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MATERNITY LEAVE AND PAY PROCEDURE

Introduction and Aim

The rules covering maternity leave and pay are fairly complex; this procedure ensures that employees of Cardiff and Vale University Health Board (the UHB) are informed of their entitlements and provides a straightforward summary of the actions they and their managers need to take.

Objectives

- To provide comprehensive information to employees on their entitlements with regards to maternity leave and pay
- To provide the fair, consistent and effective application of maternity provisions

Scope

This procedure applies to doctors, dentists and staff employed under the Agenda for Change Terms and Conditions.

All employees will be treated with dignity and respect regardless of any binary / gender identity or sexual orientation.

For the purposes of this Procedure, the gender you were assigned at birth is not relevant as long as you meet the eligibility criteria described.

Equality and Health Impact Assessment	This Procedure sits under the Family and Parental Leave Policy and EHIA. This EHIA found there to be a positive impact
Documents to read alongside this Procedure	Family and Parental Leave Policy Flexible Working Procedure Adaptable Workforce Policy Payroll Overpayment/Underpayment Policy Shared Parental Leave Procedure Maternity Risk Assessment and Breastfeeding Procedure Healthy Working Wales – Breastfeeding in the Workplace Toolkit Working Times Procedure Parental Leave Procedure Neonatal Care Leave and Pay Procedure All Wales Pregnancy Loss Support Policy

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Disclaimer

If the review date of this document has passed please ensure that the version you ar using is the most up to date either by contacting the document author or the Governance Directorate.

Summary of reviews/amendments

Version Number	Date Review Approved	Date Published	Summary of Amendments
1	21.01.15		Content previously included within the Maternity, Maternity and Paternity Guidance Notes. A new policy has been developed and separate procedures written to support it.
2	09.01.2019	22.01.2019	Scope changed to explicitly state that this procedure is not restricted by the gender an employee was assigned at birth. References to 'she/hers' changed to 'they/theirs' throughout. Payslips are no longer posted to employee's home address during the Maternity Leave period as they are available online. Section on keeping in touch during maternity leave reworded to make it clearer. Reference to HR informing the Temporary Staffing Office of maternity start and end dates has been removed as this does not happen in practice. References to 'confirmation of return to work forms' replaced with PIF forms
2a	03.04.2019	29.04.2019	Statement added to reflect monthly pay arrangements (section 3.6)

2b	10.07.2019	16.07.2019	Gender neutral language incorporated in line with Stonewall recommendations
3	09.03.2022		• Option for reasonable reimbursement of childcare costs or provision of childcare facilities when KIT days are worked included • If KIT days are worked in the full/half pay period the manager must make arrangments for the member of staff to receive paid leave in lieu once they return to work • New section of equality of access under rotational training contracts • New section on pay progression • If the employee is the partner of the pregnant person, they will be entitled to unpaid leave to attend two antenatal appointments
4	30.09.2026		• Documents to read alongside this procedure updated • References to HR changed to People Services • Statutory Maternity Pay section added • Reference to Maternity Risk Assessment and Breastfeeding Procedure updated • Reference to SMA App added • Reference to Lease Car Scheme implications added • Reference to Section 23, Child Bereavement Leave section of Agenda for Change Terms and condition added

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1	**RESPONSIBILITIES**
	Pregnant Employee • To inform their manager as soon as they know they are pregnant • To access this procedure on the UHB internet site, from their manager or from People Services and seek additional advice if necessary • To engage with requests to attend Occupational Health • To make an application to take maternity leave • To provide a copy of the Mat B1 form • To inform their manager of their intentions regarding returning to work • To support their manager in undertaking a health and safety risk assessment
	Manager • Ensure the rules set out in the Procedure are followed without deviation as it can otherwise affect the employee's entitlements. Check with People Services if any elements are unclear. • To ensure that the pregnant employee is aware of their rights and obligations under this procedure and is afforded time off and all other entitlements • When notified of the pregnancy, to perform a risk assessment of the employees work and do what is reasonably practicable to control any risk to the health of the employee, unborn child, or child of an employee who is breast feeding. To then place a record of this risk assessment on the employee's personal file • To ensure that the countersigned maternity leave application form is forwarded to People Services along with a copy of the Mat B1 certificate • To keep the employee who is on maternity leave informed about developments in the UHB and the department • Inform Payroll when the employee goes on and returns from maternity leave • Instruct Payroll to pursue the overpayment procedure if the employee does not return to work and is liable to refund their Maternity Pay and do not complete the 18 shifts within the specified time period • Understand that non-binary and trans staff may need to utilise this procedure and that they should be treated with dignity and respect. Specific guidance and advice are available from the Head of Equity and Inclusion if required.
	People Services • To advise the pregnant employee of their rights and obligations • To administer the maternity leave provisions in conjunction with payroll
	Occupational Health

