

Maternity Leave

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1. Introduction

As a key part of our business focus on “Workforce Care”, BrisDoc is committed to supporting staff in their family responsibilities. We recognise the valuable contribution of all our staff in achieving business objectives and provide an environment supportive to combining parenthood with a career in the organisation. We are also committed to ensuring equality and diversity across the organisation. In support of this commitment, this document sets out the rights for all pregnant members of staff.

Patient Care 	Workforce Care 	Patient Care Patient focused - understanding our patients needs and ensuring we prioritise the “patients view” in all our everyday activities and actions.
Quality Care 	Resource Care 	Workforce Care Teamwork and individual responsibility - every person counts, supporting each other, sharing information, valuing and encouraging.
		Quality Care Commitment to do what we say and improve what we do. A commitment to excellence and quality when serving patients and colleagues.
		Resource Care Optimising the use of all resources across the local health economy. Taking care of our working environment and equipment.

In line with our four focus areas BrisDoc is committed to:

Patient Care

- Ensuring that patient care is not compromised during any periods of maternity leave

Quality Care

- Ensuring we comply with the relevant employment legislation e.g. Equality Act 2010, Employment Rights Act 1996, the Employment Relations Act 1999, the Employment Act 2002 and the Work and Families Act 2006 Ensuring all pregnant and breast-feeding staff are appropriately risk-assessed in line with Health & Safety legislation

Workforce Care

- Supporting all pregnant staff during their pregnancy and making any reasonable adjustments where necessary
- Supporting all breast-feeding staff upon return to work with the necessary facilities
- Ensuring that no discrimination takes place on account of maternity and pregnancy
- Ensuring staff on maternity leave are kept up to date with any changes that may affect their role
- Training all managers in the process of maternity leave
- Considering flexible-working and family-friendly requests in line with the Flexible Working Regulations for all returning mothers

Resource Care

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- Ensuring all pregnant and breast-feeding staff have access to the necessary facilities and equipment within the base they work
- Ensuring legal compliance with maternity legislation in order to avoid discrimination claims

2. RESPONSIBILITIES

2.1 BrisDoc Directorate

Ensures that the aims and objectives of this policy are in keeping with statutory requirements.

Ensures that these policies are carried out throughout the company and are available for all members of staff

2.2 Employee

To make all requests according to the procedures as outlined in this policy

To understand and not abuse the support offered as outlined in this policy

2.3 Line Manager

To inform the Workforce Department when they are made aware that a member of staff is expecting a baby.

To ensure all procedures are carried out correctly, particularly in relation to health and safety

2.4 Workforce Department

To ensure that all procedures are carried out correctly.

To ensure that the procedures do not become subject to discrimination

To record details of any Special Leave and Keeping in Touch (KIT) Days used.

2.5 Legal Responsibilities

BrisDoc is legally obligated to ensure that the following pieces of Legislation are taken into account when dealing with the procedures outlined in this policy.

Equality Act 2010

Employment Relations Act 1999

Employment Rights Act 1996

BrisDoc will also ensure that all procedures are in line with its Equality and Diversity Policy

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3. Maternity Leave and Pay

All pregnant staff are entitled to take 52 weeks statutory maternity leave around the birth of their child. The purpose of maternity leave is to allow you as the mother to give birth, to recover from giving birth, and to have time to bond with and care for your new baby. This document outlines your entitlements and the procedure that should be followed if you wish to take maternity leave and receive maternity pay. This document is applicable to pregnant staff only. For information on shared parental leave, please see the BrisDoc Shared Parental Leave policy.

3.1 The right to maternity leave

All pregnant staff, i.e. those working under a contract of employment with BrisDoc, are entitled to take up to 52 weeks statutory maternity leave (SML) around the birth of their child. This includes surrogate mothers and mothers who have undergone IVF treatment. It does not matter how long the employee has worked for BrisDoc to qualify for this right.

The SML period is made up of 26 weeks ordinary maternity leave (OML) followed immediately by 26 weeks additional maternity leave (AML). SML remains at 52 weeks regardless of the number of children resulting from a single pregnancy.

It is compulsory that you take a minimum of two weeks leave after the birth of your child.

Locum Reimbursement for Practices

When a salaried GP or GP Partner is absent from the practice due to a period of parental leave (Maternity/Paternity/ Adoption) the practice is eligible to receive funding towards the cost of cover for that GP. For the purposes of this the GP must be on leave for longer than one week and must be entitled to that leave either under statute, their contract of employment (in the case of salaried GPs,) or the partnership agreement or other agreement between the partnership (for GP partners). Cover for the absent GP can be provided by either an external locum or another GP already employed within the Practice.

3.2 IVF Treatment and leave

If you undergo IVF treatment, you may be granted “Special Leave”. Please refer to BrisDoc’s Family-friendly and Flexible Working Policy for further details of Special Leave. If the treatment is successful (i.e. from the point of implantation), this Maternity Policy will apply.

3.3 Notification and confirmation of maternity leave

To qualify for maternity leave, you should notify your line manager, in writing, no later than the end of the 15th week before the expected week of childbirth (EWC) and complete Appendix 3 with the following information:

- The fact that you are pregnant
- The expected date of your baby’s birth – this is given on the MATB1 form that you receive from your registered doctor or midwife to confirm that you are pregnant
- The intended start date of your maternity leave – this cannot be earlier than the beginning of the 11th week before the EWC, (see section 3.5).

It is important that you discuss your pregnancy with your manager as soon as possible so that any potential Health & Safety risks can be identified and any resource implications considered.

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You will receive written confirmation of these details from the Workforce Team within 14 days of them receiving notification (see Appendix 4). The Workforce Department will also inform you of the date on which your leave will end. This is normally 52 weeks from the intended start date of your maternity leave.

