

Livewell Southwest

## **Maternity Policy**

Version No. 3.1

Review: May 2025  
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### **Notice to staff using a paper copy of this guidance**

**The policies and procedures page of the LSW intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.**

**Author: People and Professionalism**

**Asset Number: 50**

## Reader Information

|  |   |
|--|---|
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| <b>Author</b>  | People and Professionalism  |
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| <b>Stakeholders</b>                                    | Current and prospective employees of Livewell Southwest.  |
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## Document review history

| Version no. | Type of change | Date           | Originator of change                        | Description of change  |
|-------------|----------------|----------------|---|--|
| 2.3         | Minor Update   | March 2018     | HR Policy Group                             | Minor amendment  |
| 2.4         | Extended       | July 2018      | Head of HR & Staff Wellbeing                | Extended   |
| 2.5         | Minor Update   | September 2019 | HR Policy Group                             | Update of 2.2 regarding who the policy applies to and 5.8 and 5.21 regarding childcare vouchers scheme |
| 2.6         | Minor Update   | October 2019   | HR Admin.                                   | Correction of formatting errors  |
| 2.7         | Minor update   | November 2020  | HR Admin                                    | Change to form and amendment to some wording   |
| 2.8         | Extension      | November 2020  | HR Admin                                    | Extended by 6 months   |
| 2.9         | Extension      | April 2021     | HR Admin                                    | Extended by 6 months   |
| 2.10        | Extended       | October 2021   | Associate Director of HR & Engagement       | Extended   |
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# Maternity Policy

## 1 Introduction

- 1.1 Livewell Southwest is committed to fairness and equity and values diversity in all aspects of its work as a provider of health and social care services and as an employer of people. We constantly strive to build a workforce that is representative of the community it serves.
- 1.2 Livewell Southwest is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy maternity, race, religion or belief, sex and sexual orientation in the provision of our services and in recruitment and employment. This enables an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation.
- 1.3 The organisation recognises that employees may have questions or concerns relating to maternity rights. Therefore this policy aims to provide details of potential provisions for maternity leave and pay, however as the maternity provisions are complex, if an employee becomes pregnant she should clarify the relevant procedures with her line manager or HR department.

## 2 Purpose

- 2.1 This policy sets out the arrangements for maternity leave and pay in relation to the birth of a child. This policy shall operate alongside additional policy arrangements for Shared Parental Leave, Paternity, and Parental Leave.
- 2.2 This policy applies to employees of Livewell Southwest within Agenda for Change terms and conditions and also Dentists and Doctors under the national Medical and Dental terms and conditions of service. It is important to ensure the application of the most appropriate policy given the historical employment record of the employee requesting maternity, particularly as specific contractual policy arrangements may apply following transfer processes (known as TUPE). In particular Occupational Maternity Pay is only applicable for staff who are under the AFC Terms and Conditions of employment and also Dentists and Doctors under the national Medical and Dental terms and conditions of service.

## 3 Definitions

- 3.1 The following abbreviations are used within this policy:

|            |                               |
|------------|-------------------------------|
| <b>ERA</b> | Employment Rights Act         |
| <b>EDC</b> | Expected Date of Confinement  |
| <b>EWC</b> | Expected Weeks of Confinement |

|            |                            |
|------------|----------------------------|
| <b>LEL</b> | Lower Earnings Limit       |
| <b>OMP</b> | Occupational Maternity Pay |
| <b>SMP</b> | Statutory Maternity Pay    |

3.2 "Expected week of childbirth" is the week, during which the employee's doctor or midwife expects her to give birth.

3.3 "Qualifying week" is the 15<sup>th</sup> week before the expected week of childbirth.

## 4 Duties & Responsibilities

4.1 The **Chief Executive** is ultimately responsible for the content of all policies, implementation and review.

4.2 Line Managers are responsible for:

- Ensuring that this policy is adhered to within their specified area, and should take consideration of it when undertaking relevant processes.
- Ensuring that employees are made aware of this policy and understand the potential implications of processes in relation to it.

4.3 Employees must:

- Ensure that they participate and engage in any processes and in line with this policy.
- Make their Manager aware if they require any additional support to participate in processes within this policy.

## 5 Employee's Guide to Maternity

### 5.1 How soon should I tell my manager that I am pregnant?

5.1.1 You should tell your Manager at the earliest opportunity following the confirmation of your pregnancy; your Manager will then arrange to complete a maternity risk assessment with you (see Appendix B and C). Once this has been completed the original retained by your manager.

### 5.2 What is a risk assessment for?

5.2.1 Livewell Southwest (LSW) has a duty of care towards mothers and their unborn children, therefore it is important that we ensure that your working conditions will not cause harm to you or your unborn children. Please refer to Risk Management Strategy.

5.2.2 If the risk assessment identifies or a medical professional considers that you and or your unborn child would be at risk (for example a nightshift worker, working in

a volatile area) then we would seek to provide suitable alternative employment for which you would continue to receive your normal pay.

5.2.3 If as in exceptional circumstances we are unable to offer suitable alternative work then you would be placed on special paid leave.

5.2.4 Depending on the nature of your job and/or area that you are based it may be appropriate to complete more than one risk assessment during your pregnancy. In most circumstances the risk assessment should be reviewed on a monthly basis during the pregnancy to ensure relevance and identify any changes.

### **5.3 How can I find out about my maternity entitlements?**

5.3.1 To receive information about your personal maternity entitlements you should contact Human Resources. Contact details for Human Resources are available from the intranet.

### **5.4 Am I entitled to maternity leave?**

5.4.1 All employees have the right to 52 weeks maternity leave regardless of their length of service.

5.4.2 All employees have the right to curtail their period of maternity leave to utilise Shared Parental Leave with their partner, please refer to the Shared Parental Leave (Birth) Policy for full details of leave and pay arrangements.

### **5.5 When can I start my maternity leave?**

5.5.1 The earliest date that you can start your maternity leave is at the 11<sup>th</sup> week before your expected week of confinement (EWC). Provided that you are not absent from work with a maternity related condition the latest date that you can commence maternity leave is your expected date of confinement (EDC).

5.5.2 If you are absent from work with a pregnancy related condition then your maternity leave will automatically commence at the 4<sup>th</sup> week before your EDC.

### **5.6 What paperwork do I need to complete before going on maternity leave?**

5.6.1 Either on or before your qualifying week (15<sup>th</sup> week before your EWC) you are required to notify the organisation in writing of your pregnancy, your EWC and the date you intend to start your maternity leave, you should do this by completing a maternity leave application form, once completed you should send it to Human Resources for processing. Your manager is then advised of this date and will complete a change form.

5.6.2 On receipt of your completed form you will receive written confirmation of your

notification setting out the details of your maternity entitlements. This will include your expected return to work date. The assumption is that you will take your full entitlement of 52 weeks maternity leave; however should you wish to return to work before this you are required to give your manager 28 days' written notice.

- 5.6.3 If you should wish to alter your leave commencement date you will need to give 28 days' written notice (or as soon as is reasonably practicable).
- 5.6.4 You are also required to send your original MATB1 certificate to Human Resources, you will normally receive this at or after your 20<sup>th</sup> week from your GP or midwife. On some occasions your MATB1 may be returned to you particularly if you will be claiming Maternity Allowance (MA). It is important that you complete your personal details on the certificate before forwarding to the department.

