

Maternity Leave and Pay Policy (babies due on or after 1 April 2007)

1 Introduction

- 1.1 The following outlines employees' entitlements to maternity leave and pay. If the employee requires further clarification regarding her entitlements to maternity leave and pay then she is encouraged to contact her HR advisor.

2 Aim

- 2.1 The aim of the policy is to:
- outline women's eligibility for maternity leave and pay.
 - provide guidance on safe working.
 - detail sources of additional support.

3 Legal/statutory position

- 3.1 This Policy meets all existing maternity related legislation and reflects Section 15 of the Agenda for Change: NHS Terms and Conditions Handbook.

4 Glossary of terms

- 4.1 The following outlines some of the terms used in this document.

EWC	Expected week of childbirth i.e. the week the baby is due.
AfC Hand-book	Agenda for Change Terms and Conditions Handbook – The national NHS provisions on which the LAS scheme is based.
MA	Maternity Allowance
MAT B1	Certificate confirming likely date of birth – provided by GP or midwife approx. 14 weeks before the EWC
SMP	Statutory Maternity Pay
SSP	Statutory Sick Pay
The Trust	The London Ambulance Service NHS Trust

5 Informing the Trust of pregnancy

- 5.1 The employee should inform her manager at the earliest opportunity. This is particularly important if her job is likely to involve manual handling or possible exposure to biological or chemical hazards.

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- 5.2 The Trust's Occupational Health Service is able to provide advice as appropriate.

6 Health and Safety

6.1 Risk assessment

- 6.2 It is the responsibility of the Trust to carry out a risk assessment for all pregnant employees. This may involve a joint assessment for identified staff groups, individual risk assessment and/or seeking a medical opinion from Occupational Health on whether staff should undertake alternative duties for the duration of her pregnancy.

6.3 Alternative duties

- 6.4 If it is decided that the employee's current work would present a risk then either her work may be re-designed or she will be re-deployed to a more suitable role. This must always be the course of action for women who are employed in an operational A&E role.
- 6.5 The Trust will initially try to find a suitable position at the employee's normal place of work. Where this is not possible, and alternative duties are provided elsewhere within the Trust, then staff will receive a refund for reasonable costs of additional travel. Any significant excess travel time will be included in her normal working day.
- 6.6 If the employee is re-deployed onto alternative duties, her normal rate of pay and conditions of service will apply.
- 6.7 In the unlikely event that no suitable alternative duties are available, the employee will be stood down on full pay until she commences maternity leave or alternative duties become available. Refusal of suitable alternative duties offered may result in the suspension of pay.
- 6.8 Risk assessment on return to work
- 6.9 Employees should be aware to avoid exposure to any biological or chemical hazards whilst breast feeding after the birth.
- 6.10 Operational employees who take less than 26 weeks maternity leave will be required to attend Occupational Health for assessment before returning to full duties. Other staff who return within 26 weeks may be referred to Occupational Health at their own request or if the manager decides that issues regarding the employee or her job would benefit from the advice of Occupational Health.

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- 6.11 Further advice is available from the Occupational Health Department.
- 6.12 Facilities for mothers with babies
- 6.13 In certain instances, a mother who has recently returned to work may wish to express milk for her baby. In such cases the manager should identify a room that may be used privately for the period of expressing, facilities to store and sterilise the necessary equipment, and a secure space to store the expressed milk.
- 6.14 Employees returning from maternity leave and wish to express, should give their manager reasonable prior notice if they would like these facilities to be provided.

7 Entitlement to maternity leave and pay

- 7.1 Eligible for NHS contractual maternity leave and pay scheme
i.e. Those working for the Trust up to the beginning of the 11th week before the expected week of childbirth, and, at that time, have completed, without a break in service, 12 months service in the employment of one or more NHS employers.

N.B. Discretion may be applied to recognise continuous service with other public sector organisations.

She would receive:

- 8 weeks full pay (This includes Statutory Maternity Pay – SMP).
- 18 weeks half pay. Additionally, during this period, she will receive the SMP rate of £108.85* per week or 90% of earnings whichever is the lower providing the total receivable does not exceed full pay.
- 13 weeks SMP.

*N.B. This rate is likely to change in April '07.

- 7.2 The employee is entitled to take up to one year as maternity leave.
- 7.3 To receive the occupational maternity pay then the employee must return to work for the LAS, or another NHS employer, for a minimum period of 3 months.

