The provisions of this policy, which was developed by a partnership group on behalf of Grampian Area Partnership Forum, apply equally to all female employees of NHS Grampian.
This document is also available in large print and other formats and languages, upon request. Please call NHS Grampian Corporate Communications on Aberdeen (01224) 551116 or (01224) 552245.

This Policy has undergone Equality and Diversity Impact Assessment.

Revision History:

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Pregnancy is probably one of the most significant experiences you will encounter in a lifetime – a mixture of excitement and anxiety. It may also have financial and career implications.

NHS Grampian believes that it is very important that you get as much help and advice as possible to ensure that you receive all your benefits and entitlements with the minimum disruption and form filling.

We are also concerned with your health and safety and your ability to strike a balance between commitment to work and responsibility to family.

This policy is designed to answer most of the questions you will have and to simplify this complex and detailed subject.

Managers who have a query in relation to a particular employee should contact the Maternity Leave Co-ordinators for detailed information or advice.

nhsg.maternityrisk@nhs.net / nhsg матernitieservicegrampian@nhs.net
# NHS Grampian
## Maternity Leave Policy

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NHS Grampian  
Maternity Leave Policy

1 Introduction

As an equal opportunities employer NHS Grampian wishes to ensure that all staff applying for Maternity Leave/Pay are treated fairly and consistently. This policy is intended to guide Managers through this complex area of employment law.

2 Maternity leave

2.1 Every woman has the right to:

(a) Paid and/or unpaid Maternity Leave according to her entitlement.

(b) Receive Occupational Maternity Pay and Statutory Maternity Pay according to her entitlement.

NB: If an employee is advised that they do not have an entitlement to Statutory Maternity Pay their MATB1 will be returned to them along with a Statutory Maternity Pay Exclusion Form SMP1, which they should then submit to the Department of Work and Pensions, in order to claim state maternity allowance.

(c) Time Off for Ante-Natal Care

An employee who has an appointment for ante-natal care during her working hours, including relaxation and parent craft classes, must be granted paid time off for the appointment. However, she must provide an appointment card or some other proof of the appointment.

(d) Return to a job after a period of Maternity Leave

An employee has the right to return to her job under her original contract and on no less favourable terms and conditions. If, however, an employee wishes to return to work on different hours, or a change to shift pattern, the employee must submit a Flexible Working Policy application form to her manager (see the Flexible Working Policy) at least 8 weeks prior to the intended date of return to work.

NHS Grampian will endeavour to facilitate the employee returning to the same job, but on different hours. If this is not possible, NHS Grampian must provide written, objectively justifiable reasons for this and every endeavour should be made for the employee to return to work of a similar nature, at the same grade and status to that which she undertook prior to her absence on Maternity Leave.
2.2 Every woman has a responsibility to:

2.2.1. Notify her manager that she is pregnant in advance of the end of the 15th week before the Expected Date of delivery or, if this is not possible, as soon as is reasonably practicable thereafter.

2.2.2. Submit a Certificate of Expected Date of Delivery (Form MATB1), obtainable free from your doctor or midwife, not later than 28 days before the commencement of Maternity Leave (or, in exceptional circumstances, as soon as practicable thereafter) indicating the date of the expected delivery. This is usually issued from the 20th week of pregnancy. A certificate dated earlier cannot be accepted and will be returned for replacement.

2.2.3. Keep your Manager informed of your plans in relation to your pregnancy e.g. the option you have chosen, the date your Maternity Leave starts, your intentions about returning to work, etc. You should give 28 days notice of commencement of Maternity Leave where possible.

2.2.4. In the event your baby is born prior to your commencement of maternity leave, you must inform your line manager and the maternity leave co-ordinator as soon as is practically possible.

