



MATERNITY POLICY & PROCEDURE



Document Reference	FSUHR010
--------------------	----------

POLICY DOCUMENT – VERSION CONTROL SHEET	
Document Title	Maternity Policy & Procedure
Document reference	FSUHR010
Supersedes	N/A
Originator/Author	Federation/FSU- HR Policy Forum
Ratified by Eastern Federation Boards	November 2021 – January 2022
Circulated	February 2022
Review date	June 2022

GP FEDERATION
MATERNITY POLICY AND PROCEDURE

Table of Contents

1. Introduction	2
2. Purpose and Key Aims	2
3. Roles and Responsibilities.....	2
4. Principles	3
5. Contractual and other benefits prior to and during Maternity Leave	3
6. Sharing maternity leave with a partner.....	4
7. Sickness absence.....	5
8. Additional provisions.....	5
9. Maternity Leave and Pay.....	5
9.1 Fixed term Contracts.....	7
10. Notification of pregnancy.....	7
11. Applying for Maternity Leave.....	7
12. Health and safety.....	8
13. Keeping in Touch during maternity leave - including KIT days.....	9
14. Preparing for a return to work.....	10
15. Unforeseen circumstances.....	11
16. Data Protection / GDPR.....	12
Appendix A – APPLICATION FOR MATERNITY LEAVE.....	13
Appendix B - New and Expectant Mothers Risk Assessment Form.....	15

1. Introduction

The Federation is committed to supporting best practice in relation to maternity. This policy and procedure sets out the entitlements and benefits for pregnant employees and new mothers.

This policy and procedure applies to all pregnant staff who have a contract of employment with the Federation.

2. Purpose and Key Aims.

The policy aims to promote a consistent and supportive approach to maternity across Federations and to increase awareness about the provisions available for pregnant staff and to ensure the protection of the health and well-being of the mother and her child/unborn child, and compliance with legislative requirements.

It sets out the contractual and statutory maternity rights to which pregnant staff are entitled, both before and after the birth of a child.

Queries regarding the application of this policy and procedure should be directed to Leads/line managers and Human Resources (HR).

3. Roles and Responsibilities

Line Managers/Leads

It is the responsibility of Leads/Line Managers to:

- Acknowledge notifications of pregnancy from staff.
- Carry out or through liaison with the practice where the employee is based ensure that health and safety risk assessments with pregnant employees and new mothers are carried out and provide guidance where appropriate.
- Manage any health and safety concerns from staff members as they arise in a timely way.
- Approve requests to attend ante natal appointments.
- Discuss and agree how annual leave will be used both before and after maternity leave.
- Discuss and agree terms of 'Keeping in Touch Days' with the employee.
- Ensure that employees are kept informed during maternity leave about changes at work that will directly affect the individual.

Employees

It is the responsibility of the employee to:

- Notify the line manager of their pregnancy as set out in Section 10.
- Complete the Maternity Leave Request Form and forward to HR.
- Forward MAT B1 Form to HR when received.
- Participate in health and safety risk assessments with their line manager/Lead and raise health and safety concerns in a timely way as they arise.
- Submit requests to their Lead/line manager to attend ante natal appointments.

- Discuss and agree with their Lead/line manager on how annual leave will be used both before and after maternity leave.
- Agree terms of 'Keeping in Touch Days' with their Lead/line manager.
- Provide notification (8 weeks) of early return to work, where required.

Practices

It is the responsibility of designated staff within Practices where Federation staff are based to:

- Carry out health and safety risk assessments as required with pregnant Federation/FSU employees and new mothers based in the Practice and provide guidance on health and safety relating to the practice where appropriate.
- Liaise with the employee's Federation/FSU lead/line Manager to receive and return the appropriate risk assessment paperwork and communicate any issues arising in a timely way.

Human Resources (HR)

It is the responsibility of HR to:

- Confirm receipt of MAT B1 form and return to work date.
- Ensure appropriate documentation is sent to employee including confirmation of maternity pay entitlement and leave dates and liaise with payroll on this.
- Provide advice or guidance to staff and managers as requested on any aspect of maternity leave.
- Provide guidance where appropriate on Health and Safety.

