

## **Maternity Leave Guidance**

**(including guidelines on risk assessment for pregnant employees, those returning from maternity leave and breastfeeding mothers)**

<b>Policy Owner</b>	<b>People Advisor</b>
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### Related policies:

Managing Attendance Policy	Flexible Working Policy
Health, Safety and Welfare Policy	Annual Leave Policy
Risk Management Policy and Procedure	NHS Terms and Conditions of Service
Parental Leave Policy	Handbook
Maternity Support (Paternity)Leave Guidance	

## **1 Introduction**

This guidance applies to all staff irrespective of their Age, Disability, Gender reassignment, Marriage and Civil partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and Sexual orientation.

This guidance is intended for any employee wishing to take maternity leave.

It is also a reference source for managers of pregnant employees and those with employees returning from maternity leave and / or breastfeeding.

It outlines eligibility and entitlement; however, further advice can be obtained from the Human Resources Department.

## **2 Health and Safety**

Managers must carry out the Trust's New and Expectant Mothers' Risk Assessment<sup>1</sup> for:

- a) pregnant employees;
- b) any employee returning to work within 6 months of giving birth<sup>2</sup>;
- c) breastfeeding mothers on their return to work.

Where risks are identified, the manager should take reasonable steps to remove them, e.g. by amending duties, offering different work or changing the employee's hours.

If the risks cannot be reasonably removed, suspension on full pay should be considered after taking advice from the Health and Safety Officer and Human Resources Department.

Risk assessments should be reviewed / revisited following any change in role and / or change in the employee's health status.

Suitable rest facilities must be provided for pregnant and breastfeeding employees.

## **3 Antenatal and postnatal care**

Pregnant employees have the right to paid time off for antenatal care.

Antenatal care isn't just medical appointments – it can also include antenatal or parenting classes if they've been recommended by a doctor or midwife.

Managers must give pregnant employees time off for antenatal care and pay their normal rate of pay for the time off.

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<sup>1</sup> The New and Expectant Mother's Risk Assessment is available on Elsie

<sup>2</sup> including a still birth after 24 weeks of pregnancy.

Employees who have recently given birth should have paid time off for postnatal care. Managers may ask for proof of appointments.

## **4 Maternity Leave**

All pregnant employees are entitled to take up to 52 weeks' maternity leave, regardless of length of service.

An employee may begin her maternity leave from 11 weeks before the expected week of childbirth provided the correct notice is given.

During maternity leave (both paid and unpaid) an employee retains all of her contractual rights, except remuneration.

An employee may not work during the 2 weeks' compulsory maternity leave immediately after the birth of her baby.

### **4.1 Process for applying for maternity leave (flowchart - appendix 2)**

The employee should complete the maternity leave application form (appendix 3) with their manager by the 15<sup>th</sup> week before the expected week of childbirth.

The manager should forward the application form and original MatB1 to the HR Department, 2<sup>nd</sup> Floor, Stockdale House, Headingley Office Park, 8 Victoria Road, Leeds LS6 1PF.

The manager can choose to scan and send the application form and MatB1 to the HR Department via [lch.hr@nhs.net](mailto:lch.hr@nhs.net) However, should they chose to do this, they should confirm by email that they have seen the original copy of the MatB1.

The manager should inform IT of the absence to ensure NHS Mail and system log-in is not disabled.

## **5 Pay**

### **5.1 Occupational maternity leave pay**

An employee working full or part-time will be entitled to occupational maternity pay if:

- a) she has 12 months' continuous service<sup>3</sup> with one or more NHS employers at the beginning of the 11<sup>th</sup> week before the expected week of childbirth;
- b) she notifies her employer in writing before the end of the 15<sup>th</sup> week before the expected date of childbirth (or, if this is not possible, as soon as is reasonably

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<sup>3</sup> Paragraphs 15.61 to 15.65 of the NHS terms and conditions of service handbook define the service that can be counted towards the 12 month continuous service qualification set out in paragraph 15.7 (i) and which breaks in service may be disregarded for this purpose. T&Cs can be found at: <http://www.nhsemployers.org/tchandbook>

practicable) of her intention to take maternity leave, of the date she wishes to take maternity leave and that she intends to return to work with the same or another NHS employer for a minimum of 3 months after her maternity leave has ended.

- c) she provides a MatB1 from her GP or midwife giving the expected date of childbirth.

