NSS Maternity Leave Policy

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1. Introduction

This policy sets out the rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay.

Should members of staff have any difficulties with understanding any aspect of this policy, or require further information in respect of accessibility, interpretation or application of the policy, they should contact HR, their Line Manager or Staff side Representative.

2. General Principles

The following provisions are set out within Section 15 of the NHS Terms and Conditions of Service Handbook. However, they apply to all individuals employed by NHS National Services Scotland, including the Executive Level and Senior Management cohort and Doctors and Dentists.

These provisions provide benefits which exceed the statutory minimum levels.

3. Terms and Conditions of Employment

3.1 Eligibility

All employees will have a right to take 52 weeks of maternity leave whether or not they return to NHS employment.

An employee will be entitled to paid and unpaid maternity leave under the NHS contractual maternity pay scheme if:

i. she has 12 months’ continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth;

ii. she 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 reasonably practicable thereafter):

   a) of her intention to take maternity leave;
   b) 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;
   c) that she intends to return to work with the same or another NHS employer for a minimum period of three months after her maternity leave has ended;
   d) and provides a MATB1 form from her midwife or GP giving the expected date of childbirth.
3.2 Continuous Service

In order to calculate whether the employee meets the qualification set out in paragraph 3.1 (i) to have had 12 months of continuous service with one or more NHS employers, reference should be made to the provisions of the NHS Terms and Conditions of Service Handbook sections 15.61 to 15.65.

3.3 Notification

In addition to 3.1 (ii) above, employees should be encouraged to notify their line manager as soon as possible after becoming pregnant. This is important as there are health and safety considerations for the organisation, as detailed below. The rules regarding notification apply irrespective of the employee’s entitlement to paid leave under this policy.

3.4 Confirming maternity leave and pay

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

Following discussion with the employee, NSS will confirm in writing:

i. The employee’s paid and unpaid leave entitlements under this agreement (or statutory entitlements if the employee does not qualify under this agreement);

ii. Unless an earlier return date has been given by the employee, her expected return date, based on her 52 weeks paid and unpaid leave entitlement under this agreement;

iii. The length of any period of accrued annual leave which it has been agreed may be taken following the end of the formal maternity leave period; (NHS Terms and Conditions of Service Handbook – paragraphs 15.49 and 15.50); and

iv. The need for the employee to give at least 28 days notice if she wishes to return to work before the expected return date.

3.5 Paid maternity leave

3.5.1 Amount of pay
Where an employee intends to return to work the amount of contractual (occupational) maternity pay receivable is as follows:

i. For the first 8 weeks of absence the employee will receive full pay, less any Statutory Maternity Pay or Maternity Allowance (including any dependents’ allowances) receivable;

ii. For the next 18 weeks the employee will receive half of full pay, plus any Statutory Maternity Pay or Maternity Allowance (including any dependents’ allowances) receivable, providing the total receivable does not exceed full pay;

iii. For the next 13 weeks, the employee will receive any Statutory Maternity Pay or Maternity Allowance that they are entitled to under the statutory scheme.

By prior agreement with NSS, occupational maternity pay may be paid in a different way, for example a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period.
An employee who meets the qualification requirements for contractual maternity pay, who is however undecided as to whether she will return to work, can opt to receive any payments they are entitled to under the Statutory Maternity Pay scheme. Should they then return to work for NSS or another NHS employer following maternity leave for a period of 3 months or more they would at that point be entitled to receive the balance of the contractual maternity pay that would have been paid had they indicated that it was their intention to return to work.

3.5.2 Calculation of maternity pay
Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the qualifications set out within section 15.23 of the NHS Terms and Conditions of Service Handbook.

3.6 Unpaid contractual leave
Employees are also entitled to take a further 13 weeks as unpaid leave to bring the total of leave to 52 weeks. However, this may be extended by local agreement in exceptional circumstance, for example, where employees have sick pre-term babies or multiple births. Please seek further advice from HR Services if you would like further details.

3.7 Commencement and duration of leave
An employee may begin her maternity leave at any time between 11 weeks before the expected week of childbirth and the expected week of childbirth, providing that she gives the required notice. An employee is not permitted to return to work for a period of two weeks immediately after giving birth.