	• To advise managers and staff of the risks involved in undertaking certain activities whilst pregnant • To provide independent medical advice regarding maternity issues in employment
	Payroll • To ensure that payments are made in line with both current Occupational and Statutory regulations • To ensure that the Mat B1 has been received • To ensure that payments are made in line with normal salary crediting • To ensure that the employee's membership to the NHS Pension Scheme is protected during paid and unpaid maternity leave • To issue a Statutory Maternity Pay (SMP) exclusion form promptly to employees not entitled to statutory benefits, to enable the employee to claim directly from Jobcentre Plus
2	**MATERNITY LEAVE AND PAY**
2.1	As soon as the member of staff is aware they are pregnant they must notify their manager. This provides the manager with time to plan for the anticipated absence and ensures that a risk assessment is carried out as soon as possible. All employees have the right to take up to 52 weeks of maternity leave or to end their maternity leave and access shared parental leave. However, the first two weeks following birth must be taken as maternity leave. The amount of pay they will receive depends on length of service and are described in appendix 1.
2.2	**Eligibility to Maternity Payments** **Statutory Maternity Pay** If an employee has at least 26 weeks' continuous service at the start of the 15th week before their child is born, they will normally be entitled to receive Statutory Maternity Pay (SMP) whether or not they intend to return to work. **NHS Occupational Maternity Pay** Employees working full or part time are entitled to paid and unpaid maternity leave under the NHS Occupational maternity pay scheme if:

	i. They have 12 months' continuous service (see appendix 2) with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth ii. They notify the UHB in writing (by completion of an Maternity Leave Form) before the end of the 15th week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practical thereafter) a. Of their intention to take maternity leave b. Of the date they wish to start their maternity leave – this can be any date from the beginning of the 11th week before the baby is born c. That they intend to return to work with the same or another NHS employer for a minimum period of three months after their maternity leave has ended d. And provide a MATB1 form from their midwife or GP giving the expected date of childbirth n.b. the Maternity Leave Form must be countersigned by the line manager Refer to section 2.9 on Statutory entitlements if the employee does not have 12 months continuous service.
2.3	**Changing the maternity leave start date** If the employee subsequently needs to change the date from which they wish their leave to start, they should notify their manager at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand)
2.4	**Confirming maternity leave and pay** Following receipt of the signed Maternity Leave Application Form, People Services will confirm in writing: i. The employee's paid and unpaid leave entitlements ii. Unless an earlier return date has been given by the employee, their expected return date, based on their 52 weeks paid and unpaid leave entitlement iii. The length of any period of accrued annual leave which it has been agreed may be taken following the end of the formal maternity leave period iv. The need for the employee to give at least 28 days' notice if they wish to return to work before the expected return date.
2.5	**Statutory Maternity Pay**

	Statutory Maternity Pay is payable for a maximum of 39 weeks and is paid as follows: i. For the first six weeks the employee will receive 90 per cent of their average weekly earnings. ii. For the next 33 weeks the employee will receive the statutory SMP pay rate or 90 per cent of the average weekly earnings (whichever is lower).
2.6	**Occupational Maternity Pay** Where an employee intends to return to work the amount of occupational maternity pay receivable is as follows: i. For the first eight weeks of absence the employee will receive full pay (inclusive of any Statutory Maternity Pay or maternity allowance receivable); ii. For the next 18 weeks the employee will receive half of full pay, plus any Statutory Maternity Pay or maternity allowance receivable, providing the total amount does not exceed full pay iii. 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 iv. For the final 13 weeks, the employee will receive no pay By prior agreement, occupational maternity pay may be paid in a different way, for example a combination of full pay and half pay, or a fixed amount spread equally over the maternity leave period. Employees who are interested in finding out more about this option should contact Payroll. Where occupational maternity pay has been paid in a different way, and the employee subsequently chooses to access shared parental leave and pay, the payments may need to be recalculated to ensure there has not been any over or underpayment of entitlements.
2.7	**Calculation of maternity pay** Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements i.e. by taking the average over the eight-week period prior to the qualifying week which is 15 weeks before expected week of childbirth. Monthly paid staff will have their average calculated using the two pay periods that precede the qualifying week (based on the pay date). Where the pay date falls prior to or during the qualifying week, this period will be included. The average weekly earnings rules subject to the following qualifications:

	i. In the event of a pay award or move to a higher pay point being implemented **before** the paid maternity leave period begins, the maternity pay should be calculated as though the pay award or new pay point had effect throughout the entire Statutory Maternity Pay calculation period. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis; ii. In the event of a pay award or move to a higher pay point being implemented **during** the paid maternity leave period, the maternity pay due from the date of the pay award of new pay point should be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis; iii. In the case of an employee on unpaid sick absence or on sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay If the employee is on an Employment Break or is away from the workplace for any other reason (e.g. secondment, parental leave, maternity/adoption leave etc), or if their salary is reduced because of purchased Additional Annual Leave, Childcare Vouchers or any other salary sacrifice scheme during this eight week period, the amount of maternity pay they are entitled to may be reduced. For further information on implications if you are paying for a Lease Car please go to the Salary Sacrifice Web Page Maternity pay will be paid into the employee's bank account on the same day that they would receive their salary and will be subject to the usual deductions for tax, national insurance and pension contributions.
2.8	**Unpaid occupational leave** Employees are also entitled to take a further 13 weeks as unpaid leave to bring the total of leave to 52 weeks. However, this may be extended by local agreement in exceptional circumstances for example, where employees have sick pre-term babies or multiple births.
2.9	**Employees with less than 12 months' continuous service** If an employee does not satisfy the eligibility criteria set out above for occupational maternity pay, they may be entitled to Statutory Maternity Pay whether or not they intend to return to work. If an employee's earnings are too low for them to qualify for Statutory Maternity Pay, or they do not qualify for another reason, they may be entitled to claim

	Maternity Allowance direct from the Department for Works and Pensions. To do this they need to complete the SMP1 form which will be provided by payroll.
3	**COMMENCEMENT AND DURATION OF MATERNITY LEAVE**
3.1	An employee may begin their maternity leave at any time between 11 weeks before the expected week of childbirth and the expected week of childbirth, provided they give the required notice. If the employee gives birth before commencing maternity leave, their leave will commence on the day after the child is born.
3.2	**Sickness prior to childbirth** If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the 4th week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the later. Odd days of pregnancy-related illness during this period may be disregarded if the employee wishes to continue working till the maternity leave start date previously given. Absence prior to the last four weeks before the expected week of childbirth or for a reason other than their pregnancy, supported by a medical statement of incapacity for work or a self-certificate, shall be treated as sickness absence in accordance with the normal leave provisions. Special consideration will be given to managing the health and attendance of pregnant employees and pregnancy related absences will be disregarded for the purposes of managing short term sickness absence under the Managing Attendance at Work Policy.
3.3	**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 their 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 their maternity leave entitlement, taking a minimum period of two weeks' leave immediately after childbirth and the rest of their leave following their baby's discharge from hospital.
3.4	**Still birth** In the event where an employee's baby is stillborn after the start of the 24th week of pregnancy, the employee will be entitled to the same amount of maternity leave and pay as if their baby was born alive. This is in addition to the provisions contained within Section 23: Child Bereavement Leave of the NHS Terms and Conditions of Service Handbook. The All Wales Pregnancy Loss Support Policy should be used to support employees who are experiencing pregnancy loss and their partner if they are also an NHS Wales employee.
3.5	**Miscarriage** In the event where an employee has a miscarriage before the start of the 24th week of pregnancy, normal sickness absence provisions will apply as necessary. The All Wales Pregnancy Loss Support Policy should be referred to for more information.
4	**HEALTH AND SAFETY OF EMPLOYEES PRE AND POST BIRTH** Where an employee is pregnant or has recently given birth or is breastfeeding, the manager must carry out a risk assessment of their working conditions. If it is found, or a medical practitioner considers, that an employee or the child would be at risk were they to continue with their normal duties, the manager should provide suitable alternative work for which the employee will receive their normal rate of pay. Where it is not reasonably practicable to offer suitable alternative work, the employee should be suspended on full pay. These provisions also apply to an employee who is breastfeeding if it is found that their normal duties would prevent them from successfully breastfeeding their child.

