b>	Heather Barnett, Chief People Officer		
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<b>Equality, Diversity And Human Right Statement</b>	The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This procedure should be implemented with due regard to this commitment.		
<b>To be read In conjunction with / Associated Documents:</b>	<ul style="list-style-type: none"> <li>Family Leave Policy</li> </ul>	<b>Information Classification Label</b>	<input type="checkbox"/> Unclassified
<b>Access to Information</b>	To access this document in another language or format please contact the policy author.		

**Document Change History (changes from previous issues of policy (if appropriate):**

Version number	Page	Changes made with rationale and impact on practice	Date
2	ALL	Content rearranged and flow chart for process introduced	July 2021
3	All	Phased return following MAT leave.	June 2023

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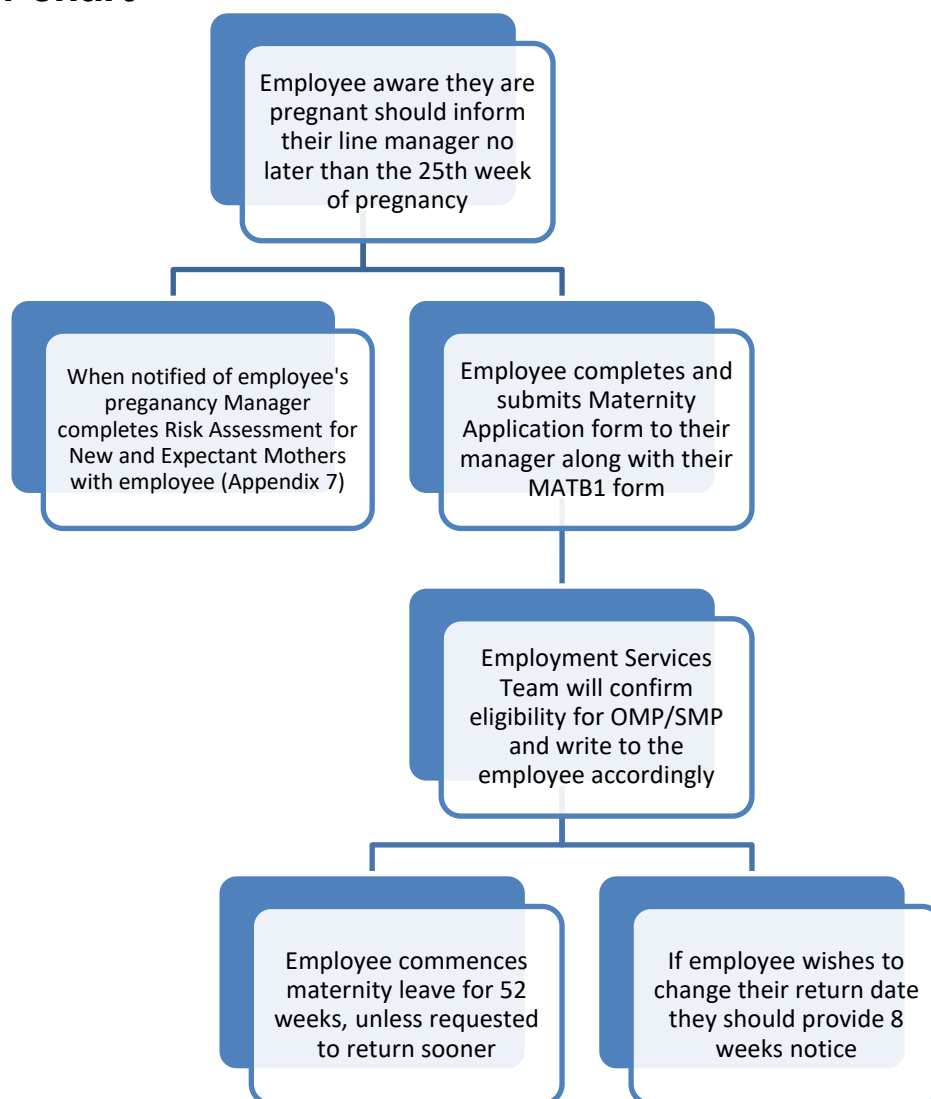
## 1. Purpose

The purpose of this guidance document is to provide all the necessary information to employees relating to their statutory and occupational entitlements in relation to maternity leave and pay.

It is also a reference source for managers with pregnant employees, employees returning from maternity leave and breastfeeding employees.

The guidance aims to provide fair, consistent and effective application of maternity provisions and aims to ensure that all employees are informed of their rights and obligations with regard to maternity leave and their employment. This will ensure that all pregnant employees and nursing mothers are extended appropriate health, safety and welfare conditions throughout the Trust, meeting the statutory duties contained within the relevant sections of the Management of Health and Safety at Work Regulations 1999.

## 2. Flow chart



## 3. Maternity guidelines

This guidance takes account of current employment legislation, Agenda for Change Terms and Conditions of Service and the principles of employment best practice.