Where an employee meets the eligibility criteria above, and has indicated her intention to return to work following maternity leave, the amount of contractual maternity pay is:

Weeks	Maternity pay
1-8	Full pay less any statutory maternity pay or maternity allowance (including any dependants' allowances) receivable
9-26	Half of full pay, plus any statutory maternity pay or maternity allowance (including any dependants' allowances) receivable, providing the total receivable does not exceed full pay
27-39	Statutory maternity pay or maternity allowance as entitled under the statutory scheme
40-52	No pay

Employees can request for their maternity pay to be paid in 12 equal amounts by ticking the appropriate box on the maternity leave application form (appendix 3).

If an employee is entitled to occupational maternity pay but is unsure whether she will return to work for the NHS at the end of her maternity pay, she can request for her occupational maternity pay benefits to be deferred. She will receive statutory maternity pay due her maternity leave. If she returns to work for the NHS at the end of her maternity leave she will receive a payment equivalent to her outstanding occupational maternity pay. If she does not return to work for the NHS at the end of her maternity pay she will not have to pay back occupational maternity pay. An employee can request this option by ticking the appropriate box on the maternity leave application form (appendix 3).

## 5.2 Calculation of maternity pay

Details of how occupational and statutory maternity pay is calculated can be found in section 15.23 of the NHS Terms and Conditions of Service.<sup>4</sup>

Average weekly earnings are usually calculated using your earnings during the 8 week period prior to the qualifying week<sup>5</sup>.

Earnings are defined as the **actual pay** you receive during the qualifying period rather than the hours worked (for example overtime / extra shifts which may be paid during the month after the qualifying period).

## 5.3 Statutory maternity pay

<sup>4</sup> NHS Terms and Conditions of Service Handbook can be found here: <http://www.nhsemployers.org/tchandbook>

<sup>5</sup> The qualifying week is the 15<sup>th</sup> week before the expected week of childbirth.

Employees who are not eligible for occupational maternity pay may be eligible for statutory maternity pay (SMP) if:

- a) she has worked for the Trust continuously for at least 26 weeks up to the 15<sup>th</sup> week before the expected date of childbirth;
- b) she notifies her employer in writing before the end of the 15<sup>th</sup> week before the expected date of childbirth (or, if this is not possible, as soon as is reasonably practicable) of her intention to take maternity leave and of the date she wishes to take maternity leave.
- c) She earns the minimum qualifying amount<sup>6</sup>.

Where an employee meets the eligibility criteria above, the amount of statutory maternity pay is:

<b>Weeks</b>	<b>Maternity pay</b>
<b>1-6</b>	90% of average weekly earnings before tax
<b>7-39</b>	The statutory maternity leave rate <sup>7</sup>
<b>40-52</b>	No pay

Employees who are not eligible for either occupational maternity pay or statutory maternity pay should claim maternity allowance<sup>8</sup>.

## **6 Changing the maternity leave start date**

If the employee subsequently wants to change the date from which she wishes her leave to start, she should notify her manager at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

## **7 Illness during pregnancy**

If an employee reports as unfit for work due to a pregnancy related illness prior to the 36<sup>th</sup> week of pregnancy, the absence will be managed in line with the Trust's Managing Attendance Policy.

If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last 4 weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the 4<sup>th</sup> week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the later. Odd days of pregnancy-related illness during this period may be disregarded if the employee wishes to continue working until the maternity leave start date previously notified.

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<sup>6</sup> Details of the minimum qualifying amount can be found at <https://www.gov.uk/employers-maternity-pay-leave/eligibility-and-proof-of-pregnancy>

<sup>7</sup> The latest rate of SMP can be found at <https://www.gov.uk/employers-maternity-pay-leave>

<sup>8</sup> Details of how to claim maternity allowance can be found at <https://www.gov.uk/maternity-allowance/overview>

## **8 Pre-term birth**

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

Where an employee's baby is born before the 11<sup>th</sup> week before the expected week of childbirth and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee's absence.

Where an employee's baby is born before the 11<sup>th</sup> week before the expected week of childbirth and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will commence the day after the day of birth.

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

## **9 Still birth**

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

## **10 Miscarriage**

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

## **11 Contacting Employee and Keeping in Touch during maternity leave**

### Contacting Employees

Prior to commencing maternity leave, managers must arrange a meeting with the employee to discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave. The maternity brief form ( Appendix 1) should be completed as part of this meeting with a copy provided to the employee and a copy kept on the local file.

Maternity legislation provides that "reasonable contact" during maternity leave is permitted. It is important to bear in mind that the interpretation of reasonable contact will vary for individual employees. The maternity brief form will ensure that this is clarified to help manage expectations for respective employees.

Managers must ensure that contact during maternity does not lead to employee feeling under pressure to return to work or confirm they will be returning.