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- 7.4 Not eligible for the NHS contractual maternity leave and pay scheme
i.e. at the beginning of the 11th week before the expected week of childbirth have not completed, without a break in service, 12 months service in the employment of one or more NHS employers.
- 7.5 Provided the employee has worked for the LAS (or has continuous service with another NHS employer) for at least 26 weeks by the beginning of the 14th week before the expected week of childbirth she will receive:
- The first 6 weeks pay at the SMP rate - 90% of the employee's average earnings.
 - 33 weeks at the SMP rate - £108.85 per week or 90% of earnings, whichever is the lower
- 7.6 SMP is payable whether or not the employee intends to return to work for the LAS. Once entitlement to SMP has been established, SMP will be paid even if the employee leaves the LAS employment before the SMP starts or during the maternity pay period.
- 7.7 The employee is entitled to take up to one year as maternity leave.
- 7.8 Not eligible for SMP
- 7.9 Women not entitled to SMP may be eligible for Maternity Allowance (MA), this may be claimed from Social Security/Job Centre Plus offices.
- 7.10 To receive Maternity Allowance the woman must have been employed or Self-employed for at least 26 of the 66 weeks ending with the week before the EWC. In addition her gross earnings must be at least £30 per week averaged over a 13 week period.
- 7.11 Maternity allowance is payable for a 39 week period.
- 7.12 The employee is entitled to take up to one year as maternity leave.
- 7.13 Employees not eligible for Maternity Allowance may be able to receive Incapacity Benefit or a Sure Start Maternity Grant.
- 7.14 Premature birth
- 7.15 When 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.
- 7.16 When an employee's baby is born before the eleventh week before the expected week of childbirth, and the employee has worked during the

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actual week of childbirth, maternity leave will start on the first day of the employee's absence.

- 7.17 When an employee's baby is born before the eleventh week before the expected week of childbirth and the employee has been absent from work on certificated sickness absence during the actual week of childbirth, maternity leave will start the day after the birth.
- 7.18 When an employee's baby is born before the eleventh week before the expected week of childbirth and the baby is in hospital, the employee may split her leave entitlement, taking a minimum period of two weeks leave immediately after childbirth and the rest of the leave following her baby's discharge from hospital.
- 7.19 Stillbirths
- 7.20 When an employee's baby is born dead after the 24th week of pregnancy the employee will be entitled to the same amount of maternity leave and pay as if her baby was born alive.
- 7.21 Miscarriage
- 7.22 In the event of a miscarriage before the 25th week of pregnancy normal sick leave provisions will apply as necessary.
- 7.23 Employees not returning to the Trust
- 7.24 Employees who choose not to return to work for the Trust or another employing authority will receive the SMP entitlement - 90% of full pay (including SMP) for a period of 6 weeks plus 33 weeks SMP(90% of weekly pay or £108.85 whichever is the lower).
- 7.25 Employees' service will be terminated at the end of the 39 week period.
- 7.26 Failure to return to work (when employee says that she has intended to)
- 7.27 An employee who does not return to the Trust or does not join another employing authority within 15 months of the beginning of her maternity leave may be liable to refund all maternity pay excluding SMP.
- 7.28 Compulsory Maternity Leave
- 7.29 All employees must take at least two weeks' maternity leave from the date of childbirth.

8 The Procedure

- 8.1 As stated in paragraph 5.1 the employee is requested to inform her

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manager as soon as practicable when she believes that she is pregnant.

8.2 Maternity meeting

8.3 She will then be invited to an informal meeting with her HR advisor who will explain the maternity scheme.

8.4 The employee's HR Advisor should use the attached Maternity meeting checklist (Appendix 5).

8.5 The maternity pack should be given to the employee at this meeting (See appendix 4 which forms a cover sheet for the pack). This provides further information and sources of additional support.

8.6 Following the meeting, a copy of letter (appendix 1) will then be sent to the employee detailing her entitlements. This will include a copy of the 'Intention to commence maternity leave form' – this should be returned at a later stage with the MATB1 form (see para 8.11).

8.7 Ante-natal care

8.8 All pregnant women are entitled to paid time off to attend ante-natal care. Employees are asked, whenever possible, to arrange these appointments at the start or end of the working day.

8.9 These rights to paid time are not only for medical appointments. The paid leave could extend to relaxation classes or parentcraft classes (when it is not possible to attend such classes outside work) as long as these classes are advised by a registered medical practitioner, registered midwife or registered health visitor.