### 3.1 Health and Safety

Managers must carry out the Trust's New and Expectant Mothers Risk Assessment (Appendix 7) for any employees that:

- are pregnant
- have given birth in the last six months
- are breastfeeding

This ensures that anything that may adversely affect the employee or their child has been identified and the appropriate safety measures have been implemented. Where risks are identified, the manager should take reasonable steps to remove them, where possible, i.e. by amending duties, offering different work or changing the employee's hours. If the risks cannot be reasonably removed, the employee will be granted leave of absence on full pay.

Risk assessments should be reviewed regularly, but at minimum following any change in role and/or change in the employee's health status.

Suitable rest facilities must be provided for pregnant and breastfeeding employees. Please refer to section 3.7 of the Maternity Guidelines Policy for further information. The Trust's Occupational Health and Wellbeing and/or Health and Safety Department will be able to offer further advice on safe working practices.

### 3.2 Antenatal care

Pregnant employees have the right to paid time off for antenatal care. Antenatal care may include relaxation and parenting classes if they have been recommended by a doctor or a midwife as well as appointments for antenatal care, which cannot be arranged outside normal working hours. You will be required to provide your manager with reasonable

notice of when you intend to take time off for antenatal care appointments. The line manager is entitled to see evidence of such appointments.

### 3.3 Eligibility for maternity leave

#### 3.3.1 Ordinary and additional maternity leave

Pregnant employees, irrespective of their length of service, are entitled to take a total of 52 weeks maternity leave, this is made up of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML).

An employee will be entitled to paid and unpaid maternity leave if they notify their employer, in writing, before the end of the 15th week before the expected date of childbirth (or, if this is not possible, as soon as is reasonably practicable):

- of their intention to take maternity leave
- of the date they wish to start their maternity leave; if the employee subsequently decides to change this date then they must give the Trust a minimum of 28 days' notice of the new date
- and provide a MATB1 certificate confirming the expected date of childbirth

#### 3.3.2 Compulsory maternity leave

Compulsory maternity leave refers to the period of two weeks immediately following the date of the birth of the baby during which the employee is not permitted to work.

### 3.4 Planning maternity leave

#### 3.4.1 Notification of pregnancy

Employees must notify their line manager in writing of their pregnancy at the earliest possible stage.

#### 3.4.2 Application for maternity leave

To apply for maternity leave, and pay, the employee is required to complete the Application for Maternity Leave and Pay Form (appendix 4), and submit it to their line manager as soon as possible. The employee will receive a MATB1 certificate confirming their expected date of confinement; the original MATB1 certificate must be given to the line manager as soon as it is available. The line manager will forward copies of the documents to The Trust's Employment Services Team, in order to determine any entitlement, and the original documents should be held on the employee's file.

The employee can choose when to start their ordinary maternity leave subject to the following provisions:

- It is no earlier than the Sunday of the 11th week before the Expected Week of Confinement- EWC (unless the baby is born prematurely in which case maternity leave begins on the day after the baby is born)
- If, during the four-week period before the expected week of childbirth, an employee is absent from work due to a pregnancy-related sickness absence 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. This includes absence due to a suspension on health and safety grounds.
- Ordinary maternity leave will begin on the day on which childbirth occurs if the maternity leave has not already commenced.

### 3.4.3 Changing dates of maternity leave

The employee may change the start date of their maternity leave to an earlier or later date providing that they give 28 days' notice to their line manager of their intention to change the date.

If the employee wishes to return to work prior to the end of the AML period, i.e. 52 weeks, or if they wish to change the date on which they intend to return to work, the employee is required to give eight weeks' notice.

## 3.5 Maternity pay

Maternity Pay is calculated based on earnings paid prior to the qualifying week, i.e. 15 weeks prior to expected date of childbirth (25 weeks pregnant). For staff paid weekly, the calculation uses earnings during the eight weeks prior to the qualifying week and for monthly paid staff the two months paid prior to the qualifying week.

If an employee is entitled to a pay award and/or increment, implemented from any date prior to paid maternity leave, maternity pay will be recalculated to include these amounts, even where the increase has been agreed retrospectively.

### 3.5.1 Entitlement to Statutory Maternity Pay (SMP)

An employee is entitled to 39 weeks SMP provided that:

- they have been continuously employed for a minimum of 26 weeks at the end of the 15th week before the expected week of childbirth (i.e. at 25 weeks pregnant)
- they are still employed during that week (i.e. has not been dismissed or resigned before the beginning of that week)
- their average weekly earnings are above the lower earnings limit for National Insurance Contributions
- they must still be pregnant at the beginning of the 11th week before the baby is due or have given birth by that time

If an employee returns to work before the end of their paid maternity leave, they will forfeit any outstanding SMP that would have been due. An employee will not forfeit any SMP payments by partaking in any of the ten Keeping in Touch Days (refer to section 3.6).

### **3.5.2 Payment of SMP**

SMP is payable whether or not the employee intends to return to work, or actually returns to work, after maternity leave.