## **5.7 What maternity pay will I be entitled to?**

- 5.7.1 Maternity pay is based on your length of service. To qualify for occupational maternity pay (OMP), you must have 12 months continuous service with one or more NHS organisations at the beginning of the 11<sup>th</sup> week before your EWC. Maternity pay commences from the date that you start your maternity leave and is paid for 39 weeks in total.
- 5.7.2 The amount payable is calculated on your average earnings during the two pay dates falling in or before your 15<sup>th</sup> week prior to the birth and is not based on basic pay, but the pay that you would pay national insurance contributions on. Therefore any salary deductions that you receive for example childcare vouchers will lower your rate of average earnings.
- 5.7.3 You are entitled to 39 weeks' pay, this will consist of a combination of Occupational and Statutory Maternity pay. You will receive:
- 8 weeks at full pay (based on your average earnings);
  - Then 18 weeks at half average pay and SMP or 90% of average earnings, whichever is lower.
  - Then 13 weeks at the standard SMP rate.
  - Any maternity leave taken after this period will be at nil pay.
- 5.7.4 OMP may be paid in a different way for example you may wish to have a fixed amount spread equally over your maternity leave period. If you wish to do this you will need to specify what arrangements you would like when you complete your maternity leave form. How SMP is paid cannot be altered and will be at the statutory weekly rate as set by the government.
- 5.7.5 If you do not meet the service criteria to receive OMP, you may be able to receive SMP. To qualify for SMP you must have 26 weeks continuous service



with Livewell at the beginning of your 15<sup>th</sup> week before your EWC. If you meet this you will receive 90% of your average weekly earnings for six weeks and then 33 weeks of payment of the current SMP rate.

5.7.6 If you do not meet either of these criteria you may still be entitled to Maternity Allowance (MA) which can be claimed via the Job Centre. SBS Payroll will advise you if this is the case and provide you with an SMP1 form.

5.7.7 Your maternity pay will be paid directly into your bank account and you will receive your payslip via the post.

5.7.8 You will have the opportunity to discuss your personal maternity entitlements in more detail when you speak to a representative from Human Resources.

## **5.8 I am part of a salary sacrifice scheme, what do I need to do?**

5.8.1 You should contact Human Resources (direct contact details are available on the intranet) at the earliest opportunity as vouchers may have a negative effect on your maternity pay.

5.8.2 Maternity pay is calculated on the amount of average weekly earnings during the two pay dates falling in or before your 15<sup>th</sup> week of confinement and is not based on basic pay, but the pay that you would pay national insurance (NI) contributions on. Salary sacrifice schemes such as childcare vouchers would reduce your average earnings. This does mean though that although your maternity pay would have already taken into account your childcare vouchers you can continue to receive them during the whole of your maternity leave, both paid and unpaid, you will only contribute to the payment of these whilst you are receiving occupational maternity pay (OMP), essentially you will only pay for your vouchers for the first 26 weeks of your maternity leave but receive them for up to 52 weeks.

## **5.9 Will I be paid for attending my ante-natal care?**

5.9.1 You are entitled to take reasonable time off to attend your ante-natal appointments which will be paid. Where possible you should try to arrange your appointments so as to minimise the impact that the time off will have on your working day.

5.9.2 Ante-natal care is not restricted to medical appointments and could include for example relaxation classes, parent craft classes and aqua-natal classes.

5.9.3 It is difficult to define reasonable time off therefore when looking to support you with this your manager will look at the duration, location and regularity of the activity and may at times ask you to balance some of the time off by using annual leave.

## **5.10 Can my partner attend ante-natal care with me?**

5.10.1 Your partner has a right to unpaid time off for antenatal appointments, the statutory entitlement is to take unpaid time off to attend up to two appointments, however if they are employed by LSW they will continue to be able to take reasonable time off (see note above regarding reasonable time off) to attend your appointments with you.

## **5.11 My baby was born early what happens now?**

5.11.1 If you have your baby early you would still be entitled to your full maternity leave and pay just as if your baby was born at full term. If your baby is born earlier than the 11<sup>th</sup> week before your EWC, your maternity leave will start on the day after your baby was born.

5.11.2 If in the circumstance that your baby is born before the 11<sup>th</sup> week before your EWC and has to stay in hospital you may split your maternity leave by taking a minimum of two weeks compulsory maternity leave immediately after your baby is born and the rest of your leave following your baby's discharge from hospital.

## **5.12 I am on a fixed term/training contract, what are my entitlements?**

5.12.1 If your fixed term or training contract ends after the 11<sup>th</sup> week before your EWC then your contract of employment will be extended to allow you to receive 52 weeks maternity leave which may include both paid and unpaid leave.

5.12.2 Section 15 (15.42) in AFC handbook will provide you with further information.

## **5.13 Will I still get my pay increment whilst I am on maternity leave?**

5.13.1 You will continue to receive annual increments during your maternity leave as all maternity leave both paid and unpaid shall count as continuous service.

## **5.14 What happens to my lease car whilst I am on maternity leave?**

5.14.1 If you have a lease car we would advise you to contact NHS Fleet Solutions to discuss the financial implications of your period of maternity leave on the leasing arrangements. Contact details:

Telephone: 0844 811 8228

E-mail: [enquiry@nhsfleetsolutions.co.uk](mailto:enquiry@nhsfleetsolutions.co.uk)

Website: [www.nhsfleetsolutions.co.uk](http://www.nhsfleetsolutions.co.uk).

## **5.15 Who do I need to let know when I have had my baby?**

5.15.1 You are not normally required to let Human Resources know, though it is always nice to hear your good news!

5.15.2 If however your baby is delivered early and you have not already started your maternity leave you will need to advise us so that we can commence your maternity leave and payments from that date.

## **5.16 What happens to my annual leave entitlement?**

5.16.1 Prior to commencing maternity leave you should discuss and agree arrangements with your manager for taking your outstanding accrued annual leave prior to commencing your maternity leave.

5.16.2 For the whole duration of your maternity leave you will continue to accrue your annual leave and public holiday entitlement. (NB. If you are employed on a term-time only contract the accrual of your annual leave and public holiday entitlement will be based on your notional hours).

5.16.3 Before your return to work you must make arrangements with your manager to take your accrued leave, the expectation is that you will take your leave after your maternity leave but before returning to work.

5.16.4 If you are employed on a term-time only contract, you will not accrue annual leave whilst you are on maternity leave. This is because your usual salary payment consists of your salary over the declared weeks that you work plus payment for your holiday and public holidays; this is then equalled out over 12 months. You are already benefiting from your annual leave as it is being paid to you and this higher average is used to calculate your maternity pay, therefore with this in mind you would not accrue leave during your maternity leave period.

5.16.5 In order to accrue annual leave during your maternity leave we would have to make an adjustment for leave that you would have taken prior to your maternity leave which in some circumstances may mean that you would have been overpaid, your average hours would need to be altered and therefore your maternity pay would also be calculated on a lesser amount.

## **5.17 Keeping in touch during maternity leave (KIT Days)**

5.17.1 Before commencing maternity leave you should have discussed and agreed voluntary arrangements for KIT days if it is your intention to utilise these.

5.17.2 You may by agreement of your manager do up to ten days work during your paid or unpaid maternity leave. The days can be used for anything classed as work under your contract of employment for which you would normally be paid, and could be particularly useful in enabling you to attend mandatory training or attend a team meeting for example. KIT days cannot take place during the two week

period immediately after the birth.

5.17.3 Each occasion that you attend work will count as a whole keeping in touch day and you will receive payment based on your daily basic rate for the hours that you have worked less the appropriate maternity pay.