8.10 Pregnant women are asked to inform their manager as soon as possible when wishing to attend ante-natal care and may be asked to provide evidence of attendance such as an appointment card.

8.11 A separate policy on Ante-Natal Care provides further information.

8.12 Confirming the proposed date of maternity leave

8.13 Once the employee has received her MAT B1 (this is usually available approximately 14 weeks before the Expected Week of Childbirth – EWC) she should forward this to her HR Advisor together with the 'Intention to commence maternity leave form' (see para. 8.4). The employee should do this at least 28 days before the EWC.

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- 8.14 The HR Advisor will write to the employee within 14 days, confirming the maternity leave arrangements and in particular the day the employee is expected to return to work (see appendix 2).
- 8.15 Timing of leave
- 8.16 An employee may commence her maternity leave at any time after the eleventh week before the EWC.
- 8.17 Sickness absence during pregnancy
- 8.18 If an employee is off work ill, or becomes ill, with a pregnancy related illness during the last four weeks before the EWC, maternity leave will normally commence at the beginning of the fourth week before the EWC or at the beginning of the next week after the employee last worked whichever is later. Absence prior to the last four weeks before the EWC shall be treated as sick leave in accordance with normal sick leave provisions.
- 8.19 Odd days of pregnancy related illness during this period may be disregarded if the employee wishes to continue working until her previously indicated maternity leave start date.
- 8.20 Employees should provide medical certificates in line with the usual requirements.
- 8.21 Childbirth
- 8.22 Maternity leave will start automatically on the date of birth, if the employee has not already started her leave. In this case she is required to inform the Trust of the date of birth as soon as reasonably practicable.
- 8.23 During maternity leave
- 8.24 Managers are responsible for ensuring that an employee on maternity leave receive updates on what is happening in the workplace. As a minimum the employee should receive a copy of the Routine Information Bulletin (RIB) and LAS News both to keep them informed as well as ensuring that she has access to information about job vacancies. The employee may wish to access the Trust's intranet site, the Pulse, from a home P.C. enabling her to access this information on-line.
- 8.25 Prior to return to work
- 8.26 The employee's HR Advisor will write to her one month prior to her planned return to work reminding her of the return date and outlining the arrangements for her reintroduction to the workplace. The detail of this letter will have been agreed in advance with the employee's line manager (See appendix 3).

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8.27 Return to work

8.28 The employee is free to change her mind regarding her return date provided that it is in line with the scheme and her entitlement. However she should ensure, as far as possible, that she provides the Trust with at least 28 days notification of any change taking effect.

8.29 All employees are entitled to take up to 52 weeks' maternity leave.

9 Terms and conditions of service

9.1 Annual leave

9.2 All terms and conditions of service remain unchanged except those relating to pay. Entitlement to annual leave will continue to be accrued through both the paid (ordinary) and unpaid (additional) period of maternity leave.

9.3 When the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial for the employee to take annual leave before and/or after the formal (paid and unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over should be agreed in advance between the employee and manager/HR.

9.4 Pension contributions

9.5 The Trust will continue to pay employer's contributions during the period of maternity leave. Employees' contributions will continue to be deducted during the paid periods of maternity leave. Employees' contributions for the no pay period will be deducted on their return to work. This will be done on a phased basis.

10 Request to return to work on flexible hours

10.1 The Trust will endeavour to support employees who wish to return to work on amended hours. The employee is recommended to make the request as soon as possible to enable the Trust to explore possible options with her.

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Appendix 1

For use following maternity meeting
– amend letter as necessary

Date

Name
Address

Dear,

I write further to our maternity meeting on ...

Either

You qualify for the NHS contractual maternity leave and pay scheme. The following sets out your entitlement to maternity pay:

- 8 weeks at full pay (including Statutory Maternity Pay – SMP)
- 18 weeks at half pay. Plus SMP (£108.85 per week or 90% of your earnings whichever is lower)
- 13 weeks SMP.

You may take up to a year as maternity leave.

Or

You do not qualify for the NHS contractual maternity leave and pay scheme. You are entitled to the Statutory Maternity Leave and Pay provisions. These are:

- 6 weeks at 90% of salary
- 33 weeks SMP (£108.85 per week or 90% of your earnings whichever is lower)

You may take up to a year as maternity leave.