During maternity leave, those eligible will receive:

- six weeks at 90% of gross average weekly earnings
- 33 weeks at the lower of Statutory Maternity Pay or 90% of gross average weekly earnings
- 13 weeks unpaid

The following factors will exclude you from receiving SMP:

- Late notification of pregnancy (i.e. you have not given at least 28 days notice)
- No medical evidence of pregnancy
- If you are in legal custody at any time during the payment of SMP

### **3.5.3 Entitlement to Occupational Maternity Pay (OMP)**

If the employee has 12 months continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth, they will be entitled to pay under the NHS Occupational Maternity Pay Scheme. Appendix 7 provides additional information for calculating whether the employee meets the continuous service requirement.

### **3.5.4 Payment of OMP**

During maternity leave, those eligible will receive:

- eight weeks at full pay, less any SMP or Maternity Allowance (MA)
- 18 weeks at half pay, plus SMP; however this total amount will not exceed their normal full pay
- 13 weeks at SMP only
- 13 weeks unpaid

By prior agreement, OMP may be averaged out over the maternity leave period; this would need to be arranged by Payroll.

If the employee satisfies the conditions in section 3.5.3 but does not intend to return to an NHS employer for a minimum period of three months after their maternity leave has ended, they will be entitled to pay equivalent to SMP. Appendix 6 contains flow charts detailing eligibility to maternity pay, based on the employee's circumstances.



### 3.6 During maternity leave

Employees are advised not to undertake any work during any period of maternity leave as this may result in a loss of maternity pay.

#### 3.6.1 Keeping in Touch (KIT)

Before commencing maternity leave, the employee and their line manager should discuss and agree any voluntary arrangements for Keeping in Touch (KIT) to keep each other up to date with any changes that could affect the employees return to work.

KIT days are utilised to support employees with regards to developments or training at work nearer the time of their return to help their smooth return to work. The decision to undertake KIT days, as defined below, must be a prior agreement made between the employee and their line manager.

#### 3.6.2 KIT days

Employees on maternity are able to work under their contract of service for up to ten KIT days in total, not necessarily consecutive, without losing any statutory payments. Whether the employee works for one hour or a whole day, it will be counted as one KIT day.

It is important to note that if more than ten KIT days are recorded any entitlement to statutory payments will be lost.

#### 3.6.3 Pregnancy occurring during maternity leave

Paid and unpaid maternity counts as continuous and qualifying service for subsequent periods of maternity leave. This means that an employee who becomes pregnant while already on maternity or adoption leave is entitled to a further period of maternity leave. However, as occupational maternity pay and statutory maternity pay is calculated on the level of average weekly earnings from the 8 weeks prior to the 15th week prior to the expected week of childbirth the employee may not qualify for any pay during the subsequent period of leave.

### 3.7 Returning to work

If the employee has notified their intention to return to work following maternity leave they will have a right to return to their job under their original contract and on no less favourable terms and conditions. If this is not reasonably practicable, then the employee has the right to return to a suitable alternative job on no less favourable terms and conditions.

If the employee intends to return to work at the end of their additional maternity leave they will not be required to give any further notification to the employer, although if they wish to return early they must give at least eight weeks' notice in writing. In the absence of such notice it will be assumed that they intend to return to work after 52 weeks from the start of their maternity leave.

### 3.7.1 **Breastfeeding support**

The Trust is committed in supporting new and breast feeding mothers. The Trust will endeavour to find suitable private facilities if you wish to express milk and provide storage facilities for any expressed milk.

### 3.7.2 **Returning on flexible working arrangements**

If the employee wishes to return to work on different hours at the end of their maternity leave, the employee should discuss their requirements with their line manager at the earliest opportunity and no later than 4 weeks before returning to work.

Employees are requested to apply for a change to their working arrangements by following the Trust's Flexible Working Policy. There is no entitlement to return to reduced or rescheduled hours and the line manager will consider any flexible working request in accordance with the policy.

### 3.7.3 **Failure to return to work**

If an employee who has notified their employer of their intention to return to work for the same or a different NHS employer, in accordance with the Agenda for Change Terms and Conditions of Service Handbook, fails to do so within 15 months of the beginning of their maternity leave, they will be liable to refund any OMP received. The Trust will normally expect immediate repayment of outstanding monies.

In cases where the employer considers that to enforce this provision would cause undue hardship or distress, the employer will have the discretion to waive their rights to recovery.

### 3.7.4 **Returning to work to sickness absence**

If the employee delays their return to work due to sickness following the end of their maternity leave, then normal sick leave provisions will apply as necessary, in line with the Trust's Sickness Management Policy.

### 3.7.5 **Phased Return Following Maternity Leave**

Employees returning to work following maternity leave are entitled to a phased return across four weeks. The phased return will allow for an effective and supportive return to work following maternity leave.

Phased returns will be agreed between the employee and manager. It is not compulsory for an employee to have a phased return to work, if the staff member chooses not to. The phased return should be a structured arrangement to see how the employee is working out in practice. As a minimum a meeting should be arranged between the employee and manager ahead of their return to work/ phased return along with a follow up meeting several weeks after the employee has fully returned to work, this can also be structured

as a welfare chat. The aim of this meeting is to ensure any additional support is identified to support the colleagues integration back into the department.

