GENERAL POLICY STATEMENT

This document sets out the Trust’s provisions for maternity leave and related entitlements.

This policy applies to all staff employed by the Trust, who are pregnant, or who have recently been pregnant (including those who are seconded out to another organisation); with the exception of section 9, Health and Safety Risk Assessments which will apply to all other workers within the Trust.

The Trust will ensure that any actions arising from this policy are made objectively and are free from unlawful discrimination. No employee will receive less favourable treatment on the grounds of their age, disability, race, nationality, ethnic origin, sex, sexual orientation, religion and belief, gender identity/expression, marriage and civil partnership or pregnancy and maternity.

1 Aims

To clarify eligibility for maternity leave and the process for application and approval of this leave.

2 Duties (Roles and responsibilities)

2.1 The Executive Team is accountable to the Trust Board for ensuring Trust-wide compliance with policy.

2.2 Directorate managers and heads of service are responsible to the Executive Team for ensuring policy implementation.

2.3 Managers are responsible for ensuring policy implementation and compliance in their area(s).

2.4 Staff are responsible for complying with policy.
3. **Maternity Leave**

3.1 Employees are entitled to 26 weeks’ ordinary maternity leave, followed by 26 weeks’ additional maternity leave, amounting to a maximum of 52 weeks in total, subject to providing notice in writing before the end of the 15th week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practicable thereafter):

   i. of their intention to take maternity leave
   ii. of the date they wish to start maternity leave (but see paragraph 8.4 below)
   iii. including provision of a MAT B1 form from their midwife or medical practitioner stating the EWC

3.2 The two weeks immediately after the birth of the baby will constitute compulsory maternity leave. An employee may not work during compulsory maternity leave.

4 **Contractual Maternity Pay**

**Eligibility**

4.1 An employee working full or part-time is entitled to paid and unpaid maternity leave under the NHS contractual maternity pay scheme if:

   a) they have twelve months’ continuous service with one or more NHS employers (see section 23. below) at the beginning of the 11th week before the expected week of confinement (EWC)

   b) they notify their employer in writing before the end of the 15th week before the expected date of confinement (or if this is not possible, as soon as is reasonably practicable thereafter);

      i. of their intention to take maternity leave
      ii. of the date they wish to start maternity leave (but see paragraph 8.4 below)
      iii. that they intend to return to work with the same or another NHS employer for a minimum period of three months after maternity leave has ended
      iv. and provides a MAT B1 form from their midwife or medical practitioner stating the EWC

**Amount of Pay – Employee Who Notifies Intention to Return to Work**

4.2 An employee who satisfies the eligibility criteria in paragraph 5.1 above and intends to return to work will be eligible to receive Occupational Maternity Pay (OMP) as follows:
a) for the first eight weeks of absence: full pay, less any *Statutory Maternity Pay (SMP) or Maternity Allowance (MA) (including any dependents’ allowances) receivable;

b) for the next 18 weeks: half of full pay, plus any SMP or MA (including any dependents’ allowances) receivable, providing the total receivable does not exceed full pay;

c) for the following 13 weeks: SMP or MA only.

(*For details concerning SMP and MA, see section 6. below)

4.3 By prior agreement, OMP can be paid in a different way, for example a fixed amount spread equally over the 39 week paid maternity leave period.

Amount of Pay – Employee Not Returning to Work

4.4 An employee who does not intend to return to work, either for the Trust or another NHS employer for a minimum period of three months after maternity leave has ended, is entitled to pay equivalent to SMP – see section 7 below.

Amount of Pay – Employee Undecided Whether to Return to Work

4.5 An employee who is undecided whether they will return to work after maternity leave can opt to receive SMP only. This decision can only be taken prior to the start of maternity leave.

4.6 If the employee chooses not to receive OMP during maternity leave, they will receive their entitlement (less SMP) after they have returned to work for the Trust or another NHS employer for a minimum period of three months.

4.7 If an employee subsequently decides not to return and gives due notice (as defined in their contract of employment), there will be no liability to refund OMP as only SMP was paid.

Amount of Pay – Employee Fails to Return to Work

4.8 If an employee who has notified their intention to return to work for the Trust or another NHS employer in accordance with paragraph 6.1 b) iii above fails to do so within 15 months of the beginning of their maternity leave, they will be liable to refund the whole of their maternity pay, less any SMP, received. Repayment must be made within one month of notification.