Managers must contact employees on maternity in the event of a change to their job, consultation, reorganisation, or redundancy.

## Keeping In Touch

Keeping in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave.

To facilitate the process of keeping in touch, it is important that the manager and employee have early discussions to plan and make arrangements for 'keeping in touch' (KIT) days before maternity leave commences.

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 during the two weeks of compulsory maternity leave immediately after the birth of her baby.

The work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace.

Any such work must be by agreement and neither the manager nor the employee can insist on 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.

Any pay received from hours worked during a KIT day, plus maternity pay, cannot exceed pre-maternity full pay. Therefore, it is generally more beneficial for KIT days to be used when the employee is either in receipt of statutory maternity pay only or during the unpaid period of maternity leave.

## **12 Returning to work following maternity leave**

An employee who intends to return to work at the end of her full maternity leave will not be required to give any further notification to the employer, although if she wishes to return early, she must give at least 28 days' notice.

An employee has the right to return to her job under her original contract and on no less favourable terms and conditions.

If the employee wishes to return to work on different hours, the manager should request an application for flexible working in line with the Trust's Flexible Working Policy.

In the event of an illness following the date the employee was due to return to work, normal sickness absence will apply in line with the Trust's Managing Attendance Policy.

Managers are required to carry out the New and Expectant Mother's Risk Assessment for women who return to work within 6 months of giving birth or who are breastfeeding.

### **12.1 Returning to work whilst breastfeeding**

The Trust is required to provide somewhere for breastfeeding mothers to rest. Managers and employees are encouraged to discuss the employee's intention to express milk prior to the employee's return to work wherever possible in order that a suitable environment can be considered.

Managers are required to carry out the New and Expectant Mother's Risk Assessment for women who return to work whilst breastfeeding.

### **12.2 Failure to return to work**

If an employee who has notified the Trust of her intention to return to work with the same or a different NHS employer fails to do so within 15 months of the beginning of her maternity leave, she will be liable to refund the whole of her maternity pay, less any statutory maternity pay received. She must submit evidence of her new employment to the payroll department e.g. a contract of employment.

If an employee requests to commence an employment break scheme following her maternity leave and this request is granted, she will be asked to repay any occupational maternity pay received. This money will be repaid to her if she returns from the employment break.

## **13 Fixed-term contracts and rotational training contracts**

Employees on fixed-term contracts which expire after the 11<sup>th</sup> week before the expected week of childbirth shall have their contracts extended in line with section 15.42 of the NHS terms and conditions of service handbook<sup>9</sup>.

If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred, the repayment provisions set out in section 12.2 will not apply.

Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, she shall have the right to return to work in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. In such circumstances the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.

## **14 Shared parental leave**

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<sup>9</sup> T&Cs can be found at: <http://www.nhsemployers.org/tchandbook>

Shared parental leave allows mothers, fathers and partners to choose how to share time off work after their child is born. In order to qualify for shared parental leave, the mother must end her maternity leave. See the Trust's Parental Leave Guidance for full details.

## **15 Annual Leave and Bank Holidays**

Employees accrue annual leave and bank holidays during paid and unpaid period of maternity leave.

Employees should, wherever possible, take any outstanding annual leave either directly before or after the period of maternity leave in order to take the leave in the leave year in which it is accrued in line with the Trust's Annual Leave Policy.

If this is not possible due to service needs, an agreement should be made between the employee and their manager as to when the outstanding leave will be taken. This should be as soon as possible following the end of the maternity leave.

### **15.1 Staff on term-time contracts**

If you are employed on a term-time only contract your entitlement to annual leave and bank holiday leave is incorporated into your pay. Throughout the period of your maternity leave, your entitlement to annual leave and bank holidays is as follows:

- For the first 8 weeks of your maternity leave, if you are entitled to contractual maternity pay, you will not accrue paid leave as this is already included in your pay as part of your term-time only contract.
- For the next 18 week period of your maternity leave you will accrue half of your annual leave and bank holiday entitlement. This is because you will receive half pay as part of your contractual maternity pay, which includes payment for your annual leave and bank holiday entitlement.
- For the remaining 26 week period, you will accrue paid annual leave and bank holidays. This leave should be taken at the end of your maternity leave and can be taken during term time.

If you are entitled to statutory maternity pay only, you will accrue the following annual leave and bank holiday entitlement:

- For the first 6 weeks of your maternity leave you will accrue 10% of your annual leave and bank holiday entitlement. This is because you will receive 90% of your pay, which includes payment for your annual leave and bank holiday entitlement.
- For the remaining 46 week period, you will accrue paid annual leave and bank holidays. This leave should be taken at the end of your maternity leave and can be taken during term time.

