



Maternity Policy & Procedure

Contents

1.	Objectives.....	1
2.	Scope	1
3.	Principles.....	1
4.	Definitions.....	2
5.	Roles and Responsibilities.....	2
6.	Entitlement to Maternity Leave	3
7.	Entitlement to Maternity Pay.....	4
8.	Calculation of Maternity Pay	5
9.	Deductions from Pay and Salary Sacrifice	5
10.	Notification of Pregnancy.....	6
11.	During Employment	7
12.	Timing of Maternity Leave	8
13.	Special Circumstances	8
14.	During Maternity Leave	9
15.	Returning to Work.....	9
16.	Annual Leave.....	10
17.	Employment Breaks	10
18.	Not Returning to Work	11
19	Monitoring Compliance	11
20	Audit and Review (evaluating effectiveness)	11
21.	References	11
22.	Financial Checkpoint	12
23	Equality Analysis	12
	Appendix 1 - Notification of Maternity Leave	13
	Appendix 2 - Keeping in Touch (KIT) Form	14

1. Objectives

- 1.1 To set out the framework across South East Coast Ambulance Service NHS Foundation Trust (The Trust) for a consistent and timely approach to maternity provisions for the new and expectant mother.
- 1.2 The policy and procedure is intended to promote an employee's awareness of their rights and entitlements to maternity leave and pay and conforms to the NHS Staff Council Terms and Conditions of Service and current legislation.
- 1.3 Provides guidance on the steps employees should take in order to benefit from maternity leave and pay and also includes detail on other maternity provisions arising when an employee is a new or expectant mother.

2. Scope

- 2.1 All employees of the Trust are covered by this policy and procedure and it is extended to Bank workers who meet the eligibility criteria set out in sections 6 and 7.
- 2.2 The policy does not apply to individuals employed by a third party. Matters relating to Maternity Leave and Pay for these individuals should be referred to their source agency/company.

3. Principles

- 3.1 The Trust seeks to eliminate unlawful discrimination against colleagues, potential employees, patients or clients on the grounds of sex, marital status, disability, sexual orientation, gender identity, age, race, ethnic or national origin, religion, pregnancy/ maternity, political opinion, or trade union membership and to promote equality of opportunity and good relations between employees and clients.
- 3.2 Employees must at all times indicate an acceptance of these principles and fulfil their responsibilities with regard to equality legislation and the Trust's Equality Diversity and Human Rights Policy and protocols.
- 3.3 The Trust recognises its female employees' right to 52 weeks' Maternity leave and related employment rights. Maternity leave is an automatic contractual entitlement which applies to all women employed by the Trust and all applications for maternity leave will be granted in accordance with the guidelines set-out within this policy document.
- 3.4 Mothers of babies born after 5 April 2015 are able to bring their maternity leave to an end early and convert the balance of the leave into Shared Parental Leave (ShPL). This leave can be taken by either of the baby's biological parents (or, in some cases, the mother's husband or partner) in periods of a week or multiples of a week. For more information, please refer to the Trust's Shared Parental Leave Policy and Procedure.
- 3.5 During maternity leave all contractual rights will be protected, except remuneration.

4. Definitions

Childbirth The live birth or stillbirth of a child after a pregnancy lasting at least 24 weeks

EWC Expected week of childbirth

Mat B1 A certificate from a registered practitioner or a certified midwife stating the Expected Week of Childbirth

SMP Statutory Maternity - paid by the Trust, on behalf of the Government, to employees meeting certain criteria

MA Maternity Allowance – paid by Job Centre Plus to qualifying women, based on the woman's most recent employment and earnings record

OMP Occupational Maternity - paid by the Trust to employees meeting certain criteria

KIT Keeping in Touch Day

5. Roles and Responsibilities

5.1 Employees are responsible for:

- notifying your line manager of your pregnancy
- complying with all written notification requirements within this policy and providing all required documentation (e.g. MatB1 and Maternity Notification Form) to your line manager and sickness&maternity@secamb.nhs.uk
- complying with pre and post-natal risk assessments
- agreeing annual leave arrangements with your line manager prior to commencing leave
- maintaining reasonable contact, as agreed, during any period of leave
- providing 8 weeks' notice, to your line manager and HR Maternity, should you wish to change your maternity leave commencement or return to work date
- returning from any maternity leave on the agreed date
- providing your resignation, in writing, should you not wish to return to work following maternity leave
- refunding any Occupational Maternity Pay should you not return to the NHS within 15 months of the commencement of your maternity leave

