



Workforce

Maternity Policy

Aim

The Maternity Policy aims to:

- outline the eligibility procedure employees must use to request maternity leave
- provide details about employees' statutory and contractual rights
- confirm maternity leave and pay arrangements

Scope

This policy applies to all employees who meet the eligibility criteria. It also applies to bank, agency, and sessional workers who meet specific eligibility criteria.

This policy complies with current legislation and meets the aims of the [Public Sector Equality Duty](#) of the [Equality Act 2010](#).

Definitions

Employing board is the employer of an individual.

Expected week of childbirth (EWC) is the week, starting on a Sunday, in which the doctor or midwife expects the individual to give birth.

Keeping in touch (KIT) days help employees on maternity leave keep up to date with any changes at work or maintain their professional registration where appropriate. They also support employees in returning to the workplace after maternity leave.

Maternity Allowance (MA) is a payment the UK Government may make to employees who do not receive statutory maternity pay.

A **miscarriage** is when an employee has a miscarriage before the start of the 25th week of pregnancy.

Neonatal means newborn or the first 28 days of life.

Occupational Maternity Pay (OMP) is an enhanced payment to eligible employees while on maternity leave.

Placement board is the organisation providing a training placement to an individual who is not their employee.

A **pregnant employee** is when an employee carries a baby.

Pre-term birth is when an employee's baby is born before the 37th week of pregnancy.

Qualifying week is the 15th week before the expected week of childbirth (EWC) and determines statutory maternity pay entitlements.

Statutory Maternity Pay (SMP) is a payment to eligible employees when on maternity leave.

A **stillbirth** is when an employee's baby is stillborn after the end of the 24th week of pregnancy.

A **surrogate** is when an employee carries and gives birth to a baby for another person or couple.

Roles and responsibilities

There is a range of standard expectations which underpin all policies. [Read more about standard roles and responsibilities](#). In addition, the following specific responsibilities apply to this policy.

Manager

The manager should:

- make sure that employees, bank, and agency workers have completed an individual pregnant workers and new mothers risk assessment
- provide a prompt response to a notification of maternity leave
- plan for effective team working, including KIT days
- make sure the employee receives regular communication in departmental, organisational, and career opportunities
- action return to work considerations, such as reinstating the employee on payroll and breastfeeding

Employee

The employee should:

- notify their manager by the 15th week before their EWC with the required evidence
- talk to their manager about their intentions for maternity leave, return to work, and KIT days as applicable
- maintain their professional registration

Employees, bank, and agency workers should also take responsibility for their health and safety at work in support of their maternity risk assessment.

Procedure

The employee should notify their manager of their intention to take maternity leave by submitting a [Maternity leave form](#). The employee should submit the form by the end of the 15th week before the EWC. If this does not happen, they should submit the form as soon as possible.

The manager should forward the Maternity leave form and the employee's Maternity Certificate (MATB1 form) in line with local arrangements.

As soon as the employee has notified their manager that they are pregnant, an individual pregnant workers and new mothers risk assessment should be completed. It may be completed before the employee submits their Maternity leave form.

The employee will receive confirmation of the maternity leave and maternity pay arrangements in writing within 28 days of receipt of the documents.

The written confirmation will include:

- paid and unpaid leave entitlements or statutory entitlements if the employee does not qualify
- expected return date, based on 52 weeks of paid and unpaid leave entitlement
- early return date, if requested

The employee can extend maternity leave longer than originally planned, up to a maximum of 52 weeks. They should provide 28 days' notice when requesting an extension to their maternity leave.

Maternity leave

Maternity leave eligibility

All employees will have a right to take 52 weeks of maternity leave, whether or not they return to NHS employment, provided they comply with the notification requirements. No minimum length of service is required to be eligible for maternity leave. The employer cannot refuse

maternity leave or change the amount of leave the employee wants to take.

Maternity leave entitlement

Employees must take at least 2 weeks of maternity leave immediately after their child's birth, or 4 weeks if the employee is considered a factory worker. In the NHS, examples of a factory worker include:

- laundry services
- sterile services
- mechanical maintenance

Employees can start maternity leave 11 weeks before their EWC unless the baby is born before the 11th week.

The latest maternity leave can start is the day following the birth of the baby. This also applies when a baby is born pre-term.

An employee can change the start date of their maternity leave. To do so, they should give their manager at least 28 days' notice of the new date. If this is not achievable, the employee must inform their manager of the date change as soon as possible.

If an employee is absent from work wholly or partly because of pregnancy during the last 4 weeks before their EWC, the employee's maternity leave will start from the second day of continuous absence.