Calculation of Maternity Pay

4.9 Full pay will be calculated using the average weekly earnings rules used for calculating SMP entitlements (generally this is an average of earnings received between the 17th and 25th week of pregnancy), subject to the following qualifications:
a) In the event of a pay award or annual increment being implemented **before** the paid maternity leave period begins, the maternity pay will be calculated as though the pay award or annual increment had effect throughout the entire SMP calculation period. If such a pay award is agreed retrospectively, the maternity pay should be re-calculated on the same basis.

b) In the event of a pay award or annual increment being implemented **during** the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment will be increased accordingly. If such a pay award is agreed retrospectively, the maternity pay should be re-calculated on the same basis.

c) In the case of an employee on unpaid sickness absence, or on sickness absence attracting half pay during the whole part of the period used for calculating average weekly earnings in accordance with the earnings rules for SMP purposes, average weekly earnings for the period of sickness absence shall be calculated on the basis of notional full sick pay.

d) For staff in a salary sacrifice arrangement, maternity pay is calculated based on the amount of gross pay left after salary sacrifice deductions have been taken. For more information, please see section 25. below.

5 Employees Not Eligible For Contractual Maternity Pay

Statutory Maternity Pay

5.1 An employee, who does not satisfy the conditions in paragraph 6.1 above, may be entitled to SMP.

5.2 An employee is entitled to a maximum of 39 weeks’ SMP if they satisfy the following conditions:

   a) they have worked for the Trust continuously for at least 26 weeks up to the notification week (15th week before the EWC), and

   b) their average weekly earnings have been at least equal to the lower earnings limit for National Insurance contributions (although they do not have to have paid any contributions).

5.3 SMP is paid at 90% of average weekly earnings for the first six weeks of maternity leave, then a flat-rate sum or 90% of average weekly earnings if this is less, for the following 33 weeks.

Maternity Allowance

5.4 If an employee’s earnings are too low to qualify for SMP, or they do not qualify for another reason, for example they do not have 26 weeks continuous service by the ‘Notification Week’ (i.e. the 15th week before the EWC), they should be advised to claim Maternity Allowance (MA) from their local Job Centre Plus or Social Security office.
5.5 MA is paid at a flat-rate sum for 39 weeks.

**Miscellaneous**

5.6 Any entitlement to SMP will be paid regardless of whether the conditions in paragraph 6.1 are satisfied.

5.7 An employee who falls under this section and intends to return to NHS employment is also entitled to a further period of 13 weeks’ unpaid maternity leave.

6 **Notification of Pregnancy**

6.1 A pregnant employee should notify their manager, their Directorate Human Resources Officer and the Health and Safety Department of their pregnancy, in writing, as soon as possible, to allow relevant support to be put in place to ensure the employee’s wellbeing.

6.2 Upon receipt of the employee’s notification:
   a) Their line manager will arrange for a risk assessment to be carried out – see section 10 below.
   b) The Human Resources Officer will forward a maternity pack to the employee (a meeting with HR will only be arranged if requested).

6.3 The employee must submit their maternity leave and pay application form, accompanied by a MATB1 form, by the end of the week 15th week before the expected date of confinement (i.e. the ‘Notification Week’) and this will constitute formal notification. If this is not possible, it must be made as soon as is reasonably practicable. Any delay could affect maternity pay. The notification will include the expected week of confinement (EWC), the date the employee intends to commence maternity leave and if the individual’s right to work is via a Certificate of Sponsorship.

6.4 Once HR has received the Maternity Leave and Pay application form they will:
   a) arrange to:
      i. process the Maternity Leave/Pay Application Form and inform Payroll
      ii. process the MAT B1 form – see paragraph 13.1 below
      iii. ensure UK Visas and Immigration are notified of the individual’s maternity leave as per their regulations relating to employees with a Certificate of Sponsorship
      iv. ensure that the manager has arranged a risk assessment
   b) give written confirmation of the following:
      i. paid and unpaid leave entitlement under this policy (or statutory entitlements if the employee does not qualify)
ii. unless an earlier return date has been given, the employee’s expected return date based on their 52 weeks’ paid and unpaid leave entitlement under this policy

iii. the need for the employee to give at least eight weeks’ notice if they wish to return to work before the expected return date or if the employee is not planning to take the full 52 weeks’ leave.