5.17.4 You should be aware that if you elected to receive your maternity pay in equal instalments, it is this equivalent daily rate that will be used to calculate your payment.

**5.18 I have decided that I will not be returning to work at the end of my maternity leave, what do I need to do?**

5.18.1 If you have decided not to return to work you need to let your manager know, you should put this in writing making sure that you give your contractual notice. Depending on which maternity pay option you have taken, you may be liable to repay back some of your maternity pay.

**5.19 I am returning to work following my maternity leave what do I need to do?**

5.19.1 Unless you tell us differently we will assume that you are taking your full entitlement (52 weeks). If you are planning on returning to work before this you must provide your manager with at least 28 days' written notice of your intention to return to work. If you do not give enough notice then the organisation can postpone your return to work date until the expiry of the 28 days' notice or the end of your maternity leave, whichever comes earlier.

5.19.2 Please note that you are unable to return to work during the two weeks of compulsory maternity leave immediately after the birth of your baby.

5.19.3 If you are unfortunately sick following the date that you are due to return to work then your normal sickness entitlements will be applied.

**5.20 I want to change my hours on my return to work what should I do?**

5.20.1 It is always advisable to discuss this with your manager at the earliest opportunity; you may wish to do this prior to commencing maternity leave. To apply for a change to your work pattern you must complete a Flexible Working Application which is available on the Intranet and send it to your manager. On receipt of this document your manager will arrange to meet with you to discuss your request, this will take place within four weeks.

5.20.2 Following the meeting your manager will write to you within 14 days to confirm the outcome. If your request is accepted your manager will complete a change form to effect the changes, if your application is unsuccessful you are able to appeal this decision. Details of the appeal process can be found in the Flexible

Working Policy.

**5.21 What childcare support can I receive?**

5.21.1 All parents with childcare responsibilities may be eligible for tax free childcare. Childcare vouchers scheme was closed on September 2018 when the Government introduced tax free childcare.

5.21.2 For more information regarding tax free childcare please refer to the Government website <https://www.childcarechoices.gov.uk/>.

**5.22 What is parental leave (unpaid) and can I take some following my maternity leave?**

5.22.1 You may wish to explore opportunities for unpaid parental leave following your period of maternity leave – please refer to the Parental Leave (Unpaid Policy) for further details.

**5.23 Is my partner entitled to leave?**

5.23.1 If your partner is employed by Livewell Southwest they may be entitled to Paternity Leave, please refer to the Paternity Policy for full details of leave and pay arrangements. They may also be entitled to Shared Parental Leave (Birth), please refer to policy arrangements for full details.

**5.24 What happens to my pension whilst I am on maternity leave?**

5.24.1 During the period that you are receiving occupational maternity pay you will continue to make pension contributions, however we are unable to make deductions from statutory payments, therefore for any period of maternity leave that is either covered by SMP only or you are receiving nil pay, the pension contributions for that period will be collected on your return to work.

**5.25 I am thinking about taking a career break at the end of my maternity leave what are the arrangements for this?**

5.25.1 You would need to contact your manager no later than 28 days before the end of your maternity leave to request a career break.

5.25.2 Should you choose to take longer than 12 months you would be obliged to repay the difference between your statutory and occupational maternity pay, however should your break be less than 12 months but more than three months no repayment of maternity pay would be payable provided that you return to work for a minimum of three months after the career break.

5.25.3 Further information regarding career breaks can be found in the Career Break Policy.

## **5.26 I am planning to continue breast feeding my baby when I return to work what provisions are in place to do this?**

5.26.1 Anyone wishing to return to work and continue breast-feeding should be able to do so. A break at work for a twenty-minute period every four hours should be granted. Somewhere should be set aside that is comfortable and private. This should not be a toilet. Somewhere to wash hands should be available. Milk should be stored in a clearly marked container in the staff fridge. Expressed milk should not be stored in the patients' fridge (as per instructions from Infection Control and Microbiology).

5.26.2 Your manager will need to complete a risk assessment with you on your return to work. (Appendix B and C).

## **5.27 What happens if something goes wrong with my pregnancy?**

5.27.1 Unfortunately sometimes things do not always work out the way that they are planned and in a small number of cases people experience the sadness of losing their baby.

In the very sad event of still born from 24 weeks of pregnancy or born alive at any point in the pregnancy but later dies, the employee continues to be entitled to take their full maternity leave and pay.

5.27.2 If this should happen to you, when you are ready you should get in touch with Human Resources so that they can talk over your options regarding work with you. (Sections 15.32 & 15.33 of AFC T&C provide more detail regarding entitlements).

## **6. Training Implications**

Training will be provided to Managers, as required, on their duties in relation to this Policy.

## **7. Monitoring Compliance**

Failure to comply with the contents of this policy may result in disciplinary action. Please refer to the Disciplinary Policy for further details. The effectiveness of this policy will be monitored through the HR Policy Group.

**All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.**

**The Lead Director approves this document and any attached appendices. For operational policies this will be the Head of Service.**

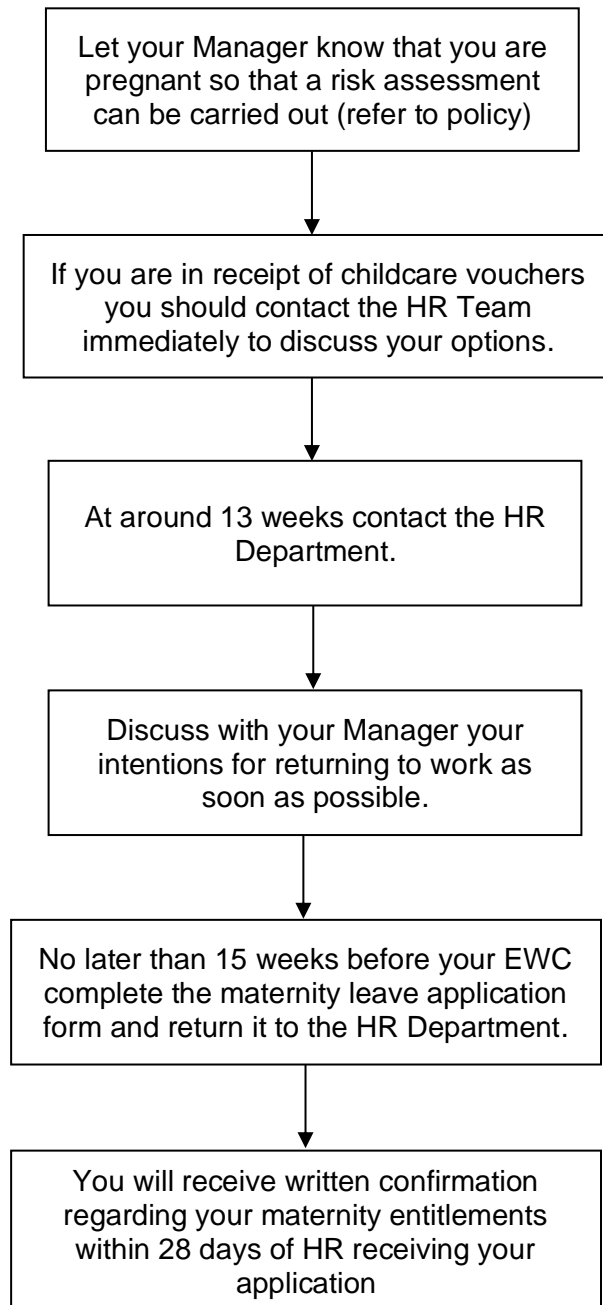
**The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.**

