

## **Maternity and Adoption Leave Frequently Asked Questions**

### **I am pregnant. What do I have to do?**

Please tell your manager as soon as you know that you are expecting, this is to ensure that a Risk Assessment can be carried out to make sure your work environment isn't harmful to you or your baby, and so that you can agree reasonable paid time off for your ante-natal care.

To apply for maternity leave and maternity pay, you must complete a [Maternity Leave Application Form](#). You need to do this before the end of the 15th week before your Expected Week of Childbirth (EWC).

You must also provide your original (not photocopy) of your MATB1, your midwife will give this to you at your 20 week ante-natal appointment.

You can start your maternity leave up to 11 weeks before your EWC.

Details of the processes to be followed are available in the [Maternity Leave and Pay Procedure](#)

### **I have been notified that I have been matched with a child for adoption. What do I have to do?**

Please tell your manager at the earliest opportunity so that you can agree reasonable paid time off to attend official meetings and to allow your manager to plan for your anticipated absence.

To apply for adoption leave and adoption pay you must complete an [Adoption Application Form](#). You need to do this within 7 days of being notified by a recognised adoption agency that you have been matched with a child/children.

You must also provide your original (not photocopy) matching certificate.

The earliest date you may start your adoption leave is 14 days before the expected date of placement.

Details of the processes to be followed can be found in the [Adoption Leave and Pay Procedure](#).

### **What Leave and Pay am I entitled to?**

All employees are entitled to take up to 52 weeks maternity or adoption leave. The amount of pay you will receive depends on length of service.

Details of the amount of pay you are entitled to are available on the [maternity](#) and [adoption](#) entitlement flowcharts.

### **How much time off am I allowed for antenatal appointments?**

Employees are entitled to reasonable paid time off to attend ante-natal appointments, including relaxation and parent craft classes, provided adequate notice is given. It is only necessary to provide proof of the first appointment.

### **If I am ill during my pregnancy will it count towards sickness triggers?**

If you are sick for a pregnancy related reason at any time during the four weeks before the expected week of childbirth, your maternity leave will automatically begin at the start at the latest of the following dates:

- the beginning of the fourth week before the expected week of childbirth, or
- the beginning of the next week after the employee last worked.

However, odd days of pregnancy related illness may be disregarded if you wish to continue working until the date previously agreed with your manager.

If you are sick earlier than this, or for a reason other than your pregnancy, the absence will be recorded in the normal manner.

Pregnancy related absences will not be counted towards the trigger for the management of sickness absence. However, any such sickness will be managed in accordance with the sickness policy to facilitate a return to work as soon as possible with any necessary support or adjustment to duties during your pregnancy.

### **Do I continue to accrue annual leave when on maternity/adoption leave?**

Yes, you continue to accrue annual leave when you are on maternity, adoption or paternity leave.

### **Do I continue to accrue bank holidays when on maternity/adoption leave?**

Yes, you will continue to accrue bank holidays when on maternity, adoption or paternity leave.

### **Is it acceptable for me to take my full years annual leave entitlement before I go on maternity/adoption leave?**

How you take your annual leave needs to be agreed with your line manager in advance of the start date of your maternity/adoption leave.

Should your circumstances change you may be required to pay back any annual leave overtaken.

Should your baby arrive early or your placement for adoption date is brought forward, you will not lose out on any annual leave but will need to confirm with your manager any changes to your agreed leave dates at the earliest opportunity.

Where possible, it would be best practise to ensure leave accrued during the time you are in work is taken before the commencement of your maternity or adoption leave and annual leave accrued during the period of you maternity/adoption leave is taken

to manage your return to work. For example, tagging this on to the end of your maternity/adoption leave or returning with a reduced working week (leave used to ensure no loss of pay).

However, any such arrangements must be agreed with your manager and meet the needs of the service.

### **I would like to have some Keeping In Touch (KIT) days, how many am I allowed and when?**

Before you start your maternity/adoption leave, your manager should discuss voluntary arrangements for keeping in touch while on leave.

The law allows employees to attend work on a maximum of 10 'Keeping in Touch' (KIT) days during their maternity or adoption leave to facilitate a smooth return to work. These days can be consecutive, can be shorter than a normal working day and can include training sessions etc. Working for part of a day counts as one of the 10 KIT days.

All KIT days and the arrangements for them must be agreed by both you and your manager n.b. neither of you can insist on KIT days being used.

If a KIT day is worked your pay will be made up to full pay for those hours worked. If you are on unpaid leave you will be paid at the normal hourly rate

Your managers must keep a record of all hours worked on KIT days and inform payroll of these using the [Confirmation of Return to Work Form](#). Payment of KIT days will be made on your return from leave and will not be made on an 'as and when basis'.

N.B Employees on maternity leave cannot work on a KIT day until at least 2 weeks after the birth of their child.

### **If I am returning from Maternity/Adoption Leave to a post in another Health Board what do I need to do?**

You will need to resign from your position with Cardiff and Vale University Health Board and you will need to speak to your line manager and produce proof of your new post in another Health Board to confirm your NHS employment.

### **I have a substantive contract with the Health Board, but I also work on for the Temporary Staffing Officer ('bank). Can I work on the bank during my maternity/adoption leave?**

Yes, only if you are not in receipt of any pay, occupational or statutory and were registered with the bank before commencing your maternity/ adoption leave.

You are entitled to work a maximum of 50% of your substantive hours per week for the Temporary Staffing Office during your unpaid leave period. If you exceed this limit it will constitute a return to work.

### **Am I able to change my maternity/adoption leave and return to work earlier or later than I originally stated?**

Yes, as long as you give 28 days written notice to your manager.

## **Am I able to return from maternity/adoption leave on reduced hours? What do I need to do?**

If you wish to return to work on different hours, your manager has a duty to facilitate this wherever possible, with you returning to work on different hours in the same job. If this is not possible, your manager must provide written, objectively justifiable reasons for this and you should return to the same grade and work of a similar nature and status to that which you held prior to your maternity or adoption leave.

If it is agreed that you may return on a flexible basis, including changed or reduced hours, for a temporary period this will not affect your right to return to your job under your original contract at the end of the agreed period.

To apply for a change in hours you should refer to the [Flexible Working Policy](#). It is recommended that you discuss this with your manager and apply as soon as possible as the process is lengthy. Further information about this can be found in the [Flexible Working Toolkit](#).

## **My manager has talked to me about returning to a different post after my maternity/adoption leave; are they allowed to request this?**

This may happen if there is a good operational reason for re-organising the department, but your manager must consult with you and ensure you are informed of any changes which may impact your terms of employment during the course of your maternity/adoption leave as soon as practically possible.

## **How long do I need to continue to work for the NHS after my pregnancy to not be required to pay back my occupational maternity/adoption leave pay?**

You are required to work for 3 months after your return to work for an NHS employer. This does not have to be for Cardiff and Vale Health Board it can be for any NHS organisation. If you do not do so, you may be required to pay back the occupational element of any pay you received.

## **What should I do if I become ineligible for Statutory Maternity/Adoption Pay during my maternity leave?**

Should your circumstances change and you become ineligible for statutory payments during your leave you must inform the Health Board via your line manager at the earliest opportunity.