2.2.5. Make an appointment to see your manager, at least 28 days in advance of your date of return to work, if you intend to continue to breastfeed in order to discuss and agree arrangements (see Appendix B)

2.3. Every manager has a responsibility to

2.3.1. Carry out a risk assessment for pregnant employees. These terms also apply to a woman who has recently given birth or is breast-feeding a child. Risk Assessment can be completed on Datix or alternatively forms are available on the intranet;

   Guide to Risk Assessments
   Risk Assessment Form (to be submitted to MLC)
   Risk Assessment Form

Note

Where a registered medical practitioner and the Occupational Health Service is of the opinion that a woman is unfit, on Health & Safety grounds, to carry out all of or part of her normal duties as a result of pregnancy, but does not advise the employee to refrain from work altogether, her line manager will make every attempt to provide suitable alternative work. In circumstances where this alternative work would normally merit a lower rate of pay, the employee will continue to receive her normal rate of pay in line with the workplace adjustment policy. This provision may continue up to the agreed date of commencement of her Maternity Leave.
2.3.2. Agree what annual leave and Public Holiday hours the employee will take prior to her formal Maternity Leave period (both paid and unpaid) and the amount to be carried over, before she proceeds on Maternity Leave (see Section 9 of policy)

2.3.3. The manager and the employee should also discuss and agree any voluntary arrangements for keeping in touch during the employee’s maternity leave (including Keeping in Touch – KIT days):

- any voluntary arrangements that the employee may find helpful to help her keep in touch with developments at work and, nearer the time of her return, to help facilitate her return to work
- Keeping the employer in touch with any developments that may affect her intended date of return to work
- To enable employees to take up the opportunity to work KIT days employers should consider the scope for reimbursement of reasonable childcare costs or the provision of childcare facilities
- KIT days are intended to facilitate a smooth return to work for women returning from maternity leave
- An employee may work for up to a maximum of 10 KIT days without bringing her maternity leave to an end. Any days of work will not extend the maternity leave period
- An employee may not work KIT days during the two weeks of compulsory maternity leave immediately after the birth of her baby
- The KIT days can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace
- Any KIT days must be agreed and neither the employer nor the employee can insist upon it
- The employee will be paid at their basic daily rate, for the hours worked less appropriate maternity leave payment for KIT days worked
- Working for part of any day will count as one KIT day
- Upon return the employee will receive a local return to work program as required e.g. departmental update, training etc.

2.3.4. When a member of staff returns from maternity leave with the intention of continuing to breastfeed, her clinical/line manager will:

- Discuss any concerns the employee has regarding her conditions of work, or her hours of work and the compatibility of these conditions and/or hours with breastfeeding
• Discuss the employees current job and any adjustments that might be required

• Arrange for a risk assessment of the employees working conditions to be undertaken – see Section 2.3.1. Negotiate flexible working and/or extra time for the employee to express milk, or to feed her baby, in the workplace

See Appendix A for the Maternity Procedure checklist

3 Entitlement to leave/pay

Prior to going on Maternity Leave a pregnant employee will be afforded three options:

(a) Definitely returning to work – refer to Q&A, questions 4 – 7

(b) Undecided whether or not to return to work – refer to Q&A, question 8

(c) Definitely not returning to work – refer to Q&A, question 9

(d) Shared Parental Leave and Pay – refer to Q&A, question 10

• You can start Shared Parental Leave if you’re eligible and you end maternity or adoption leave or pay (or Maternity Allowance) early. The remaining leave will be available as Shared Parental Leave. The remaining weeks of pay will be available as Shared Parental Pay which can be shared between you and your partner. You can share the leave with your partner if they’re also eligible for Shared Parental Leave, and choose how much of the leave each of you will take.
• Shared Parental Leave and Shared Parental Pay must be taken between the baby’s birth and first birthday.

4 Childcare Vouchers / Employer Supported Childcare Scheme

Participation in either the Childcare Voucher or Employer Supported Childcare Salary Sacrifice Schemes during week 17 to 25 of your pregnancy will impact on the amount of maternity pay you will receive. You are advised to contact the Nursery Administrator on 01224 557457 well in advance of week 17 to discuss the implications and options available to you

5 Sick leave

An employee who chooses to work beyond the fourth week before delivery and is absent through non-pregnancy related sickness at any point during the final 4
weeks will be considered as being on sick leave until the agreed date of commencement of Maternity Leave, or the date of her return to work if earlier.

However, where an employee who chooses to work beyond the fourth week before delivery is absent through pregnancy related sickness at any point during the final 4 weeks will be considered as being Maternity Leave from the beginning of the 4th week before the expected week of childbirth, or the beginning of the next week after the employee last worked, whichever is the later.

Employees who are sick for any reason before the eleventh week before the expected week of confinement will be considered to be on sick leave.