The Workforce Department will also inform you whether you qualify for Occupational Maternity Pay (OMP) and/or Statutory Maternity Pay (SMP); if you do, you will be told how much you will receive and when; if you do not qualify for either OMP or SMP, your MATB1 form will be returned to you and you will be given an SMP1 form which you can complete in order to apply for Maternity Allowance – see Appendix 7.

If you wish to change the start date of your maternity leave, you must give at least 8 weeks' notice before the date to be changed or 8 weeks before the new date, whichever is sooner. If it is not reasonably practicable for you to give this much notice, BrisDoc expects as much notice as possible.

3.4. Antenatal classes

You are entitled to take time off, with pay, to receive antenatal care, provided the appointment has been made and the time off has been requested in advance. Examples of antenatal care include relaxation and parent craft classes as well as antenatal appointments. You must produce evidence that the appointment is advised by a medical practitioner or health visitor.

3.5. Uniform

If you are required to wear a uniform as part of your job, arrangements will be made for suitable clothing. This should be discussed in the first instance with your line manager.

3.6 Health & Safety prior to maternity leave

3.6.1 Risk Assessment

During pregnancy, BrisDoc will carry out a Risk Assessment (Appendix 6) to ensure that you are not exposed to unsafe work environments, substances or tasks while you are pregnant, that could harm you or your child. If appropriate, BrisDoc reserves the right to consider the following options:

- Change your duties or conditions to remove you from the risk. This may include, for example, adjusting or reducing the hours or level of work. If this is not possible consideration will be given to:
- Transferring you to another job during the remaining period of your pregnancy. If this is not possible, consideration will be given to:
- Suspending you from work on full pay, until commencement of your maternity leave. Your pay would not be affected by any of the above options.

3.6.2 Night Work

If you are a night-worker and the risk assessment, or a GP medical certificate, reveals that night work may not be safe, BrisDoc will seek advice from GP/Occupational Health to identify necessary changes. If making overnight work safe is not possible then alternative daytime work will be considered

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3.7 Commencement of Maternity Leave

3.7.1 When can maternity leave begin?

You can choose to begin your statutory maternity leave (SML) any time from 11 weeks before your expected week of childbirth (EWC) up until the birth itself. This should be discussed with your line manager at the earliest convenience. The starting date of your maternity leave is your decision unless you have a pregnancy related illness after the 4th week before the baby is due (see below). If you wish to change the start date of your maternity leave, you must give at least 8 weeks' notice before the date to be changed or 8 weeks before the new date, whichever is sooner. If it is not reasonably practicable to give this much notice, BrisDoc expects you to give as much notice as possible.

3.7.2 What happens if an employee falls ill before she is due to start her maternity leave?

If you are absent from work due to pregnancy related illness during the last 4 weeks before your expected week of childbirth, your maternity leave will start, and you will receive your maternity pay, the day after the first day of your pregnancy related absence. Odd days of pregnancy related illness during this period may be disregarded if you wish to continue working until your original maternity leave start date. If you are absent due to an illness unrelated to your pregnancy, then normal sick leave provisions apply until your maternity leave begins (see BrisDoc's Sickness Absence Policy). Any pregnancy related illness prior to the last four weeks before the expected date of childbirth should be notified and managed in accordance with BrisDoc's Sickness Absence Policy.

3.7.3 What happens if the baby is born early?

If the baby is born prior to the notified leave date, maternity leave will commence the day after the actual date of birth. You must notify your line manager as soon as is reasonably practicable of the actual birth date of your baby.

3.7.4 What if there is a stillbirth, miscarriage or abortion?

In the unfortunate event that you give birth to a stillborn baby, you are entitled to retain your original maternity leave and pay entitlements if the birth happens after 24 weeks of pregnancy.

If the stillbirth occurs before the end of the 24th week of pregnancy, your absence will be recorded as sick leave, unless you wish to apply for compassionate leave (see BrisDoc's Family-friendly and Flexible Working policy).

If the baby is born alive at any point in the pregnancy, but then later dies, you are still entitled to maternity leave.

If you have a miscarriage or abortion before your 24th week of pregnancy, then normal sick leave provisions apply - see BrisDoc's Sickness Absence Policy.

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3.8 Terms and conditions during maternity leave

Your contract of employment continues throughout both OML and AML. You are entitled to benefit from all your contractual terms and conditions – except wages or salary – throughout your entire maternity leave period i.e. both OML and AML, for example, holiday entitlement etc

3.8.1 Continuity of service

Both OML and AML count towards your period of continuous employment for the purposes of entitlement to other statutory employment rights e.g. the right to a redundancy payment.

3.8.2 Accruing annual leave during maternity leave

If you are returning to work, you will continue to accrue annual leave whilst you are on both paid and unpaid maternity leave. If you are not returning to work, your annual leave will still accrue throughout your paid and unpaid maternity leave unless you inform BrisDoc that you wish to terminate your contract earlier. Following your unpaid leave, your contract of employment will terminate and you will be paid any outstanding annual leave.

You must discuss your annual leave entitlement fully with your manager before your maternity leave commences.

Where your maternity leave crosses in to a new annual leave year, you are entitled to carry over all the annual leave entitlement, which you have accrued whilst on maternity leave. Upon returning to work you may either use the annual leave as time off or sell the days (or a proportion of) back to BrisDoc. If you choose to take the days as time off, you must use them within 15 months of returning to work. As with all requests for annual leave, this must be agreed in advance with your line manager who has the right to refuse if the request has a detrimental effect on service delivery i.e. if too many other people are also off at the same time. In the event that your request is refused BrisDoc will ensure that another time is made available within the 15-month period.

3.8.3 Pay increases during maternity leave

Whilst on maternity leave, you are entitled to benefit from any general improvements to your rate of pay, or other terms and conditions, as if you hadn't been away. If a pay rise is awarded during your SMP period, the SMP will be recalculated based on the new pay rate.