## **16 Deductions from salary**

### **16.1 Pensions**

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.

A factsheet can be found at:

<https://www.nhsbsa.nhs.uk/sites/default/files/2018-09/Maternity%2C%20paternity%2C%20parental%20and%20adoption%20leave%20%2809.2018%29%20%28V5.0%29.pdf>

### **16.2 Trade union / hospital fund subscriptions**

For any subscriptions you pay direct from your salary, you will need to make arrangements to pay them directly during any unpaid maternity leave.

### **16.3 Lease cars**

You have the option to return the vehicle during maternity leave or retain the car for your own private mileage at the contracted price. Contact Lease Cars on 0113 3055927 for advice.

### **16.4 Salary Sacrifice Schemes**

If you have taken a benefit such as a salary sacrifice car, cycle through the cycle to work scheme or childcare vouchers, this will affect the amount of maternity pay you will receive. You should consider carefully the implications of signing up to such a scheme if you are considering having a child during the lifetime of the scheme.

#### **16.4.1 Salary sacrifice car scheme**

If you have a salary sacrifice car this will have implications on the amount of maternity pay you receive.

The scheme allows for one claim during the duration of the lease to cover maternity leave. On receipt of your maternity leave application, HR will forward a copy of your MatB1 to the Salary Sacrifice Car Scheme providers in order to make the claim.

#### **16.4.2 Cycle to work scheme**

If you have a cycle through the scheme this may have implications on the amount of maternity pay you receive.

During maternity leave, your gross salary will be at the reduced level according to the salary sacrifice arrangements. If your monthly salary drops to below the amount

of the salary sacrifice, your payments will be suspended until your earnings increase and the length of the loan will extend accordingly.

### **16.4.3 Childcare vouchers / nursery salary sacrifice scheme**

If you wish to continue using your childcare vouchers during your maternity leave you can continue to take childcare vouchers, or to use a childcare place in one of the Trust nurseries, via the salary sacrifice scheme, throughout your paid and unpaid maternity leave.

If you choose to take this option, then both your occupational maternity pay (OMP) and statutory maternity pay (SMP) will be calculated on the reduced pay that you currently receive under the salary sacrifice arrangement.

Alternatively, if you do not wish your OMP/SMP to be reduced, or do not expect to be using childcare during your maternity leave, then you may decide to withdraw from the scheme. This will need to be effected from the 12<sup>th</sup> week of your pregnancy.

Please note from April 2018, childcare voucher schemes (Fideliti for LCH staff) will be closing to new applicants. Employees who have already signed up will be eligible to keep receiving vouchers. The childcare vouchers schemes are being replaced by the tax free childcare scheme run by HRMC (TFC). For more information about the TFC scheme please visit <https://www.childcarechoices.gov.uk> or contact the TFC team on 0300 123 4907.

It is recommended that employees discuss their options with the Employee Care Services Team on 0113 2066327 as early as possible and prior to the 12<sup>th</sup> week of your pregnancy.

## **17 Employee Care Service (Leeds Teaching Hospitals Staff Health & Wellbeing Team)**

Employee care services are part of Leeds Teaching Hospitals' staff health & wellbeing team offer sessions such as baby massage and baby yoga.

They can be contacted on 0113 3928384 or email [colette.brown@nhs.net](mailto:colette.brown@nhs.net)

## Frequently asked questions

### 1. How much maternity leave can I take?

A minimum of 2 weeks' immediately following the birth of your baby and up to 52 weeks in total.

### 2. When can I start my maternity leave?

When you choose to any time from the 11<sup>th</sup> week before the expected week of childbirth.

### 3. Can I change the start date of my maternity leave?

Yes. You must give your manager 28 days' notice wherever possible.

### 4. When should I tell my manager I'm pregnant?

You must inform your manager of your intention to take maternity leave by the 15<sup>th</sup> week prior to the expected week of childbirth. However, you are encouraged to tell your manager sooner in order that a risk assessment can be carried out to minimise any potential risks to you and your baby.

### 5. Do I have to tell my manager when I intend to return to work?

Not if you are taking the full 52 weeks, however, we would encourage you to agree how you will keep in touch with your manager during maternity leave. If you intend to return to work early, you must give your manager at least 28 days' notice.

### 6. I'm worried about some aspects of my role and how these are affecting me during my pregnancy.

You should discuss these with your manager in the first instance. You can ask your manager to refer you to Occupational Health or make a self-referral.

### 7. Can I have paid time off for antenatal care?

Yes. Your manager may ask for proof of any appointments.