Line managers should also implement a period of induction and re-training for employees returning from maternity leave. It may be useful for some employees to have a form of mentorship from another member of staff to support their return to work.

The Trust will support a phased return for the first four weeks without the employee suffering a detriment to their pay. Employees will not be expected to use annual leave within this period, unless they are looking to extend their phased return following the four weeks, which can be made up with unused, but accrued leave.

### 3.8 Employees on a fixed-term contract

Employees on a fixed term contract will have their contracts extended to allow them to receive the 52 weeks maternity leave if:

- they meet the eligibility criteria detailed for maternity leave
- their fixed term contract is due to expire after the 11th week before the expected week of childbirth

Under these circumstances, there is no right to return because the contract would have ended if maternity had not occurred and the repayment provisions will not apply.

If the employee does not meet the above criteria and their fixed term contract ends whilst on maternity leave, the employee will be entitled to apply for maternity allowance through the Government website.

### 3.9 Unexpected circumstances

#### 3.9.1 Premature birth

Where an employee's baby is born alive prematurely, the employee will be entitled to the same amount of maternity leave and pay as if their baby had been born at full-term.

Where an employee's baby is born before the 11th week prior to the expected week of childbirth and the baby is in hospital, the employee may split their maternity leave entitlement, taking a minimum period of two weeks' leave immediately after childbirth and the rest of their leave entitlement following her baby's discharge from hospital.

#### 3.9.2 Still birth or your baby dies

Where an employee experiences a still birth after the 24th week of pregnancy, they will be entitled to the same amount of maternity leave and pay as if their baby had been born alive.

You will still be entitled to maternity leave and pay if your baby lives a short time after birth at any stage of pregnancy.

### 3.9.3 Parental Bereavement Leave

Following your maternity leave, employees have the right if eligible for parental bereavement leave and pay. If eligible, employees will need to tell their manager as soon as possible about the death.

Employee's may not be comfortable in calling their leave 'statutory maternity leave'. In this case, employees will need to inform their manager so support can be offered. Line Managers should be sensitive to employee's preference and led by the employee when having conversations about leave.

Employee's can access staff support for any additional support needed during this difficult time.

### 3.9.4 Miscarriage

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

## 3.10 Effect of Maternity Leave on other conditions of service

During both ordinary and additional maternity leave an employee retains all their contractual rights, other than remuneration. The employee has a guaranteed right to return to work in the same job at the end of any ordinary maternity leave. If the employee takes additional maternity leave, upon return they will be entitled to return to work in the same job or, if this is not reasonably practicable, then the employee has the right to return to a suitable alternative job on no less favourable terms and conditions.

Unpaid maternity is not counted as a break in service.

## 3.11 Annual leave

An employee cannot take annual leave during a period of maternity leave. An employee must curtail their maternity leave in order to be able to take a period of annual leave.

### 3.11.1 Annual leave accrual

During ordinary and additional maternity leave, an employee will continue to accrue annual leave, including bank holidays, based on the employee's contracted hours immediately prior to the commencement of maternity leave.

### 3.11.2 Carry over of annual leave

Annual Leave and Bank Holidays for employees on maternity leave can be carried over to the next annual leave year, however, any carried over annual leave should be used as soon as possible following a return from maternity leave.

Annual leave, if agreed with the manager, may be taken immediately prior to or following maternity leave. A discussion with the line manager should take place as soon as reasonably practicable to agree how annual leave entitlement will be accommodated in order to avoid any disappointment.

### 3.12 Pension scheme

If the employee pays into the pension scheme, all service during maternity leave, including any period of no pay, will be subject to pension contributions. The pension contributions will be based on the employee's normal earnings. This will be repaid on their return to work by payroll deductions over the same period of time as the unpaid leave.

### 3.13 Pay progression

If a colleague is absent from work for reasons such as sickness or parental leave (e.g. maternity leave) when a pay affecting step is due, the principle of equal and fair treatment will be followed so that no detriment is suffered as a result. In the case of a planned long-term paid absence such as maternity, adoption and shared parental leave the pay progression review can be conducted early if this is reasonably practical, allowing the pay affecting step to be applied on their pay affecting step date in their absence. If a colleague is on long-term paid absence such as maternity, adoption and shared parental leave and a pay progression review cannot be conducted prior to the pay affecting step date, the pay affecting step should be automatically applied in their absence. If there was a live warning in place at the point the individual went on leave, the pay affecting step point should be applied in their absence if appropriate, effective the day after the sanction expires.

If there was an active formal capability process underway at the point they went on leave, the pay affecting step can be delayed. The improvement process should be resumed immediately upon their return. On satisfactory completion, the period of their absence should be set aside and the pay affecting step backdated to an agreed date as if they had completed the improvement process without being absent.