**Signed: Director of People and Professionalism**

**Date: 23<sup>rd</sup> November 2022**

## Appendix A1

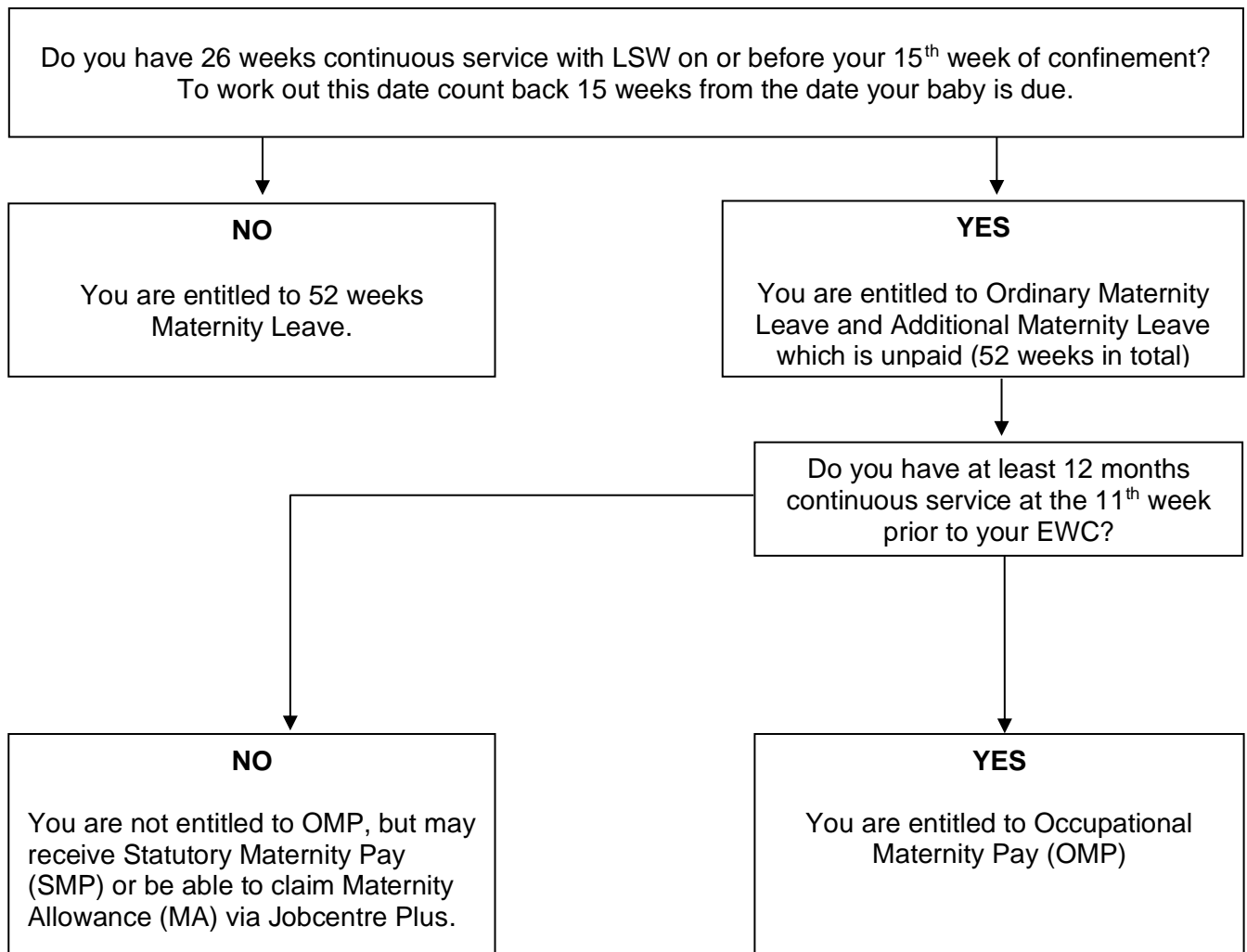
### Employee Guidance – maternity leave





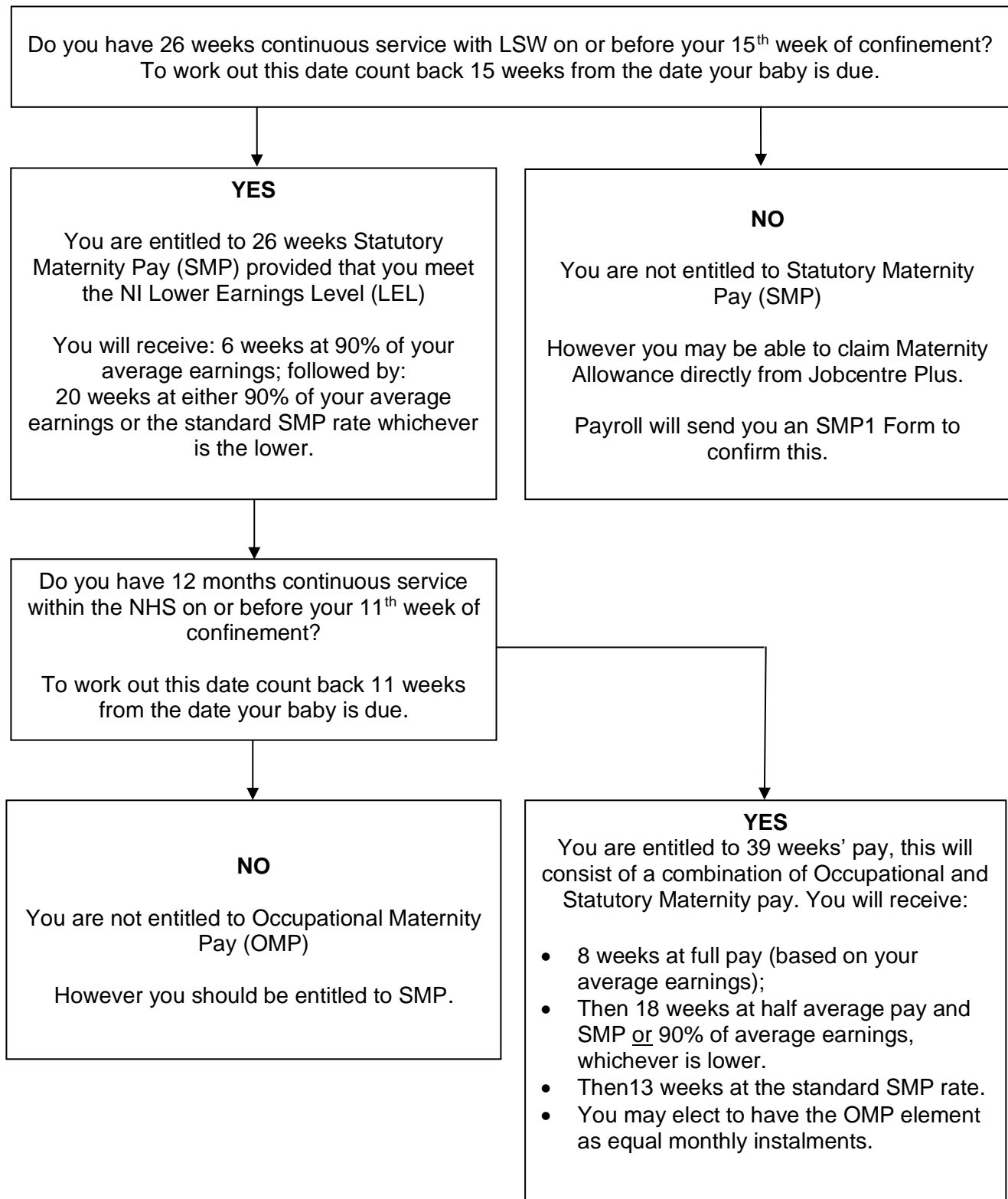
## Appendix A2

### Employee Guidance - maternity leave



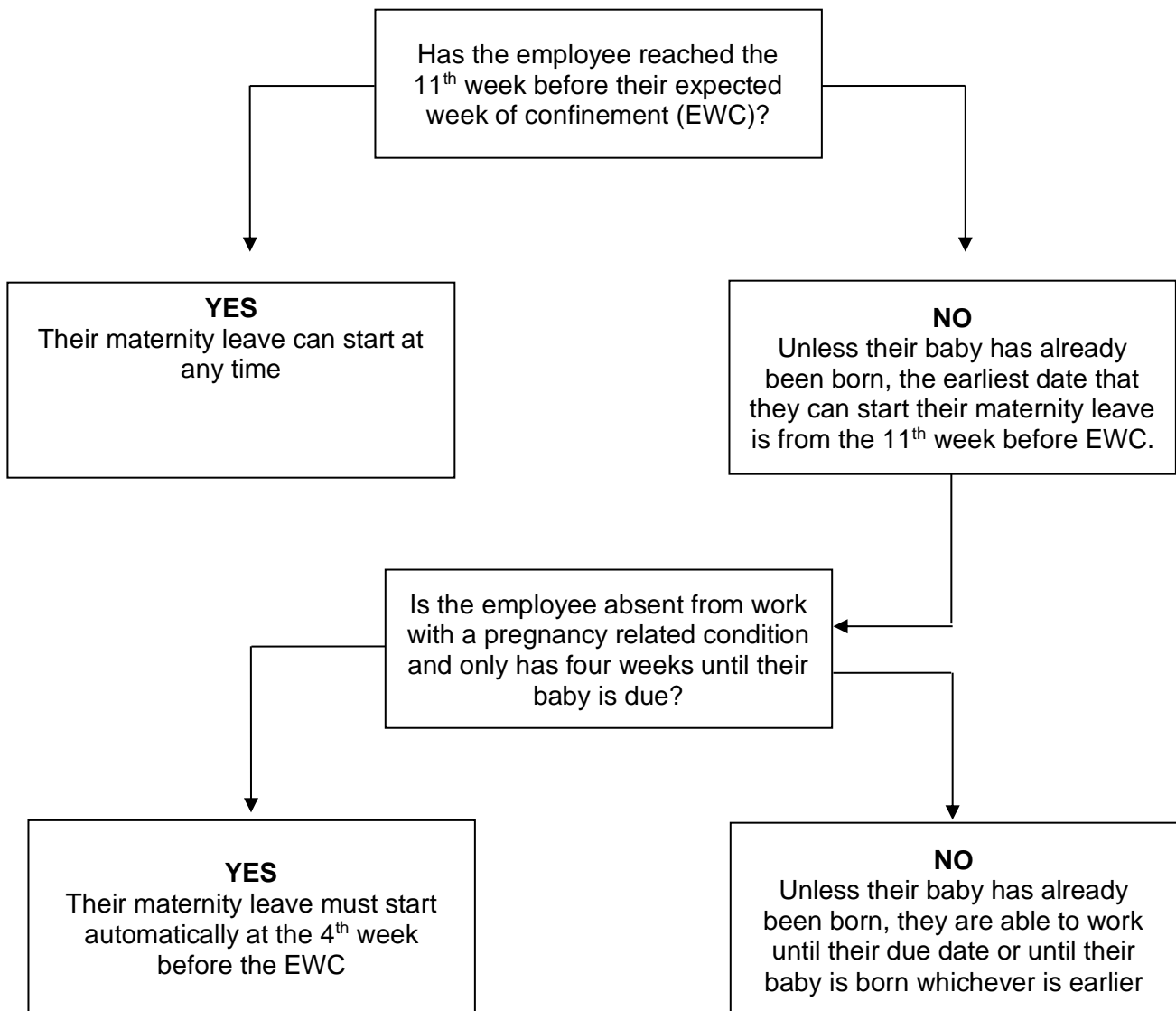
## Appendix A3

### Employee Guidance - maternity pay



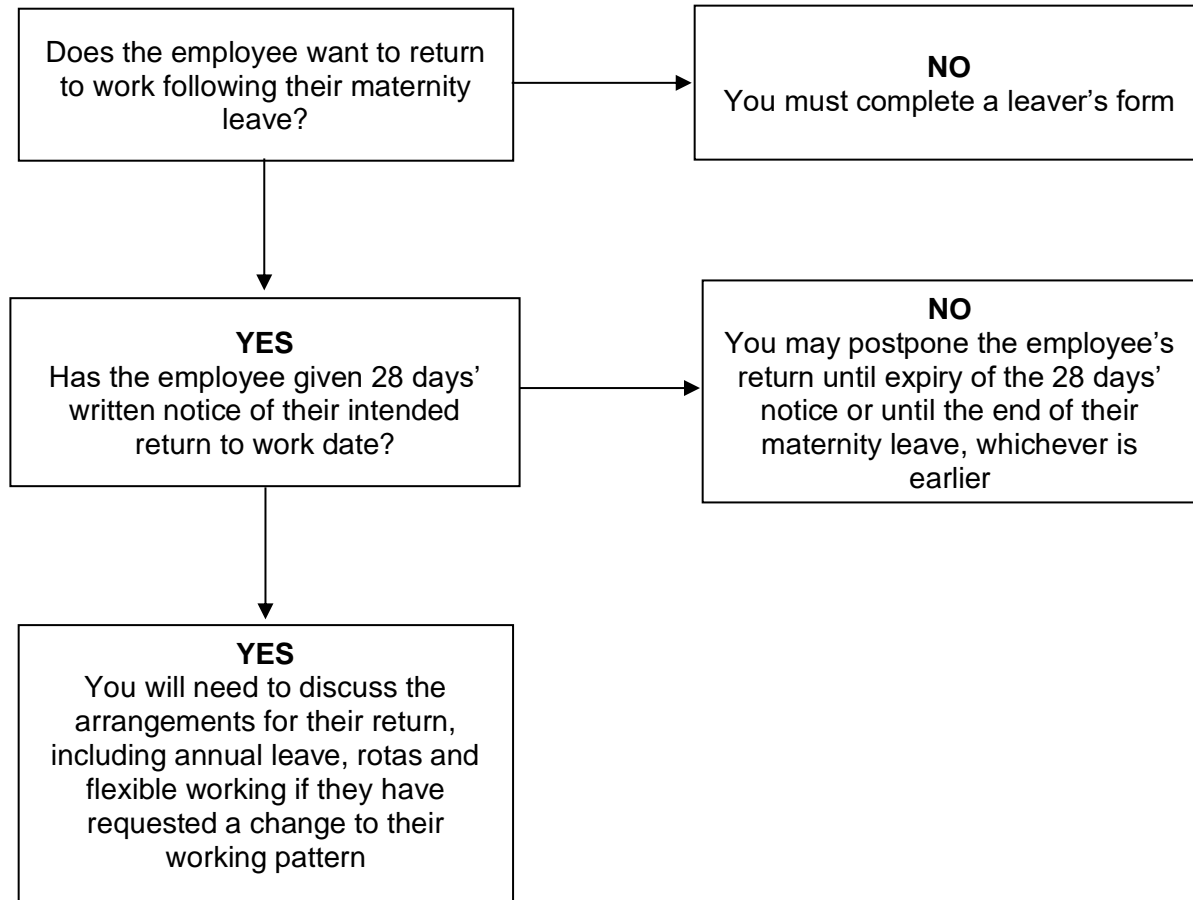
## Appendix A4

### Managers Guidance – maternity leave



## Appendix A5

### Managers Guidance – employees returning to work following maternity leave



## **Appendix B**

### **Procedure for Managing the Health and Safety of New and Expectant Mothers at Work**

#### **Introduction and Scope**

- 1.1 In order for Livewell to comply with the relevant legislation, managers are required to carry out an assessment of the health and safety risks arising from work under their control to staff who are new or expectant mothers. This is to ensure they are not exposed to risks that would present a danger to themselves or their child.
- 1.2 This procedure has been developed to help managers meet this requirement and to address other health & safety issues impacting on pregnancy at work.
- 1.3 The procedure applies to members of staff who are either pregnant, breastfeeding mothers (whilst breastfeeding continues) or nursing mothers up to six months after confinement.

#### **Identification and Assessment of Risks**

- 1.4 The organisation has produced an assessment form (see Appendix C) to be used by line managers, in conjunction with the employee, to identify and assess risks to new and expectant mothers. The assessment must be reviewed regularly (usually monthly) throughout pregnancy or when the nature of the work changes or there has been a further appreciation of hazards and risks. If after review the assessment is still valid, the reviewing manager must sign against the review date at the bottom of the form and set a new review date. If the assessment shows a change of circumstance, a new assessment form must be completed.
- 1.5 The checklist on the form is not exhaustive and managers should add any other significant factors as necessary.
- 1.6 Where reasonably practicable, any significant work risks likely to affect the health and safety of new and expectant mothers must be either eliminated from the workplace or adequately controlled.
- 1.7 If after taking whatever preventative/control action is reasonable, there are still significant risks the manager must take one of the following steps, listed in order of priority,
  - Step 1 – Temporarily adjust working conditions or hours of work;
  - Step 2 – Offer suitable alternative work if any is available
  - Step 3 – Give paid leave from work for as long as necessary to protect the

health and safety of the member of staff and that of the child.

- 1.8 Further guidance regarding the health & safety for New and Expectant Mothers can be found at <http://www.hse.gov.uk/mothers/>