### 8. Will I return to work in my original role?

You have the right to return to your job under your original contract and on no less favourable terms and conditions. If any changes are proposed due to restructure whilst you are on maternity leave, you will be consulted fully.

### 9. What if I'm ill during my pregnancy?

You must report as unfit for work in line with your local procedures. It is important to inform your manager if your illness is pregnancy related in order that it can be recorded as such. If you are absent due to pregnancy related illness from 4 weeks prior to the expected week of delivery, your maternity leave will start automatically.

**10. What if I'm too unwell to return to work immediately following my maternity leave?**

You must report as unfit for work in line with your local procedures. Your sickness will be managed in line with the Managing Attendance Policy.

**11. Can I carry over my annual leave?**

Yes, you will accrue annual leave and bank holidays whilst on maternity leave. If you do not have the opportunity to take the leave within the current leave year (for example if you will not return to work until the following leave year), you will be entitled to carry it over to the leave year you are due to return to work following your maternity leave.

You cannot however, accrue and carry over leave that is not accrued during your maternity leave. For example:

Your maternity leave commences on 1 September 2016 and ends 31 August 2017. You can accrue and carry over annual leave from 01 September 2016 to 31 March 2017. Any annual leave accrued from 01 April 2016 to 31 August 2016 must be taken prior to commencement of your maternity. It cannot be carried over to the next leave year. Exceptions to this are when your baby is born pre-term.

**12. Can I request to commence a period of leave under the Trust's Employment Break Scheme?**

Yes, however, you should be aware that if you do not return to work for at least 3 months following your maternity leave you will be asked to repay your occupational maternity pay. This includes employees who do not return to work within 15 months of commencing their maternity leave because they have taken leave under the employment break scheme.

**13. What happens if my baby arrives early?**

If your baby is born before the due date, your maternity leave must start the day following the birth.

## Maternity/Adoption Briefing Form

Employees going on Maternity or Adoption leave are encouraged to arrange a one-to-one meeting with their line manager, in addition to a pregnancy risk assessment. Line managers are expected to drive this conversation and save a copy of the information discussed on local files for future reference where required.

The purpose of the meeting is to run through the implications of this policy and procedure and to ensure that key facts are understood, as well as to assist with managing expectations before and during maternity leave. It also helps to establish a clearly documented approach of an employee's preference of contact while on maternity or adoption leave.

This form should be completed and saved on employee file with a copy provided for employee's record.

### Maternity/ Adoption Brief Form – To be completed by Employee & Manager

Employee Name:	Job Title:	Leave Request: Maternity / Adoption
MATB1 Submitted: Yes / No	Proposed Leave Start date for leave:	Proposed Leave End date:
Annual leave remaining at the start of leave:	Duration of Maternity/ Adoption Leave:	Total leave duration (excluding annual leave):
<b>Preferred mode of contact during leave:</b>	Contact details during leave	Current Line manager:

<p><b>Contact Preference</b></p> <p><i>(Delete as appropriate)</i></p>	<p>Phone number:</p> <p>Email:</p> <p><i>Only with key updates: Yes/ No</i></p> <p><i>I prefer to make contact: Yes/ /No</i></p>	
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Checklist to be completed with line manager	Tick when covered
1. Has the member of staff got a copy of the policy and guideline on maternity to refer to whilst on maternity/adoption leave?	
1. Application for Maternity Leave and Pay form completed?	
2. Any questions on maternity/adoption pay?	
3. Explain holiday accrual during maternity/adoption leave  Annual leave should be used at the start or end of maternity/ adoption leave	
4. Explain impact on pensions payment during maternity/adoption leave and repayment of pensions contributions on return to work	
5. Explain flexible working and the possibility of returning to part time role if required (explain impact on pension & holiday entitlement)	
6. Explain contractual notice period required by LCH – Leeds Community Healthcare if individual does not return to work	
7. Explain procedure if individual chooses not to return to work with: <ul style="list-style-type: none"> <li>a. Repayment of any salary advances</li> <li>b. Return of mobile phone, lap top and associated equipment</li> <li>c. Return of relocation expenses (if applicable)</li> </ul>	Detail any outstanding amounts <i>if known</i>

<p>d. Any other items?</p> <p>8. Repayment of some of these monies may be required at the start of maternity/adoption leave.</p>	
<p>9. Explain "Keep in Touch scheme" are there any specific issues about which the individual wishes to be kept informed?</p>	

I have attended this briefing session and understand fully the points listed above.