A woman who is on Maternity Leave, whether paid or unpaid, cannot be on sick leave at the same time and cannot, therefore, receive sick pay while on Maternity Leave. Paid sick leave can only commence after the end of Maternity Leave which expires after 52 weeks leave, or on the date specified by the employee (giving her manager 8 weeks’ notice of her intention to return).

6 Miscarriage/pregnancy loss

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

7 Still birth/death of a newborn child

In the event of a still birth on or after the 24th week of pregnancy the employee will be entitled to Maternity Leave and pay entitlements as if the birth had been live and will be allowed to return to work as soon as she wishes after a minimum break of 2 weeks from the date of delivery, providing she is fit do so.

In the event that the child is born alive at any stage of pregnancy and then dies, this is a live birth and the rules for a live birth must apply.

If the child is stillborn, or dies after birth, within the period of Maternity Leave, the woman will be allowed to return to work as soon as she wishes after a minimum break of 2 weeks from the date of delivery, providing she is fit do so.

For women who have opted not to return to work there is no provision for them to return to work on the death of their new born child. However, if she wishes, the organisation will make every attempt to find her work.

8 Premature birth

Where the delivery falls before the expected commencement of Maternity Leave, the period of Maternity Leave will commence from the first day of the employee’s absence. If the employee has worked in the actual week of confinement she is entitled to pay in respect of work done.
Where the delivery has occurred prematurely and/or where the child is required to remain in hospital, the employee may, with the agreement of her manager, choose to split her Maternity Leave entitlement by taking a minimum period of 2 weeks leave immediately after delivery and take the balance of leave on the child’s discharge from hospital. This would, however, impact on her entitlement to Statutory Maternity Pay.

Please seek advice from the Maternity Leave Co-ordinator before finalising these arrangements.

9 Accrual of annual leave and statutory/public holidays

Annual leave and Statutory and Public Holidays will continue to accrue during the entire period of maternity leave, whether paid or unpaid i.e. leave will not be lost as a result of taking Maternity Leave.

Where an employee is unable to take accrued annual leave, Statutory or Public Holidays from one year to the next, as a result of an absence on Maternity Leave, the normal rules governing carry over provisions will not apply.

As Maternity Leave is not considered to be a break in service, the total amount of Maternity Leave will count as service when calculating future annual leave entitlement based on years of service. The employee is entitled up to 52 weeks of Maternity Leave and will accrue annual leave and public holidays for the duration of their Maternity Leave, regardless of whether it is their intention to return to work following maternity leave.

Medical staff only

Accrued annual leave will be treated as any other annual leave with respect to any prospective cover on call contractual arrangements. It is the responsibility of the employee to address any on call commitments during annual leave or request a third party to do so in their absence.

10 Increments

As the whole Maternity Leave period, both paid and unpaid, counts towards continuous service, the employee will retain her normal incremental date.

11 Fixed term or training contracts

A woman on a fixed term contract, who satisfies the conditions of entitlement to Maternity Leave and whose contract expires after the eleventh week before the expected week of delivery, will have her contract extended to enable her to receive the full 52 weeks Maternity Leave. If the right to return to work cannot be exercised
because of the termination of the contract, Maternity Pay cannot be reclaimed from the employee.

In the case of employees who have one or more years’ continuous service whole or part-time, an absence on Maternity Leave (paid or unpaid) up to 52 weeks before another NHS appointment shall not constitute a break in service.

Employees who do not have enough service to receive Occupational Maternity Leave may find they have an entitlement to Statutory Maternity Pay (SMP). In cases where the contract expires after the fifteenth week before the expected week of confinement, but before fourteen weeks after the expected week of confinement, the contract will be extended to allow the employee to receive SMP.

If the employee is on a planned rotation of appointments, she has the right to return to work in the same post or in the next planned post, irrespective of whether the contract would have ended if the pregnancy had not occurred. In these circumstances and where it is the wish of the employee, the contract will be extended to enable her to complete the agreed programme of training.

12 Superannuation

This section applies only to employees who are members of the NHS Superannuation Scheme.

(a) Women who are returning to work

Since Maternity Leave is counted as continuous service, Superannuation contributions are deducted as detailed below while an employee is on Maternity Leave regardless of whether she is on paid or unpaid Maternity Leave.