Or

You advised me that you do not wish to return to work after your maternity leave. You are therefore eligible to receive the first six weeks at the higher Statutory Maternity Pay rate of 90% of your average weekly earnings plus 33 weeks

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Statutory Maternity Pay (SMP). This rate is 90% of your earnings or £108.85 per week whichever is lower.

These 39 weeks shall be regarded as service with the Trust.

Or

Because of your length of service you are not entitled to Statutory Maternity Pay. I enclose the form 'Why I cannot pay you SMP' and you are advised to contact your Social Security/Job Centre Plus office to claim Maternity Allowance (MA).

You may take up to a year as maternity leave.

Once you receive your MATB1 form from your General Practitioner/ Midwife, please forward this to me at the above address along with your completed Form A (attached with this letter) advising us of when you intend to start your maternity leave.

Please can you ensure that you advise not only myself but your line manager of this date at least 28 days before your expected date of childbirth. You can start your maternity leave from any point following 11 weeks before your expected week of childbirth.

Please be aware that you will continue to accrue annual leave throughout your maternity leave.

If you wish to change the start date of your maternity leave please let your manager and myself know as soon as possible.

If you have any queries on anything related to the above please contact me on ...

Yours sincerely

Name
Human Resources Advisor

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FORM A

LONDON AMBULANCE SERVICE

INTENTION TO COMMENCE MATERNITY LEAVE

Name	
Job Title	
Location	

Expected date of childbirth:	
Maternity start date:	
Likely date of return	

I can confirm that I have read and understood the London Ambulance Service Maternity policy and that I wish to commence maternity leave as outlined above.

.....
Signed

.....
Date

To be returned to the HR advisor with Form MAT B1 provided by your GP or midwife approx 14 weeks before the Expected Week of Childbirth.

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Appendix 2
Following return of MAT B1
Model – amend where necessary

Date

Name
Address

Dear ,

Thank you for returning your form MAT B1 and LAS application for Maternity Leave and Pay.

I note from your MAT B1 form that your expected date of childbirth (EWC) is (date). I also note from your application for Maternity Leave that you intend to commence that leave on (date).

Outlined below are details of the maternity payments you will receive whilst on your maternity leave.

Entitlement - to be amended depending on eligibility

eg 8 weeks full pay ...

From

To

Please also note the following information relating to your maternity leave and the right to return to work:

- You are entitled to remain on leave for any period up to a total 52 weeks.
- You have indicated a return date of ...and the Trust will plan accordingly for your return on this date unless you inform us otherwise / You have yet to indicate a return date. The Trust will plan for a return date of..., unless you inform us otherwise, which is the date of return following 52 weeks maternity leave.

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- You are free to change your mind on when you wish to return to work provided it is in line with the scheme and your entitlement. However if you wish to change your return date then you should give the Trust at least 28 days notice of this date.
- If you have notified the Trust of your intention to return to work, you have the right to return to your job under your original contract and on no less favourable terms and conditions.

During your maternity leave you may wish to keep in touch to discuss and plan for your return. I will write to you again one month prior to your return to work to remind you of your return date and to outline any arrangements for your re-induction into the workplace.

Your manager will keep you informed regarding what is going on by arranging to send you a weekly copy of the RIB and other paperwork that might be of interest to yourself.

Please do not hesitate to contact me on ..., should you have any queries about your maternity leave.

Finally, I would like to take this opportunity to wish you all the best for your baby's arrival.

Yours sincerely

Name
Human Resources Advisor

Cc. Station officer/ line manager

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Appendix 3

One month before planned return
Model – amend where necessary

Name
Address

Dear,

Firstly, I hope all is well with yourself and your new baby.

Further to my letter dated (date), I am writing to remind you that your return to work date is (date).

On your first day back please report to (name) who will run through any changes or updates with you. It will also be an opportunity for you to discuss any refresher training you may need.

You may wish to come into work prior to your return date, to discuss your return arrangements and training needs – please contact me if you wish to do this.

Finally, should you have any queries or concerns, please do not hesitate to contact me on ...

I wish you all the best for your return to work.

Yours sincerely

Name
Human Resources Advisor

Cc. Station Officer/ line manager

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Maternity and childcare Information pack

This pack includes:

- Maternity policy
- Parental leave policy
- Paternity leave policy
- Ante natal care policy
- EAP leaflet
- 'Your guide to choosing childcare'
- List of childcare co-ordinators
- List of LAS childcare initiatives

For further information staff can contact their local Human Resources (HR) Advisor.