6.5 The employee and their line manager should discuss and make arrangements for using annual leave accrued in the current leave year, prior to maternity leave, where this is possible. They must also agree the length of any period of accrued annual leave/public holidays where it has been agreed that this may be taken following the end of the formal maternity leave period.

6.6 If an employee wishes to change the date they intend to start maternity leave, they should notify their manager and the HR Department, in writing, at least 28 days in advance of the revised date. If this is not possible, then it must be made as soon as is reasonably practicable.

7 Keeping in Touch

7.1 Subject to agreement with their manager, an employee can work up to 10 Keeping in Touch (KIT) days (i.e. equivalent to two working weeks in total) during their paid and/or unpaid maternity leave without losing entitlement to maternity pay and without bringing maternity leave to an end. Any days of work will not extend the maternity leave period.

7.2 Before going on maternity leave, the manager and the employee should agree any voluntary arrangements for keeping in touch during the employee’s maternity leave, including:

a) any voluntary arrangements that the employee may find helpful to help them keep in touch with developments at work and, nearer the time of their return, to help facilitate their return to work

b) keeping the manager in touch with any developments that may affect their intended date of return

c) confirming how the employee will be informed of any pay rises, bonuses and job vacancies which occur during their period of maternity leave

7.3 To facilitate the process of KIT days it is important that the manager and employee have an early discussion to plan and make arrangements for KIT days before the employee’s maternity leave takes place.

7.4 To enable employees to take up the opportunity, the Trust will consider the scope of reimbursement of reasonable childcare costs or the provision of childcare facilities where necessary.

7.5 An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of their baby.
7.6 The KIT work can be consecutive days or not, and can include training (including the completion of mandatory training) or other activities which enable the employee to keep in touch with their workplace.

7.7 Any such work must be by agreement, and neither the Trust nor the employee can insist on it.

7.8 The employee will be paid a proportion of their basic daily rate, for the actual hours worked, less appropriate maternity leave payment for KIT days worked.

7.9 Working for part of any day will count as one KIT day.

8 Health and Safety - Pre and Post Birth

8.1 Where an employee is pregnant, has recently given birth (within 6 months) or is breastfeeding, a risk assessment of their working conditions should be carried out. This includes an employee working on a KIT day as described in section 9. It is the responsibility of the manager to ensure the risk assessment is undertaken as soon as possible after the manager is notified by the employee that they are pregnant, are returning to work within 6 months of giving birth or have provided written notification that they are breastfeeding.

8.2 If it is found following the risk assessment, taking into account any certified medical statement from a medical practitioner or a midwife that an employee or their child would be at risk were they to continue with normal duties, the manager should provide suitable alternative work for which the employee will receive their normal rate of pay.

8.3 The above provisions also apply to an employee who is breastfeeding if it is found that their normal duties would prevent them from successfully breastfeeding their child.

8.4 For further information please refer to the Pregnant Workers Policy and the Supporting Staff who are Breastfeeding Policy.

9 Antenatal Care

9.1 A pregnant employee has the right to paid time off for antenatal care if this occurs within the employee’s normal working hours. This includes relaxation and parent-education classes (but does not include aqua natal swimming classes) as well as appointments for antenatal care.

9.2 All requests for time-off for antenatal care are subject to the prior approval of the manager.

9.3 An employee should make a request with as much notice as possible to allow appropriate arrangements to be made for cover. Requests should be supported by the following:
a) a certificate from a registered medical practitioner, registered midwife or registered health visitor confirming the pregnancy, and

b) an appointment card, or some other document showing that an appointment has been made

9.4 Time off for antenatal care should be recorded on ESR/ERA through Manager Self Service Arrangements using the relevant absence code

10 Postnatal Care and Breastfeeding Employees

10.1 An employee who has recently given birth is entitled to paid time off for postnatal care e.g. attendance at health clinics.

10.2 All requests for time-off for postnatal care are subject to the prior approval of the manager.

10.3 An employee should make a request with as much notice as possible to allow appropriate arrangements to be made for cover. Requests should be supported by an appointment card, or some other document showing that an appointment has been made.

10.4 The Trust has a duty under health and safety to undertake a risk assessment and to provide breast-feeding employees with suitable rest facilities. The Health and Safety Executive also encourages employers to provide breastfeeding employees with suitable access to a private room to express and store milk.