3.7.1 Changing the maternity leave start date
If the employee subsequently wants to change the date from which she wishes her leave to start, she should notify her Line Manager at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

3.7.2 Sickness prior to childbirth
If an employee is off work ill, or becomes ill, with an illness, either related to the pregnancy or not, during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the 4th week before the expected week of childbirth 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 childbirth, supported by a medical statement of incapacity for work, or a self-certIFICATE, shall be treated as sick leave in accordance with normal leave provisions.

Odd days of pregnancy-related illness prior to the last four weeks before the expected week of childbirth may be disregarded if the employee is medically fit to continue working till the maternity leave start date previously notified to the employer.

3.7.3 Pre-term birth
Where an employee’s baby is born prematurely, the employee will be entitled to the same amount of maternity leave and pay as if her baby was born at full term.

Where an employee’s baby is born before the 11th week before the expected week of childbirth and the employee has worked during the actual week of childbirth, maternity
leave will start on the first day of the employee’s absence.

Where an employee’s baby is born before the 11th week before the expected week of childbirth 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 birth.

Where an employee’s baby is born before the 11th week before the expected week of childbirth and the baby is in hospital, the employee may split her maternity leave entitlement, taking a minimum period of two weeks’ leave immediately after childbirth and the rest of her leave following her baby’s discharge from hospital.

3.7.4 Stillbirth
Where an employee’s baby is stillborn after the 24th week of pregnancy, the employee will be entitled to the same amount of maternity leave and pay as if her baby was born alive.

3.7.5 Miscarriage
Where an employee has a miscarriage before the 24th week of pregnancy, normal sick leave provisions will apply as necessary.

3.8 Contractual rights

During maternity leave (both paid and unpaid) an employee retains all of her contractual rights, except remuneration.

3.8.1 Increments
Maternity leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave. The expectation is that an employee on maternity leave would progress through a Knowledge Skills Framework gateway on the due date, if concerns had not been raised about the ability to meet their KSF outline prior to maternity leave.

3.8.2 Accrual of annual leave and public holidays
Annual leave and public holidays will continue to accrue during maternity leave, whether paid or unpaid, provided for by this agreement.

Where the amount of accrued leave and public holidays would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and line manager. In exceptional circumstances, where it is considered that to fully utilise annual leave would cause serious personal and/or operational difficulties, line managers should discuss the situation with HR Services to explore the options available.

3.8.3 Pensions
Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations. It is recommended that staff check with HR Services and the Scottish Public Pensions Agency (SPPA) how their leave will impact upon their own pension contributions; the organisation’s contributions and their entitlements under the pension scheme.
3.9 Line management contact

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.

3.9.1 Pre-maternity leave interview

Before going on leave, the Line Manager and the employee should meet to discuss the practicalities of the pregnant employee's approaching maternity leave. The employee should already have been informed by this stage of her maternity leave and pay entitlement.

This meeting will provide the opportunity:

1. To discuss the final arrangements for the employee’s maternity leave;
2. To discuss with the employee how her work will be covered during maternity leave, including who will take over her tasks, how the handover will be managed and any other practicalities that arise;
3. To discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave, including:

   i) The employee’s right to keeping-in-touch days and whether or not she might be interested in exercising this right;
   ii) How the line manager will keep in touch with the employee while she is on maternity leave, what information she might expect to receive and by what means;
   iii) Keeping the employer in touch with developments that may affect her intended date of return.

   • To discuss how the employee’s annual leave entitlement will be managed while she is on maternity leave;
   • For the employee to raise any other issues that she would like to discuss.

3.9.2 Keeping in touch days

To facilitate the process of keeping in touch, it is important that the employer and employee have early discussions to plan and make arrangements for Keeping in Touch (KIT) days before the employee’s maternity leave takes place.

KIT days are intended to facilitate a smooth return to work for women returning from maternity leave.

An employee may work for up to a maximum of ten KIT days without bringing her maternity leave to an end. Any days of work will not extend the maternity leave period.

An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.

The work can be consecutive days or not and can include training or other activities which enable the employee to keep in touch with the workplace.

Any such work must be by agreement and neither the employer nor the employee can insist upon it.

The employee will be paid at their basic daily rate for the hours worked, less appropriate maternity leave payment for KIT days worked.
Working for part of any day will count as one KIT day.

Any employee who is breastfeeding must be risk assessed and facilities provided in accordance with the provisions set out in the NSS Breastfeeding Policy.

3.10 Antenatal and postnatal care

Pregnant employees have the right to paid time off for antenatal care. Antenatal care may include relaxation and parent-craft classes that the employee’s doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.