	(refer to the Maternity Risk Assessment and Breastfeeding Procedure and the Healthier Working Wales Breastfeeding in the Workplace Toolkit for more details)
5	**KEEPING IN TOUCH DURING MATERNITY LEAVE** Before maternity leave commences, the employee and their manager should discuss and agree any voluntary arrangements for keeping in touch during the maternity leave period, including: i. Any voluntary arrangements that may help them to keep in touch with developments at work and, nearer the time of their return, to help facilitate their return to work; ii. Keeping the manager in touch with any developments that may affect their intended date of return To facilitate the process of keeping in touch, it is important that the employee and their manager have early discussions to plan and make arrangements for 'keeping in touch days' (KIT days), before the employees maternity leave takes place To enable employees to take up the opportunity to work KIT days, departments should consider the scope for reimbursement of reasonable childcare costs or the provision of childcare facilities KIT days are intended to facilitate a smooth return to work for employees returning from maternity leave. An employee may work for up to a maximum of 10 KIT days without bringing their maternity leave to an end, but they cannot work during the two weeks of compulsory maternity leave. Any days of work will not extend the maternity leave period. 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 employer or the employee can insist upon it. For KIT days worked the employee will be paid at their basic daily rate for the hours worked, less any occupational or statutory maternity pay. If a KIT day is worked in the full pay period, the manager must make arrangements to ensure the employee receives a day of paid leave in lieu once the employee has returned to work. If a KIT day is worked during the half pay period, the manager must make arrangements to ensure the employee receives a half day of paid leave in lieu once they have returned to work. Working for part of any day will count as one KIT day.

	A risk assessment must be carried out for any employee who is breastfeeding and facilities must be provided in line with the UHB Maternity Risk Assessment and Breastfeeding Procedure. The Healthy Working Wales Breastfeeding in the Workplace Toolkit is also a helpful resource.
6	**RETURN TO WORK**
6.1	An employee who intends to return to work at the end of their maternity leave will not be required to give any further notification to the employer and must present themselves for work on their first working day after the date set out in the letter confirming their maternity leave and pay entitlements. If they wish to change the date they end their maternity leave, they must give at least 28 days' notice. An employee has the right to return to their job under their original contract and on no less favourable terms and conditions. If this is not reasonably practicable, they will be found suitable alternative employment, where the terms and conditions are not substantially less favourable than their original job. If the employee has stated on their Maternity Leave Application Form that they are undecided whether they intend to return to work, People Services will write to them to ask if they intend to exercise their right to return to work (see below). The manager must complete the SMA App to inform Payroll that they have returned from maternity leave. Failure to do this may result in a delay in their pay. If they have worked KIT days their manager should indicate this on the SMA App. Employees taking annual leave at the end of the maternity leave will be deemed to have returned to work on the first day of annual leave.
6.2	**Returning on flexible working arrangements** If, at the end of maternity leave, the employee wishes to return to work on different hours, the UHB has a duty to facilitate this, where possible. The employee will return to work on different hours, in the same job. If this is not possible the manager must provide written, objectively justifiable reasons for this and the employee will return to the same pay band and work of a similar nature and status to that which they held prior to their maternity leave. If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period, this will not affect their right to the return to their job under their original contract at the end of the agreed period.