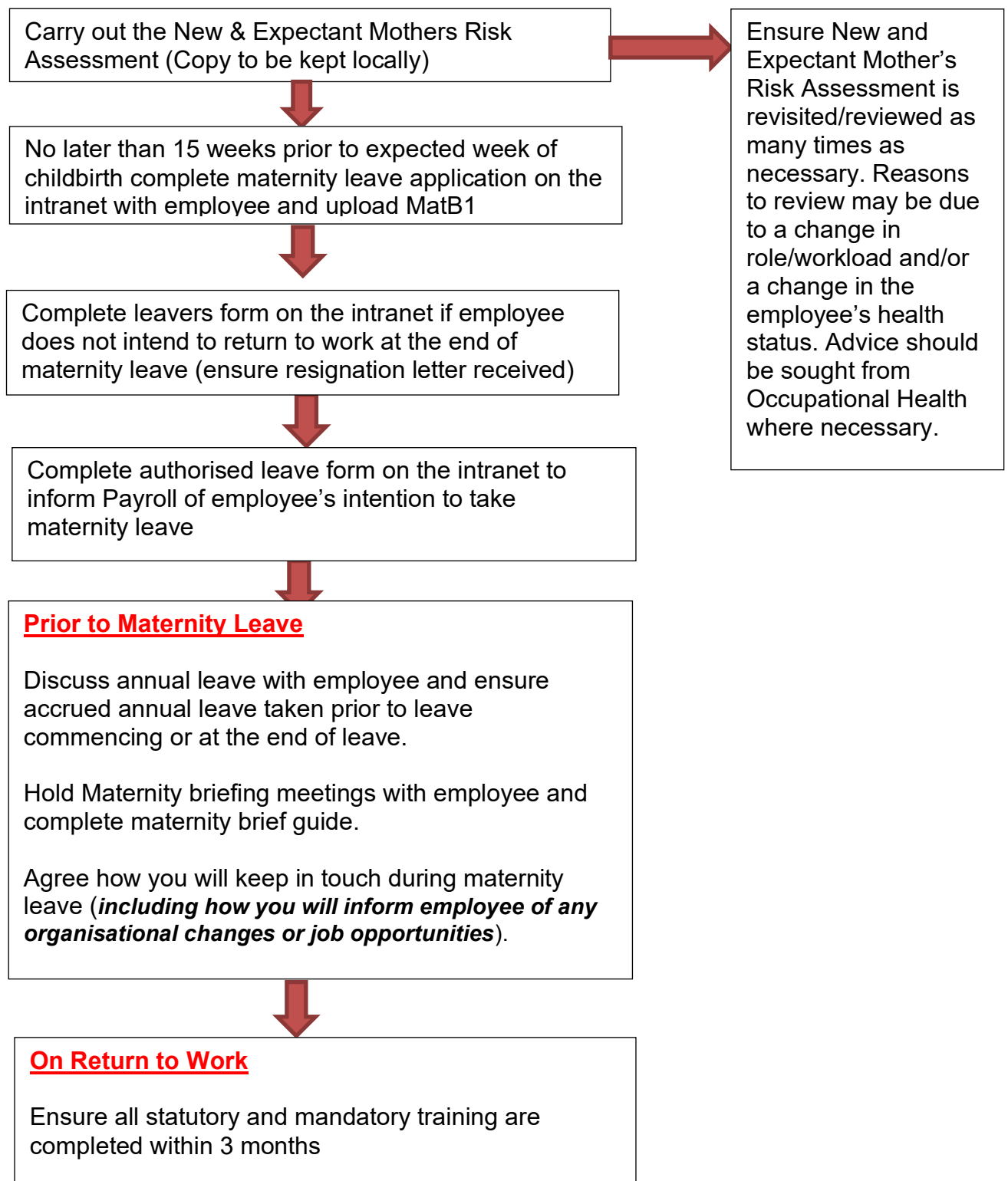
Employee Name: .....

Employee Signature: ..... Date: .....

Line Manager .....

Signature..... Date.....

## Managers' process when an employee informs them they are pregnant



## APPLICATION FOR MATERNITY LEAVE AND PAY

<b>Payroll number</b>		
<b>Full Name</b>		
<b>Home Address</b> (please ensure your correct contact details are updated on ESR)		
<b>Contact Tel no.</b>		
<b>Job Title</b>		
<b>Base</b>		
<b>Manager's name</b>		
<b>Manager's email address</b>		
<b>Trust start date</b>		
<b>NHS start date</b>		
<b>Contract expiry date</b> (if applicable)		
<b>Expected date of childbirth</b> (must match the date on the MatB1)		
<b>Start date of maternity leave</b> (this should be no earlier than the 11 <sup>th</sup> week before the expected week of childbirth and no later than the expected date of childbirth)		
<b>Do you intend to return to work for the Trust or another NHS Trust following the birth of you baby?</b>	YES <input type="checkbox"/>	NO <input type="checkbox"/> Letter of resignation must be attached to this form
<b>Expected return to work date</b> (if not taking full 52 weeks' leave)		
<b>Do you have a salary sacrifice car?</b>	YES <input type="checkbox"/>	NO <input type="checkbox"/>