In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if required to do so.

Women who have recently given birth should have paid time off for post-natal care, e.g. attendance at health clinics. Evidence of such appointments should similarly be provided if required.

The employee should endeavour to give her line manager as much notice as possible of antenatal or postnatal appointments and, wherever possible, try to arrange them out with working hours or as near to the start or end of the working day as possible. However, it is recognised that this may not necessarily be possible.

3.11 Miscellaneous provisions

3.11.1 Fixed-term contracts or training contracts

Employees subject to fixed-term or training contracts which expire after the 11th week before the expected week of childbirth and who satisfy the conditions in paragraphs 3.1 (i), and 3.1 (ii) (a), (b) and (d), shall have their contracts extended so as to allow them to receive the 52 weeks leave, which includes paid contractual and statutory maternity pay, and the remaining 13 weeks of unpaid maternity leave.

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

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 3.10 above will not apply.

Employees on fixed-term contracts who do not meet the 12 months’ continuous service condition set out in paragraph 3.1(i) above, may still be entitled to Statutory Maternity Pay.

3.11.2 Rotational training contracts

Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, she 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. In such circumstances the employee's contract will be extended to enable the practitioner
to complete the agreed programme of training.

3.11.3 Employees not returning to NHS employment
An employee who satisfies the conditions in paragraph 3.1, except that she does not intend to work with the same or another NHS employer for a minimum period of three months after her maternity leave is ended, will be entitled to pay equivalent to Statutory Maternity Pay, which is paid at 90 per cent of her average weekly earnings for the first six weeks of her maternity leave and to a flat rate sum for the following 33 weeks.

3.11.4 Employees with less than 12 months’ continuous service
If an employee does not satisfy the conditions in paragraph 3.1 for occupational maternity pay, but has 26 weeks’ continuous service with her employer assessed at the 15th week before the week that the baby is due, she may be entitled to Statutory Maternity Pay, depending on her earnings level.

If her earnings are too low for her to qualify for Statutory Maternity Pay, she may be entitled to claim Maternity Allowance. In such circumstances, the employee should seek further information from her local Job Centre Plus or social security office.

3.11.5 Information about statutory maternity/adoption and paternity leave and pay
There are occasions when employees are entitled to other statutory benefits/allowances and information about all statutory maternity/adoption and paternity rights can be found using the following links:

https://www.gov.uk/search?q=maternity+leave

https://www.gov.uk/search?q=statutory+maternity+pay

Information about health and safety for new and expectant mothers at work can be found using the following link:

http://www.hse.gov.uk

4. Management of Pregnant Workers

4.1 Health and safety of employees pre and post birth
The Pregnant Workers Directive 1992 introduced measures to encourage improvements in the health and safety at work of pregnant workers and workers who have recently given birth or are breastfeeding. The Management of Health and Safety at Work regulations 1999 places a duty of care on employers to ensure that the health and safety of pregnant workers is risk assessed and that action must be taken in relation to identified risks.

Where an employee is pregnant, has recently given birth or is breastfeeding, the employer must carry out a risk assessment of her working conditions. The result of the risk assessment should be communicated to the female worker and her representative (where appropriate).

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

If it is found, or a medical practitioner considers, that an employee or her child would be at risk were she to continue with her normal duties, the employer should provide suitable alternative work for which the employee will receive her normal rate of pay.

Examples of provisions to reduce risk:
• Temporarily adjusting the working conditions or hours;
• Move the worker to another job;
• Transfer to daytime working

Where it is not reasonably practicable to offer suitable alternative work, the employee should be suspended on full pay on pregnancy grounds.

5. Return to Work Arrangements

5.1 An employee who intends to return to work at the end of her maternity leave will not be required to give any further notification to NSS, although if she wishes to return early, she must give at least 28 days' notice.

5.2 An employee has the right to return to her job under her original contract and on no less favourable terms and conditions.