3.8.4 Contributions to the NHS Pension Scheme

If you are a member of the NHS Pension Scheme, you can continue with your pension contributions throughout your maternity leave. Please note there are differences between whether you are intending to return to work or not. For more information, please refer to Appendix 8.

If you wish to remain in the pension scheme, absence on paid or unpaid maternity leave is pensionable if you are returning to work. During paid maternity leave, contributions will be based on the amount of pensionable pay received. If you go on to nil pay then the contributions will be based on the amount you were receiving immediately before nil pay commenced. However, as pension deductions cannot be made during the unpaid period of maternity leave, arrears of contributions can accrue. These arrears can be deducted on your return to work as agreed on your Maternity Leave Application Form (see Appendix 3). These repayments will normally be deducted over a period not exceeding the length of time you were on unpaid leave. If, on your return to work, you do not wish to continue paying pension contributions, then in normal

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circumstances no arrears will be requested and the first maternity payday will be treated as a last pensionable day.

(If you do not qualify for Statutory Maternity Pay (SMP) but do qualify for Maternity Allowance (MA), for the purpose of pension contributions, the period of the MA will be regarded as “unpaid leave” until you return to work.)

3.9 Contact and work during maternity leave

During maternity leave BrisDoc may contact you to make sure that you are made aware of all information that you would be aware of if you were working. Contact may be made via telephone, e-mail, and letter or via a meeting in your place of work. Prior to your maternity leave your line manager will discuss the method and frequency of contact with you.

3.9.1 Keeping in touch (KIT) days

You may do up to 10 days work under your contract of employment during your maternity leave period without it affecting your maternity leave or pay. Any amount of work done on a KIT Day counts as one KIT Day. Therefore, if you come in for a one-hour training session and do no other work that day, you will still have used up one of your KIT days.

You cannot take a KIT Day during compulsory maternity leave.

A KIT Day can consist of:

- normal day-to-day work
- attending a training session
- attending a staff/team meeting

It must be stressed that you can only work a KIT Day if you want to and your line manager agrees to it. You are not obliged to work or attend any work events during your maternity leave. If you are requested to work or attend work during your maternity leave and you refuse this will not be used against you at all. BrisDoc will not insist that an employee works a KIT Day nor can an employee insist she works a KIT Day without their line manager’s prior approval.

KIT days may be used to ease you back to work, if you think this is appropriate and arrange it with your line manager.

If BrisDoc is not your only job, you are entitled to a maximum of 10 KIT days from each employer.

3.9.2 Payment for KIT days

You will receive your normal contracted rate of pay for the hours you work (inclusive of SMP) for any week in which you work KIT days. If you do more than 10 KIT days in your SMP period, you are not entitled to receive SMP for any week in which you have worked any additional days. (If you do not qualify for SMP but receive Maternity Allowance, payment of KIT days will be at your normal hourly rate).

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3.10 Occupational Maternity Pay (OMP)

Occupational Maternity Pay (OMP) applies only to staff who are employed on a “regular hours” contract, i.e. it does not apply to staff that have a bank contract / casual workers agreement.

- To qualify to receive OMP, the following criterion applies:
- You must have been employed by BrisDoc continuously (or had continuous employment which has subsequently transferred under TUPE to BrisDoc) for at least 52 weeks at the 11th week before the EWC. (Part weeks count as full weeks).
- You must remain employed by BrisDoc up to the commencement of maternity leave.
- You must have average earnings in BrisDoc equal to or above the lower earnings limit for National Insurance contributions in the 8 weeks before the 15th week before the EWC.

3.10.1 How much OMP can an employee receive?

LENGTH OF SERVICE / AVERAGE EARNINGS	PAY
0 - 12 months service at the 11 th week before the Expected Week of Childbirth (EWC)	Statutory Maternity Pay (SMP) only if eligibility criteria met.
12 - 24 months service at the 11 th week before the EWC PLUS average earnings equal to or above the lower earnings limit for NI	6 weeks full pay (inclusive of SMP) 2 weeks half pay plus SMP
24 - 36 months service at the 11 th week before the EWC PLUS average earnings equal to or above the lower earnings limit for NI	8 weeks full pay (inclusive of SMP) 6 weeks half pay plus SMP
36 months service or more at the 11 th week before the EWC PLUS average earnings equal to or above the lower earnings limit for NI	8 weeks full pay (inclusive of SMP) 18 weeks half pay plus SMP

BrisDoc requires you to return to work for a minimum period of 12 months before the OMP allowance will become payable again e.g. for a second pregnancy.

3.11 Statutory Maternity Pay (SMP)

SMP is paid for 39 weeks. It will usually cover the first 39 weeks of maternity leave. It is payable when you are not at work because of your pregnancy or because you have given birth.

To qualify to receive SMP, you must adhere to all of the following:

- Must have been employed by BrisDoc continuously (or had continuous employment which has subsequently transferred under TUPE to BrisDoc) for at least 26 weeks into the 15th week before the EWC. (Part weeks count as full weeks).
- Must have been employed by BrisDoc into the qualifying week, which is the 15th week before the expected week of childbirth.
- Must have average earnings in BrisDoc equal to or above the lower earnings limit for National Insurance contributions in the 8 weeks before the 15th week before the EWC.

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You are entitled to SMP even if you do not intend to return to work. If you have more than one employer, you can claim SMP from both employers

3.11.1 When does SMP start?

The earliest date that SMP can start is from the 11th week before the EWC and the latest that SMP will start is the day after you have given birth.

3.11.2 Changes that will affect the start of SMP

The start of SMP will change if:

- The baby is born before the start of the 11th week or before the start of the SMP pay period. If this happens, SMP will start from the day following the birth of the baby;
- You are off sick from work with a pregnancy-related illness at the start of or in the 4 weeks before the EWC. SMP will therefore start from the day following the first complete day that you are off sick.

3.11.3 If the employee is entitled to SMP and she leaves her employment:

After the start of the 15th week before the EWC but before the start of the 11th week – SMP will start from the beginning of the 11th week before the EWC.