10.5 For additional information regarding the provisions available for Breastfeeding with the Trust please refer to the Supporting Staff who are Breastfeeding Policy.

11 Notification of Commencement of Maternity Leave

11.1 To process a Maternity Leave/Pay Application Form, an employee must provide a MAT B1 form from their medical practitioner or registered midwife. This is normally issued from week 20 of pregnancy onwards.

11.2 An employee should submit their MAT B1 form to the HR Department as soon as they receive it and not later than four weeks before maternity leave is due to start.

12 Timing of Maternity Leave and Related Matters

Commencement and Duration of Leave

12.1 An employee can start maternity leave at any time between eleven weeks before the EWC and the EWC provided they give the required period of notice – see paragraphs 8.1, 8.2 and 8.4 above.
**Shared Parental Leave**

12.2 Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth, providing parents with additional flexibility. Please see the Shared Parental Leave Policy for further information.

**Sickness Prior to Childbirth**

12.3 If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last four weeks before the EWC, maternity leave will normally commence at the beginning of the fourth week before the EWC, or the beginning of the next week after the employee last worked, whichever is the later. Absence prior to the last four weeks before the expected week of confinement, supported by a medical statement of incapacity for work, or a self-certificate, shall be treated as sickness absence in accordance with normal leave provisions.

12.4 An odd day of pregnancy-related illness in the last four weeks before the EWC will be disregarded for the purposes of commencing maternity leave but not disregarded under the Employee Wellbeing Policy, if the employee wishes to continue working until the maternity leave start date previously notified.

**Pre-term Birth**

12.5 Where an employee’s baby is born alive prematurely, the employee is entitled to the same amount of maternity leave and pay as if their baby was born at full term.

12.6 In the event of a premature birth, the employee must notify their manager and the HR Department of the actual date of birth as soon as possible. This must be confirmed in writing by a midwife or medical practitioner.

12.7 Where an employee’s baby is born before the eleventh week before the EWC and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee’s absence.

12.8 Where an employee’s baby is born before the 11th week before the EWC and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of the birth.

12.9 Where an employee’s baby is born before the 11th week before the EWC and the baby is in hospital, the employee may split their maternity leave entitlement, taking a minimum period of two weeks leave immediately after childbirth and the remainder following the baby’s discharge from hospital. (This will not affect Occupational Maternity Pay, but may affect Statutory Maternity Pay (SMP). Any queries should be handled by Payroll).
12.10 Where an employee’s baby is born after the 11\textsuperscript{th} week before the EWC but before the date they had notified their intention to start maternity leave, and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee’s absence.

**Still Birth**

12.11 Employees who suffer a still birth after the completed 24\textsuperscript{th} week of pregnancy will be entitled to the same amount of maternity leave and pay as outlined in sections 6 and 7.

**Miscarriage**

12.12 Where an employee has a miscarriage before the end of the 24\textsuperscript{th} week of pregnancy, normal sick leave and/or compassionate leave provisions will apply as necessary.

13 **Return to Work**

13.1 An employee who has notified of their intention to return to work at the end of their full maternity leave (i.e. after 52 weeks) or whose expected return date has been based on their 52 weeks' paid and unpaid leave entitlement, is not required to give any further notification of their return unless they wish to return early, in which case they are requested to give at least eight weeks’ notice.

13.2 An employee has the right to return to their job under their original contract and on no less favourable terms and conditions unless a redundancy situation arose during the period of maternity absence or there is some other reason why it is not reasonably practicable to return to the original job.

13.3 Where an employee wishes to change their return to work date, they are requested to provide their manager with at least eight weeks’ notice in writing. Following receipt the manager must copy the documentation to the HR Department (within two working days) to allow any changes to be recorded on ESR. The HR Department will then forward the documentation to Payroll prior to the employee’s return to work.

13.4 Should an employee take their full maternity leave and return after 52 weeks, no formal notification of return is required, however, the employee should contact their manager to confirm the arrangements for their return and the manager will then contact HR to advise of this, no later than four weeks before the return date. The HR Department will confirm the details of the return to work with Payroll. If an employee is not physically returning to work, for example due to annual leave, the manager must still send notification of this to HR to ensure that the employee is paid correctly. The HR Department will confirm the return to work details with Payroll.