5.2 Line Managers are responsible for:

- carrying out pre-natal or post-natal risk assessments and making any necessary changes identified, which may include adjusting working hours and/or conditions, or providing suitable alternative work
- maintaining reasonable contact with any of your employees on adjusted duties due to pregnancy
- allowing employees reasonable time off to attend ante-natal appointments
- ensuring HR Maternity receive the completed Maternity Notification Form at least 15 weeks before the expected week of childbirth
- agreeing annual leave arrangements with employees prior to them commencing maternity leave
- maintaining the agreed contact with your employee whilst they are on maternity leave
- reasonably considering a request to work flexibly on their return from maternity leave (see Flexible Working Policy)
- ensuring that sickness&maternity@secamb.nhs.uk are emailed within 48 hours should your employee not return to work on the notified date without a valid reason, supported by completion of a Termination Form

5.3 Human Resources is responsible for:

- providing advice and guidance to both line managers and employees on the effective implementation of the policy
- providing written confirmation to employees of their entitlements to maternity leave and pay within 28 days of receiving the MatB1 and Maternity Notification Form
- notifying Payroll and Scheduling of any employees who will be taking maternity leave with start and end dates

5.4 Scheduling is responsible for:

- ensuring, in conjunction with Line Managers and the Human Resources Department, that the allocation of leave is carried out in accordance with this policy
- maintaining accurate leave records and ensuring that relief/bank/overtime shifts are allocated as appropriate to maintain operational/departmental cover

6. Entitlement to Maternity Leave

- 6.1 All **female employees**, regardless of length of service, qualify to receive 52 weeks' maternity leave.

- 6.2 If you are on a **fixed term or training contract** which expires after the 11th week before the expected week of childbirth and satisfy the conditions in section 7, your contract will be extended so as to allow you to receive 52 weeks' Maternity Leave. Employees on fixed-term contracts who do not meet the 12 months' continuous service condition, may still be entitled to Statutory Maternity Pay.
- 6.3 If you are part of an agreed **programme of training**, you shall have the right to return to work in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. In such circumstances your contract will be extended to enable you to complete the agreed programme of training.
- 6.4 If you are a **bank worker**, you will not be entitled to statutory maternity leave and pay provisions unless you have worked for each of the 26 weeks (which may include two weeks' annual leave) prior to the 15th week before the expected week of confinement, and meet the provisions in section 7.
- 6.5 Your bank agreement will be placed on hold during maternity leave in order for you to resume bank assignments at the end of your leave.
- 6.6 If you are considering **splitting your maternity leave** between you and your partner, please refer to the Trust's Shared Parental Leave Policy and Procedure.

7. Entitlement to Maternity Pay

- 7.1 The pay you will be entitled to depends upon your length of NHS Service and whether you intend to return to work following Maternity Leave - See Table 1.
- 7.2 You must also meet the following qualifying conditions: average weekly earnings have not been less than the lower earnings limit of NI contributions.

Table 1

Length of Continuous NHS Service at the	12 months or over at the 11th week before EWC		26 weeks to 12 months at the 15 th week before EWC		Less than 26 weeks	
	YES	NO	YES	NO	YES	NO
Returning to work following Maternity Leave						
Full Pay	8 weeks	N/A	N/A	N/A	N/A	N/A
½ pay plus SMP**	18 weeks	N/A	N/A	N/A	N/A	N/A
90% of Average Pay	N/A	6 weeks	N/A	N/A	N/A	N/A
SMP Only***	13 weeks	33 weeks	39 weeks	39 weeks	N/A	N/A

Total Paid Leave ***	39 weeks	39 weeks	39 weeks	39 weeks	*	*
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* If less than 26 week's service, you are still entitled to take up to 52 weeks' maternity leave, but you would not receive pay through the Trust. You may qualify for Maternity Allowance paid by Job Centre Plus or the Department of Work and Pensions. Go to www.gov.uk/maternity-allowance for information about eligibility and how to claim.

** If ½ pay plus SMP exceeds full pay, then only payment up to full pay will be made.

*** The last 13 weeks of maternity leave is unpaid leave if an employee chooses to take the maximum 52 weeks.

7.3 NB: If Occupational Maternity Pay is received and you do not return to work for the NHS within 15 months of the beginning of your maternity leave, you will be liable to refund the whole of your maternity pay, less any statutory maternity pay received.

8. Calculation of Maternity Pay

8.1 The maternity pay you receive (SMP and/or OMP) is calculated by averaging your total pay (gross earnings) over a two month period. The reference period used by the Payroll Department will be your last two monthly pay slips which precede the 15th week before your EWC. If you are due an increment or pay award, then this will be taken into account.