(i) While on paid Maternity Leave, an employee’s superannuation deductions will be based on the amount actually paid to her during this period and not on her earnings immediately before the period of Maternity Leave.

(ii) While on periods of unpaid Maternity Leave, an employee’s superannuation deductions will be based on the rate of pay in force immediately prior to her period of unpaid Maternity Leave.

When the employee returns to work following a period of unpaid Maternity Leave, her superannuation contributions for that period will be deducted by arrangement with her. Any tax rebate which she receives during a period of Maternity Leave will be used to offset superannuation arrears, unless this is unacceptable to her, in which case she should contact the Payroll Department.
(b) **Women who are undecided regarding returning to work**

Where a woman is undecided about returning to work after Maternity Leave, her superannuation deductions will cease as appropriate to her individual case and deductions will be taken from the additional Maternity Pay entitlement which she will have on her return to work.

(c) **Women who are not returning to work**

Where a woman decides not to return to work after the birth of her baby, her superannuation deductions will cease the day before she commences Maternity Leave, regardless of whether or not she is entitled to six weeks Occupational Maternity Pay.

13 **Lease cars**

During absence on Maternity Leave, an employee who has contracted for private use of a Leased Car may choose to continue the private use at the contracted charge, or to temporarily return the vehicle to NHS Grampian until the end of their Maternity Leave, with no financial penalty. Any termination of the Lease will be in line with NHS Grampian’s Car Leasing Policy.

14 **Extensions to maternity leave**

There can be no extension to Maternity Leave beyond the period of entitlement. If an extension to Maternity Leave is requested, it must be treated as a normal application for either unpaid leave, a career break or parental leave (see separate policies). It will be for the manager to agree or refuse such an application taking into account all the circumstances of the case. Should staff members take 12 months maternity leave and proceed immediately onto a career break, they may be required to pay the last 3 months maternity pay back.

However, where it has not been possible, because of service needs, for the employee to use all of her accrued annual leave entitlement prior to the commencement of her Maternity Leave, it may be possible, with her managers agreement, to use this to extend her period of time away from work.

15 **Subsequent maternity leave**

Once an employee has established her entitlement to Maternity Leave, any subsequent request for Maternity Leave can be granted without having to gain further qualifying service. No part of a period of Maternity Leave should be regarded as a break in service however this may affect entitlement to future maternity pay. Bank service is not deemed as continuous service and therefore not applicable.
16 **Return to bank post**

Employees who wish on return from Maternity Leave, within the specified time limits, to take up a ‘bank’ post rather than the post they left must undertake to work at least 98 hours over a six month period on their return to work. Failure to complete these hours would render her entitlement to be in the “not returning to work” option and result in a need to repay the appropriate Occupational Maternity Pay.

17 **Professional scholarship returnees**

Where an individual has left NHS Grampian employment to immediately commence a course of further professional education, is awarded a recognised qualification directly relevant to the delivery of clinical care and, subsequently, rejoins NHS Grampian in a capacity appropriate to the new qualification, the “break in service” will be disregarded when calculating Maternity Entitlements.

18 **Support for breastfeeding mothers**

**Breastfeeding following return to work**

NHS Grampian recognises the benefits of breastfeeding and supports strategies and facilities in support of workplace breastfeeding for mothers during the first year of her baby’s life and beyond.

This support includes the provision of:

- Flexibility within working hours to schedule time to express milk
- Suitable facilities for feeding babies, expressing and storing breast milk
- Access to a clean, safe water source for washing hands
- Access to a storage alternative for the breast milk
- Sterilising facilities

This policy applies to all female employees of NHSG and to women carrying out work for, or on behalf of, NHSG.

**Breastfeeding and returning to work**

NHS Grampian will positively encourage and support mothers returning to work to continue to breastfeed by:

**Providing time for staff to feed, or express milk for, their baby**

Managers of staff returning from Maternity Leave, in consultation with the HR department, will negotiate flexible working and paid breaks to express breast milk, or feed the baby, during working hours. For employees who work full days, these breaks will not normally exceed a total duration of 45 minutes per day, spread over two break periods and will be in addition to normal meal breaks.
Providing suitable facilities for feeding babies, expressing and storing breast milk

Areas for rest, expressing milk and feeding babies will be warm and contain a low, comfortable chair. It will also be lockable, have hand washing facilities nearby and have an electrical point to supply an electric breast pump. Breast milk should be stored in a sealed bag/container which is clearly labelled with the employee’s name and date.