5.3 The line manager will arrange to meet with the employee on her return to work (ideally at the start of her first day back at work, but as soon as is reasonably practicable) and will be responsible for dealing with any housekeeping matters and ensuring that she settles in smoothly. In order to assist further in this regard, her manager will also:

• Arrange a catch-up meeting to update the employee on developments in her absence not previously notified to her;
• Discuss the arrangements for handing work back to her;
• Arrange for her to meet with other work colleagues to enable her to re-familiarise herself with the workload and the relevant systems of work;
• Discuss any training needs and ensure that these are addressed as soon as possible after her return;
• Introduce her to any new members of staff;
• Advise on parental leave entitlement;
• Confirm the right to request flexible working arrangements;
• Discuss the provision of support should the employee wish to breastfeed after they return to work;
• Discuss any recommendations that the employee’s doctor and/or Occupational Health have made in relation to their health and wellbeing following their return from maternity leave (carrying out a risk assessment and implementing any resulting actions as appropriate);
• Discuss any other operational matters.

5.4 Work should be handed back to the employee on a gradual basis with the aim that she will be completely up to speed and handling a workload appropriate to her contracted working hours within an agreed period following her return from maternity leave.
5.5 Returning on flexible working arrangements

If, at the end of maternity leave, the employee wishes to return to work on different hours, NSS has a duty to consider this, wherever possible bearing in mind the needs of the service. If possible, the employee will return to work on different hours but in the same job. If this is not possible, the employer must provide written, objectively justified reasons for this and the employee shall, wherever possible, be given the option to return to a role at the same pay band and undertaking work of a similar nature and status, to that which they held and undertook prior to their maternity absence. It may not be possible for an employee to have her flexible working request accommodated either in her existing role or through the provision of an alternative role.

If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period, this will not affect the employee’s right to return to her job under her original contract, at the end of the agreed period.

5.6 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.

5.7 Failure to return to work

If an employee who has notified her employer of her intention to return to work for the same or a different NHS employer, in accordance with paragraph 3.1 (ii) (c) above, fails to do so within 15 months of the beginning of her maternity leave, she will be liable to refund the whole of her maternity pay, less any Statutory Maternity Pay, received. In cases where the employer considers that to enforce this provision would cause undue hardship or distress, the employer will have the discretion to waive their right to recovery.

5.8 Shared parental leave

Under a new system of flexible parental leave (called Shared Parental Leave), parents will be able to choose how they share care of their child during the first year after birth. Employed mothers will still be entitled to 52 weeks of maternity leave; however, working parents will be able to opt to share the leave.

Mothers will have to take at least the initial two weeks of leave following the birth as a recovery period. Following that they can choose to end the maternity leave using the NSS Shared Parental Leave Policy.

The Government introduced changes to flexible parental leave in April 2015.

Further information is available from:

https://www.gov.uk/search?q= reform+of+flexible+parental+leave

5.9 Dignity at Work

The organisation is committed to providing all reasonable support to employees who are pregnant or new mothers. Colleagues should be sensitive to this issue and should adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are pregnant or who have recently given birth. It is a requirement of this policy that all NSS employees respect this principle.
6. Questions or Concerns

NSS recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is the policy of NSS to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant, she should clarify the relevant procedures with her line manager/Human Resources to ensure that they are followed correctly.

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 in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/Professional Organisation representative.

8. Useful Information

Other policies/guidance that you may find useful include:

- NSS Breastfeeding and Returning to Work Policy
- NSS Maternity Support (Paternity) Leave Policy
- NSS Adoption and Fostering Policy
- NSS Parental Leave Policy
- NSS Career Break Policy
- NSS Annual Hours Working Policy
- NSS Flexible Working Policy
- NSS Special Leave Policy
- NSS Reduced Working Year Policy
- NSS Working at Home/Working from Home Policy
- NSS Zero Hours Contract Policy
- NHS Scotland Supporting the Work Life Balance PIN Policy (July 2015)

The following websites may also be of interest:

- Staff Governance: www.staffgovernance.scot.nhs.uk
- ACAS: www.acas.org.uk
- Department for Work and Pensions: www.dwp.gov.uk
- Direct Gov: www.direct.gov.uk
- Edenred Childcare Voucher Scheme: www.childcarevouchers.co.uk
- Government childcare support (including new tax-free childcare provisions: www.childcarecarechoices.gov.uk
9. Policy Review

This policy will be reviewed two years from its effective date to ensure that arrangements put in place are appropriate to the operating requirements of National Services Scotland (NSS).

Date Policy is effective: February 2018

Reviewed by: February 2020

Agreed by: Date: 11.8.20
Appendix A

NSS Adoption and Fostering Policy – Frequently Asked Questions

I don’t have 12 months’ continuous service at the beginning of the 11th week before the Expected Week of Confinement (EWC). What will I be entitled to in terms of maternity leave/pay?