8.2 If you are in a salary sacrifice scheme e.g. private lease car or childcare vouchers, to avoid any detriment during paid maternity leave, you will need to consider whether to leave the scheme - see Section 9 below.

8.3 To enable the calculation of your maternity pay, you will need to submit your MAT B1 form to HR Maternity. No entitlements can be granted without this document. Where possible, your MAT B1 should be submitted together with your Maternity Notification Form. Maternity pay can only be confirmed when both the Mat B1 and Maternity Notification Form have been provided.

9. Deductions from Pay and Salary Sacrifice

9.1 Pension Contributions

- The Trust will continue to pay employer's contributions during the period of maternity leave.
- Employees' contributions will continue to be deducted during the paid periods of maternity leave.
- Employees' contributions for the unpaid period will be deducted from your salary on your return to work. The repayments are calculated based on your pay immediately prior to commencing unpaid maternity leave. They will be collected over the same

time scale as they built up e.g. if you are on no pay for three months, the accumulated arrears will be deducted over the three months following your return to work.

9.2 Salary Sacrifice

- Reducing your salary through Salary Sacrifice may reduce the amount of Statutory Maternity Pay (SMP) you could receive. This is because the higher rate of SMP, which is paid for the first six weeks of the maternity pay period for those who qualify, is based on the amount of your cash earnings.
- If some of your cash pay has been sacrificed in exchange for a benefit, then the amount of SMP received will be lower.
- If you are pregnant and expect to have a period of maternity leave you should carefully consider whether to join or leave the scheme. Please contact Human Resources for further information.

9.3 Childcare Vouchers

- If you do not wish to continue to receive vouchers during your maternity leave period, you must contact your provider to request they be stopped prior to the 15th week before leave commences. Re-joining the scheme cannot take place until you have returned to paid employment.
- Should you wish to remain in the childcare voucher scheme whilst you are on maternity leave, please contact Human Resources to discuss the effect this may have on your maternity pay.

9.4 Lease Car

- If you are in a private lease car salary sacrifice scheme you will need to contact the provider to consider their arrangements for maternity pay.
- Where applicable, you may continue to use your business lease car during the whole of your maternity leave. Payments will continue to be required as agreed in the lease car agreement. The liability to pay any income tax related to private use of the vehicle during maternity leave will also need to be considered.
- It is essential that the Finance Department is contacted to arrange a mechanism to continue the payments during any period of unpaid maternity leave.

9.5 Other Deductions

- Deductions from pay (e.g. Trade Union subscriptions) will continue whilst you are receiving maternity pay, but will cease if/when you start unpaid maternity leave.
- Please ensure that you are aware of the consequences of these deductions ceasing during your unpaid maternity leave.

10. Notification of Pregnancy

- 10.1 You must give written notice to your line manager, by completing a Maternity Notification Form (Appendix 1) at or before the 15th week before the EWC or as soon as reasonably practicable.
- 10.2 NB: It is anticipated that most employees would be able to comply with this requirement unless they have an acceptable mitigating reason, such as not knowing they were pregnant or serious ill-health.
- 10.3 Having given notice, you may vary the date from which your leave will be taken. This variance must be given in writing giving 28 days' notice.
- 10.4 Within 28 days of receipt of your Maternity Notification Form and MAT B1, HR Maternity will write to you confirming your maternity leave and pay entitlements.

11. During Employment

- 11.1 It is the responsibility of the Trust to carry out a risk assessment for all pregnant employees. This may involve a joint assessment for identified staff groups, individual risk assessment and/or seeking a medical opinion from Occupational Health on whether staff should undertake alternative duties.
- 11.2 When considering individual risks, the risk assessment should take account of any medical advice received by the employee's General Practitioner and/or midwife. Advice on carrying out risk assessments in these circumstances can be found in the HSE booklet 'A guide for new and Expectant Mothers at Work which is available at: <http://www.hse.gov.uk/pubns/indg373.pdf> Further guidance may be sought from the Trust's Health and Safety Department. General guidance is as follows:

Duties	Staff Grade	Action
Front line duties	Including: <ul style="list-style-type: none"> • Ambulance Care Assistant • Emergency Care Assistant • Ambulance Technician • Ambulance Paramedic • Paramedic Practitioner • Critical Care Paramedic • Clinical Team Leaders • Operational Manager 	Remove from operational duties immediately and find alternative deployment
Emergency Operations Centre	All employees within the Emergency Call Centre	Review shift patterns and consider alternative deployment
Non-operational Management and support	Non-operational Management and support	Review workload

- 11.3 All pregnant women are entitled to reasonable paid time off to attend ante-natal care, as advised by a registered practitioner, midwife or health visitor. You are asked, whenever possible, to arrange these appointments at the start or end of the working day.

