

SUPPORTING THE WORK-LIFE BALANCE

(I) Maternity Leave Policy

1. Pay and Leave

Within the NHS in Scotland the entitlements to leave and pay as laid down in the Terms and Conditions Handbook exceed statutory minimums by a significant margin. This document aims to implement best practice in the processing of applications, management of pregnant workers and return to work arrangements.

2. Eligibility

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

- I. the employee has twelve months continuous service with one or more NHS Employers at the beginning of the 11th week before the expected week of childbirth
- II. the employee notifies her employer 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):
 - of her intention to take maternity leave
 - of the date she wishes to start her maternity leave - she can choose when to start her maternity leave - this can usually be any date from the beginning of the 11th week before the baby is born
 - that she intends to return to work with the same employer for a minimum period of 3 months after her maternity leave has ended
 - provide a MATB1 form from her midwife or GP giving the expected date of childbirth

3. Processing Applications

When an employee notifies their employer that she is pregnant the employee should be issued with an information pack which explains in full their entitlement to pay and leave, together with details of any forms to be completed and time scales to be adhered to.

The employee should be written to upon receipt of her application form, detailing what she must do (if anything) and their entitlements to pay and leave together with dates, where these can be confirmed.

4. Keeping in touch / Keeping in touch days

Line managers should keep in contact with the employee throughout the period of her confinement and maternity leave, providing information and support where required and a link to the workplace.

An employee may work for up to a maximum of 10 KIT days without bringing her maternity leave to an end. KIT days are intended to facilitate a smooth return to work. (Please see separate guidance for detail)

5. Management of Pregnant Workers

The Pregnant Workers Directive 1992 introduced measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

A risk assessment must be carried out and the results of the assessment communicated to the employee and their trade union/professional organisation representatives. Where a risk exists provision must be made to protect the worker.

Examples of risk:

- chemical exposure
- physical and biological agents
- industrial processes
- movements and postures
- mental and physical fatigue
- other types of physical and mental stress connected with the work done

Examples of provisions to reduce risk:

- temporarily adjusting the working conditions or hours
- move the employee to another job

- grant special leave
- transfer to daytime working

Night working is also covered in the Directive which states that provision must be made for workers not to have to work at night where such a provision is necessary from the point of view of their safety and health.

6. Return to Work Arrangements

Employees should be provided with information and support regarding return to work arrangements. These include:

- the right to return to their job under the original contract on no less favourable conditions;
- the right to request a return to work on flexible working arrangements;
- the right to parental leave; and
- provision of support for mothers who wish to breastfeed after they return to work.

7. Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable, before progressing to formal procedure, for the manager to seek advice on resolving the matter from an appropriate member of the Human Resources Department and a lead trade union/professional organisation representative. This approach will not preclude the employee's right to raise a formal grievance in the event that they consider that the matter has not been satisfactorily resolved.

8. Monitoring and Review

The application of this Policy will be monitored jointly by the Director of Human Resources and the Area Partnership Forum to ensure equitable treatment of all employees.

The Board is required by Law and under the European Union Employment regulations, to gather monitoring information relating to

ethnicity, religion and faith, sexual orientation, age, disability and gender for all aspects of employee relations.

You may be asked for information relating to the above in connection with this policy.

You do not have to give the monitoring information if you do not wish to. However, for some of the above diversity strands it is a legal requirement that we ask you for it, and good practice to ask for monitoring information for all diversity strands.

Any equalities monitoring information will be held separately and not used to inform any proceedings that occur in relation to this Policy.

The operation of this Policy will be regularly reviewed by the Area Partnership Forum to ensure its continued effective operation, and formally no later than 30th June 2009.

NB Separate guidance on Maternity Leave and application forms are available from local HR Departments