### 3.14 Salary sacrifice

#### 3.14.1 Impact on maternity pay

Maternity pay is calculated based on the employee's gross earnings preceding the qualifying week. A 'salary sacrifice' arrangement (such as the Lease Car Scheme) reduces the average weekly earnings that are liable to National Insurance Contributions. Therefore any 'salary sacrifice' during this reference period will reduce the employee's earnings and subsequently their entitlement to maternity pay. A salary sacrifice may reduce the employee's average weekly earnings below the lower earnings limit for

National Insurance Contributions; therefore the employee would not be eligible for SMP, as per section 3.5.1.

### 3.14.2 Lease car

An employee with an NHS lease car will have the following options, when they take a period of maternity leave:

1. Continue with the scheme but pay for the car on a net deduction basis. Please note: This net deduction amount will be at a higher rate than the salary sacrifice and will include VAT
2. Return the car to NHS Fleet Solutions and pay an early termination charge. Any costs associated with damage or excess mileage will also be charged to the employee.

## 4. Exceptions

No exceptions

## 5. Training

The Trust acknowledges the importance of awareness and skills training for managers. To ensure the effective implementation of these guidelines, Business Human Resources will provide appropriate support through a variety of means including informal Policy Briefings or Guidance Toolkits.

## 6. Monitoring of compliance

Minimum requirement to be monitored	Process for monitoring e.g. audit/ review of incidents/ performance management	Job title of individual(s) responsible for monitoring and developing action plan	Minimum frequency of monitoring	Name of committee responsible for review of results and action plan	Job title of individual/ committee responsible for monitoring implementation of action plan
Legislative	review	Business HR	3 years		

## 7. Relevant regulations, standards and references

- Agenda for Change Terms and Conditions Handbook
- The Maternity and Paternity and Adoption Leave (Amendments) Regulations 2006
- The Employment Act 2002

- Work and Families Act 2006
- The Maternity and Parental Leave and Paternity and Adoption Leave (Amendment) Regulations 2008
- Employment Rights Act 1996
- Government Maternity Pay and Leave Guide (<https://www.gov.uk/maternity-pay-leave>)
- Health and Safety Executive (<http://www.hse.gov.uk/>)
  - HSE Health and Safety at Work Act
  - HSE Management of Health & Safety Work Regulations
  - HSE Control of Substances Hazardous to Health Regulations

## **8. Equality, diversity and human right statement**

The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This SOP should be implemented with due regard to this commitment.

## **9. Legal requirements**

This document meets legal and statutory requirements of the EU General Data Protection Regulation (EU 2016/679) and all subsequent and prevailing legislation. It is consistent with the requirements of the NHS Executive set out in Information Security Management: NHS Code of Practice (2007) and builds upon the general requirements published by NHS Digital/Connecting for Health (CfH).

## **10. Appendices:**



## Appendix 1: Equality impact assessment

<b>Title</b>	
<b>Strategy/Policy/Standard Operating Procedure</b>	
<b>Service change (Inc. organisational change/QEP/ Business case/project)</b>	
<b>Completed by</b>	
<b>Date Completed</b>	

<b>Description</b> <i>(provide a short overview of the principle aims/objectives of what is being proposed/changed/introduced and the impact of this to the organisation)</i>

<b>Who will be affected</b> <i>(Staff, patients, visitors, wider community including numbers?)</i>

The Equality Analysis template should be completed in the following circumstances:

➤ **Considering developing a new policy, strategy, function/service or project(Inc. organisational change/Business case/ QEP Scheme);**

➤ **Reviewing or changing an existing policy, strategy, function/service or project (Inc. organisational change/Business case/ QEP Scheme):**

- If no or minor changes are made to any of the above and an EIA has already been completed then a further EIA is not required and the EIA review date should be set at the date for the next policy review;
- If no or minor changes are made to any of the above and an EIA has NOT previously been completed then a new EIA is required;
- Where significant changes have been made that do affect the implementation or process then a new EIA is required.

Please note the results of this Equality Analysis will be published on the Trust website in accordance with the Equality Act 2010 duties for public sector organisations.

Section 1 should be completed to analyse whether any aspect of your paper/policy has any impact (positive, negative or neutral) on groups from any of the protected characteristics listed below.

*When considering any potential impact you should use available data to inform your analysis such as PALS/Complaints data, Patient or Staff satisfaction surveys, staff*



*numbers and demographics, local consultations or direct engagement activity. You should also consult available published research to support your analysis.*

## Section 1 – Initial analysis

Equality Group	Any potential impact? Positive, negative or neutral	Evidence <i>(For any positive or negative impact please provide a short commentary on how you have reached this conclusion)</i>
<b>Age</b> <i>(Consider any benefits or opportunities to advance equality as well as barriers across age ranges. This can include safeguarding consent, care of the elderly and child welfare)</i>		
<b>Disability</b> <i>(Consider any benefits or opportunities to advance equality as well as impact on attitudinal, physical and social barriers)</i>		
<b>Gender Reassignment</b> <i>(Consider any benefits or opportunities to advance equality as well as any impact on transgender or transsexual people. This can include issues relating to privacy of data)</i>		
<b>Marriage &amp; Civil Partnership</b> <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on same sex couples)</i>		
<b>Pregnancy &amp; Maternity</b> <i>(Consider any benefits or opportunities to advance equality as well as impact on working arrangements, part time or flexible working)</i>		
<b>Race</b> <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on ethnic groups including language)</i>		
<b>Religion or belief</b> <i>(Consider any benefits or opportunities to advance equality as</i>		