11.4 You should inform your line manager of any appointments, giving them reasonable notice, and may be asked to provide evidence of attendance such as an appointment card.

12. Timing of Maternity Leave

12.1 You may commence your maternity leave at any time after the eleventh week before your EWC.

12.2 If you have not already started your maternity leave prior to the date of birth, this will start automatically on the date of birth. In this case you are required to inform HR Maternity of the date as soon as possible.

12.3 Your maternity leave must continue for at least two weeks after the actual date of birth (compulsory maternity leave).

13. Special Circumstances

Sickness Prior to Childbirth
If you are off sick with a pregnancy-related illness during your last four weeks before your EWC, your maternity leave will start on the first day of your absence falling within the last four weeks before the EWC.
Pre-term Birth
Where your baby is born prematurely, you will be entitled to the same amount of maternity leave and pay as if the baby was born at full term.
A pre-term baby born before 11 th week before EWC where you have worked during the week of childbirth, will result in your maternity leave starting on the first day of your absence.
Where your baby is born before the 11 th week before the EWC and you have absent from work on certified sickness absence during the actual week of childbirth, this will result in your maternity leave starting the day after the day of birth.
A pre-term baby born before 11 th week before EWC, and where your baby is in hospital, will entitle you to split your maternity leave, if you so wish, taking a minimum of 2 weeks immediately after childbirth and the remainder following the baby's discharge from hospital.
Still Birth
A still birth after the 24 th week of pregnancy or death of a child occurring after a live birth would mean that you are entitled to the same amount of maternity leave and pay as if your baby had been born alive.
Miscarriage
Normal sick leave provisions apply if you have a miscarriage before the 24 th week of pregnancy.

14. During Maternity Leave

14.1 Whilst on maternity leave, you are required to ensure you maintain any professional or statutory requirements for your role, such as HCPC registration.

14.2 Keeping in Touch

- Before going on leave, you should discuss and agree any voluntary arrangements for keeping in touch during your maternity leave with your line manager and, nearer the time, to help facilitate your return to work.
- To facilitate the process of keeping in touch, you may work for up to a maximum of 10 keeping in touch (KIT) days without bringing your maternity pay to an end. Any such work must be by agreement - neither the Trust nor the employee can insist upon it.
- The work can be consecutive or not and may be used for any form of work, including training and team events.
- Working for part of any day will count as one KIT day up to the maximum of your contracted hours of work, e.g. if you attend a two-hour meeting, this will be recorded as one of your 10 KIT days - however, you will only be paid for the hours worked.
- You will be paid at your basic daily rate for the hours worked, less appropriate maternity leave payment for KIT days worked.
- A KIT Form (Appendix 2) will need to be completed for any hours worked. Alternatively, by agreement with your manager, you may instead accrue time off in lieu for the hours worked.

14.3 Work during the Maternity Leave Period

- You may not undertake any paid work with the Trust or any other employer during the Maternity Leave period. Maternity Leave and Pay will automatically cease and the leave will be treated as unauthorised absence. In these circumstances, action may be considered under the Trust's Disciplinary Policy.

15. Returning to Work

15.1 If you have confirmed your return date on your Maternity Notification Form you will not need to give any further notification.

15.2 If you wish to return to work earlier than the date you specified on your Maternity Notification Form you should notify Sickness&maternity@secamb.nhs.uk, giving 8 weeks' notice. Failure to notify may result in your salary being withheld.

15.3 Please note that should you not provide this period of notice the Trust will have the right to postpone your return to work date equivalent to the unexpired period of the

eight weeks' notice period, or until the date on which your maternity leave would normally end, whichever date is earlier.