It may be difficult to provide facilities for employees who normally work in premises with limited space or who normally work offsite. In these circumstances managers are expected to investigate pragmatic solutions e.g. allowing the employee to return home (where practicable) to express milk, or feed her baby.

Providing access to breastfeeding support

NHS Grampian employs specialist breastfeeding support staff who can make themselves available for individual help and to provide support to overcome any difficulties staff encounter when returning to work following maternity leave. The maternity leave co-ordinator will provide a package of information on preparing to return to work.

Responsibilities of mothers who wish to continue to breastfeed on return to work following maternity leave (See Appendix B for checklist)

Facilities available

ARI – Staff Breastfeeding Room, Patient Hotel, Main Corridor, (contact maternity leave co-ordinator)

AMH – Staff Breastfeeding facility, Hazelhead Ward

Dr Grays – Infant Feeding Room, Ground Floor, Dr Grays

Summerfield House – 2nd Floor
Maternity Leave Policy Guidelines

Q & A

1. I am pregnant – what is the procedure?

Firstly, notify your manager/s. Then follow the steps in the attached procedure in Appendix A. If staff move post during the pregnancy then they need to let their new manager know.

2. What do I need to discuss with my Manager?

It is important that you keep your Manager informed of your plans relating to pregnancy e.g. the option you have chosen, the date your Maternity Leave starts, your intentions about returning to work, etc.

You have a right to attend antenatal appointments, on full pay and should request time off from your manager as appropriate and produce your appointment card when requested.

You should also agree with your manager what annual leave and public holidays you will take prior to your maternity leave.

3. I am concerned the job I hold may be a risk to my pregnancy, what should I do?

As soon as your pregnancy has been confirmed, you should notify your manager who will undertake a risk assessment in relation to your pregnancy and your area of work. You will be asked to participate in this assessment and to sign the risk assessment form.

4. I have worked for the National Health Service for less than 26 weeks at the qualifying week i.e. 15 weeks before Expected Date of Delivery. Do I have any entitlement?

Whether or not you decide to return to work, you will be entitled to a maximum period of 52 weeks unpaid Maternity Leave.

Although you will not receive any Maternity Pay from NHS Grampian, you may be entitled to receive Maternity Allowance direct from Department of Works and Pension. You will be issued with the appropriate form if this applies to you. This 52 week period of unpaid maternity leave counts towards your annual leave entitlement.

In the event that you decide not to return to work, you must give your manager appropriate notice in line with your contract.
5. I have worked for the National Health Service for more than 26 weeks but less than one year at the qualifying week i.e. 15 weeks before the Expected Date of Delivery.

Whether or not you decide to return to work, you will be entitled to a maximum of 52 weeks Maternity Leave.

You will receive a maximum of 39 weeks Statutory Maternity Pay, where applicable.

You will not receive any Occupational Maternity Pay i.e. pay from NHS Grampian.

This period of Maternity Leave counts towards your annual leave entitlement - see Section 9 of Maternity Leave Policy.

In the event that you decide not to return to work, you must give your manager appropriate notice in line with your contract.

6. I have more than one year’s service at 11 weeks prior to expected date of delivery and intend to return to a post within the NHS?

You will be entitled to a maximum of 52 weeks Maternity Leave and will receive:

**Weeks 1 – 8 (inclusive)**

Occupational Maternity Pay based on 100% of average weekly earnings and/or Statutory Maternity Pay, where applicable (not exceeding full pay).

**Weeks 9 – 26 (inclusive)**

Occupational Maternity Pay based on 50% of average weekly earnings and Statutory Maternity Pay, where applicable (not exceeding full pay).

**Weeks 27 – 39 (inclusive)**

Statutory Maternity Pay where applicable.

**Weeks 40+ Unpaid Maternity Leave**

The period of maternity leave will count towards your annual leave entitlement. Refer to Section 9 of Maternity Leave Policy.

**NB:** By prior agreement with NHS Grampian your entitlement to Occupational Maternity Pay 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.
Current Government rules do not, however, allow such arrangements to be made in respect of Statutory Maternity Pay.