4. Principles

Maternity Leave

All pregnant employees, regardless of length of service or hours worked:

- are entitled to up to 52 weeks' maternity leave. This comprises 26 weeks' ordinary maternity leave (OML) immediately followed by up to a further 26 weeks' additional maternity leave (AML)
- must take a minimum of two weeks maternity leave immediately after the birth of their child

Maternity Pay

- The type of maternity pay that a pregnant employee will get depends on how long she has been working for the Federation.

5. Contractual and other benefits prior to and during Maternity Leave

Apart from pay, the employee will continue to receive any contractual benefits which she would normally receive if she were at work, throughout her maternity leave period.

Antenatal care

An employee will be given paid time off to attend antenatal appointments. Antenatal appointments should where possible be arranged outside working hours. Evidence of appointments such as an appointment card or medical certificate may be requested.

In addition, the father or partner of the pregnant woman may take time off work to attend 2 antenatal appointments with the expectant mother; this is unpaid.

Continuity of service

Where an employee returns to work following maternity leave (paid or unpaid) the period of absence due to maternity leave will not affect her recognised continuous service for employment rights and service-related benefits. Where relevant, the employee will be entitled to receive an increment on her salary in accordance with her normal incremental date.

Pension

If an employee is a member of the HSC Pension scheme, the Federation will continue to make its usual contribution for the whole of the time she is receiving Occupational or Statutory Maternity Pay. During any unpaid maternity leave her active pension scheme membership will be "suspended". This means that the period will not count as pensionable service, but that benefits will be paid in the event of her death or ill-health retirement during maternity leave, on the basis of the service and salary which counted at the end of her paid maternity leave.

Further information about pension arrangements whilst on maternity leave is available from the Payroll and the HSC Pensions website, please see [Membership, Contributions and Pay – HSC Pension Service \(hscni.net\)](#)

Annual leave

An employee will continue to accrue annual leave during her maternity leave. Prior to starting her maternity leave, the employee must discuss arrangements for using annual leave with her manager/Lead. Prior to maternity leave commencing the normal guidance set out in the Federation annual leave policy for taking leave should be followed.

The timing of maternity leave commencing and ending may on occasion result in the staff member being unable to use all leave in the annual leave year, as per the Federation annual leave policy. Following discussion with her manager/Lead the employee will be allowed to carry forward any such untaken annual leave in these circumstances into the following leave year.

Staff who are on maternity leave on a Public/Statutory or Customary holiday can take the day(s) of holiday at a mutually convenient time on their return to work (i.e., agreed with their line manager).

Annual leave cannot be taken during a period of maternity leave. It must be taken either prior to or following maternity leave. Any annual leave taken following the birth of the baby will be deemed to be a 'return to work' for the purposes of maternity regulations.

6. Sharing maternity leave with a partner

Where an employee decides to return to work prior to completing her full entitlement to 52 weeks maternity leave, she may share the untaken balance of leave and pay as Shared Parental Leave and Pay. For further guidance contact Federation HR.

7. Sickness absence

All sickness absence prior to starting maternity leave will be administered under the normal sickness absence procedure. The employee will receive contractual or Statutory Sick Pay (SSP), as appropriate.

In cases where a pregnancy related sickness absence occurs after the beginning of the fourth week before the EWC, maternity leave will start automatically from the first day of absence.

Maternity leave cannot coincide with other types of absence. Sickness during this period is treated as part of the maternity leave.

An employee who is unable to return to work at the end of her maternity leave, due to sickness, will be treated as being on sick leave in accordance with the Federation's Sickness Absence Procedure. Likewise, sickness, whether pregnancy related or not, occurring after a return to work is treated in the same way.

8. Additional provisions

All pregnant employees, regardless of length of service or hours worked:

- should be protected from risk in the workplace
- have protection against detriment, disadvantage, unfair treatment or dismissal arising from the pregnancy or maternity leave

9. Maternity Leave and Pay

Maternity Leave

Regardless of length of service or hours of work, expectant mothers are entitled to up to 52 weeks maternity leave. This comprises 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML).