- 1.9 Risk assessment for individual members of staff should be undertaken when:
- the manager becomes aware that the member of staff is pregnant;
  - where there is a change in exposure;
  - on the mother's return to work;
  - at regular periods throughout pregnancy.
- 1.10 With reference to the Appendix C assessment, any necessary steps taken to remove the member of staff from risk must be recorded and a copy included in the member of staff's personal file.
- 1.11 Risks identified by the Appendix C assessment can still apply to nursing mothers for up to six months after confinement, or whilst the mother continues to breastfeed. The manager must take this into account when reviewing the mother's assessment on their return to work and before allocating duties.

### **Information for Staff**

- 1.12 Where the assessment shows that there is a potential risk, female staff must be made aware of this, with an explanation of the steps in place to ensure that they are not exposed.

### **Referral to Occupational Health & Wellbeing Department**

- 1.13 Managers may either seek the advice of or refer new and expectant mothers to the Occupational Health & Wellbeing Department if they have reasonable doubts regarding the steps to safeguard their health and safety.
- 1.14 Staff may request referral to the Occupational Health & Wellbeing Department should they be worried about their pregnancy at work.

### **Rest Rooms/Rest Time for Pregnant Staff**

- 1.15 Provision must be made for expectant staff who require to rest. Managers should discuss needs and reach agreement.

- 1.16 Should an expectant member of staff become unwell during working hours, they should be given the facility to telephone their midwife or doctor or be assisted to home or hospital as necessary.

### **Nursing Mothers**

- 1.17 Managers must also make time and a room available for nursing mothers who wish to express milk during working hours at reasonable times agreed with their manager.

### **Guidance for Completion of Risk Assessments**

- 1.18 Managers may find the HSE Guidance HS(G)122 “New and Expectant Mothers at Work - a Guide for Employers” helpful, available from the Risk Manager.

#### **1.19 Manual Handling**

- 1.19.1 Repetitive strenuous movements, lifting, twisting, reaching, pulling, pushing and stooping should be avoided.
- 1.19.2 Manual Handling loads over 5 kilos should be avoided in the third trimester e.g. last 13 weeks of pregnancy or at any other stage during pregnancy if there is a history of actual or threatened miscarriage or pre-eclampsia.

#### **1.20 Radiation**

- 1.20.1 All potentially exposed pregnant staff should be referred to the Radiation Protection Adviser, Medical Physics Department, Derriford Hospital.
- 1.20.2 In areas where staff are exposed to radiation (i.e. x-ray departments, dental), any staff who are, or think they may be pregnant must inform the Radiation Protection Supervisor, in writing, in order that a risk assessment may be undertaken.