<i>well as any barriers effecting people of different religions, belief or no belief)</i>		
<b>Sex</b> <i>(Consider any benefits or opportunities to advance equality as well as any barriers relating to men and women eg: same sex accommodation)</i>		
<b>Sexual Orientation</b> <i>(Consider any benefits or opportunities to advance equality as well as barriers affecting heterosexual people as well as Lesbian, Gay or Bisexual)</i>		

If you have identified any **positive** or **neutral** impact then no further action is required, you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address.

If you have identified any **negative** impact you should consider whether you can make any changes immediately to minimise any risk. This should be clearly documented on your paper cover sheet/Project Initiation Documents/Business case/policy document detailing what the negative impact is and what changes have been or can be made.

**If you have identified any negative impact that has a high risk of adversely affecting any groups defined as having a protected characteristic then please continue to section 2.**

## Section 2 – Full analysis

If you have identified that there are potentially detrimental effects on certain protected groups, you need to consult with staff, representative bodies, local interest groups and customers that belong to these groups to analyse the effect of this impact and how it can be negated or minimised. There may also be published information available which will help with your analysis.

<b><u>Is what you are proposing subject to the requirements of the Code of Practice on Consultation?</u></b>	Y/N
<b>Is what you are proposing subject to the requirements of the Trust's Workforce Change Policy?</b>	Y/N

<b>Who and how have you engaged to gather evidence to complete your full analysis? (List)</b>	
<b>What are the main outcomes of your engagement activity?</b>	
<b>What is your overall analysis based on your engagement activity?</b>	

### Section 3 – Action Plan

You should detail any actions arising from your full analysis in the following table; all actions should be added to the Risk Register for monitoring.

<b>Action required</b>	<b>Lead name</b>	<b>Target date for completion</b>	<b>How will you measure outcomes</b>

Following completion of the full analysis you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address

### Section 4 – Organisation Sign Off

<b>Name and Designation</b>	<b>Signature</b>	<b>Date</b>
<b>Individual who reviewed the Analysis</b>		
<b>Chair of Board/Group approving/rejecting proposal</b>		
<b>Individual recording EA on central record</b>		

## Appendix 2: Roles and responsibilities

Role	Responsibility
<b>Employee</b>	<ul style="list-style-type: none"> <li>• Notify manager of pregnancy no later than 15 weeks prior to expected due date</li> <li>• Complete Application for Maternity Leave and Pay form and submit with MATB1 certificate</li> <li>• Inform line manger if requesting to update their maternity leave start date, providing 28 days notice</li> <li>• Inform line manger if requesting to update their return to work date, providing eight weeks notice</li> </ul>
<b>Line Manager</b>	<ul style="list-style-type: none"> <li>• Complete maternity risk assessment</li> <li>• Sign completed Application for Maternity Leave and Pay Form and submit to The Trust's Employment Services Team with MATB1 form</li> <li>• Agree annual leave and contact arrangements for keeping in touch during maternity leave</li> <li>• Extend fixed term contracts where appropriate to cover OML/AML</li> <li>• Complete a change form to notify Payroll of the employee's return to work date following on from maternity leave.</li> </ul>
<b>Payroll</b>	<ul style="list-style-type: none"> <li>• Calculate maternity pay</li> <li>• Pay maternity pay entitlements in line with eligibility</li> <li>• Make any adjustments to OMP for employees who request to split their payments</li> <li>• Provide information pack to employee who is not eligible for maternity pay with guidance on how to make a claim for Maternity Allowance.</li> </ul>
<b>Business HR</b>	<ul style="list-style-type: none"> <li>• Review and update Maternity leave guidance as and when appropriate but not less than at three yearly intervals</li> <li>• Ensure monitoring section of these guidelines are complied with as and when required</li> </ul>
<b>Employment Services</b>	<ul style="list-style-type: none"> <li>• Following receipt of Application for Maternity Leave and Pay form confirm in writing to employee their maternity pay entitlement, if any, and maternity leave dates</li> <li>• Provide line manager with copy of this written confirmation</li> </ul>

### Appendix 3: Application for Maternity Leave & Pay form

Employee name		Assignment No.	
Home address inc. post code			
Telephone no.			
Job title		Department	

#### SECTION 1: NOTIFICATION OF PREGNANCY

I am pregnant and give notice that I intend to commence maternity leave on \_\_\_\_\_

My expected date of childbirth is \_\_\_\_\_

I have **\*\*enclosed/will forward** my original MATB1 certificate *\*\*please delete as appropriate*

#### SECTION 2: MATERNITY PAY ENTITLEMENT

##### I wish to apply for Occupational Maternity Pay

☐ I have 12 months continuous service in the NHS at the 11th week before my expected week of confinement

☐ I confirm that I undertake to return to NHS employment for a minimum of three months

*Important note:* Payment of OMP under the NHS Maternity Leave Scheme requires a return to NHS employment for a minimum period of three months. In this respect, I understand that if I do not return for the minimum period I may be liable to repay a proportion of the maternity pay paid to me.