- 15.4 You have the right to return to your job under your original contract and on no less favourable terms and conditions. However, there may be occasions, for example service re-organisation, where this is not possible. In these circumstances, staff affected will normally return to a similar job, with similar status, on no less favourable terms and conditions, following consultation with the individual.
- 15.5 If you would like the Trust to consider an alternative working pattern/ change of hours following your return to work, you may apply to your line manager by completing a Flexible Working Request Form (See the Trust's Flexible Working Policy) giving at least eight weeks' notice.
- 15.6 If you return to work after recently giving birth you are entitled to reasonable paid time off for post-natal care.
- 15.7 To support breastfeeding women at work, you are entitled to further risk assessments. If as a result of a risk assessment it is found that your normal duties would prevent you from successfully breastfeeding your child, consideration will be given to requests for:
- flexible working arrangements
 - suitable private rest facilities
 - alternative duties

16. Annual Leave

- 16.1 You will continue to accrue annual leave and general public holidays over your maternity leave period.
- 16.2 The timing of annual leave to be taken before and/or after maternity leave should be agreed with your line manager sufficiently in advance and may be subject to postponement to enable departmental cover.
- 16.3 Payment in lieu of annual leave may be considered on an individual basis and will require agreement from the senior manager.

17. Employment Breaks

- 17.1 You may apply for an employment break following your maternity leave. However, if you have received the full occupational maternity pay, you will be asked to repay this if you do not return to work at the end of your maternity leave and move straight on to a career break. Should you then return from your career break, any outstanding monies will be repaid to you.

18. Not Returning to Work

18.1 If you decide during your maternity leave that you will not be returning to work, the following will apply:

- If Occupational Maternity Pay is received and you do not return to work for the NHS within 15 months of the beginning of your maternity leave, you will be liable to refund the whole of your maternity pay, less any Statutory Maternity Pay, received
and
- You must submit a formal resignation in writing, giving at least your contractual notice period, confirming that you will not be returning to work. Your Notification of Maternity Leave Form is not regarded as resignation.

19 Monitoring Compliance

19.1. The HR Working Group is responsible for monitoring compliance with this policy. Human Resources (HR) will monitor the application of the policy and procedure through feedback from staff and managers. Feedback, legislature and changes to terms and conditions will be used to inform and improve policies, as well as provide recommendations for improving working practices. HR will provide relevant reports, based on this data, as required.

20 Audit and Review (evaluating effectiveness)

- 20.1. All policies have their effectiveness audited by the HR Working Group at regular intervals, and initially six months after a new policy is approved and disseminated.
- 20.2. Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).
- 20.3. This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced, or if feedback from employees indicates that the policy is not working effectively.
- 20.4. All changes made to this policy will go through the governance route for development and approval as set out in the Policy on Policies.

21. References

NHS Terms and Conditions Handbook
www.direct.gov.uk

22. Financial Checkpoint

This document has been confirmed by Finance to have no unbudgeted financial implications.

23 Equality Analysis

- 23.1. The Trust believes in fairness and equality, and values diversity in its role as both a provider of services and as an employer. The Trust aims to provide accessible services that respect the needs of each individual and exclude no-one. It is committed to comply with the Human Rights Act and to meeting the Equality Act 2010, which identifies the following nine protected characteristics: Age, Disability, Race, Religion and Belief, Gender Reassignment, Sexual Orientation, Sex, Marriage and Civil Partnership and Pregnancy and Maternity.
- 23.2. Compliance with the Public Sector Equality Duty: If a contractor carries out functions of a public nature then for the duration of the contract, the contractor or supplier would itself be considered a public authority and have the duty to comply with the equalities duties when carrying out those functions.

Appendix 1 - Notification of Maternity Leave

Section 1 – Personal Details

Name	Employee/ Payroll Number
Job Title	Station/ Base
Line Manager	Please retain a copy of this form for your records

Section 2 – Maternity Leave Dates

Expected Date of Childbirth	
Maternity Leave Start Date	
Maternity Leave End Date	
Will you be returning to work following your maternity leave	YES / NO
Length of any period of accrued annual leave which it has been agreed may be taken following the end of the formal maternity leave period	

Section 3 – Change of Maternity Leave Dates

Change of Maternity Leave Start Date to:	
Change of Maternity Leave End Date to:	
Will you be returning to work following your maternity leave?	YES / NO

Signed.....	Date.....
Line Manager.....	Date.....
Print Name.....	

**Please return completed form and Mat B1 to:
HR Sickness & Maternity**

Appendix 2 - Keeping in Touch (KIT) Form

Name	Employee/ Payroll Number
Job Title	Station/ Base
Line Manager	

A single KIT day is any day where work-related activity is undertaken for a period up to the staff member's normal hours of work. A maximum of 10 KIT days can be taken during the maternity/adoption leave period.

KIT Day	Date	KIT Hours start and finish times	Paid or TOIL
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Signed by employee:	Date:
Signed by line manager:	Date:

On return from Maternity or Adoption Leave the Line Manager should send KIT Form to Payroll to initiate payment