13.5 Where an employee is absent for 12 months or more, managers may wish to consider attendance at corporate induction.
14 Returning on Flexible Working Arrangements

14.1 There is no legal right to return to a job on a part-time basis. However, the employee may apply for flexible working and the Trust has a duty to consider such requests. This can be done through the Flexible Working Policy.

14.2 If it is agreed that the employee can return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period, this must be clearly confirmed via the HR Department. This will not affect the employee’s right to return to their job under their original contract at the end of the agreed period.

14.3 An employee who returns to work whilst breastfeeding should refer to the Supporting Staff who are Breastfeeding Policy for details of support available.

15 Returning Late from Maternity Leave

15.1 If an employee wishes to return to work later than the expected return to work date they should either:

- Request parental leave in accordance with the Special Leave Policy, giving at least 21 days’ notice before the end of their maternity leave. Parental leave is unpaid.

- Request unpaid leave in accordance with their contract of employment. This will only be approved at the discretion of the Trust.

- Request a career break in accordance with the Flexible Working Arrangements Policy.

If such leave is approved immediately following maternity leave (i.e. the employee does not physically return to work for three months in accordance with paragraph 6.1 b) iii)), the requirement to repay contractual maternity pay, less any SMP, in addition to the full amount of Employer’s National Insurance Contributions for the period of paid leave will be deferred until the end of the career break. If the employee subsequently fails to return on the date agreed, they will be liable to repay the full amount.

15.2 If an employee is unable to return to work on the expected date due to illness or injury, this will be regarded as sickness absence and will be dealt with in line with the Employee Wellbeing Policy.

15.3 In any other case, a late return will be treated as unauthorised absence and will be dealt with in line with the Disciplinary Policy.

16 Sickness Following the End of Maternity Leave

In the event of illness following the date the employee was due to return to work, normal sick leave provisions will apply as necessary.
17 **Fixed-Term Contracts or Training Contracts**

17.1 An employee subject to a fixed-term or training contract which expires after the 11th week before the EWC will have their contract extended so as to allow them to receive the 52 weeks’ contractual maternity leave. If they satisfy the conditions in paragraphs 6.1 a) and b) i, ii, and iv, this will include paid contractual leave, SMP and a remaining 13 weeks’ unpaid leave as set out in paragraph 6.2.

17.2 Absence on maternity leave (paid and unpaid) up to 52 weeks before a further NHS appointment will not constitute a break in service.

17.3 If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred, the repayment provisions set out in paragraph 6.8 above will not apply.

17.4 An employee on a fixed-term contract who does not meet the twelve months’ continuous service condition set out in paragraph 6.1 a) above, may still be entitled to SMP – paragraph 7.2.

18 **Rotational Training Contracts**

18.1 Where an employee is on a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, they shall have the right to return to work in the same post, or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred.

18.2 In such circumstances, the employee’s contract will be extended to enable the practitioner to complete the agreed programme of training.

19 **Increments**

19.1 Maternity leave, whether paid or unpaid, will count as service for annual increments.

19.2 An employee on Maternity Leave will be expected to comply with the Trust’s Appraisal Procedures in the same way as other employees. Managers should take reasonable steps to ensure they are able to give consideration to an employee’s pay progression on the relevant date. This may include a review of:
   a) Previous records
   b) Progress towards meeting their PDP
   c) Notes of any relevant meetings between the manager and the employee
   d) Performance and development before planned absence starts
20 **Accrual of Annual Leave/Public Holidays**

20.1 Annual leave/public holidays will continue to accrue during maternity leave and where possible should be taken during the relevant holiday year.

20.2 The amount of accrued annual leave/public holidays an employee can carry over to the next annual leave year should not normally exceed 5 days i.e. one working week (pro-rata for part-time employees and full time employees who work their shifts over less than 5 shifts per week). The amount of annual leave/public holidays an employee wishes to carry over must be approved by the line manager before the maternity leave period starts.

20.3 Where a change in contracted hours is agreed, reference should be made to the Annual Leave and General Public Holidays Policy to resolve how any annual leave/public holidays outstanding/overtaken at the date of change should be managed.

20.4 Maternity leave, whether paid or unpaid, will count as service for the purposes of any service qualification period for additional annual leave.