#### **1.21 Potential Violence to Staff**

- 1.21.1 Staff must not be expected to participate in Control and Restraint. However, there may be no need to move a pregnant member of staff from the workplace unless they are either specifically targeted, exposed to patients known to be violent or at risk on medical grounds.

#### **1.22 Visual Display Equipment**

- 1.22.1 Potential discomfort from display screen use must be addressed, see relevant Display Screen Equipment assessment.

## 1.23 Substances Hazardous to Health

- 1.23.1 Exposure to certain substances hazardous to health should be avoided. This may include certain chemical, pharmaceutical and biological agents. COSHH assessments, material safety data sheets (provided with the product) and safety bulletins will help to establish what action to take.

- 1.23.2 **Biological Agents** - Specific enquiries should be made to the Infection Control Department or alternatively the Staff Health & Wellbeing Department.

- 1.23.3 **Chemical agents** which pose a particular hazard are labelled with the following hazard statements (as required by the European Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures known by its abbreviated form, 'the CLP Regulation' or just plain 'CLP'; and the method of classifying and labelling of chemicals it introduced is based on the United Nations' Globally Harmonised System (GHS)). A hazard statement describes the nature of the hazard in the substance or mixture:

H340 – May cause genetic defects

H341 – Suspected of causing genetic defects

H360F – May damage fertility

H360D – May damage the unborn child

H360FD – May damage fertility. May damage the unborn child

H360Fd – May damage fertility. Suspected of damaging the unborn child.

H360Df - May damage the unborn child. Suspected of damaging fertility

H361f – Suspected of damaging fertility

H361d – Suspected of damaging the unborn child.

H361fd – Suspected of damaging fertility. Suspected of damaging the unborn child.

H362 – May cause harm to breast fed children.

All hazard statements relevant to a particular chemical agent will be found on the product container/package hazard warning label (easily identified by the hazard pictogram) and the safety data sheet which usually accompanies the product.

- 1.23.3 **Nitrous Oxide** - There is no documented evidence to confirm or exclude the existence of any casual connection between pregnancy and the exposure to nitrous oxide. Please refer to:  
<http://www.bochealthcare.co.uk/en/quality-and-safety/safety-and-technical-data/safety-data-sheets/safety-data-sheets.html> Section 4.4 and 4.6.



## 1.24 Night Work

If a new or expectant mother works at night and has a medical certificate stating that night work could adversely affect her health or safety, then she should be offered daytime work or if that is not reasonable be given paid leave for as long as it necessary to protect her health and safety. This would also apply to staff involved in 'on call' rotas.

## 1.25 Aspects of Pregnancy which may affect Work

1.25.1 In addition to the checklist the effects of the following should be kept under review:

### Aspects of Pregnancy

Morning Sickness  
Backache  
Varicose Veins  
Haemorrhoids  
Frequent visits to the toilet  
Increasing size  
Tiredness

### Hazards at Work

Early shift work  
Exposure to nauseating smells  
Standing/manual handling/posture  
Standing/sitting  
Working in hot conditions  
Difficulty leaving workplace  
Use of Personal Protective Equipment

Balance  
Comfort  
Dexterity, agility, co-ordination,  
speed of movement, reach

Overtime, evening work  
Problems on slippery wet floors, or on  
ladders, platforms, heights.  
Problems of tightly fitting workplaces  
(e.g. behind the wheel of a car etc.)  
because of increasing size

## Risk Assessment for Managing the Health & Safety of New & Expectant Mothers at Work

|                         |  |                                     |  |
|-------------------------|--|-------------------------------------|--|
| <b>Name of Employee</b> |  | <b>Base</b>                         |  |
| <b>Job Title</b>        |  | <b>Age</b>                          |  |
| <b>Hours Worked</b>     |  | <b>Expected Date of Confinement</b> |  |

### Factors of Work

Please read Procedure for Managing the Health and Safety of New and Expectant Mothers at Work (Appendix B) before completing the following assessment form.

### What is the risk?

| Do You:  | Yes | IMPACT ✓ |     |      | Action To Be taken |
|--|-----|----------|-----|------|--------------------|
|  | ✓   | Low      | Med | High |                    |
| Work overtime  |     |          |     |      |                    |
| Work evening or night duty                               |     |          |     |      |                    |
| Work early shifts  |     |          |     |      |                    |
| Stand/Sit  |     |          |     |      |                    |
| Manually handle  |     |          |     |      |                    |
| Use VDU equipment  |     |          |     |      |                    |
| Work in confined areas                                   |     |          |     |      |                    |
| Have exposure to nauseating smells                       |     |          |     |      |                    |
| Work in hot/cold conditions                              |     |          |     |      |                    |
| Have difficulty in taking breaks                         |     |          |     |      |                    |
| Have difficulty in entering or leaving your site of work |     |          |     |      |                    |
| Have problems with working on wet or slippery surfaces   |     |          |     |      |                    |

| Do You:   | Yes | IMPACT ✓ |     |      | Action To Be taken   |
|---|-----|----------|-----|------|--|
|   | ✓   | Low      | Med | High |  |
| Have difficulty of working in tightly fitting workspaces        |     |          |     |      |  |
| Wear protective clothing  |     |          |     |      |  |
| Because of your furniture or workstation have a posture problem |     |          |     |      |  |
| Work with difficult and unpredictable patients/clients          |     |          |     |      |  |
| Required to participate in Physical Intervention                |     |          |     |      | Please note if 'yes' is ticked then your Manager will discuss the need to immediately temporarily redeploy you to an area where PI is not required |
| Work with chemical agents                                       |     |          |     |      |  |
| Handle/dispose of waste (chemical and human)                    |     |          |     |      |  |
| Come into contact with biological agents                        |     |          |     |      |  |
| Exposure to Nitrous Oxide                                       |     |          |     |      |  |
| Run the risk of exposure to infection                           |     |          |     |      |  |
| Drive great distances   |     |          |     |      |  |
| Work in an area where there may risk of exposure to radiation   |     |          |     |      |  |
| Work in a loud environment                                      |     |          |     |      |  |
| Work with vibrating equipment                                   |     |          |     |      |  |
| Perform heavy physical work                                     |     |          |     |      |  |

| Breastfeeding & Nursing Mothers Only:                 | Yes/No |
|---|--------|
| Have use of a private comfortable room (not a toilet) |        |

|   |  |
|---|--|
| Have somewhere to wash your hands                                 |  |
| Have somewhere to store expressed milk (not the patients' fridge) |  |
| Take breaks at regular intervals                                  |  |

| Following assessment, Manager to complete the following:                      |                                     | Yes/No                            |
|---|-------------------------------------|-----------------------------------|
| Is a change of working conditions recommended?                                |                                     |                                   |
| Is an immediate temporary redeployment necessary due to Physical Intervention |                                     |                                   |
| Is a change in hours of work recommended?                                     |                                     |                                   |
| Is alternative work recommended?  |                                     |                                   |
| Is paid leave recommended?  |                                     |                                   |
| Is referral to Occupational Health necessary?                                 |                                     |                                   |
|   | <b>Initial Assessment Completed</b> | <b>Assessment Review Complete</b> |
| <b>Date</b>   |                                     |                                   |
| <b>Managers Name</b>  |                                     |                                   |
| <b>Manager's Signature</b>  |                                     |                                   |
| <b>Employee's Name</b>  |                                     |                                   |
| <b>Employee's Signature</b>   |                                     |                                   |

| TRIMESTER REVIEW         | 1 <sup>st</sup> Review | 2 <sup>nd</sup> Review | 3 <sup>rd</sup> Review |
|--------------------------|------------------------|------------------------|------------------------|
| <b>Date Carried Out:</b> |                        |                        |                        |
| <b>Completed By:</b>     |                        |                        |                        |
| <b>Name</b>              |                        |                        |                        |
| <b>Signature</b>         |                        |                        |                        |

| MONTHLY CHECK            |  |  |  |  |  |  |  |  |  |
|--------------------------|--|--|--|--|--|--|--|--|--|
| <b>Date Carried Out:</b> |  |  |  |  |  |  |  |  |  |

|                      |  |  |  |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|--|--|--|
| <b>Completed By:</b> |  |  |  |  |  |  |  |  |  |
| <b>Name</b>          |  |  |  |  |  |  |  |  |  |
| <b>Signature</b>     |  |  |  |  |  |  |  |  |  |

Please email the completed form to [livewell.hr-livewell@nhs.net](mailto:livewell.hr-livewell@nhs.net)

## Appendix D Application for Maternity Leave

|   |  |                              |  |
|---|--|------------------------------|--|
| <p><b>Please note that this form needs to be returned to HR Department either on or before your qualifying week (15<sup>th</sup> week before your EWC) along with your original MATB1 certificate. (If your certificate is not available at this time please forward as soon as you receive it.)</b></p>  |  |                              |  |
| <b>Name</b>   |  | <b>Pay No</b>                |  |
| <b>Address</b>  |  | <b>Job Title &amp; Grade</b> |  |
|   |  | <b>Line Manager</b>          |  |
|   |  | <b>Locality</b>              |  |
|   |  | <b>Base</b>                  |  |
| <b>Home Tel No</b>  |  | <b>Work Tel No</b>           |  |
| <b>Home Email</b>   |  | <b>Work Email</b>            |  |
| <p><b>I hereby apply for Maternity Leave under my contract of employment, and confirm that my expected date of confinement is:</b></p>  |  |                              |  |
| <p><b>Employees Who Qualify to Receive Occupational Maternity Pay:</b></p>  |  |                              |  |
| <p><input type="checkbox"/> <b>Option 1* 'Definitely returning to employment within Livewell or NHS'</b></p> <ul style="list-style-type: none"> <li>I wish to absent myself from duty from ____/____/20__ for a period of 52 weeks, to return no later than ____/____/20__</li> <li>I agree to return to work for the NHS for a minimum period of three months after expiry of this leave.</li> <li>I accept that LSW will assume I am taking my full entitlement to 52 weeks leave (39 weeks paid and 13 weeks unpaid).</li> <li>I understand that if I wish to return before the date above I must write to LSW and give 28 days' notice.</li> </ul>  |  |                              |  |
| <p><input type="checkbox"/> <b>Option 2* - 'In doubt'</b></p> <ul style="list-style-type: none"> <li>I wish to absent myself from duty from ____/____/20__ but I am in doubt about my precise intentions and would therefore like to hold open the opportunity to return to work following confinement. I therefore agree to receive SMP only. However, if I should return to work for the required three month period, I will be entitled to the balance of maternity pay due. I accept that LSW will assume I am taking my full entitlement to 52 weeks leave (39 weeks paid and 13 weeks unpaid). I understand that if I wish to return before this time I must write to LSW and give 28 days' notice. If I do not intend on returning to work I will tender my resignation in line with my contract of employment.</li> </ul> |  |                              |  |