At any time after the start of the 11th week before the EWC and before the start of the maternity pay period – SMP will start from the day after she left employment.

3.11.4 How much SMP can an employee receive?

The first 6 weeks of SMP is paid at 90% of average weekly earnings with no maximum limit

The remaining 33 weeks leave is paid at the lower statutory level or 90% of the average weekly earnings if this is less than the lower statutory level.

NB: SMP is subject to the provisions of National Insurance and Income Tax.

3.11.5 When and how will SMP be paid?

SMP is paid at the same time and in the same way as your normal wages – 22nd of each month into your bank account.

3.11.6 How is SMP calculated?

BrisDoc will look at your gross earnings paid in the 8-week period up to and including the 15th week before the EWC and calculate your average weekly earnings (AWE), based on this period.

Under the Statutory Maternity Pay (General) (Amendment) Regulations 2005, if BrisDoc awards you a pay rise which is effective at any time from the start of the set period used to work out your SMP and the end of your maternity leave (whether this be OML or AML), your SMP will be re-calculated and any balance owed will be paid to you.

3.11.7 How long is SMP paid for?

SMP is paid for a continuous period of up to 39 weeks.

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3.11.8 What if an employee does not qualify for SMP?

If you do not qualify for SMP you may still be entitled to Maternity Allowance (MA). MA is based on your recent employment and earnings record and is a state benefit which is payable for 39 weeks – see Appendix 7.

3.11.9 If an employee works for BrisDoc during their SMP period

SMP cannot be paid for any week when you are working for BrisDoc if you have taken 10 KIT days within the SMP period. If you return to work, but then for any reason stop work whilst still in your SMP period, SMP payments will resume.

3.11.10 Bank/Casual workers and SMP

If you are engaged on a bank contract/casual workers agreement with BrisDoc prior to taking maternity leave then the statutory maternity leave pay provisions will apply if the worker meets all necessary qualifying conditions.

3.11.11 Maternity Leave/Pay whilst on a fixed term contract

The 'Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2008', prevents fixed term employees being treated less favourably than similar permanent employees. Therefore, there are no differences with regard to maternity leave whilst on a fixed term contract as to a permanent employee, provided the same requirements are met. Similarly, there are no differences in terms of entitlements to receiving Statutory Maternity Pay, see above.

If your contract ends whilst you are on maternity leave, your contract will be extended to allow you to receive the 39 weeks' paid SMP.

You will be informed that your contract is coming to an end and treated the same as though you were at work by being made aware of alternative vacancies, for which you may wish to apply.

3.12 Returning to work

Unless you have notified BrisDoc otherwise, the date on which you will be expected to return to work is the first working day 52 weeks after your maternity leave began. You are entitled to return to the same job that you had before going on maternity leave.

3.12.1 Compulsory maternity leave

You cannot return to work within 2 weeks of the birth of her child.

3.12.2 When should the pregnant employee state her intention to return to work?

You will be asked on the Maternity Leave Application Form (see Appendix 3) whether you intend to return to work or not. Once you have submitted your form, the Workforce Team will write to you within 14 days to confirm the return-to-work date and entitlement to maternity leave.

If you want to return to work before this agreed date, you must give your manager 8 weeks' notice of the date you want to return to work.

For example, if you were due to return to work after 52 weeks' of maternity leave on 1st August, but then decided to return to work after 39 weeks of leave on 9 May, you would need to give BrisDoc 8 weeks' notice of the new date, i.e. by 14th March.

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If you wish to return to work after the planned return date, you should give your manager notice of this new date of return at least 8 weeks before the original planned return date.

For example, if you originally notify BrisDoc that you plan to return to work at the end of your OML (i.e. after 26 weeks) on 1st October but while on maternity leave, decide that you wish to take your full entitlement of 52 weeks, you must notify BrisDoc 8 weeks before the 1st October i.e. by 6th August.

3.12.3 What if you decide that you do not want to return to work?

If you decide not to return to work, the terms and conditions of employment apply, such that written notice is required. We ask that you inform us of your notice in good time to avoid the need for you to return to work in order to serve out your contractual notice period. During such a period, SMP and OMP (if eligible) continue to be paid, unless alternative employment has commenced. Any accrued holiday leave will be offset against the contractual notice period or paid in lieu in the final salary payment. If you were eligible to receive OMP, and decide not to return to BrisDoc, you will not need to reimburse BrisDoc.

3.12.4 Can you return to work on reduced hours?

Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they meet the following eligibility criteria:

- they have worked for their employer for 26 weeks continuously at the date the application is made;
- they have not made an additional statutory request in the preceding 12-month period – the legislation states individuals can only make one statutory request in any 12-month period.

The request must be made in writing to your line manager and can be given before or during maternity leave, or once you have returned to work. You have the right to return to your post under your original contract and on no less favourable terms and conditions. BrisDoc managers will consider a request to return to work on reduced hours which will be assessed against the needs of the service.

Please refer to BrisDoc's Family-friendly and Flexible Working policy for more information.

3.12.5 What if you are ill at the end of your maternity leave?

If you are ill on the date you have agreed to return to work following childbirth and you submit a medical certificate from a registered Medical Practitioner, you will be entitled to sick leave in accordance with normal sick leave provisions.

You must keep your manager informed of any illness or unforeseen change in circumstances that may affect your anticipated date of return. BrisDoc may also request a Medical Report from a GP of its choice and or Occupational Health to seek guidance on your fitness to carry out your normal duties.

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3.12.6 What if you are pregnant again before returning to work?

The period of maternity leave (both OML and AML) counts towards continuous service and therefore you must notify your manager of your new pregnancy to be entitled to a further period of OML and AML. You may also qualify for Statutory Maternity Pay (SMP) as long as you meet the normal conditions. You must follow the stages of this maternity policy in terms of notifying BrisDoc of your pregnancy.

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APPENDIX 1: GLOSSARY OF TERMS

TERM	DEFINITION
Additional Maternity Leave (AML)	The 26 weeks following the Ordinary Maternity Leave.
Average Weekly Earnings (AWE)	<p>Your AWE is your average pay based on the 8 weeks prior to the 15th week before the baby is due. As staff at BrisDoc are paid monthly not weekly, earnings are calculated in the following way:</p> <p>Average monthly pay is based on the amount paid during the 'Set Period'. This is between date 1 and date 2 as below:</p> <p>Date 1 is the last normal pay day on or before the Saturday of the Qualifying Week (which is the 15th week before the baby is due).</p> <p>Date 2 is the day after the last normal pay day falling not less than eight weeks before pay date 1.</p> <p>All earnings paid on or after date 2, up to and including those paid on date 1 are totalled and divided by the number of pay dates to give either average monthly or weekly earnings.</p>
Expected week of childbirth (EWC)	The week in which the expected date of the baby's birth falls – starting with the preceding Sunday and ending the following Saturday. If the birth date falls on a Sunday, that date is the first day in the EWC. The expected date of the baby's birth is given on the MATB1 form.
Keeping in touch (KIT) days	<p>You can have up to 10 KIT days. They can consist of:</p> <ul style="list-style-type: none"> • normal day-to-day work • attending a training session • attending a staff/team meeting
Ordinary Maternity Leave (OML)	The first 26 weeks of maternity leave.
Qualifying week	The 15 th week before the EWC
Statutory Maternity Leave	There are two periods of Statutory Maternity Leave: 26 weeks of Ordinary Maternity Leave (OML) and 26 weeks of Additional Maternity Leave (AML).
Statutory Maternity Pay (SMP)	<p>SMP is paid for 39 weeks, which is usually the first 39 weeks of maternity leave. SMP is payable at a rate of 90% of the employee's AWE for the first six weeks. There is no upper limit. The remaining 33 weeks are paid at either:</p> <p>The standard weekly rate or 90% of the woman's AWE if this is lower than the standard weekly rate</p>

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APPENDIX 2: TIMETABLE FOR MATERNITY LEAVE

As soon as pregnancy confirmed, see your Manager, as he/she may need to undertake a risk assessment.



At the 15th week before EWC notify us on the Maternity Leave/Pay Application Form (Appendix 3) of your intention to take maternity leave, whether you will be returning and when you want your leave to start, and attach your Mat B1 certificate.



Workforce Team respond to your notification of leave plans within 14 days.



11 weeks before expected date of childbirth – earliest date you may commence maternity leave

EXPECTED WEEK OF CHILDBIRTH

You are entitled to 52 weeks of maternity leave.
If you wish to return before the stated return date, you must give your manager 8 weeks notice.
Please note you cannot return for 2 weeks immediately following the date of birth.

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APPENDIX 3: NOTIFICATION OF MATERNITY LEAVE

To be completed no later than the end of the 15th week before the EWC

SECTION A: To be completed by ALL pregnant employees

Name _____	Job title _____
Expected Week of Childbirth (EWC) (from MATB1 form): ____ / ____ / _____	
Date of commencement of maternity leave: ____ / ____ / _____	

SECTION B: To be completed by ALL pregnant employees FOR PAYROLL PURPOSES

Please tick the box for the option that applies to you:	
OPTION 1: I intend to return to work after maternity leave	<input type="checkbox"/>
OPTION 2: I do not intend to return to work	<input type="checkbox"/>
OPTION 3: I have yet to decide about returning to work	<input type="checkbox"/>
If you ticked Option 1, please specify your intended date of return : ____ / ____ / _____ <i>(If you want to return to work before this date, you must give BrisDoc at least 8 weeks' notice)</i>	

SECTION C: To be completed if you ARE a member of the NHS Pension at BrisDoc

PENSION CONTRIBUTIONS during Maternity Leave
1) If you DO intend to return to work:
Your pension contributions will continue during your period of paid AND if you want, also during your unpaid maternity leave. During the period of unpaid maternity leave, contributions can be paid in arrears upon your return to work. Please choose one of the following three options:
During my unpaid maternity leave,

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OPTION 1: I wish for my contributions to be paid in one lump sum in my first pay packet upon returning to work

OPTION 2: I wish for my contributions to be paid by spreading the payments out over _____ months upon my return (please specify)
(Please note that this period must not exceed the length of your unpaid leave)

OPTION 3: I do NOT wish to contribute into my pension during this time

2) If you DO NOT intend to return to work:

Your pension contributions will be paid for the statutory maternity leave only. Your last day of membership will be the last day on which you pay pension contributions.

3) If you DO NOT KNOW whether you intend to return to work:

Your pension contributions will be paid for the statutory maternity leave only and then either (1) or (2) will apply.

SECTION D: To be completed if you DO NOT intend to return to work

Declaration:

I have read the Maternity Policy, which I understand and accept. I also understand that completion of this form does not replace the normal requirements for notice and that, if I have not already done so I am required to submit my resignation in writing to my line manager and Workforce Team stating the date I intend to terminate my employment.

Signed _____ Date ____ / ____ / ____

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SECTION E: To be completed by ALL employees

Declaration:

I have read the Maternity Policy which I understand and accept. I also understand that a change in my circumstances during payment of SMP may affect my entitlement and therefore I agree to notify the Workforce Team of any of the following as soon as possible:

- I. If my actual week of childbirth is not the expected week of childbirth as stated on Mat B1 certificate (at the latest this information must be sent within 21 days of the actual date of childbirth).
- II. If I start work for another employer after the birth of my baby.
- III. If I am taken into legal custody.

Signed _____ Date ____ / ____ / ____

Please pass this form together with your Mat B1 certificate to your line manager who will forward to the Workforce Department

To be completed by line manager:

Application for Maternity Leave authorised by:

(Manager) Date ____ / ____ / ____

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APPENDIX 4: EXAMPLE OF A MATERNITY LEAVE ACKNOWLEDGEMENT LETTER

Dear NAME

Commencement of Maternity Leave

Thank you for your Notification of Maternity Leave form, and your MATB1 form confirming your expected week of childbirth (EWC) as the **DATE**.

I can now confirm that you will be commencing your maternity leave on **DATE**. You are entitled to 52 weeks maternity leave in total: 26 weeks Ordinary Maternity Leave (OML) which will end on **DATE**, and 26 weeks Additional Maternity Leave (AML) which will end on **DATE**.

If you wish to return to work before the end of the stated maternity leave period, i.e. before **DATE**, you must give **LINE MANAGER**, 8 weeks' notice. You have indicated on the Maternity Leave Application form that you wish to return on **DATE**. If this date does change, please make sure you give Brisdoc 8 weeks' notice.

I can confirm that you qualify to receive the following Occupational Maternity Pay (OMP):

- 8 weeks full pay (inclusive of Statutory Maternity Pay)
- 18 weeks half pay plus Statutory Maternity Pay
- 13 weeks Statutory Maternity Pay

Please note that you are welcome to work up to 10 Keep in Touch (KIT) days during your maternity leave period (but not within the first two weeks of giving birth) without it affecting your maternity leave or pay. A KIT day can consist of a normal day of work, attending a training session, and/or attending a team meeting. Please note that there is no obligation to work these days – they are only available should you want to work any and if your manager is in agreement. If you do choose to work a KIT, please kindly record them on a timesheet and submit to your line manager by the 4th of the calendar month to ensure payment (see section 3.7 of the Maternity Leave Policy).

If, during your maternity leave, you decide not to return to work, you must provide written notice of termination of employment in line with your Terms and Conditions of Employment and serve your contractual notice period (this can be served whilst on maternity leave). Any accrued holiday leave will be offset against your contractual notice period or paid in lieu in the final salary payment.

Should you wish to discuss any of the above with me, please do not hesitate to ring me on 0117 9370901.

Many thanks

Kind regards

NAME

Workforce Partner / Manager/Administrator

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APPENDIX 5: HEALTH & SAFETY

The EC Pregnant Workers Directive + amendment to Management of Health & Safety at Work Regulations 1999

The above EC Directive 92/85/EEC has been implemented in the UK by the Management of Health & Safety at Work Regulations to ensure that the health and safety of pregnant women at work, those who have recently given birth and those who are breast-feeding are adequately protected in the workplace.

Under the Directive, the 3 categories as mentioned above have been defined as follows:

Pregnant Worker “A pregnant worker who informs her employer of her condition, in accordance with national legislation and/or national practice.”

Worker who has recently given birth (within the previous 6 months) “A worker who has recently given birth within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice”. “Given birth” is defined as ‘delivered a living child or, after 24 weeks of pregnancy, a stillborn child’.

Worker who is breast-feeding “A worker who is breast-feeding within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice.”

Therefore, to fall within the provisions of the Directive, the employee must actually have informed BrisDoc that she is either pregnant, has recently given birth or is breast-feeding.

Once she has informed BrisDoc of the above, BrisDoc is required to take the measures detailed in the Directive in order to safeguard her health and safety.

The measures to be taken are as follows:

Risk Assessment (Article 4)

BrisDoc is obliged to carry out an assessment of the pregnant employee’s working conditions in order to ascertain whether there is any potential risk to her health and safety which may affect her pregnancy; this builds on the existing assessment undertaken to fulfil the obligations placed on the organisation by the Management of Health and Safety Regulations 1992.

BrisDoc is obliged to assess the physical, biological and chemical hazards in her workplace which may create potential risks – see Appendix 6.

The actual risk to her depends on the “nature, degree and duration of the exposure” in each case. Therefore, each case will be looked upon on its own merits.

Once the assessment has taken place, appropriate measures in response to the results of the assessment must be decided. The results and measures which are decided will be communicated to the pregnant employee.

Assessment will take place in respect of “all activities liable to involve a specific risk of exposure to the agents, processes of working conditions.” Annex I of the Directive provides a non-exhaustive list of the “agents, processes and working conditions” referred to above and these are detailed below:

Physical Agents Those agents which are regarded as agents causing foetal lesions and/or likely to disrupt placental attachment, particularly shocks, vibration or movement; the handling of

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loads entailing risks; noise; ionising radiation; non-ionising radiation; extremes of cold or heat; movements and postures, travelling and mental and physical fatigue and other physical burdens.

Biological Agents

Agents of risks groups 2, 3 and 4 within the meaning of Article 2(d) nos. 2, 3 and 4 of Directive 90/679/EEC insofar as it is known that the agents or the therapeutic measures necessitated by the agents endanger the health of pregnant women and the foetus.

Chemical Agents

Substances labelled R40, R45, R46 and R47 under Directive 67/548/EEC; chemical agents in Annex I to Directive 90/394/EEC; mercury and mercury derivatives; antimitotic drugs; carbon monoxide; chemical agents of known and dangerous percutaneous absorption insofar as the above are known to endanger the health of pregnant women and the unborn child.

If a risk is identified, BrisDoc will consider one of the following options:

Change the employee's working duties or conditions – that is, remove her from the risk. This may include, for example, adjusting the hours of work or reducing the level of work. If this is not possible, then consideration needs to be given to:

Transferring the member of staff to another job during the remaining period of her pregnancy. If this is not possible then consideration has to be given to:

Suspending the employee from work on full pay, until commencement of her maternity leave.

Specific Risks (Article 6)

In addition to the list of agents, processes and working conditions outlined above, Annex II of the Directive provides a non-exhaustive list of "specific risks" which are harmful to 2 of the categories of relevant workers outlined earlier: namely, the pregnant worker and the breast-feeding worker. If an employee is either pregnant or breast feeding, she should not be exposed to the following risks:

Pregnant Workers

Physical Agents Work in hyperbaric atmosphere, for example, pressurised enclosures.

Biological Agents Toxoplasma, rubella virus (unless the pregnant worker is proved to be adequately immunised).

Chemical Agents Lead and lead derivatives capable of being absorbed by the human organism.

Breast feeding Workers

Chemical Agents Lead and lead derivatives capable of being absorbed by the human organism.

Night Work (Article 7)

Pregnant employees are not obliged to perform night work during their pregnancy and for a certain period of time after the birth (to be determined by the national authority competent for health and safety, The Health and Safety Executive). However, this obligation is only effective if they submit a medical certificate stating that night work should not be undertaken for health and safety reasons. If such a medical certificate is submitted, BrisDoc will seek advice from

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GP/Occupational Health to identify necessary changes. If making overnight work safe is not possible, then alternative daytime work will be considered.

Display Screen Equipment

Although there has been much debate about the effect visual display units (VDUs) have on women and their reproductive health, the guidance on the Health and Safety (Display Screen Equipment) Regulations states that, as a whole, the scientific studies which have been carried out in this area, do "not show any link between miscarriages or birth defects and working with VDUs". However, if the employee is concerned or anxious about the situation, she should consult her GP for further advice and guidance. Further research and reviews of current scientific evidence is being undertaken in this area.

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APPENDIX 6: RISK ASSESSMENT FOR EXPECTANT MOTHERS, NEW MOTHERS AND BREAST-FEEDING MOTHERS

Staff Member Name:			
Job Title:		Department:	
Risk Assessment for:	Pregnant mother:	<i>Please specify EWC:</i>	
	New mother:	Breast-feeding mother:	
Does the staff member regularly work overnight shifts? Regularly / Sometimes / Never (circle)			
Risk Assessor Name			Date:

Risk Factors

81% - 100% likelihood of occurrence	A	High risk of occurrence
51% - 80% likelihood of occurrence	B	May occur frequently
21% - 50% likelihood of occurrence	C	May occur moderately
6% - 20% likelihood of occurrence	D	Unlikely but can reasonably be expected to occur
0% - 5% likelihood of occurrence	E	Very unlikely to occur but possible
	F	Never likely to happen

ACTION: Indicate the risk factor next to each question and add comments how the risk will be minimised:

RISK TYPE	RISK FACTOR	COMMENTS
Continuous Standing		
Constant Sitting		
Work performed in a confined space		

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RISK TYPE	RISK FACTOR	COMMENTS
Work involves manual handling?		
Work involves shocks or vibrations		
Person subject to ionising radiation		
Job requires use of chemical or biological agents		
Stress		
Excessive travelling		
Passive smoking		
Changes or extremes in temperature		
Working at height		
Facilities available for rest, including lying down		
Infectious disease such as rubella and toxoplasma?		

BREAST FEEDING		
Private facilities for the expressing of milk?	Yes / No	
Fridge for the storing of expressed milk?	Yes / No	
Facilities for sterilisation of equipment	Yes / No	

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Summary

Risk assessment agreed by

Staff member signature: _____ Date: _____

Manager signature: _____ Date: _____

Review date: _____

Please keep a copy and return one signed copy to: Workforce Teamt, Osprey Court

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APPENDIX 7: MATERNITY ALLOWANCE

Maternity allowance (MA) is a state benefit available to women that don't qualify for Statutory Maternity Pay (SMP), which is payable for 39 weeks. MA is based on an employee's recent employment and earnings record. If an employee does not qualify for SMP BrisDoc will issue them with form SMP1 stating the reason why it cannot pay her SMP. The employee needs the form MA1 to support their claim for MA.

For more information on MA, please refer to:

<https://www.gov.uk/maternity-allowance/what-youll-get>

Employees can download a maternity allowance claim form (pdf document) from the Department for Work and Pensions (DWP) website

<https://www.gov.uk/government/publications/maternity-allowance-claim-form> or contact the HR Dept.

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APPENDIX 8: NHS PENSION

NHS Pensions
provided by...



Business Services Authority

NHS PENSION SCHEME: Maternity Leave, Paternity Leave, Parental Leave and Adoption Leave Fact sheet

Maternity, paternity, parental and adoption leave (09/2018) (V5.0)

A member can continue to be pensionable throughout any period of absence for maternity, paternity, parental or adoption. This is referred to in this factsheet as 'special leave'.

Your employer must provide you with the necessary information about pension arrangements before you start any special leave for maternity, paternity, parental or adoption leave.

CONTRIBUTIONS

Pension contributions can be paid regardless of whether the special leave is paid or unpaid.

If you are in receipt of full pay

Your pension contributions, at the tier you were paying before the leave, will be deducted on the amount of pensionable pay/reckonable pay/pensionable earnings you actually receive during the leave. If you go on to no pay, then the contributions will be based on the amount of pensionable/reckonable pay/pensionable earnings you were receiving immediately before the no pay commenced.

When you go on special type leave your full pay is calculated using the average weekly earnings rules and also accounts for any pay awards or annual increments before or during paid your leave. So the pay received during a period of full pay leave may not be the same as the pay immediately before the leave commenced.

If you are in receipt of half pay

Your pension contributions will be deducted on the amount of pensionable pay/reckonable pay/pensionable earnings actually received.

If you are in receipt of Statutory Pay (e.g. Statutory Maternity Pay, Statutory Adoption Pay)

Your pension contributions will be deducted on the amount of statutory pay you receive.

If you are on unpaid leave

Your pension contributions will be deducted on the rate of pensionable pay/reckonable pay/pensionable earnings immediately before any period of unpaid special leave begins.

Added years/Additional Pension/Early Retirement Reduction Buy Out (ERRBO)

Additional contributions continue to be paid on the pensionable pay/reckonable pay/pensionable earnings you were receiving prior to any reduction.