Employees are not entitled to sick leave or sick pay while they are on maternity leave.

Annual leave and public holiday hours will accrue as normal during maternity leave.

To calculate maternity leave entitlement, use the [maternity leave calculator](#).

KIT days

The manager and the employee should discuss and agree on voluntary arrangements for keeping in touch before maternity leave starts, including:

- making the employee aware of developments at work to support their return
- supporting employees in maintaining their professional registration

- advising the employee about developments that may affect their intended date of return

Employees can return to work for up to 10 days without bringing their maternity leave or SMP to an end. KIT days are optional but help to facilitate a smooth return to work for employees returning from maternity leave.

An employee cannot take KIT days within the first 2 weeks following childbirth. Any KIT days taken will not extend the maternity leave period.

KIT days can be consecutive or not. They can include training or other activities which enable the employee to keep in touch with the workplace. Working for part of any day will count as one KIT day from the 10-day allowance. Managers must carry out a risk assessment for any breastfeeding employee. The employer must provide breastfeeding facilities.

KIT days are paid as if the employee is at work and include any Occupational Maternity Pay (OMP) or Statutory Maternity Pay (SMP) if the employee is not eligible for OMP. The combination of OMP and SMP cannot exceed normal average weekly pay. If a KIT day is worked in the full pay period, the employee will receive a day of paid leave in lieu once they have returned to work. If a KIT day is worked on a day of leave in the half-pay period, the employee will receive a half day of paid leave in lieu once they have returned to work.

Maternity pay

Maternity pay eligibility

An employee must meet the following eligibility criteria to qualify for paid maternity leave. To be eligible for SMP, they must have completed at least 26 weeks of continuous employment with their employer by the end of their qualifying week. To be eligible for OMP, they must have completed 12 months of continuous service with one or more NHS employer at the beginning of the 11th week before the EWC.

Statutory Maternity Pay (SMP)

SMP is a benefit for employees on maternity leave. The UK Government determines the conditions and amount, but the employer pays it as follows:

The first 6 weeks of maternity leave are paid at 90% of the employee's average weekly earnings.

If this is less, the next 33 weeks are paid at a standard SMP rate or 90% of average weekly earnings.

Normal weekly earnings are calculated based on a statutory calculation which considers earnings over the 8 weeks before the end of the qualifying week.

Employer and employee pension contributions will continue to be paid during paid periods of maternity leave. [Find out more about pension contributions](#).

The employee should contact the SPPA or other pension provider to obtain information about their personal pension situation.

SMP may start on any day of the week.

SMP eligibility

To qualify for SMP, an employee must have:

- completed at least 26 weeks of continuous employment with their current NHS employer
- average earnings above the lower earnings limit for National Insurance contributions during the 8 weeks before the end of the qualifying week
- followed the application procedures set out in this policy

All eligible employees will receive SMP regardless of whether they intend to return to work after maternity leave.

Occupational Maternity Pay (OMP)

OMP gives enhanced benefits to employees who intend to return to work for any NHS employer for at least 3 months after maternity leave.

Employees will receive full pay for the first 8 weeks of maternity leave. They will also get SMP or maternity allowance, including any dependents' allowances. The total receivable will not exceed full pay.

For the next 18 weeks, employees will receive half pay. They will also get SMP or maternity allowance, including any dependents' allowances. The total receivable will not exceed full pay.

For the next 13 weeks of maternity leave, employees will receive any SMP or maternity allowance entitlement, including any dependents' allowances.

To qualify for OMP, employees must have completed 12 months of continuous service with one or more NHS employer at the beginning of the 11th week before the expected week of childbirth.

The employee must also notify their employer by completing the [Maternity leave form](#). They must complete the form by the end of the 15th week before their EWC. If it is not achievable, they must complete it as soon as possible.

To calculate continuous service eligibility criteria, the employer should consult the [NHS Terms and Conditions of Service Handbook](#).

Unpaid leave

In addition to a period of paid leave, eligible employees can also take a further 13 weeks of unpaid leave. It will bring their total maternity leave period to 52 weeks. In exceptional circumstances, unpaid leave may be extended by local agreement, for example, when employees have sick pre-term babies or multiple births.

By prior agreement with the employer, OMP may be paid in a different way. For example, a combination of full pay and half pay, or a fixed amount spread equally over the maternity leave period.

Employees not returning to NHS employment

If an employee does not return to NHS employment for a minimum of 3 months after their maternity leave has ended, they must repay their OMP. Employers have the discretion to waive the rights to recovery where repayment of OMP would cause undue hardship or distress to the employee.