##### I wish to apply for Statutory Maternity Pay

☐ I have at least 26 weeks continuous service 15 weeks prior to my expected week of confinement

I understand that I retain the right to return to work within a 52-week period, I intend to resume from maternity leave on \_\_\_\_\_

Following the end of my maternity leave, I intend to take \_\_\_\_\_ hours/days of annual leave, therefore I will return to the workplace on \_\_\_\_\_

##### I do not intend to return to work following my maternity leave

☐ I confirm that I will be leaving employment on \_\_\_\_\_

#### Employee declaration

I have read and understood the Trust's Maternity Guidelines.

The information submitted is accurate to the best of my knowledge.

Employee signature		Date	
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*Please forward this form to your line manager as soon as possible*

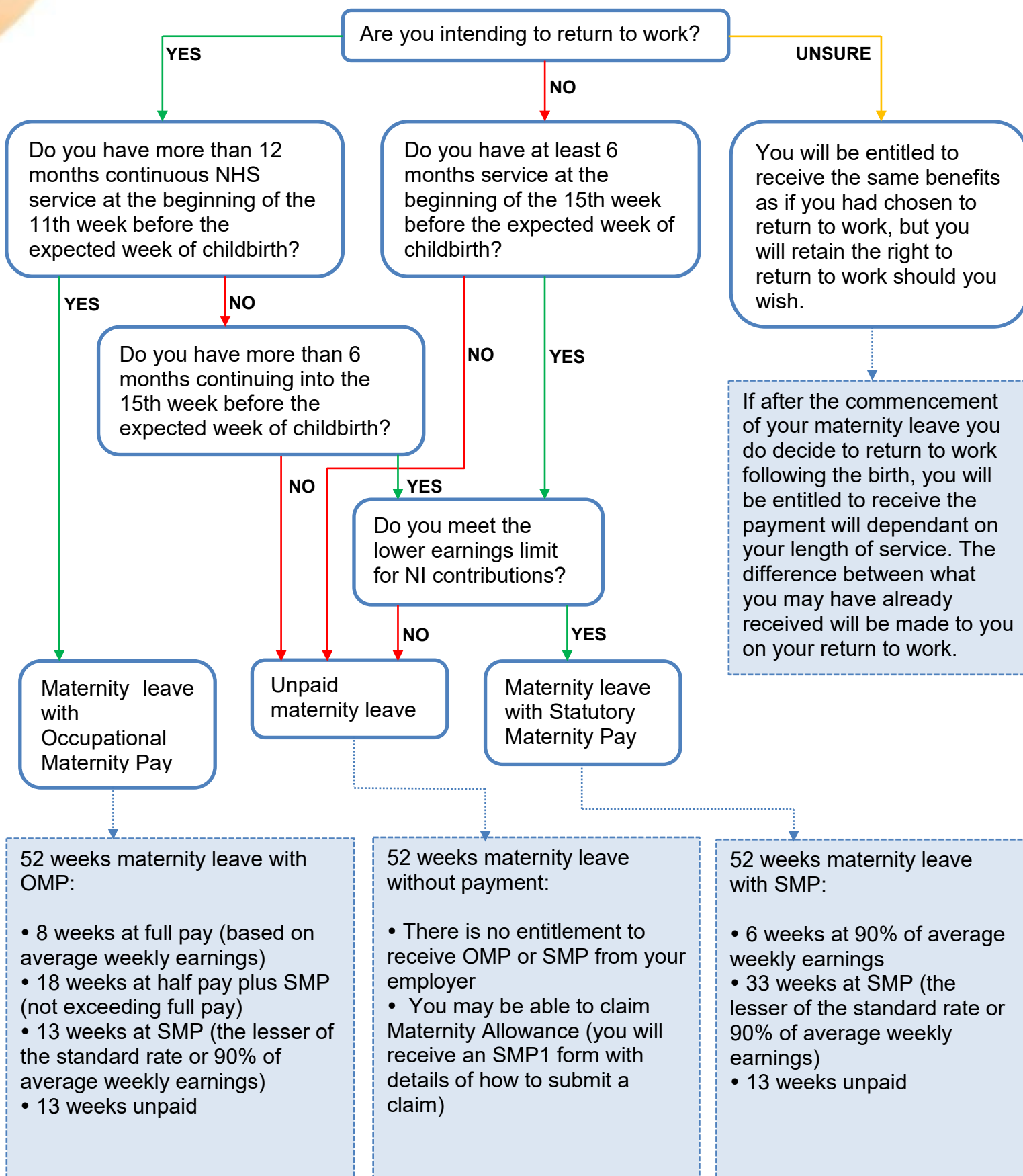
#### Line manager confirmation

Print Name	
------------	--



Signature		Date	
-----------	--	------	--

## Appendix 4: Flowchart for maternity pay entitlement



## Appendix 5: Continuous service for the purpose of OMP

For the purpose of calculating whether the employee meets the twelve months continuous service with one or more NHS employer in order to qualify for OMP, the following provisions shall apply:

- NHS employers include health authorities, NHS Boards, NHS Trusts, Primary Care Trusts and the Northern Ireland Health Service;
- A break in service of three months or less will be disregarded. A break of three months or more may affect maternity pay.