All pregnant employees, regardless of length of service or hours worked, must take a minimum of 2 weeks maternity leave immediately after the birth of their child.

Maternity Pay

Subject to satisfying the qualifying criteria, a pregnant employee will be entitled to Federation Occupational Maternity Pay (OMP), and/or Statutory Maternity Pay (SMP) or Maternity Allowance (MA) for all, or part, of her maternity leave dependent upon how much leaves she decides to take.

Federation Occupational Maternity Pay (OMP)

Eligibility for Occupational Maternity Pay

An employee working full-time or part-time will be entitled to pay under the Federation occupational maternity pay scheme if;

- she has *12 months' continuous service at the beginning of the 11th week before the expected week of childbirth.
- and she notifies the Federation in writing before the end of the 15th week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practicable thereafter):
- of her intention to take maternity leave
- of the date she wishes to start her maternity leave – she can choose when to start her maternity leave – this can usually be any date from the beginning of the 11th week before the baby is born that she intends to return to work with the same or another Federation employer for a minimum period of three months after her maternity leave has ended
- and provides a MATB1 form from her midwife or GP giving the expected date of childbirth.

*please note service with one or more HSC/Federation recognised employers for reckonable service will be considered. A break in service of three months or less will be disregarded (though not count as service). Staff should detail any continuous service they consider relevant on their application for maternity leave (**Appendix A**).

Eligible staff will receive the following Occupational Maternity Pay

For the first 8 weeks of absence the employee will receive full pay, less any Statutory Maternity Pay or maternity allowance (including any dependents' allowances) receivable.

For the next 18 weeks the employee will receive half pay plus any Statutory Maternity Pay or maternity allowance (including any dependents' allowances) receivable, providing the total receivable does not exceed full pay.

For the next 13 weeks, the employee will receive any Statutory Maternity Pay or maternity allowance that they are entitled to under the statutory scheme.

If ineligible for the above OMP, then application for Statutory Maternity Pay or Maternity Allowance may apply.

- Where OMP is paid it includes the entitlement to SMP.
- SMP is based on an employee's earnings in the eight-week period up to and including the 15th week before her baby is due ('the qualifying period').
- SMP, and consequently maternity leave, cannot start prior to the 11th week before the employee's Expected Week of Confinement (EWC).
- SMP can start from any day of the week in accordance with the date the employee starts her maternity leave.
- SMP is payable irrespective of whether or not the employee intends to return to work after maternity leave.
- An employee who is not entitled to SMP may be entitled to Maternity Allowance which is paid by Jobcentre Plus. To qualify she must have been employed or self-employed for 26 weeks out of the 66 weeks before the EWC. Details on how to apply are on form SMP1 which is available from Human Resources.

9.1 Fixed-term contracts

Staff employed on fixed-term contracts which expire after the 11th week before the expected week of childbirth and who satisfy all other eligibility requirements for occupational and statutory maternity pay as set out in this policy, shall be eligible to be paid both.

If there is no right of return to employment because the fixed term contract has ended as planned, unrelated to pregnancy and childbirth, the repayment provisions set out in section 14 of this policy will not apply.

Employees on fixed-term contracts who do not meet the 12 months' continuous service condition set out within this policy may still be entitled to Statutory Maternity Pay.

10. Notification of pregnancy

The employee is advised to notify her manager of her pregnancy as soon as possible so that a health and safety risk assessment may be carried out. However, employees must notify at least before the end of the 15th week prior to the Expected Week of Confinement (EWC).

Maternity leave will start on whichever date is earliest:

- The employee's chosen start date i.e., any time after the beginning of the 11th week before the employee's EWC or
- The day after the employee gives birth, in the case of a Premature Birth; or
- The day after any day on which the employee is absent for a pregnancy related illness in the four weeks before the EWC.

11. Applying for Maternity Leave

It is the employee's responsibility to complete the *Application for Maternity Leave Form* (See Appendix A):

The form must be completed by, at least, the 15th week before the expected week of childbirth (EWC) or as soon as is practicable thereafter confirming:

- that she is pregnant
- her EWC
- the date she intends to commence maternity leave.
- Details of any previous service with an HSC/Federation employer to be considered by HR to assess eligibility for Occupational Maternity Pay.