21 **Pension**

21.1 Pension rights and contributions will be dealt with in accordance with the provisions of the NHS Pension Scheme.

21.2 Pension contributions accrue, but are not payable, during periods of unpaid maternity leave. As a result, the amount of accrued contributions will be deducted from salary when the employee returns to work over a period equivalent to the amount of unpaid leave taken. For example, three months’ unpaid leave will amount to deductions from salary over the first three months following the employee’s return to work.

21.3 These pension contributions are calculated from the pay received on the last day of paid leave before unpaid leave commenced.

21.4 The above deductions are in addition to the contributions payable by the employee from the date they return to work.

21.5 Any queries should be dealt with by a Pensions Officer in Payroll.

22 **Continuous Service**

22.1 For the purposes of calculating continuous service with one or more NHS employers as set out in paragraph 6.1 a) above, the following applies:

   a) NHS employers include health authorities, NHS Boards, NHS Trusts, Primary Care Trusts and the Northern Ireland Health Service

   b) A break in service of three months or less will be disregarded (though not count as service)
22.2 The following breaks in service will also be disregarded (though not count as service):

a) employment on an honorary contract

b) employment as a locum with a general practitioner for a period not exceeding twelve months

c) a period of up to twelve months spent abroad as part of a definite programme of postgraduate training on the advice of the Postgraduate Dean or College or Faculty Advisor in the specialty concerned

d) a period of voluntary service overseas with a recognised international relief organisation for a period of twelve months which may exceptionally be extended for twelve months at the discretion of the Trust

e) absence on an employment break scheme – see Flexible Working policy

f) absence on maternity leave (paid or unpaid) as provided for under this policy

22.3 Employment as a trainee with a General Medical Practitioner in accordance with the provisions of the Trainee Practitioner Scheme will be disregarded and count as service.

23 **Salary Sacrifice Schemes**

23.1 There can be implications for a pregnant employee if they are participating in a salary sacrifice scheme. These implications can include: effect on calculation for maternity pay; and eligibility to remain in the scheme during maternity leave when in reduced pay and/or on unpaid maternity leave.

23.2 For staff in a salary sacrifice arrangement, maternity pay is calculated based on the amount of gross pay left after salary sacrifice deductions have been taken.

23.3 An employee should check the terms of their salary sacrifice arrangements for further details and/or contact the Staff Benefits team and/or Payroll Services for further information.

23.4 Employees who have a salary sacrifice arrangement(s) remain responsible for payments during periods paid and unpaid maternity leave. The employee must contact the Staff Benefits team(Benefits.everyone@nuth.nhs.uk) and/or Payroll Services for further information

24 **Professional Registration**

An employee is responsible for ensuring that they maintain their competence and professional registration (where applicable) at all times during their paid and unpaid maternity leave.
25 **Working whilst on maternity leave**

25.1 Any employee considering undertaking *any* paid work, excluding KIT Days (in accordance with paragraph 9 above) whilst on maternity leave must contact HR in order to inform them of any secondary employment/self-employed work and Payroll to ascertain what impact this may have on the maternity pay they receive.

26 **Training**

Training will be provided by the HR Department to managers following implementation of the procedure.

27 **Equality and Diversity**

The Trust is committed to ensuring that, as far as is reasonably practicable, the way services are provided and the way staff are treated reflects their individual needs and does not unlawfully discriminate against individuals or groups. This policy has been properly assessed.

28 **Monitoring Compliance with the Policy**

<table>
<thead>
<tr>
<th>Standard / Process / Issue</th>
<th>Monitoring and Audit Method</th>
<th>By</th>
<th>Committee</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monitoring will include reporting of information for the purposes of assessing the number and nature of any complaints relating to Maternity Leave and Pay</td>
<td>Reporting of information held in ESR</td>
<td>Director of Human Resources</td>
<td>Heads of Human Resources Meeting</td>
<td>Annually</td>
</tr>
</tbody>
</table>

29 **Consultation and Review of this Policy**

This policy has been reviewed in consultation with the Employment Policies and Procedures Consultative Group

30 **Implementation of the Policy (including raising awareness)**

A summary of the key changes will be notified to managers following implementation. Further advice and guidance will be available from the HR Department.