The following breaks in service will also be disregarded (though not count as service);

- Employment under the terms of an honorary contract;
- Employment as a Locum with a General Practitioner for a period not exceeding twelve months;
- A period of up to twelve months spent abroad as part of a definite programme of postgraduate training on the advice of the Postgraduate Dean or College or Faculty Advisor in the speciality concerned;
- A period of voluntary service overseas with a recognised international relief organisation for a period of twelve months which may exceptionally be extended for twelve months at the discretion of the employer which recruits the employee on their return;
- Absence on an employment break scheme in accordance with the provisions of Section 36 of the Agenda for Change Handbook;
- Absence on maternity leave or adoption leave (paid or unpaid) as provided for under this agreement.

Employers may, at their discretion, extend the period specified in continuous service and breaks in service. Employment as a trainee with a General Medical Practitioner in accordance with the provisions of the Trainee Practitioner Scheme shall similarly be disregarded and count as service. Employers have the discretion to count other previous NHS service.



## Appendix 7: New and Expectant Mothers Risk Assessment

### New and Expectant Mothers – Risk Assessment

Employee Information	
Surname	
Forename	
Job Title	
Service/Department	
Location	
Line Manager	
Contracted Hours per Week	
Usual Work Pattern <i>(*please circle as appropriate)</i>	Shifts/Days/Nights*
Personal Contact Number	
Work Address	
Work Contact Number	

Brief details of main work activities

Confirmation of Risk Assessment	
Initial Assessment Date	
Planned Review Date	
Intended start date of maternity leave	
Expected delivery date	
Return to work review	
Line Manager's Signature	
Line Manager's Contact Number	
<i>I have been assessed as required by the European Directive on new/expectant Mothers and I understand all control measures implemented to reduce any significant risks.</i>	
Employee Signature	
Date	

## New and Expectant Mothers – Initial Risk Assessment

Existing Hazard	Present	Existing Controls	Remaining Risk			Other comments/further action taken
			Low	Med	High	
<b>PHYSICAL AGENTS</b>						
Shocks/Vibration/ Movement	Yes/No					
Manual Handling of loads / patients	Yes/No					
Noise	Yes/No					
Ionising radiation	Yes/No					
Non-Ionising radiation	Yes/No					
Extremes of cold/heat	Yes/No					
Excessive Movement/ Awkward Posture	Yes/No					
Mental/Physical fatigue	Yes/No					
Violence/aggression	Yes/No					
Other physical hazards e.g. lone working? (please state which)	Yes/No					

Existing Hazard	Present	Existing Controls	Remaining Risk			Other comments/further action taken
			Low	Med	High	
<b>BIOLOGICAL AGENTS</b>						
Biological agents Hep B/HIV/Herpes/TB/chicken pox/ typhoid	Yes/No					
Biological agent known to cause other significant damage to foetus, i.e. Rubella /Toxoplasma	Yes/No					
Any other biological agent? (please state)	Yes/No					
Substances known to cause reproductive hazards or with Risk phrases R40,R45,R46,	Yes/No					
Cytotoxic drugs	Yes/No					
Other Chemical substances eg those that can be absorbed through the skin	Yes/No					
Carbon Monoxide	Yes/No					
Lead & lead derivatives	Yes/No					
Mercury or mercury derivatives	Yes/No					

Existing Hazard	Present	Existing Controls	Remaining Risk			Other comments/further action taken
			Low	Med	High	
Any other chemicals? (please state which)	Yes/No					
<b>WORKING CONDITIONS</b>						
Work with Display Screen Equipment	Yes/No					
Confined work space	Yes/No					
Difficulty leaving work (access to toilet facilities/rest area)	Yes/No					
Driving for frequent/ prolonged periods	Yes/No					
Other significant hazards? (specify)	Yes/No					

Employee signature: ..... Line Manager/Assessor Signature: .....

Date Initial Risk Assessment Completed: .....

Copy to: (1) Employee (2) Departmental File

## New and Expectant Mothers – Risk Assessment (Review)

Number	Date of review	Reason for review	Any significant changes/ finding/other comments	Signatures
1.				Manager: Employee:
2.				Manager: Employee:
3.				Manager: Employee:
4.				Manager: Employee:
5.				Manager: Employee:
6.				Manager: Employee:
7.				Manager: Employee:
8.				Manager: Employee:

