

Livewell Southwest

Maternity Policy

Version No. 3.6

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Notice to staff using a paper copy of this guidance

The policies and procedures page of the LSW Sharepoint 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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For previous review history please contact the VPRG Co-ordinator.				
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3.4	Minor Update	6 August 2024	HR People Team	Update Appendices Links
3.5	Minor Update	13 May 2025	Senior People Advisor	Addition of Neonatal Care - Section 5.21
3.6	Minor Update	February 2026	HR People Team	Alignment to legislation and AFC for day one paternity rights, EVA link

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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 the HR People Team.

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:

ERA	Employment Rights Act
EDC	Expected Date of Confinement
EWC	Expected Weeks of Confinement

LEL	Lower Earnings Limit
OMP	Occupational Maternity Pay
SMP	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 15th 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 is 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 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 the HR People Team. Contact details for the HR People Team are available from the intranet (SharePoint).

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 11th 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 4th 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 (15th 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 (Appendix D), once completed you should send it via EVA - [Employee Virtual Assistant \(EVA\)](#) 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 the HR People Team via the [Employee Virtual Assistant \(EVA\)](#), you will normally receive this at or after your 20th 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 11th 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 15th 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 15th 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 need to continue accessing ESR to see your monthly payslip.
- 5.7.8 You will have the opportunity to discuss your personal maternity entitlements in more detail if you make contact via the [Employee Virtual Assistant \(EVA\)](#) with the HR People Team.

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

- 5.8.1 You should contact the HR People Team via the [Employee Virtual Assistant \(EVA\)](#) 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 15th 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, lasting no more than six and a half hours each, however if they are employed by LSW, any additional reasonable requests for unpaid time off to attend antenatal appointments (see note 5.9.3 above regarding reasonable time off) will be sympathetically considered by the line manager and advice is available from the HR People Team.

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 11th 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 11th 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 11th 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 step whilst I am on maternity leave?

5.13.1 You will continue to be eligible for any pay steps due 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

Website: 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. If you have received OMP from the organisation, you will be required to work a period of 3 months following the end of your maternity leave otherwise you will be liable to repay the difference between SMP and OMP which was received for the whole period of maternity leave. Please contact SBS who can provide a breakdown of the amount you will be liable to repay should you decide not to return to work. Please discuss this further with your line manager should you be considering this decision.

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 as part of the Flexible Working Policy and send it to

your manager.

5.21 Neonatal Care

Neonatal Care provides a statutory entitlement to paid leave for parents of babies receiving neonatal care, allowing employees to preserve their other family leave entitlements.

Neonatal Care Leave

The minimum period of neonatal care leave is one week for every seven consecutive days the child is in hospital or receiving care and a maximum period of 12 weeks taken in week-long increments. This is in addition to existing parental leave entitlements and must be taken within a 68-week period from the child's date of birth or place of adoption. This leave entitlement is a day one right, and no minimum service period is required. Written notice of the intention to take leave from the employee is required depending on the Tier level as explained below.

Tier 1 period leave details

This begins when the baby starts receiving neonatal care and up to a week post discharge. This period of leave ends on the seventh day after the day the baby stops receiving neonatal care.

Tier 1 leave can be taken in non-continuous blocks of a minimum of one week at a time and up to 12 weeks.

Notice period for leave - Notice must be given before an employee is due to start work on the first day of absence or if this is not possible, notice must be given as soon as reasonably practicable.

Notice period for pay - Notice must be given within 28 days from the first day of leave in which the period relates to or if this is not possible, notice should be given as soon as reasonably practicable.

Note – Tier 1 notice does not need to be in writing.

• Tier 2 period leave details

This applies to leave taken after the tier 1 period ends and must be taken in one continuous block. The entitlement to this leave ends 68 weeks after the child's birth.

Notice period for leave and pay

- For a single week of leave and pay, written notice at least 15 days before the first day of neonatal care leave.
- For a period of two or more weeks of leave and pay, written notice at least 28 days' notice before the first day of leave in which the period it relates to.

Employers and the employee can mutually agree to waive any notice requirements.

Eligibility for neonatal care leave

Parents are eligible if the baby was born on or after 6 April 2025 and has received medical or palliative neonatal care for at least seven consecutive days within the first 28 days after birth. There are three categories of medical care within the Act that constitute as neonatal care:

1. Any medical care received in hospital.
2. Medical care received elsewhere following discharge from an inpatient stay hospital. The care must be under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals.
3. Palliative or end of life care.

Eligibility for statutory neonatal care pay

Eligible parents who meet minimum requirements relating to continuity of employment (at least 26 weeks with their current employer by the end of the relevant week, this is end of the week the child starts receiving care), dependent on the type of family related pay the employee is entitled to and earnings to be paid during that leave (earnings on average of at least £123 a week), will receive the weekly rate of statutory neonatal care pay. As of 6 April 2025, this will be £187.18, or 90 per cent of average weekly earnings where this figure is less than £187.18. Notice of intention to claim neonatal pay will be required by the employee (Please see Appendix G).

Who can take this leave?

- Mother
 - Father
 - Mothers Partner
 - Adopter
 - Adopters Partner
- (Does not extend to Fathers Partner or Grandparents)

The neonatal care leave and pay regulations do not specifically cover eligibility for grandparents with legal guardianship. However, given that individuals who are appointed as a child's legal guardian have parental responsibility, a grandparent with parental responsibility for the child may be eligible for Neonatal Care Leave and Pay provided that at the date of the child's birth the grandparent:

- had the legal guardian status; **and**
- has or expects to have responsibility for the upbringing of the child; **and**
- is taking the leave to care for the child; **and**
- meets the other eligibility criteria (i.e. is an employee, child is having the requisite neonatal care, provides the required notice and evidence etc).

Please note that the above advice is on the assumption that the grandparent is not the child's adopter or prospective adopter, if an adoption process is involved eligibility criteria differs.

What if the parent is on another statutory leave?

Where a parent is on maternity or adoption leave, as either leave cannot be stopped, the neonatal leave will be taken once the maternity or adoption leave has ended, e.g. a parent takes 52 weeks maternity/adoption leave and then would commence any accrued neonatal leave. Where a parent is on paternity leave, the neonatal leave will be taken once the paternity leave has ended. Where a parent has taken maternity leave and has then given notice of shared paternity leave, there is the option to return to work, take a further period of shared parental leave or take neonatal care leave.

5.22 What childcare support can I receive?

5.22.1 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.

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

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

5.23.1 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.

5.24 Is my partner entitled to leave?

5.24.1 If your partner is employed by Livewell Southwest they will 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 the policy arrangements for full details.

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

5.25.1 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.

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

5.26.1 You would need to contact your manager no later than 28 days before the end of

your maternity leave to request a career break.

5.26.2 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.

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

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

5.27.1 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).

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

5.28 What happens if something goes wrong with my pregnancy?

5.28.1 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.

5.28.2 If this should happen to you, when you are ready you should get in touch with the HR People Team 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 Ratification 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: 28th April 2026