Providing medical confirmation of maternity dates MAT B1

When the employee is approximately 20 weeks pregnant, she will receive a MAT B1 form from her midwife/GP, formally confirming her EWC which she must pass to her line manager for submission to HR/payroll.

Confirming the details of maternity leave

On receipt of the above forms HR will write to the employee, confirming details, including maternity pay, the date when her maternity leave will end. This will be sent within 28 days of receiving the forms. HR will confirm the date the employee is expected to return to work if she takes her full 52-week entitlement to maternity leave.

Changing the start date of maternity leave

An employee may bring forward, or postpone, her maternity leave start date providing she does so in writing, giving at least 28 days' notice of the new date or as soon as is reasonably practicable. Notification should be sent to her line manager, copied to HR.

If the baby is born before the intended start of maternity leave, HR should be advised in writing of the baby's date of birth. This should be done, as soon as reasonably practicable, by the employee or by the employee's line manager on her behalf. Arrangements will then be made for maternity leave and pay to start from the day after the birth.

12. Health and safety

The Federation is committed to ensuring the health, safety and welfare of all employees which includes pregnant and breastfeeding employees as covered by the Management of Health and Safety at Work Regulations (Northern Ireland) 2000.

As part of the Federation's duty of care to pregnant and breastfeeding employees, a risk assessment will be carried out when an employee advises her manager of her pregnancy. A second risk assessment must be carried out after maternity leave, when the employee returns to work. Please note risk assessments should be carried out by the most appropriate manager who is familiar with the workplace, this maybe the Federation/FSU Lead or Line manager or a Practice based manager. The Federation /FSU Lead/Line Manager will liaise with the Practice based manager to ensure the risk assessment has been completed and any issues arising are communicated to the Federation/FSU in a timely way.

The Risk Assessment Form (see Appendix B) should be completed with the employee and line manager as soon as possible so that any risks can be identified and addressed.

The manager is responsible for assessing any risks and taking appropriate action to resolve any problems. The employee also has a responsibility to participate in the risk assessment process and make her line manager aware of any new health, safety or welfare concerns as soon as they arise.

Where a potential risk has been identified, temporary adjustments should be made to the work/working conditions and/or working hours. Managers may want to seek advice from Federation HR in these instances.

Where the risk cannot be reduced to an acceptable level the employee will be offered suitable redeployment on her existing terms and conditions of employment. In exceptional circumstances after all options have been fully considered, there is no suitable redeployment, she will be suspended on full pay for as long as the risk remains. The decision to suspend on these grounds will be taken by a Senior Manager after taking advice from HR and in line with health and safety legislation.

Suspension on maternity grounds will not affect the employee's statutory or contractual employment or her maternity rights. The employee is entitled to her normal salary and contractual benefits during any period of suspension, unless she refuses a reasonable offer of suitable alternative employment.

If either the employee or her manager has concerns arising from the risk assessment or any other health and safety related matter, they should contact HR.

13. Keeping in Touch during maternity leave - including KIT days

The employee and her manager are encouraged to maintain reasonable contact during maternity leave to make the return to work easier. It is recommended that the frequency and method of contact during maternity leave be discussed in advance of maternity leave starting. Managers must ensure that employees are kept informed about changes at work that will directly affect the individual.

Shortly before maternity leave begins, a pregnant employee's line manager should discuss a handover and arrangements for keeping in touch during maternity leave.

By mutual agreement, an employee may work for up to ten Keeping in Touch (KIT) days during her maternity leave without affecting her right to statutory maternity leave or pay - KIT days can be taken at any time during maternity leave apart from the two-week period immediately following childbirth.

If KIT days are used the manager will need to inform Payroll by email confirming the date of the KIT day and the number of hours worked, so that, where necessary, a payment can be made. A 'day', in KIT terms, is defined as anything from attending a 1-hour meeting to a full 7.5-hour day. The employee is paid for her Keeping in Touch days, they must not be used to accrue time off in lieu.