Alternative arrangements for the payment of Occupational Maternity Pay should be made via your Payroll Officer prior to going on maternity leave. Once an alternative arrangement is put in place it cannot be amended. If staff are looking at taking Shared Parental Leave then they should consider alternative arrangements for payment carefully.

7. I have more than 1 year’s service at 11 weeks prior to expected date of delivery, and I do not intend to return to a post within the NHS

You will remain employed during the 39 weeks of your Maternity Pay period and will receive:

**Weeks 1 – 6 (inclusive)**

Occupational Maternity Pay based on 90% of average weekly earnings and Statutory Maternity Pay where applicable (not exceeding full pay).

**Weeks 7 – 39 (inclusive)**

Statutory Maternity Pay where applicable.

The period of maternity leave will count towards your annual leave entitlement. Refer to Section 9 of Maternity Leave Policy.

8. What counts as continuous service?

For the purposes of calculating whether the employee meets the twelve months continuous service with one or more NHS employers qualification the following provisions shall apply:-

8.1. NHS employers refers to all NHS employing organisations throughout the UK, including NHS Scotland Boards and Special Health Boards, NHS Trusts and Primary Care Trusts.

8.2. A break in service of three months or less will be disregarded (although they will not count as service);

8.3. The following breaks in service will also be disregarded (although they will not count as service):

- employment under the terms of an honorary contract
- employment as a locum with a general practitioner for a period not exceeding twelve months;
- a period of up to twelve months spent abroad as part of a definite programme of postgraduate training on the advice of the Postgraduate Dean or College or Faculty Advisor in the speciality concerned;

- a period of voluntary service overseas with a recognised international relief organisation for a period of twelve months which may exceptionally be extended for twelve months at the discretion of the employer which recruits the employee on her return;

- absence on an employment break scheme in accordance with the provisions of Section 36 of the Agenda for Change Terms and Conditions Handbook of Service

- absence on maternity leave (paid or unpaid) as provided for under this agreement.¹

9. I am a Bank Employee, what is my entitlement?

You may be entitled to Statutory Maternity Pay provided you satisfy the earnings criteria and the service at qualifying week.

However, you have no entitlement to Occupational Maternity Pay, as your service is not “continuous”.

10. What happens if I can’t decide whether I will return to work?

This is understandable as the decision about whether or not you return to work will depend on individual circumstances. If you are undecided, you will receive Maternity Leave and Pay as if you were not returning to work. Seven weeks after your expected date of delivery you will be contacted by the maternity leave co-ordinator to establish your final decision whether you will return to work or not, but you will not be expected to give a date of return at this time.

If you subsequently decide to return to work, payment of any additional Maternity Pay to which you would have been entitled, will be made immediately.

11. What happens if I take the return to work option, receive payment accordingly and then fail to return to the National Health Service?

If you notify NHS Grampian of your intention to return to work for the same or a different NHS employer and fail to do so 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.

¹ Please refer to Section 15.61 of the Agenda for Change Terms and Conditions
12. Can I share my time off and payment for Maternity Leave?

Yes this you may be entitled to Shared Parental Pay (SPL) and Statutory Shared Parental Pay (ShPP) if you satisfy the qualifying conditions, please refer to your HR team for further details. SPL and ShPP must be taken between the baby’s birth and first birthday (or within 1 year of adoption).

13. Will participation in Salary Sacrifice Schemes impact on my Maternity payments?

Yes, participation in the nursery salary sacrifice scheme during week 17 to 25 of your pregnancy will impact on the maternity payments you will receive. You are advised to contact the Nursery Administrator on ext 57457 well in advance of week 17, to discuss the implications and options available to you.

14. When will I receive Maternity Pay

All payments will be made on your “normal” pay day and will be detailed on your payslip.

15. What happens if I am on sick leave during the period used for calculating my average weekly earnings?

If you are on sick leave during all or part of the period used for calculating average weekly earnings (for occupational sick pay), your average weekly earnings for the period of sick absence will be calculated on the basis of full sick pay. This will apply even if you are on half pay, or your sick pay has stopped.

16. What happens whilst I am on Maternity Leave if my team/ward/department are going through redesign or my post no longer exists as a result of organisational change?