### Employees Who Do Not Qualify for Occupational Maternity Pay:

☐ **Option 3 – Employees who qualify for statutory maternity pay but not occupational pay:**

- I wish to absent myself from duty from \_\_\_\_/\_\_\_\_/20\_\_ for a period of 52 weeks, to return no later than \_\_\_\_/\_\_\_\_/20\_\_
- I accept that Livewell will assume I am taking my full entitlement to 52 weeks leave.
- I understand that if I wish to return before the date above I must write to LSW and give 28 days' notice.
- If I do not intend on returning to work I will tender my resignation in line with my contract of employment.

☐ **Option 4 – Employees with less than 26 weeks service:**

- I wish to absent myself from duty from \_\_\_\_/\_\_\_\_/20\_\_ for a period of 52 weeks, to return no later than \_\_\_\_/\_\_\_\_/20\_\_
- I accept that Livewell will assume I am taking my full entitlement to 52 weeks leave.
- I understand that if I wish to return before the date above I must write to LSW and give 28 days' notice.
- I accept that I am not entitled to either SMP or OMP and may receive Maternity Allowance directly for Job Centre Plus. SBS Payroll will send me a SMP1 form which I will be required to send to Job Centre Plus along with the original of my MATB1, which they will return to me. They will inform me if I am entitled to receive Maternity Allowance.
- If I do not intend on returning to work I will tender my resignation in line with my contract of employment.

**I would like to receive my Occupational Maternity pay in equal instalments (please circle box)**

**Yes**

**No**

**If yes, how many months would you like your payments to be spread over? (circle your preference)**

**9**

**12**

**If you circled no, you will receive your pay as set out on page 9 of the Maternity Policy**

**Please Note:** The Congenital Disabilities (Civil Liability) Act 1976 bestows a right of action to sue for damages upon an informant who has suffered damage before birth. Pregnant women are strongly advised to consult their GP to ensure that they are capable to continuing their duties at work without harming the baby, particularly if the duties involve driving or handling dangerous substances. If the GP is concerned about continuance of some or all of the duties Livewell must be informed in writing. In this respect, if Livewell is not aware of the situation and circumstances then liability for damage to the unborn child may be limited.

|               | Employee | HR Representative |
|---------------|----------|-------------------|
| <b>Signed</b> |          |                   |
| <b>Name</b>   |          |                   |

|      |  |  |
|------|--|--|
| Date |  |  |
|------|--|--|



## Appendix E

### Employees Guide to Maternity Entitlements

|                          |  |                          |  |
|--------------------------|--|--------------------------|--|
| <b>Name</b>              |  | <b>Payroll No</b>        |  |
| <b>Commencement Date</b> |  | <b>Expected Due Date</b> |  |

|   |   |
|---|---|
| Length of service at 15 <sup>th</sup> Week prior to confinement (qualifying week for SMP)   | (insert date)                               |
| Length of service at 11 <sup>th</sup> week prior to confinement (qualifying week for OMP). See Agenda for Change Section 15: Maternity Leave and Pay, 15.7.   | (record length of service)                  |
| Date of 11 <sup>th</sup> week prior to confinement (this is the earliest date you can commence your maternity leave)  | (insert date)                               |
| Date of 4 <sup>th</sup> week prior to confinement (this is the date after which you need to commence maternity leave if you had a pregnancy related illness)  | (insert date)                               |
| Maternity pay entitlement   | MA/SMP/SMP & OMP<br>(delete as appropriate) |
| <b>Return date will be 52 weeks after commencement of maternity leave, unless you notify LSW differently. You will need to give 28 days' notice of an early return.</b>   |   |
| <b>Forms that you need to return:</b>   |   |
| Application for Maternity Leave (Appendix D), to be returned by   |   |
| MATB1 certificate issued by your GP or Registered Midwife (please ensure this is issued after your 20 <sup>th</sup> week) and the original returned as you receive it. We will not be able to pay maternity pay without the form. If you do not qualify for SMP, your MATB1 form will be returned so that you can claim MA from Job Centre Plus |   |
| <b>Please be aware that if, after a scan, your expected date of confinement (EDC) changes you need to let Human Resources know as the dates detailed above may alter</b>  |   |

## Appendix F Model Letter



### PRIVATE AND CONFIDENTIAL

<NAME>  
<ADDRESS>  
<ADDRESS>  
<CITY>  
<POSTCODE>

Dear <NAME of EMPLOYER>,

Congratulations and thank you for telling me about your pregnancy and the date your baby is due.

I am writing to confirm the arrangements for your maternity leave and pay. You are entitled to 52 weeks maternity leave (39 weeks ordinary maternity leave plus 13 weeks additional maternity leave) and you have informed me that you would like to start your maternity leave on \_\_\_\_\_ *[insert date]*.

May I remind you that if your baby is born earlier than this date or that you want to make changes to your dates you must notify me 28 days before the new intended start date, or if that is not reasonably practicable, as soon as is possible.

In relation to planning your return to work, we will need to know the date that your baby is born and whether it is your intention to take your fully maternity leave. If you decide to come back to work before the date above you must notify your manager 28 days before your new intended return date, or if that is not reasonably practicable, as soon as is possible. If you do not give this notice, we may have the right to postpone your return until 28 days from the date you informed us that you would like to return early.

In regards to your maternity pay, I am pleased to confirm that: *[delete as appropriate]*

- You are eligible for 39 weeks Occupational Maternity Pay (a combination of full pay, half pay and SMP)
- You are eligible for 39 weeks Statutory Maternity Pay
- You are not eligible for Occupational Maternity Pay
- You are not eligible for Statutory Maternity Pay but may be able to claim Maternity Allowance from Job Centre Plus

If you do not qualify for SMP, SBS Payroll will send you form SMP1. You should take the SMP1 along with your Matb1 form to the Job Centre Plus who will advise you on your eligibility to claim Maternity Allowance.

SBS will contact you directly approximately 4 weeks before your due date with your breakdown of pay. If you do not hear from them and are concerned, please contact them directly on 0303 123 1144.

Before commencing maternity leave, please ensure that you link in with IT to inform them that you are commencing maternity leave and request for your account to not be closed.

This is also the time to discuss and agree with your manager voluntary arrangements for keeping in touch during your maternity leave and any keeping in touch days that you wish to work.

Finally it is important that prior to commencing your maternity leave you agree with your manager any arrangements for taking accrued annual leave at the end of your maternity leave period.

I hope that all goes well and if you have any queries that have not been covered in the maternity guidelines please feel free to contact me.

Yours sincerely

<Name>

<Role>

*CC. Personnel File*