Maternity allowance (MA)

Employees who do not meet SMP or OMP criteria should contact their local Jobcentre Plus office to ask about MA. It is paid directly by the UK Government.

Bank and agency staff

Bank staff have no entitlement to OMP or maternity leave. However, they may be entitled to SMP, depending on their level of earnings. The employer may review entitlement to OMP in exceptional cases, such as if the worker can demonstrate regular work patterns over an extended period.

Agency staff may be entitled to maternity leave and SMP if they are considered an employee of their recruitment agency. This should be checked with the relevant agency.

Bank staff may undertake KIT days. However, there is no expectation for them to do this.

Returning to work

The employee must give at least 28 days' notice if they wish to return to work before the expected return date.

Employees returning from maternity leave have the right to return to their job under their original contract. Their terms and conditions must be no less favourable than before.

Employees on a fixed-term or training contract

Employees may be on a fixed-term or training contract that expires after the 11th week before their EWC. If they satisfy the eligibility criteria, their contract will be extended by such period as to allow them to be eligible to receive 52 weeks of maternity leave and OMP or SMP.

Rotational training contracts

Employees such as doctors and dentists on the Scottish Medical Training Programme are employed on regional training contracts. They must notify their manager within the placement board about their intention to take maternity leave. The placement board will arrange to do a maternity risk assessment.

The placement board will also notify the employing board of the employee's intention to take maternity leave. The employing board will confirm the employee's maternity pay entitlement.

An employee on a rotational training contract should refer to the relevant [NHS Terms and Conditions of Service Handbook](#).

Pregnancy loss

Employees who experience a miscarriage before the end of the 24th week of pregnancy should refer to the following policies:

- [Special Leave Policy](#)
- [Attendance Policy](#)

If an employee's baby is stillborn after the end of the 24th week of pregnancy, they will be entitled to maternity leave and pay.

Occupational child bereavement leave

Employees who experience a stillbirth from the 24th week of pregnancy or a neonatal loss are eligible for paid occupational child bereavement leave. This is in addition to maternity pay and leave. Employees and managers should refer to the Special Leave Policy.

In Vitro Fertilisation (IVF)

Employees attending medical appointments for IVF and fertility treatment should refer to the Special Leave Policy.

If an employee becomes pregnant as a result of any fertility treatment, then they should notify their manager as outlined in this policy.

Antenatal care

Pregnant employees and eligible agency workers have the right to paid time off for antenatal care. Antenatal care may include relaxation and parentcraft classes the employee's doctor, midwife, or health visitor has advised them to attend, in addition to medical examinations.

To be eligible, agency workers must have completed their 12-week qualifying period within a single assignment. Agency workers should discuss antenatal appointments with their employing agency.

Employees and eligible agency workers who need time off for antenatal care must provide a certificate from their doctor, midwife, or health visitor. Except for the first appointment, they should also produce evidence of the appointment, where available.

Employees must give their manager advance notice of antenatal appointments. They must also try to arrange appointments outside working hours or at the start or end of the working day. However, it is recognised that this may not always be possible.

Eligibility for employees to be accompanied at antenatal appointments is provided in the [New Parent Support Policy](#).

Postnatal care

Employees who have recently given birth should have paid time off for postnatal care. It may include attendance at health clinics. Employees must provide evidence of appointments if required.

The employee should give their manager advance notice of postnatal appointments. They must also try to arrange them outside working hours or at the start or end of the working day. However, it is recognised that this may not always be possible.

Multiple births

Only one period of maternity pay and leave is available where there are multiple births.

Surrogacy

A surrogate employee is entitled to maternity leave and pay as outlined in this policy.

When the surrogate employee notifies their manager of their pregnancy, they must follow the procedures outlined in this policy.

Resolution of disagreements

Should a disagreement arise, the employee has the right to raise matters under the [Grievance Policy](#). It may be appropriate for either

party to seek advice on resolving the matter from HR colleagues or a trade union representative. They should seek early resolution wherever possible.

Related policies

The following policies are related to the Maternity Policy:

- [New Parent Support Policy](#)
- [Parental Leave Policy](#)
- [Shared Maternity and Shared Adoption Policy](#)
- [Adoption, Fostering and Kinship Policy](#)
- [Special Leave Policy](#)
- [Attendance Policy](#)
- [Breastfeeding Policy](#)
- [Flexible Work Pattern Policy](#)
- [Flexible Work Location Policy](#)