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Part time member

If you work part time the 'deemed' hours (the hours you would have worked) will be included in your membership for pension purposes for the period you were paying pension contributions.

Pensionable pay/reckonable pay/pensionable earnings for benefit purposes will be based on your normal level of pay. This will be your whole time equivalent pensionable/reckonable pay if you are a 1995/2008 Scheme member or your actual pensionable earnings if you are a 2015 Scheme member.

If you decide not to return to work

If you intend to return to work and have already paid some contributions during your leave and then decide that you are not returning to work, NHS Pensions can accept the last day of membership as the last day that you paid pension contributions.

If you do not intend to return to work you are still entitled to pay pension contributions during the period of statutory leave.

When you leave, your employer will provide you with the Leaving Early and Transferring Out Guide which gives you the necessary information about the choices available to you in respect of your pension.

All members, whether they opt out of the Scheme or leave, should be aware that pensionable membership will not be extended unless contributions are paid. Entitlement to benefits will be affected by the length of Scheme membership.

Annual leave

If you have annual leave after a period of statutory leave and do not return to work, the date of leaving the Scheme will be the last day you pay pension contributions plus any annual leave entitlement.

Where a trust gives a higher annual rate of pay throughout an employment, instead of a period of annual leave itself, the higher rate of pay is pensionable. You may receive benefit if the period falls within the pensionable pay/reckonable pay/pensionable earnings period.

Keep in Touch (KIT) days

Keep in touch (KIT) days are where a member carries out up to 10 days work during the maternity, paternity or adoption leave period.

For pension purposes, keep in touch days do not break the period of leave. The member will pay contributions for the KIT days, however these will be on the basis of the reduced earnings for the maternity leave. Any additional pay received during the KIT days will be excluded.

Paid maternity leave: amount of pay flexibilities

By prior agreement with your employer, occupational maternity pay may be paid as a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period

If you have six months paid and six months unpaid leave, but your pensionable/reckonable pay/pensionable earnings is averaged out over the 12 month period, contributions will be deducted based on the underlying entitlement.

This provision does not apply to locum practitioners.

FREQUENTLY ASKED QUESTIONS

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What if I can't afford to pay pension contributions while I am on leave?

Arrears of pension contributions built up during a period of unpaid leave can be collected when you return to work provided they are collected within a reasonable amount of time. This should be agreed between you and your employer.

If I return to work after my special leave, do I have to stay on the same contract?

You will need to discuss the terms of your employment with your employer.

Can I have a refund of any contributions paid during my leave?

No, if contributions have been correctly paid on any part of your leave, whether the leave is paid or unpaid, they cannot be refunded (unless you subsequently leave the Scheme with entitlement to a refund of contributions).

Is the percentage of contributions the same whilst I am on my leave?

Yes the percentage stays the same.

Can I join the NHS Pension Scheme during my leave?

No, an employee cannot join the NHS Pension Scheme during a period of maternity leave etc (this includes any employee who has opted out of the Scheme).

9. Table

Date	Version	Author	Comments
February 2007	1	CEdmunds	Just "Maternity Leave Guidelines" only
October 2009	2	SHawkins and CEdmunds	Included Paternity and Adoption Leave
November 2011	3	CEdmunds	Separated Maternity Policy from Paternity and Adoption
March 2016	4	Keystone HR Consultancy Ltd	Updated in line with current legislation
May 2019	5	SHill	Updated within new template
February & May 2020	6	SAubertin, reviewed by Nicki Clegg	Review of policy to include reference to SPL policy & locum reimbursement for Practices

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10. Change Register

The following changes have been made between the November 2013 (v3) Maternity Leave Policy and the December 2015 (v4) Maternity Leave Policy.

Section	Revision details
1	Added the 4 focus areas, relevant to the Maternity Policy
2	Added this section
3.5.2	Removed text stating need to be managed as other sickness
3.6	Updated the section on accruing annual leave and holiday carry over during maternity leave to ensure compliance with maternity rights
3.8 & 3.9	Deleted the actual lower earnings limit for National Insurance contributions as the amount varies each year.
3.9.10	Amended to reflect that SMP may be payable
3.10	<p>Added the following sentences (in bold) under the relevant headings (the second point is updated in line with legislation):</p> <ul style="list-style-type: none"> • What if you decide that you do not want to return to work? If you were eligible to receive OMP, and decide not to return to BrisDoc, you will not need to reimburse BrisDoc. • Can you return to work on reduced hours? <p>Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they meet the following eligibility criteria:</p> <ul style="list-style-type: none"> • they have worked for their employer for 26 weeks continuously at the date the application is made; • they have not made an additional statutory request in the preceding 12-month period – the legislation states individuals can only make one statutory request in any 12-month period
Appendix 3	Updated to give a third option around contributing into pension during period of unpaid maternity leave – NHS Pensions states it is up to the individual whether

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	they want to contribute during the unpaid period or not.
Appendix 7	Deleted the eligibility criteria for Maternity Allowance and instead replaced it with the website link for more information.
Appendix 8	Updated in line with Sept 2015 guidance
Related Policies	Added 'Shared Parental Leave Policy'
28 th February 2024	Amended Mike Duncan Job title to director.

The following changes have been made in February 2020

Section	Change
3	Added reference to Shared Parental Leave Policy

3	Added in Locum .Reimbursement Section available for Practices
3.4	Moved Antenatal Classes and Uniform out of Health and Safety and into their own section and renumbered all following sections.
3.7	Amended wording related to automatic start of maternity. Deleted additional reference to miscarriage or abortion after 24 weeks.
Appendix 5	Edited year of legislation
Appendix 8	Updated to current NHS Pensions legislations (09/2018 V5)

RELATED POLICIES:

- Family-friendly and Flexible Working Policy
- Sickness Absence Policy
- Annual Leave Guidelines
- Paternity Leave Policy and Procedure
- Adoption Leave Policy and Procedure
- Shared Parental Leave Policy