Sources of further advice

Childcare Co-ordinator

Ingrid Bothe, HR Advisor, Employee Services is the Service's dedicated childcare co-ordinator; she can be contacted on 020 7463 2579 or Ingrid.Bothe@lond-amb.nhs.uk to obtain information on childcare initiatives in the LAS.

the pulse

The LAS now has an intranet site dedicated to childcare which can be found at >About Me>My Support>Childcare. Information can be obtained on the full range of initiatives from emergency childcare to financially beneficial childcare vouchers. Staff can contact Ingrid Bothe if they would like to share ideas, suggestions or thoughts on *the pulse*.

Employee Assistance program (EAP)

The EAP is a 24 – hour confidential service that allows you and any members of your household to discuss and obtain help and support with any personal or work-related difficulties. The EAP's contact details are included in the enclosed leaflet.

The EAP also produce a free childcare pack that they can send direct to staff.

Staff Support Advisor

Employees can contact Tina Vince, Staff Support Advisor confidentially on 020 7463 2636.

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Appendix 5

Maternity meeting checklist

Maternity Meeting - Checklist

Name: _____

Job title: _____

Date of meeting: _____

Introduction	Tick
<ul style="list-style-type: none"> • The purpose of this meeting is to advise you of your entitlements to maternity leave and pay 	<input type="checkbox"/>
<ul style="list-style-type: none"> • The Occupational Health Unit is available if you have any concerns or issues; they are there for support and advice. 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Do you know the date of when your baby is due? 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Your GP/ Midwife will give you a MATB1 form, please send the original to me and keep a copy for yourself. This should be returned with Form A which I will send you, with a letter detailing your maternity entitlement, following this meeting. 	<input type="checkbox"/>
<p>Ante Natal Appointments</p> <ul style="list-style-type: none"> • You are entitled to paid time off to attend ante-natal appointments, during your working hours and will have no pay deducted for the time taken. 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Your Line Manger may want to see your appointment card. Whenever possible your appointments should be arranged outside of shifts/working hours. 	<input type="checkbox"/>
<p>Maternity leave and pay</p> <ul style="list-style-type: none"> • Explain the employee's maternity leave and pay provisions. 	<input type="checkbox"/>

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<ul style="list-style-type: none"> After the 4th week before your expected date of childbirth should you go sick for a reason related to your pregnancy, and then your maternity leave will automatically start at the beginning of the following week. 	
<ul style="list-style-type: none"> Please let myself and your line manager know when you are going to start your maternity leave at least 28 days before you do so. This is necessary to advise Payroll and to arrange cover for your work. 	
<p>Annual leave</p> <ul style="list-style-type: none"> You will continue to accrue annual leave during the period of your maternity leave. Leave may be taken both prior to and after your maternity leave. 	
<ul style="list-style-type: none"> You cannot take annual leave between periods of paid and unpaid maternity leave. 	
<p>Right to return to work</p> <ul style="list-style-type: none"> You are entitled to take maternity leave of up to one year. If you wish to change your return to work date then you should give me at least 28 days notice. I will write to you one month before your maternity leave ends to remind you of your return to work date. 	
<ul style="list-style-type: none"> If you decide not to return to work, after having stated an intention to do so, then you will be required to re-pay the Service all maternity pay that you have received, except for statutory maternity pay 	
<ul style="list-style-type: none"> The Service will try to be flexible in regards to accommodating any request for changed work patterns on your return. Answering such requests will, however, depend on such working being operationally feasible. 	

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<p>Uniform (uniformed staff only)</p> <ul style="list-style-type: none"> You are entitled to a maximum reimbursement of £40 to purchase maternity clothing. You should keep copies of your receipts and send the originals to me. I will pass them onto Finance and you will receive payment by cheque. No payments made to any managerial staff. 	
<p>Future contact</p> <ul style="list-style-type: none"> When you return your maternity form and MAT B1, I will write to you advising of your entitlements to maternity pay and leave. 	
<ul style="list-style-type: none"> Please advise your Line Manager when you have had the baby. 	
<p>Maternity and childcare information pack</p> <ul style="list-style-type: none"> Give the employee the pack and explain the contents including childcare vouchers. 	

Signed (to be signed once the above topics have been covered with the employee).

Human Resources Advisor

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