All employees – no matter how much continuous service that they have and whether or not they wish to return to work afterwards - are entitled to 52 weeks of maternity leave.

If you do not have 12 months’ continuous service but do have at least 26 weeks’ continuous service (assessed at the 15th week before the EWC) you may be entitled to Statutory Maternity Pay, depending on your earnings. If you are unsure as to whether or not you qualify, please contact HR Services in the first instance.

I’m not sure at this stage whether or not I want to return to work after Maternity Leave, what are my options?

If you are undecided about whether or not you wish to return to work after Maternity Leave you can elect to be paid as though you were not returning to NHS employment in the first instance (you would receive statutory maternity pay during this period).

Then if you do return to work for NSS or another NHS employer for the minimum period of three months after your maternity leave has ended you will receive the difference between statutory and contractual (occupational) maternity pay.

What is the minimum/maximum period of maternity leave that I can take?

Legally you must take a minimum of two weeks of maternity leave after the birth. You can take a maximum of 52 weeks maternity leave.

What happens to annual leave/public holidays during my maternity leave?

Annual leave and public holidays will continue to accrue during maternity leave – whether this leave is paid or unpaid. You are strongly advised to plan your leave, in conjunction with your line manager, to be taken before/after your maternity leave period.

I have a leased car. What happens to this during my maternity leave?

You can retain the car however you will require to make arrangements to maintain the lease payments for the duration of your maternity leave. Alternatively, you can cancel the lease prior to the end of the lease period without incurring any penalty for early termination. If you require any further information you should contact the Lease Car section.

What happens if my baby is born early?

If your baby is born early you will still be entitled to the same amount of maternity leave/pay. If your baby is born before the 11th week before the expected week of confinement, and
you have worked during the actual week of childbirth, your maternity leave will start on the first day of your absence.

If your baby is born before the 11th week before the expected week of confinement and you were off work on certified sickness absence during the actual week of childbirth, your maternity leave will start the day after the day of birth.

If your baby is born before the 11th week before the expected week of confinement and your baby needs to stay in hospital you can elect to take a minimum period of at least two weeks’ leave immediately after childbirth and then take the rest of your leave once the baby has been discharged from hospital.

If your baby is born after the 11th week before the expected week of confinement and you hadn’t already commenced maternity leave, your maternity leave will start the day after the day of birth.

How do I find out the current rate of Statutory Maternity Pay?

The rates may vary from time to time, but to check what the current rate, please click here: https://www.gov.uk/employers-maternity-pay-leave/entitlement

I’m planning on taking some KIT days during my maternity leave. What will I be paid for these days?

You will be paid at your normal hourly rate for hours worked during KIT days, with SMP for that day being offset against this payment as you cannot be paid more than your normal contractual pay for the day.

I will still be breastfeeding when I return to work. Will I need to notify anyone of this?

Yes, you must advise you line manager so that a risk assessment can be undertaken of your working conditions. This would take place for all employees who are pregnant, recently given birth or are breastfeeding.

I had originally planned to take 52 weeks Maternity Leave, but due to my partner’s job circumstances changing, I wish to return to work sooner. What do I need to do?

If you wish to return to work earlier than the date that you had previously indicated, you should give at least 28 days’ notice. If however you plan to return on the date you initially indicated on your maternity application, you do not need to give any additional notification.

You may also wish to consider whether or not the Shared Parental Leave provisions may be a better option. This would of course depend on your personal circumstances.

What if I initially indicate that I wish to return to work after maternity leave and then change my mind?

If you have been paid enhanced (occupational) maternity pay based on you indicating that you would return to work following maternity leave and fail to return to NSS or another NHS employer for at least 3 months, you will be liable to refund the whole of your maternity pay,
less any Statutory Maternity Pay, received.

If you think that you may wish to consider this option, you are advised to contact your line manager as soon as possible to discuss the situation further.

**What happens if I decide that I want to reduce my working hours after returning to work after Maternity Leave?**

If you decide that you wish to change your working hours on return from maternity leave, this request will be considered and wherever possible, be approved – subject to service delivery requirements.

Where it is possible, you will return to the same job but on different hours. If this is not possible you will be given written reasons to explain why this is not possible. In these circumstances alternatives options will be explored to see if it is possible for you to return to another role at the same pay band and undertaking work of a similar nature and status, to the one that you held and undertook before you started your maternity leave.