Payment for a KIT day will be inclusive of SMP payment for the week. Where payment for the day's work is in excess of the weekly SMP payment, the difference will be paid. Where payment for a day's work is less than the weekly SMP payment then the employee will receive the SMP payment only.

The type of work undertaken during KIT days must be agreed between the employee and her manager and might typically include attending a conference, training course, or a meeting. It is not intended that an employee use these days to continue her work during maternity leave or to work from home.

The employer is not obliged to offer KIT days; similarly, the employee is not obliged to work any that are offered.

14. Preparing for a return to work

Notification requirements for ending maternity leave.

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

An employee can return to work any time from 2 weeks after the birth and before AML has finished.

The employee should formally notify her manager of her return-to-work date if they wish to return to work prior to taking the full 52-week leave entitlement. This date can be agreed prior to maternity leave commencing or during maternity leave. However, the return to date notification must be given at least 8 weeks before the intended return to work date. The manager is responsible for confirming the return-to-work date with HR.

Where an employee wishes to return to work after the full 52-week entitlement as set out in their maternity confirmation letter, no further action is required during maternity leave, unless the employee changes her mind and decides to return to work early.

Where an employee wishes to return to work earlier than planned but fails to give the correct notice period, the Federation may postpone her return-to-work date until 8 weeks' notice has been given.

Shortly before returning to work, or as soon after returning as possible, the employee should complete a second risk assessment and discuss it with her manager. If the employee or her manager would like any specialist or confidential advice on the possible risks involved in her work whilst she is breastfeeding, they should contact Human Resources.

Reducing hours and flexible working

At the end of maternity leave, the employee may apply to return to work on different hours either on a permanent or temporary basis. An employee considering or wishing to reduce their hours is encouraged to discuss her situation with her manager as soon as possible.

If it is agreed that the employee will return to work on a flexible basis for an agreed temporary period, this will not affect their right to return to their job under the original contract at the end of the agreed period.

If an employee is seeking a permanent change to hours or their working pattern, further information can be found in the Federation's Flexible Working Policy and procedure. For permanent change requests, the employee must complete a flexible working request in line with the Flexible Working Policy at least 14 weeks prior to when they wish the new working arrangement to begin.

Resigning after maternity leave

An employee who decides not to return to work after maternity leave must give written notice to her manager of her resignation. It is helpful to receive as much notice as possible, but this should not be less than the notice period in the employee's contract of employment.

Where an employee who qualifies for OMP fails to return to work for a minimum of 3 months after maternity leave, the Federation will normally reclaim some of the occupational maternity pay paid to her. The amount to be reclaimed would be the non-statutory element of maternity pay. The Federation's decision to reclaim any excess paid will take account of the circumstances of the individual case.

Unauthorised absence after maternity leave

Failure to return to work at the end of maternity leave will be treated as unauthorised absence unless the employee is sick and produces a medical certificate to cover the absence from the end of the maternity period.

Preparing for an employee's return from maternity leave - manager responsibilities

Prior to the employee returning to work, the manager should ensure arrangements are in place for the mother's return. For example, ensuring she is updated of any changes since going on maternity leave, arranging any training required etc.

Completing a risk assessment post maternity leave

When the employee returns to work, she must complete a second risk assessment. Her manager will add detail, where appropriate, and send copies to HR and retain a copy within the department.

Once again, if there are any issues arising from the Risk Assessment, the employee or her manager may contact HR for advice and guidance.

15. Unforeseen circumstances

Premature Birth

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

Where an employee's baby is born before the 11th 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 11th 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 start the day after the day of birth.

Where an employee's baby is born before the 11th 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.

Miscarriage and Stillbirth

Miscarriage

Where an employee has a miscarriage before the 25th week of pregnancy, normal sickness absence provisions will apply as necessary.

Still birth

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

16. Data Protection / GDPR

In applying this policy, the organisation will have due regard for the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Personal Confidential Data of data subjects will be processed fairly and lawfully and in accordance with the six data protection principles.

Data Subject's Rights and freedoms will be respected and measures will be in place to enable employees (data subjects) to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal confidential data.