	To apply for a change in hours employees should refer to the Flexible Working Policy. It is recommended that they discuss this with their manager in the first instance and apply as soon as possible as the process can be lengthy.
6.3	**Employees not returning to NHS employment** All employees have the right to take 52 weeks maternity leave whether or not they return to NHS employment. An employee who satisfies the conditions for eligibility set out above, except they do not intend to work with the same or another NHS employer for a minimum period of three months after their maternity leave has ended, will be entitled to pay equivalent to Statutory Maternity Pay.
6.4	**Employees who are undecided about returning to NHS Employment** On the Maternity Leave Application Form employees are given the opportunity to indicate that they are undecided about whether or not to return to work following their maternity leave. If an employee indicates that this is the case, and they meet the qualifying criteria set out above, they will receive SMP. They will then be contacted by People Services 12 weeks before the end of their maternity leave to ask if they intend to exercise their right to return to work. Failure to respond to this correspondence within 28 days of receipt may jeopardise their return to work. If an employee decides to return to work, they will then be eligible to claim the extra maternity pay that they would have received if they had indicated that they would be returning to work (assuming they meet the eligibility criteria). They are obliged to return to work within the UHB or another NHS organisation for a minimum period of 3 months to receive this money. If an employee decides to exercise their right not to return to work, they should contact their manager and inform them of this decision to enable them to make arrangements for ending their contract of employment. Employees will <u>not</u> have to pay back any of their maternity pay to the UHB should they decide not to return to work as long as they indicated on their application form that they were undecided about their intentions. In this case, they will not have received the Occupational Maternity Pay elements.
6.5	**Sickness following the end of Maternity Leave** In the event of illness following the date the employee was due to return to work, normal sickness absence provisions will apply as necessary. Employees who return to work prior to the end of the 39 weeks Statutory Maternity Pay (SMP) and then take sick leave of more than 3 calendar days are

	entitled to receive SMP. In this instance they will see a mixture of Occupational Sick Pay and SMP on their payslip.
6.6	**Postponing a Return to Work** Employees will not ordinarily be able to postpone their return to work following maternity leave. However, the return to work may be postponed in exceptional circumstances e.g. sick pre-term babies or multiple births. The extension of unpaid contractual leave should be discussed on a case-by-case basis and decided by the manager (with advice from People Services if appropriate).
6.7	**Failure Return to work** If an employee has notified their manager of their intention to return to work for the UHB or another NHS Employer, they must do so within 15 months of the beginning of the maternity leave and are required to work for a minimum of 3 months. If they fail to do, they will be liable to refund the whole of their maternity pay less any Statutory Maternity Pay received. However, the UHB has some discretion to waive their rights to recovery if it is believed that the enforcement of this provision would cause undue hardship or distress. In addition, the UHB may waiver the rights to recovery if the employee returns to work via the Temporary Staffing Office (see Appendix 3 for details).
6.8	**Employment Break** It may be possible for an employee to take an employment break immediately after their maternity leave. However, if they do not return to work within the NHS for a minimum of 3 months at the end of the employment break, they will have to re-pay the whole of their maternity pay less any Statutory Maternity Pay received. Employees have 15 months from the start of their maternity leave to return to work before becoming liable to refund maternity pay but this 15 month period is suspended for the duration of an employment break.
6.9	**Shared Parental Leave** Shared parental leave enables eligible parents to choose how to share the care of their child during the first year following maternity by giving parents more flexibility in considering how to best care for, and bond with, their child. A total of up to 50 weeks leave can be taken as shared parental leave (the first two weeks after the birth must be taken as Maternity Leave), which can be a combination of maternity leave and shared parental leave. However, before either parent can take Shared Parental Leave, the employee must give notice of their intention to end their maternity leave early.