Your line manager must keep you informed of any changes to the team/ward/department whilst you are on leave. You will be invited to attend any communication meetings and minutes of such meetings will be sent to you. You will be included in all stages of NHS Grampians Organisational Change Policy.

17. When can I start Maternity Leave?

The earliest you can start is the 29th week of pregnancy. This date will be advised to you at the same time as your entitlement to leave/pay. You will be
required to give 28 days notice of commencement of Maternity Leave where possible.

18. Can I work beyond this date?

It is your right to work beyond this date for as long as you remain fit to do so.

19. If I choose to continue working beyond the 29th week, what happens if I go off sick?

If you are absent between the 29th and 36th week of pregnancy this will be treated as “normal” sick leave.

After the 36th week a pregnancy related illness will automatically trigger Maternity Leave.

If you choose to work beyond the 4th week before expected delivery and are absent through non-pregnant related sickness will be considered as being on sick leave until the date agreed for commencement of your Maternity Leave, or your date of return to work, if this is earlier.

20. What if my baby arrives late?

If your baby arrives late your Maternity Leave/Pay will not be affected.

21. What if my baby is born prematurely or before my Maternity Leave is due to start?

If your baby is born before your Maternity Leave is due to start, your Leave will commence immediately. In the event that your baby is born prematurely and is kept in hospital for a period, your manager will have the discretion to allow you to split your Maternity Leave i.e. taking a period of no less than 2 weeks immediately after child birth and taking the balance of leave following your child’s discharge from hospital. However, you must be considered fit to return to work.

Note 1
This will have an effect on your entitlement to Statutory Maternity Pay.

Note 2
In the unfortunate event of your baby being still born after 24 weeks of pregnancy, you are still entitled to Maternity Leave/Pay.
Please notify the Maternity Leave Co-ordinator in any of the above circumstances

22. Can I work Bank hours for the NHS while on Maternity Leave?

Yes, although if you work a bank shift you lose your Statutory Maternity Pay for that week if the payment for the bank shift is more than statutory maternity pay.

23. What about my Annual Increments?

Your increments will not be affected.

24. What happens if there is a “Pay Award” while I am on Maternity Leave?

Whether this happens before or after you commence Maternity Leave, your Maternity Pay will be calculated using the new rate.

25. What happens if I have more than one job with NHS Grampian?

If this is the case, Statutory Maternity pay will be based on all your earnings.

26. What happens if I have more than one job with NHS Grampian and only return to 1 post?

If you are returning to one of your posts for at least 3 calendar months then you are fulfilling your obligation to return to the NHS and therefore would not be required to pay back a proportion of your maternity pay.

Similarly you could give up both posts and return to a completely different post within the NHS and the outcome would be the same.

27. What happens if my post is temporary/research/fixed term/externally funded?

If your contract expires after the eleventh week before the expected week of delivery and you satisfy the conditions of entitlement to Maternity Leave, your contract will be extended to enable you to receive the full 52 weeks Maternity Leave.
If you are only entitled to receive Statutory Maternity Pay (SMP) and your contract expires after the fifteenth week before the expected week of confinement, but before fourteen weeks after the expected week of confinement, the contract will be extended to allow you to receive SMP.

If you have no post to return to as a result of expiry of your contract, Maternity Pay cannot be reclaimed from you.

If you have chosen the return to work option and have relevant NHSG service you will be entitled to be placed on the Redeployment Register in order for a suitable alternative post to be identified for you (see Redeployment Policy). The period of your displacement will run concurrently with the end period of your Maternity Leave.

28. What if I return to a Bank post?

You will be required to work a specific amount of hours currently 98 hours within a period of 6 months of returning to work. Failure to complete these hours would render entitlement to be in the “not returning to work” option and result in a need to repay the appropriate Occupational Maternity Pay.

29. I pay Superannuation, what happens when I am on Maternity Leave?

If you choose the “returning” option, your service will be continuous throughout your agreed Maternity Leave period. Arrears of Superannuation contributions will be deducted (by instalments if requested) on your return to work. If a tax rebate is due to you, this can, with your agreement, be offset against your superannuation contribution. If this is not acceptable to you, you should contact the Payroll Department.

30. Can I take a Career Break after Maternity Leave?

You can apply, via your manager to take a career break after a period of Maternity Leave, however this will be unpaid as per the career break policy and will not constitute a return to work and therefore women who have taken the full entitlement of maternity leave and chosen not to return to work following a career break will be required to pay a proportion back.