I have read the Maternity Leave Guidance and confirm I am eligible and wish to take the following option:

Option	Maternity Leave and Pay	Tick
1	<b>Occupational Maternity Pay</b> I have 12 months' continuous service with one or more NHS employers at the beginning of the 11 <sup>th</sup> week before the expected week of childbirth. I intend to return to work within the NHS at the end of my maternity leave.	<input type="checkbox"/>
2	<b>Statutory Maternity Pay</b> I am not eligible for occupational maternity pay but have worked for the Trust continuously for at least 26 weeks up to the 15 <sup>th</sup> week before the expected date of childbirth.	<input type="checkbox"/>
2a	<b>Statutory Maternity Pay</b> I do not intend to return to work for the NHS immediately following my maternity leave and I have worked for the Trust continuously for at least 26 weeks up to the 15 <sup>th</sup> week before the expected date of childbirth.	<input type="checkbox"/>
3	<b>Maternity Allowance</b> I am not eligible to receive either occupational or statutory maternity pay and request form SMP1 in order to claim maternity allowance.	<input type="checkbox"/>

I would like my maternity pay entitlement to be spread equally over 12 payments	<input type="checkbox"/>
I have not decided whether I will return to work for the NHS at the end of my maternity leave and therefore wish to defer my occupational maternity pay.	<input type="checkbox"/>

### Pensions

Please note, NHS Pension contributions for periods of unpaid maternity leave will be deducted from members pay upon their return to work. Members with no entitlement to occupational or statutory maternity leave payments will be required to pay pension contributions for the full period of the maternity leave upon their return. In cases of no entitlement contributions will be based on their rate of pay immediately prior to the start of the maternity leave.

### Employee's Declaration:

I confirm that I have read the Trust's Maternity Leave Guidance and agree to the conditions outlined. I am aware that I will be liable to repay the occupational maternity pay (less any statutory maternity pay) if I fail to return to NHS employment within 15 months of the start date of my maternity leave.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### Manager's declaration:

I have discussed maternity leave with the above and am aware of her intention to take maternity leave.	<input type="checkbox"/>
I have seen a copy of the original MATB1 certificate	<input type="checkbox"/>
We have discussed annual leave entitlement and have agreed contact to keep in touch during maternity leave.	<input type="checkbox"/>
I have completed the online Authorised Leave Form on My LCH to inform payroll of	<input type="checkbox"/>

the employee's intention to take maternity leave.	
I have completed the online SW3 to end the employee's employment if they do not intend to return to work at the end of their maternity leave (copy of resignation letter attached).	<input type="checkbox"/>
I have carried out a maternity risk assessment with the employee.	<input type="checkbox"/>
I have informed IT of the length of absence to ensure NHS mail and system log-in is not disabled.	<input type="checkbox"/>

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Once completed, please forward this form with the original MatB1 to:

Human Resources Department, 2<sup>nd</sup> Floor, Stockdale House, Headingley Office Park, 8 Victoria Road, Leeds, LS6 1PF or, the application form and MatB1 can be emailed to [lch.hr@nhs.net](mailto:lch.hr@nhs.net) This must be from the manager's email account and should state in writing that the manager has seen the original MatB1.

## Glossary

Term	Definition
Expected week of childbirth (EWC)	The week, beginning on the Sunday in which it is expected that the baby will be born.
4 <sup>th</sup> week before EWC	If you are off sick with a pregnancy related illness from this date your maternity leave will automatically commence.
11 <sup>th</sup> week before EWC	This is the earliest date your maternity leave can commence
15 <sup>th</sup> week before EWC (qualifying week)	The date by which you should inform your manager of your intention to take maternity leave.
Compulsory maternity leave	The two weeks immediately after giving birth that you are not permitted to work.
Occupational maternity pay (OMP)	This is paid to eligible employees for up to 39 weeks as part of the NHS contractual maternity pay scheme as per section 15 of the NHS terms and conditions of service handbook.
Statutory maternity pay (SMP)	Paid to eligible employees for up to 39 weeks.
Maternity allowance (MA)	Maternity allowance is claimed from Jobcentre Plus and is usually paid when you do not qualify for SMP.
MatB1	Also known as the maternity certificate, it is issued by doctors or midwives and is a record of the expected date of childbirth.