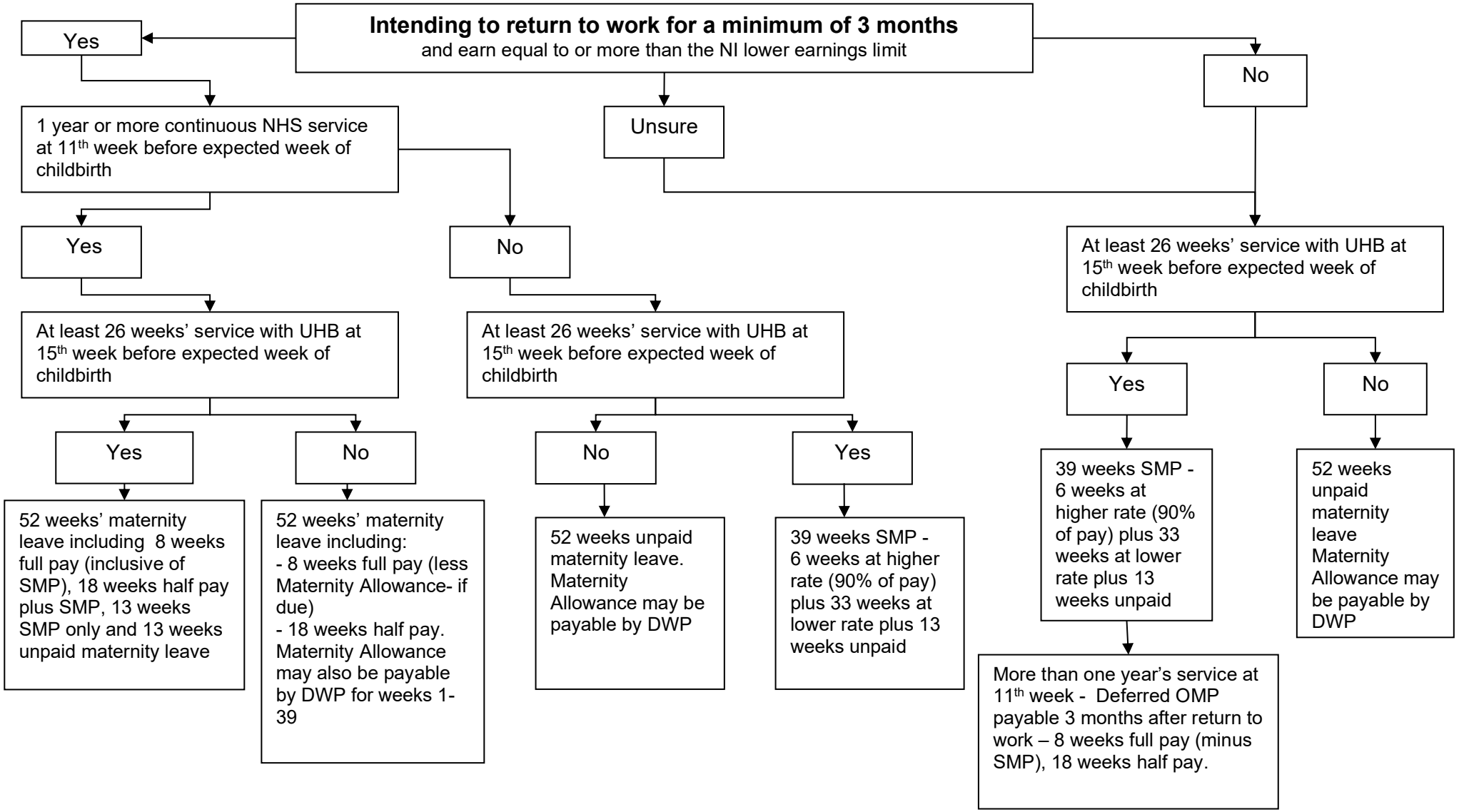
	All eligible employees have a statutory right to take shared parental leave. There may also be an entitlement to Shared Parental Leave Pay. The rules covering shared parental leave are fairly complex; the Shared Parental Leave Procedure ensures that employees are informed of their entitlements and provides a summary of the actions they and their managers need to take.
7	**CONTRACTUAL ARRANGEMENTS**
7.1	**Contractual Rights** During maternity leave (both paid and unpaid) employees retain all of their contractual rights except remuneration. Taking a period of maternity leave will not affect the employee's incremental date, pay awards or continuous service.
7.2	**Fixed term contracts or training contracts** If an employee's contract expires more than 15 weeks before the baby is due, the employee is not entitled to maternity leave or pay and their contract will terminate on the existing day of termination. If the employees contract expires between the 11th and the 15th week before the baby is due, then they will not be entitled to OMP but may be entitled to SMP. If the employee has sufficient service to entitle them to SMP, this will be paid and the fixed term contract extended to enable them to take their maternity leave. If an employee is subject to fixed term or training contract which expires after the 11th week before the expected week of childbirth and they meet the eligibility criteria set out above, their contract will be extended so as to allow them to receive the 52 weeks which includes paid occupational and statutory maternity pay and the remaining 13 weeks of unpaid maternity leave. Absence on maternity leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service. If there is no right of return to be exercised because the contract would have ended if maternity leave had not been taken, the repayment provision set out above will not apply. Employees on fixed term contracts who do not meet the 12 months continuous service condition set out above may still be entitled to Statutory Maternity Pay.
7.3	**Rotational training contracts**

	Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, they shall have the right to return to work after a period of maternity leave in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if maternity leave had not occurred. In such circumstances the employee's contract will be extended to enable the practitioner to complete the agreed programme of training. To ensure equality of access: a. Where an employee changes employer because their training programme has required them to do so, and b. This means they do not have enough statutory continuous service with their current employer to access statutory maternity pay, but c. They would have had sufficient statutory continuous service to access statutory maternity pay had they not been required to change employer because of their training programme the employee shall be paid, by their current employer, the value of statutory maternity pay they would have otherwise received if their statutory continuity had not been broken by their change of employer.
7.4	**Pay Progression** An employee on maternity leave will progress through their pay-step on the date that it is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirmed that the required standards for pay progression would not be met. For staff on medical or dental contracts the general principle will apply that there should be no detriment to pay progression or annual leave accrual as a result of taking maternity leave.
7.5	**Annual leave and public holidays** Employees on paid and unpaid maternity leave retain their right to the annual leave and public holiday provided by their terms and conditions of service. Where unused annual leave and public holiday exceed UHB provisions for carry over to the next leave year it may be beneficial for the employee to take the unused annual leave and public holidays before and/or after the agreed (paid and unpaid) maternity leave period or to allow a short period of part-time working. The amount of annual leave and public holidays to be taken in this way, or carried over, should be discussed and agreed between the employee and their line manager as early as possible. Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions, providing this would

	not cause a breach in the Working Time Regulations (1998). Managers should discuss this with the appropriate Directorate Manager/budget holder on a case by case basis. n.b. it is not possible for employees to take annual leave while on maternity leave as this will bring their maternity leave to an end.
7.6	**Pensions** All maternity leave periods will be counted as continuous service for the purpose of the NHS Pension Scheme. Contributions will be deducted as usual while an employee is on paid maternity leave. Contributions due for the unpaid section of an employee's maternity leave will be accumulated and recovered over the same number of periods as the unpaid leave on the employee's return to work. If an employee prefers to pay their contributions during their unpaid leave, they should contact the payroll department to discuss this.
7.7	**Antenatal care** Pregnant employees have the right to paid time off for antenatal care. Antenatal care includes relaxation and parent-craft classes as well as appointments for antenatal care. Adequate notice must be given. If the employee is the partner of the pregnant person, they will be entitled to unpaid leave to attend two antenatal appointments. Unpaid leave, up to a maximum of six and a half hours per appointment can be accessed. The pregnant employee's partner includes a spouse, civil partner (of either sex) or a person with whom they are in a long-term relationship.
7.8	**Post-natal care and breastfeeding** Employees who have recently given birth and returned to work should have paid time off for postnatal care e.g. attendance at health clinics. Any employee who is breastfeeding must be risk assessed and facilities provided in line with the Maternity Risk Assessment and Breastfeeding Procedure. The Healthy Wales Breastfeeding in the Workplace Toolkit is also a helpful resource.
7.9	**Secondary Assignments**

	If an employee has more than one assignment with the UHB, their maternity pay will be paid from their primary assignment and they will receive one payslip for the duration of their maternity leave.
7.10	**Car Users Allowance** If an employee is in receipt of a regular car users allowance during the period in which their adoption pay is calculated, this allowance will be included in their average maternity pay and will not be paid as a separate element until their return to work.
7.11	**Pregnancy Occurring During Maternity Leave** Paid and unpaid maternity leave counts as continuous and qualifying service for subsequent periods of maternity or adoption leave. This means that an employee who becomes pregnant or is notified that they have been matched with another child while already on maternity leave is entitled to a further period of maternity or adoption leave. However, as maternity and adoption pay are calculated on the level of average weekly earnings during the 8-week period qualifying period, the employee may not qualify for any pay during the subsequent period of leave.