31. If I decided to take a career break after my Maternity Leave, what would happen with my annual leave entitlement?

If you decide to take a career break immediately after your Maternity Leave then you are entitled to payment for any annual leave that has been accrued during your maternity leave. Should you not return after your career break and have
taken the full 12 months off then you will be required to pay back a proportion of both the annual leave and the maternity leave payments.

32. Can I request Parental Leave to commence immediately upon my return from Maternity Leave?

Yes you can put a request to utilise Parental leave immediately upon your return from Maternity Leave, this should be requested in line with NHS Grampian’s Parental Leave Policy.

It is not normal practice to allow Parental Leave to be taken as part of an employee’s notice period when they are leaving NHS Grampian.
Appendix A

Maternity Leave Procedure Checklist

Week 12 -15 of Pregnancy

- Advise your manager of your pregnancy in order that a risk assessment of your workplace can be undertaken
- Read the maternity leave policy, available on the Intranet /Departments/HR/Policies /Maternity Leave or from the Maternity Leave Coordinator on ext 56435
- Email the maternity leave coordinator nhsg.maternityservicegrampian@nhs.net to advise of your pregnancy and of your expected date of delivery
- If you participate in the NHS Salary Sacrifice Childcare Voucher Scheme or the Employer Supported Childcare Scheme, you should consider whether you wish to opt out of these schemes in Week 17 -25 of your pregnancy. If you remain in the schemes during this period the amount of maternity pay you receive will be reduced. Further information is available from the nursery administrator on ext 57457.

Week 15-20 of Pregnancy

- Complete the maternity application form Part A Only, available on the Intranet/Departments/Maternity leave application or from the Maternity Leave Coordinator on ext 56435
- Submit your application to the Maternity Leave Coordinator, Westholme, Woodend Hospital, Queens Road, Aberdeen, AB15 6LS who will complete PART B and PART C

Week 20 -22 of Pregnancy

- Your maternity leave application form will be returned to you notifying you of your entitlement options

28 Days Prior To Return To Work

Inform your manager, in writing, of your return to work date

Week 22 -28 of Pregnancy

- Complete Part D of your maternity application form, ensure it is appropriately signed and return all parts to the Maternity Leave Coordinator along with your certificate of expected date of delivery (form MATB1) which is provided to you by your midwife on or after week 20 of your pregnancy.

Week 29 - 40 of Pregnancy

- Proceed to Maternity Leave

7 Weeks After Expected Date of Delivery

- If you have chosen the “undecided” option, you will be contacted by the Maternity Leave Coordinator to establish your final decision on whether or not you will be returning to work, however you do not have to indicate at this time the date you will return
Responsibilities of mothers who wish to continue to breastfeed on return to work following maternity leave

A mother returning from Maternity Leave and who intends to continue to breastfeed:

- Must make an appointment to see her manager, at least four weeks in advance of the date of her return from Maternity Leave, in order to discuss her intentions to continue to breastfeed.

- She must also advise her line/clinical manager, in writing, of her intention to express breast milk, or feed her baby, during working hours.

- Should discuss the facilities for expressing and storing milk in the workplace with her line/clinical manager.

- Should consider her current job and any adaptation that is likely to be required in order to allow her to express milk, or breastfeed her baby, in the workplace. The mother is expected to negotiate realistically with her line/clinical manager in order to explore pragmatic ways to accommodate her wish to express milk, or breastfeed her baby, in the workplace. The line manager should also carry out a Risk Assessment.

- Should discuss any concerns regarding her conditions of work, or her hours and their compatibility with breastfeeding with her line/clinical manager.

- Is encouraged to consider her child care options e.g. find out what is available and what best suits her needs.

- Is encouraged to seek help in learning to express milk, to sterilise equipment and to transport and store express breast milk. She is also encouraged to stockpile her breast milk as a change in routine, such as returning to work, may lead to a temporary reduction in lactation and additional milk may, therefore, be required in the short term.

- Should remember that she has a responsibility to be reasonable, to be organised and to carry out her job to a satisfactory standard. She is also encouraged to access breastfeeding workshops and any help that is available from NHS Grampian and/or organisations and to read the explanatory literature which is provided to her.