There may be circumstances where it is not possible for NSS to accommodate your flexible working request.

**Can I purchase childcare vouchers from my salary?**

NSS operates a childcare voucher scheme through a company called Edenred. For further details of the scheme or to register, please visit [www.childcarevouchers.co.uk](http://www.childcarevouchers.co.uk).

Access to this scheme for new entrants is time limited however as a new Government scheme is currently being rolled out on a gradual basis through 2017 into 2018. Further details of this scheme can be found at [www.childcarechoices.gov.uk](http://www.childcarechoices.gov.uk).

Please note that parents who are existing members of the Edenred Childcare Voucher scheme can remain in this scheme beyond 2018.

**Can I have time off for antenatal appointments?**

Yes, you are entitled to paid time off for antenatal care (including relaxation and parent-craft classes that your GP, midwife or health visitor has advised you to attend.

You should provide proof of pregnancy (a MATB1 certificate or a note from your doctor) and after the first appointment, evidence of the appointment (such as an appointment card), if required.

You would also be entitled to paid time off for post-natal care where appropriate. Again, evidence of appointments may be required.

I am employed on a fixed term contract which is due to expire two weeks after the birth of my child. I have worked for NSS for over a year and the indications are that the contract will not be renewed as the project is coming to an end. What will happen to my maternity leave/pay?
First of all, as you meet the service requirements for occupational maternity leave/pay your fixed term contract will be extended to allow you to take the 52 weeks maternity leave period- so you will receive the 39 weeks paid maternity leave and the remaining 13 weeks unpaid leave. You will of course have access to the redeployment process as set out in the NSS Use of Fixed Term Contracts Policy.

In these circumstances, as you would not be able to return the contract would have ended if pregnancy and childbirth had not occurred, you would not be required to repay occupational maternity pay.

**What if my partner wishes to share the care responsibility following the birth of our child, can we share my maternity leave?**

NSS has a Shared Parental Leave Policy which covers this area. Legally you must take 2 weeks maternity leave following the birth of your child. Thereafter you can elect to end your maternity leave and switch to Shared Parental Leave and share the leave. Please refer to the NSS Shared Parental Leave Policy for further information and advice. Please note that it is your/your partner’s responsibility to check the details of their employer’s Shared Parental Leave provisions.

**I’m adopting a baby, will I be entitled to Maternity Leave?**

No. You are only entitled to Maternity Leave and Pay if you are the biological mother of the child. NSS recognises that the needs of adoptive parents are at least as great as those of natural parents in establishing a relationship with the child and in developing new routes and to support you, the NSS Adoption Leave and Fostering Policy outlines the support that is available.

**Am I entitled to any more Maternity Leave/Pay if I have a multiple birth?**

There is no additional entitlement for multiple births. However, at management discretion you may be allowed to take additional unpaid leave. Your entitlement to Parental Leave is per child and further details can be found in the NSS Parental Leave Policy.
### Maternity Leave & Pay Entitlement Matrix

#### Employee Returning to NHS Employment

<table>
<thead>
<tr>
<th>Entitlement</th>
<th>26 weeks NSS service by 15th week before EWC and 12 months NHS service by 11th week before EWC</th>
<th>26 weeks NSS service by 15th week before EWC but less than 12 months NHS service by 11th week before EWC</th>
<th>Less than 26 weeks NSS service by 15th week before EWC and less than 12 months NHS service by 11th week before EWC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entitlement</td>
<td>Up to 52 weeks leave with 39 weeks paid as follows:</td>
<td>Up to 52 weeks leave with 39 weeks paid as follows:</td>
<td>Up to 52 weeks leave – unpaid</td>
</tr>
<tr>
<td></td>
<td>• 8 weeks full pay</td>
<td>• 6 weeks earnings related SMP</td>
<td></td>
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<tr>
<td></td>
<td>• 18 weeks half pay (plus SMP at the appropriate rate)</td>
<td>• 33 weeks SMP (at the appropriate rate)</td>
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<tr>
<td></td>
<td>• 13 weeks SMP (at the appropriate rate)</td>
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</tbody>
</table>