Appendix 1


Intending to return to work for a minimum of 3 months
and earn equal to or more than the NI lower earnings limit
Yes
No
Unsure
1 year or more continuous NHS service at 11th week before expected week of childbirth
Yes
No
At least 26 weeks' service with UHB at 15th week before expected week of childbirth
Yes
No
52 weeks' maternity leave including 8 weeks full pay (inclusive of SMP), 18 weeks half pay plus SMP, 13 weeks SMP only and 13 weeks unpaid maternity leave
52 weeks' maternity leave including:
- 8 weeks full pay (less Maternity Allowance- if due)
- 18 weeks half pay.
Maternity Allowance may also be payable by DWP for weeks 1-39
At least 26 weeks' service with UHB at 15th week before expected week of childbirth
No
Yes
52 weeks unpaid maternity leave. Maternity Allowance may be payable by DWP
39 weeks SMP - 6 weeks at higher rate (90% of pay) plus 33 weeks at lower rate plus 13 weeks unpaid
At least 26 weeks' service with UHB at 15th week before expected week of childbirth
Yes
No
39 weeks SMP - 6 weeks at higher rate (90% of pay) plus 33 weeks at lower rate plus 13 weeks unpaid
52 weeks unpaid maternity leave Maternity Allowance may be payable by DWP
More than one year's service at 11th week - Deferred OMP payable 3 months after return to work – 8 weeks full pay (minus SMP), 18 weeks half pay.

Appendix 2 - Continuous service

To qualify for Occupational Maternity Pay, employees must have 12 months' continuous NHS service with one or more recognised NHS employer. Recognised NHS employers are listed in Annex 1 of the Agenda for Change Terms and Conditions Handbook.

The following breaks in services do not break continuous service, but do not count towards service:

a. A break in services of 3 months or less
b. Employment under an honorary contract
c. Employment as a locum in general practice setting for a period of up to 12 months
d. Up to 12 months abroad for approved post graduate training on advice of postgraduate dean/college/faculty advisor in relevant specialty
e. Up to 12 months undertaking voluntary service overseas with recognised international relief organisation. May be extended by further 12 months in extenuating circumstances at employing organisations discretion,
f. A period Maternity, Adoption, or Shared Parental Leave.
g. Out of programme placement for doctors and dentists in training approved by postgraduate dean.
h. Employment in health service of UK Crown Dependency for doctors and dentists in training as part of an approved training programme.

Line managers may at their discretion extend this period.

Employment as a doctor in training in a general practice setting shall not be regarded as a break in service and shall count as service.

The UHB has the discretion to count other previous NHS service or service with other employers.

APPENDIX 3 – WORKING FOR THE TEMPORARY STAFFING OFFICE

1. WORKING FOR THE TEMPORARY STAFFING OFFICE WHILE ON MATERNITY LEAVE

Employees are not allowed to work for the Temporary Staffing Office while on paid maternity leave. However, they are entitled to work a maximum of 50% of their substantive post hours per week for the Temporary Staffing Office during their unpaid leave period. If they exceed this limit, it will constitute a return to work. Employees are encouraged to work any shifts in the area in which they are substantively employed.

2. RETURNING TO WORK FOR THE TEMPORARY STAFFING OFFICE

Employees who do not return to the UHB or another NHS employer would ordinarily have to repay any enhanced occupational maternity pay they have received. However, in order to retain the skills and experience of employees, the UHB supports the waiver of the right to recover the occupational maternity pay for those employees who are automatically eligible to join the Cardiff and Vale UHB Temporary Staffing Office (i.e. current staff in unqualified or qualified nursing posts, or other areas covered by the Temporary Staffing Department) as long as they work a minimum of 18 shifts within 15 months of commencing their maternity leave.

Rules

1. Employees are only permitted to work for the Temporary Staffing Office during their unpaid maternity leave.
2. Working for the Temporary Staffing Office will not constitute a return to work and they will be treated in the normal way as an employee who does not return to work after a period of maternity leave in all aspects apart from this one exception.
3. There is no mutuality of obligation and all conditions working as a Cardiff and Vale **BANK ONLY** staff will apply.
4. Working for the Temporary Staffing Office is on a casual basis with no contracted hours and it is intended for work on a day-by-day basis when required by the clinical areas. Employees may work any flexible hours to suit their requirements, as there is no contract for working any hours each week. There is no guarantee of regular hours by the UHB or the employee. Availability of work depends on individual area requirements. There is no sick pay. They will be paid for hours worked. All shifts worked will be paid at the current agreed hourly rate for Bank Only staff

5. It is their responsibility to ensure that they work the minimum of 18 shifts within 15 months of the beginning of their maternity leave.
6. If they do not complete the 18 shifts within the specified time period, Payroll will be instructed to pursue the overpayment procedure as set out in the Procedure for recovery of overpayments – Salary and Expenses Payroll Overpayment/Underpayment Policy.