## Calculation of accrual of annual leave and bank holidays for term time staff

### For staff entitled to receive occupational maternity pay:

#### Step 1

$$\frac{\text{Total no. of annual leave hours and bank holiday entitlement per year}}{52} = \text{A (weekly accrual of annual leave)}$$

Weeks 1 – 8 = no entitlement to accrue annual leave as employee receives full pay (which includes amount for annual leave)

Weeks 9 – 26 = entitled to accrue half of the annual leave allowance as employee receiving half pay (therefore is paid for half of the annual leave accrued over these weeks)

Calculation to work out entitlement for weeks 9 – 16:

#### Step 2

$$\frac{\text{A} \times 18}{2} = \text{B (accrued annual leave entitlement whilst on half pay)}$$

#### Step 3

$$\text{A} \times \text{remaining weeks' maternity leave (on SMP or nil pay)} = \text{C}$$

#### Step 4

$$\text{B} + \text{C} = \text{total number of annual leave and bank holiday hours accrued whilst on maternity leave}$$

Example:

An employee is entitled to receive occupational maternity pay. Her total annual leave and bank holiday entitlement for the year is 197 hours. Her entitlement to accrue annual leave and bank holidays whilst on maternity leave of 52 weeks would be:

#### Step 1

$$\frac{197}{52} = \text{(A) 3.78 (weekly accrual of annual leave)}$$

**Step 2**

$$\frac{(A) 3.78 \times 18}{2} = (B) 34 \text{ (accrued annual leave entitlement whilst on half pay)}$$

**Step 3**

$$(A) 3.78 \times 26 \text{ (remaining weeks' maternity leave (on SMP or nil pay))} = (C) 98.28$$

**Step 4**

$$(B) 34 + (C) 98.28 = 132.28 \text{ hours (total number of annual leave and bank holiday hours accrued whilst on maternity leave)}$$

**For staff entitled to receive statutory maternity pay only:****Step 1**

$$\frac{\text{Total no. of annual leave hours and bank holiday entitlement per year}}{52} = A \text{ (weekly accrual of annual leave)}$$

Weeks 1 – 6 = entitled to accrue 10% of the annual leave allowance as employee receiving 90% of pay (therefore is paid for 90% of the annual leave accrued over these weeks)

Calculation to work out entitlement for weeks 1 – 6:

**Step 2**

$$\frac{A \times 6}{10} = B \text{ (accrued annual leave entitlement whilst on 90% of pay)}$$

**Step 3**

$$A \times \text{remaining weeks' maternity leave (on flat rate of SMP or nil pay)} = C$$

**Step 4**

$$B + C = \text{total number of annual leave and bank holiday hours accrued whilst on maternity leave}$$

Example:

An employee is entitled to receive statutory maternity pay only. Her total annual leave and bank holiday entitlement for the year is 197 hours. Her entitlement to accrue annual leave and bank holidays whilst on maternity leave of 52 weeks would be:

**Step 1**

$$\frac{197}{52} = (A) 3.78 \text{ (weekly accrual of annual leave)}$$

**Step 2**

$$\frac{(A) 3.78 \times 6}{10} = (B) 2.26 \text{ (accrued annual leave entitlement whilst on half pay)}$$

**Step 3**

$$(A) 3.78 \times 46 \text{ (remaining weeks' maternity leave (on flat rate SMP or nil pay))} = (C) 173.88$$

**Step 4**

**(B) 2.26 + (C) 173.88 = 176.14 hours** (total number of annual leave and bank holiday hours accrued whilst on maternity leave)

## Useful contacts / information

<b>LCH Pensions Department:</b>	0113 2064874
<b>Payroll:</b>	Details of your payroll clerk can be found by searching for 'payroll' on My LCH.
<b>HR queries:</b>	<a href="mailto:Lch.hr@nhs.net">Lch.hr@nhs.net</a>
<b>Lease cars / salary sacrifice car queries:</b>	0113 3055927
<b>General information on entitlement to maternity leave and statutory maternity pay:</b>	<a href="https://www.gov.uk/employers-maternity-pay-leave">https://www.gov.uk/employers-maternity-pay-leave</a>
<b>Nurseries and post-natal classes:</b>	<a href="http://www.leedsth.nhs.uk/a-z-of-services/nurseries/">http://www.leedsth.nhs.uk/a-z-of-services/nurseries/</a>
<b>NHS terms and conditions of service :</b>	
<a href="http://www.nhsemployers.org/tchandbook">http://www.nhsemployers.org/tchandbook</a>	