31 **References**

1. Information about all maternity rights can be found on the Department of Trade and Industry (DTI) web-site at: www.dti.gov.uk/employment/workandfamilies/
2. Further information on Statutory Maternity Pay and Maternity Allowance can be found on the Department for Work and Pensions (DWP) web-site at: www.dwp.gov.uk/lifeevent/famchild/
3. Further information on new and expectant mothers at work can be found on the Health & Safety Executive (HSE) web-site at: www.hse.gov.uk/mothers

32 Additional Documents

- Annual Leave and General Public Holidays
- Employee Wellbeing Policy Incorporating Absence Management Procedure
- Flexible Working Arrangements Policy
- Pregnant Workers Policy
- Special Leave Policy
- Standards of Business Conduct for Staff Policy
- Supporting Staff who are Breastfeeding Policy
- Maternity Leave/Pay Application
- Maternity FAQ's
The Newcastle upon Tyne Hospitals NHS Foundation Trust

Equality Analysis Form A

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

PART 1

1. Assessment Date: 07/07/2017

2. Name of policy / strategy / service:
   Maternity Leave and Pay Policy

3. Name and designation of Author:
   Karen Pearce, Senior Human Resources Manager (Projects)

4. Names & designations of those involved in the impact analysis screening process:
   Natalie Cowan, Human Resources Manager (Projects), HR Heads, EPPCG

5. Is this a: Policy X Strategy Service
   Is this: New Revised X
   Who is affected Employees X Service Users Wider Community

6. What are the main aims, objectives of the policy, strategy, or service and the intended outcomes? (These can be cut and pasted from your policy)
   To clarify eligibility for maternity leave and the process for application and approval of this leave.

7. Does this policy, strategy, or service have any equality implications? Yes No X
   If No, state reasons and the information used to make this decision, please refer to paragraph 2.3 of the Equality Analysis Guidance before providing reasons:
   See below
8. Summary of evidence related to protected characteristics

<table>
<thead>
<tr>
<th>Protected Characteristic</th>
<th>Evidence, i.e. What evidence do you have that the Trust is meeting the needs of people in various protected Groups</th>
<th>Does evidence/engagement highlight areas of direct or indirect discrimination? If yes describe steps to be taken to address (by whom, completion date and review date)</th>
<th>Does the evidence highlight any areas to advance opportunities or foster good relations. If yes what steps will be taken? (by whom, completion date and review date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race / Ethnic origin (including gypsies and travellers)</td>
<td>The policy is clear that the Trust will ensure that any actions taken under this policy are made objectively and are free from unlawful discrimination. No employee will receive less favourable treatment on the grounds of their age, disability, race, nationality, ethnic origin, sex, sexual orientation, religion and belief, gender reassignment, marriage and civil partnership or pregnancy and maternity.</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Sex (male/ female)</td>
<td>As above. Reference is also made to shared parental leave provisions.</td>
<td>No –</td>
<td>No</td>
</tr>
<tr>
<td>Religion and Belief</td>
<td>As above</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Sexual orientation including lesbian, gay and bisexual people</td>
<td>As above</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Age</td>
<td>As above</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Disability – learning difficulties, physical disability, sensory impairment and mental health. Consider the needs of carers in this section</td>
<td>As above</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Gender Re-assignment</td>
<td>The policy is gender neutral and does not refer to gendered pronouns</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Marriage and Civil Partnership</td>
<td>As above</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Maternity / Pregnancy</td>
<td>This policy is aimed at providing a fair an efficient process and remuneration package for staff in this category and stipulates the Trust's obligations as well as an employee’s rights (and responsibilities)</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

9. Are there any gaps in the evidence outlined above? If ‘yes’ how will these be rectified?

No
10. Engagement has taken place with people who have protected characteristics and will continue through the Equality Delivery System and the Equality Diversity and Human Rights Group. Please note you may require further engagement in respect of any significant changes to policies, new developments and or changes to service delivery. In such circumstances please contact the Equality and Diversity Lead or the Involvement and Equalities Officer.

Do you require further engagement? Yes [ ] No [X]

11. Could the policy, strategy or service have a negative impact on human rights? (E.g. the right to respect for private and family life, the right to a fair hearing and the right to education?)

No, it enhances it.

PART 2

Name: Natalie Cowan

Date of completion: 07/07/2017

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified, please refer to the Policy Author identified above, together with any suggestions for action required to avoid/reduce the impact.)