

Flexible Worker Guidelines

Maternity Leave

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1. Scope

These guidelines have been created for all NHS Professionals (NHSP) Ltd Flexible Workers (FWs) who regularly work assignments for NHSP and who would like their registration to continue while on Maternity leave. The guidance sets out the statutory rights and responsibilities of FWs who are pregnant or have recently given birth.

2. Maternity Leave

FWs are entitled to 52 weeks' maternity leave. This is made up of ordinary maternity leave (first 26 weeks) and additional maternity leave (last 26 weeks). Unless an earlier return date has been given by the FW, the expected return date will be based on 52 weeks. FWs do not have to take 52 weeks of maternity leave but must take 2 weeks' compulsory maternity leave immediately after the birth of their baby.

3. Key Definitions:

This guidance uses the following key terms and abbreviations:

Expected week of childbirth (EWC)	The week starting on a Sunday, during which the FW's doctor or midwife expects her to give birth.
Qualifying week	The 15 th week before the expected week of childbirth
Statutory Maternity Pay (SMP)	SMP for eligible FWs can be paid for up to 39 weeks, usually as follows: <ul style="list-style-type: none">the first 6 weeks: 90% of average weekly earnings (AWE) before taxthe remaining 33 weeks at the rate set by the government for the relevant tax year: £140.98 from April 2017 or 90% of AWE (whichever is lower) Tax and National Insurance need to be deducted
SMP1 Form	The SMP 1 form is provided to FWs by NHSP when they are not entitled to SMP
Maternity Certificate also known as MATB1 form	Is a key piece of paper work, provided by the FW's GP or Midwife, which the FW will need when making maternity leave arrangements (including pay)?
Keeping in Touch Days (KIT)	Provides mothers with the possibility of being able to work up to 10 shifts during their maternity leave without bringing their leave to an end or losing their SMP

4 Responsibilities

4.1 Flexible Worker HR- FWHR

FWHR must:

- Ensure they acknowledge and promptly deal with any requests or notifications for maternity leave from a FW.
- Ensure the FW undertakes a pregnancy risk assessment at every Trust/Ward they carry out assignments. The assessment should be completed by the Ward Manager/Senior Sister.
- Ensure arrangements are in place for KIT days

4.2 Flexible Worker- FW

The FW must:

- Inform FWHR in writing by the end of the Qualifying Week that they are pregnant, the EWC and the date they intend to commence maternity leave
- Notify NHSP /FWHR in writing of their pregnancy by the 15th week before the EWC at the latest
- Submit their MATB1 form to FWHR at least 28 days prior to commencing maternity leave

5.Length of Maternity Leave

Pregnant FWs are entitled to take up to 26 weeks Ordinary Maternity Leave (OML) and up to 26 weeks Additional Maternity Leave (AML). AML begins on the day after OML ends.

OML can start any time after the beginning of the 11th week before the FW's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier). If the FW gives birth before her maternity leave was due to start, she must notify FWHR in writing at fwhumanresources@nhsprofessionals.nhs.uk of the date of birth as soon as reasonably practicable.

5.1 Changing Maternity Leave Start date

If he FW wishes to change the date on which their maternity leave is due to commence, they should notify FWHR at least 28 days before hand.

6. Time Off for Ante-Natal Care

Pregnant FWs, however long they have been working for NHSP, are entitled to reasonable time off work (unpaid) for ante-natal care.

If a FW is booked on a shift and requires time off for ante-natal care, they should request this in advance through their Ward Manager at the Trust and show a medical certificate with evidence of pregnancy, and an appointment card or some other written evidence of the appointment.

NHSP is committed to ensuring that, as far as is reasonably practicable, the way we provide services to client Trusts and the way we treat our flexible workers reflects their individual needs and does not discriminate against individuals or groups in any way.

7. Statutory Maternity Pay (SMP)

A FW is entitled to SMP if:

- They have worked continuously for NHSP for at least 26 weeks or more at the end of the qualifying week and still registered with NHSP.
- They are still pregnant 11 weeks before the start of the EWC (or have already given birth)
- They provide a MATB1 Form stating their EWC
- They give NHSP proper notification of the pregnancy in accordance with the requirements set out in these guidelines.

Statutory Maternity Pay (SMP) is paid for up to 39 weeks. For the first 6 weeks SMP is payable at 90% of the FWs average weekly earnings (before tax). The standard rate

of SMP is paid for the remaining 33 weeks (or less if the FW returns to work sooner). This is paid at the rate set by the Government for the relevant tax year or 90% of the FWs average weekly earnings if this figure is lower than the Government's set weekly rate

SMP is paid in the same way as a FWs wages (i.e. weekly). SMP is treated as earnings and therefore Tax and National Insurance will be deducted.

7.1 Maternity Allowance

FWs who are not eligible for SMP may be eligible to receive maternity allowance (MA) payable by the government. MA is a benefit payable to women who are not entitled to SMP. MA is payable through Jobcentre Plus, and FWs that fall in this category should contact the Jobcentre to ascertain if they are eligible. The FW must complete a MA1 form and enclose an SMP1 form completed by NHSP, which confirms why the FW cannot be paid SMP.

For additional information please visit the Government website- www.gov.uk.

8. Keeping in Touch Days (KIT)

Flexible workers on ordinary/ additional but not compulsory maternity leave are permitted to undertake up to a maximum of 10 shifts without bringing their maternity leave period to an end or losing their entitlement to SMP. These days are known as keeping in touch days (KIT).

The shifts may be on separate days or booked in a single block as agreed by the FW and FWHR. (FWs should contact the FWHR team at fwhumanresources@nhsprofessionals.nhs.uk for additional information on KIT days)

If a FW works more than 10 shifts during their maternity leave, then SMP will cease.

9. Return to Work

FWs who intend to return to work at the end of either the OML or AML must notify the FWHR department in writing at fwhumanresources@nhsprofessionals.nhs.uk clearly stating the date they wish to return to work.

On receipt of a FW's return to work notification, the FWHR team will contact the FW in writing within 5 working days with information to facilitate their return to work.