Appendix A

APPLICATION FOR MATERNITY LEAVE

Please complete details as requested and return your application to your Federation HR, together with your original MAT B1. If you require assistance with the completion of this form, please do not hesitate to contact FSU HR. Please ensure your manager has signed this form before submission.

NAME _____

FEDERATION _____

DAYTIME TELEPHONE NUMBER AND EXTENSION _____

JOB TITLE _____

START DATE OF EMPLOYMENT WITH FEDERATION _____

Please provide dates and details of employment with another HSC/Federation/GP Practice employer if you wish these to be considered as reckonable service for consideration for entitlement to Federation Occupational Maternity Pay. Please contact HR for further information.

My expected date of childbirth (EDC) is _____

Mat B1 Form/Statement from registered G.P./Midwife enclosed **Yes/No**

If no, please forward this to you FSU as soon as possible. Your signature is also required below. See additional notes overleaf.

Maternity Leave Dates

I intend to start my maternity leave on _____

Additional Unpaid Maternity Leave

Intended date of return to work if before the end of the 52 weeks and already known.

It will be assumed that you intend to take the full 52 weeks leave unless you advise your Line Manager and FSU HR otherwise as above.

Please note that if you intend to return to work before 52 weeks has expired or before your agreed return date, you must advise your line manager and FSU HR in writing at least 8 weeks before your expected return to work.

Signed _____ Date _____
(Employee)

Signed _____ Date _____
(Manager)

Notes:

Eligibility for Statutory Maternity Pay and occupational Maternity Pay will be determined upon receipt of this form and MAT B1

See Section 9 of the Maternity Policy & procedure for full details of Maternity Pay eligibility and entitlements.

Appendix B

New and Expectant Mothers Risk Assessment Form

(This form should be used for expectant mothers, mothers who have given birth in the last 6 months or for nursing mothers)

The relevant Federation/FSU or Practice based manager and the new or expectant mother should undertake the risk assessment and an evaluation of all significant hazards in the workplace and duties undertaken by the individual. The risk assessment must be undertaken as soon as the employee has notified her manager of her pregnancy.

Name:		Reason for Assessment:
Job Title:		Department/Federation/Practice:

1. PHYSICAL RISKS	Yes	No	N/A	Comments & Control Measures
Movements and postures				
Manual handling of loads where there is risk of injury				
Shocks and vibrations				
Noise				

2. WORKING CONDITIONS	Yes	No	N/A	Comments & Control Measures
Facilities				
Mental and physical fatigue and working hours.				

Occupational stress				
Extremes of cold and heat				
Working with Display Screen Equipment (DSE)				
Working alone				
Travelling either inside or outside the workplace				
Work related violence				
Work equipment and personal protective equipment (including clothing)				
Hazards because of inappropriate nutrition i.e., ability to take meal breaks & access to water				
3. CLINICAL ACTIVITY /BIOLOGICAL AGENTS	Yes	No	N/A	Comments & Control Measures
Patient facing activity				
Exposure to Infectious diseases- Examples are Hepatitis B and C, HIV, Herpes, syphilis, chickenpox and typhoid, Rubella (German Measles)				
4. CHEMICAL AGENTS				
Exposure to Toxic chemicals, Mercury, Antimitotic (cytotoxic) drugs, Pesticides, Carbon monoxide, Lead.				

SIGNIFICANT RISK				
Is there a significant risk causing genuine concern at work to the health and safety of the new or expectant mother?				YES/NO
If yes , you must consider the options to remove her from the risk and consult with HR before doing so.				
Was HR contacted?				YES/NO
If yes, please detail the proposed action:				
ACTION PLAN				
HAZARD	ACTION REQUIRED	TARGET DATE	ACTION BY WHOM	COMPLETION DATE
Member of staff (please print)		Signature:		Date:
Name of Manager undertaking assessment with staff member (please print)		Signature:		Date:
Risk Assessment Review				
Date of review:	Further action required: Yes/No (If yes, please specify)	Signature of staff member:	Signature of Manager:	
Date of review:	Further action required: Yes/No (If yes, please specify)	Signature of staff member:	Signature of Manager:	