#### Employee Undecided if Returning/Not Returning to NHS Employment

<table>
<thead>
<tr>
<th>Entitlement</th>
<th>26 weeks NSS service by 15th week before EWC and 12 months NHS service by 11th week before EWC</th>
<th>26 weeks NSS service by 15th week before EWC but less than 12 months NHS service by 11th week before EWC</th>
<th>Less than 26 weeks NSS service by 15th week before EWC and less than 12 months NHS service by 11th week before EWC</th>
</tr>
</thead>
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<td>Entitlement</td>
<td>Up to 52 weeks leave with 39 weeks paid as follows:</td>
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<td></td>
<td>• 6 weeks earnings related SMP</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>• 33 weeks SMP (at the appropriate rate)</td>
<td>• 33 weeks SMP (at the appropriate rate)</td>
<td></td>
</tr>
<tr>
<td>Entitlement on Return</td>
<td>After returning to work for 3 months – the difference between SMP and Contractual (Occupational) Maternity Pay</td>
<td>No further payment due</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Not Returning to Duty</td>
<td>Payment of any outstanding accrued annual leave</td>
<td>Payment of any outstanding accrued annual leave</td>
<td>Payment of any outstanding accrued annual leave</td>
</tr>
</tbody>
</table>
Examples of Maternity Leave/Pay Entitlements

Jenny will have worked for NSS for 2 years by the time she reaches the 15th week before the EWC. She has no other NHS service. She plans to return to work after maternity leave. What is her entitlement to maternity leave/pay?

Jenny is entitled to up to 52 weeks maternity leave.
Of which 39 weeks are paid leave
8 weeks at full pay
18 weeks half pay (plus SMP at the appropriate rate)
13 weeks SMP (at the appropriate rate)

Becky will have worked for NSS for 23 weeks by the time that she has reached the 15th week before EWC and has no other NHS service. She isn’t sure whether or not she is going to return to work.

Becky is entitled to up to 52 weeks maternity leave.
Because Becky has had less than 26 weeks service by the time she reached the 15th week before EWC she has no entitlement to Maternity Pay.

Hilary will have worked for NSS for 29 weeks by the time that she has reached the 15th week before EWC and has no additional NHS service. She plans to return to work following maternity leave.

Hilary is entitled to up to 52 weeks maternity leave.
Of which 39 weeks are paid leave
6 weeks earnings related SMP
33 weeks SMP (at the appropriate rate)

Brenda will have worked for NSS for over 6 years by the time that she has reached the 15th week before EWC. She has no other NHS service. She’s unsure about whether or not she will be returning to work following maternity leave.

Brenda is entitled to up to 52 weeks maternity leave.
As she’s unsure about whether or not she will be returning, she can elect to be paid as though she will not be returning and then if she does return for 3 months after maternity leave, she will be paid the difference between the statutory maternity pay she received and the contractual (occupational) maternity pay that she would have been entitled to as a returner.
## NHS National Services Scotland

### Maternity Leave Policy

#### Responsibility Matrix

<table>
<thead>
<tr>
<th>Member of staff</th>
<th>Line Manager</th>
<th>Human Resources</th>
<th>Trade Union/Professional Organisation Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>You are encouraged to notify your line manager as soon as possible after you discover that you are pregnant, especially as there may be health and safety considerations for both you and the organisation.</td>
<td>Arrange for an assessment of work arrangements for all employees who are expectant, new or breastfeeding mothers. Ensuring that results are communicated and steps put in place manage any risks.</td>
<td>Provide advice and guidance to both members of staff and line managers on the application of the maternity leave policy where required.</td>
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</tr>
<tr>
<td>You are required to submit the necessary forms and documentation to your line manager in line with the timescales set out in the Maternity Policy, or where this is not possible, as soon as possible thereafter.</td>
<td>Be aware of the provisions of the NSS Maternity Leave policy and appreciate when they may have to seek further support and guidance on its application.</td>
<td>Signpost other family friendly/flexible working policy options to both members of staff and Line Managers.</td>
<td></td>
</tr>
<tr>
<td>You should advise your line manager as soon as possible if you wish to commence/finish maternity leave earlier/later than indicated. If you wish to return earlier – you must give at least 28 days notice. If you wish to alter your working hours/pattern after your return from maternity leave you should make this request to your line manager.</td>
<td>Ensure that Maternity Leave is appropriately recorded on Payroll and HR systems to ensure that payments are made accurately and comprehensive records are maintained.</td>
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<tr>
<td>Gather all relevant details regarding requests for Maternity Leave.</td>
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<tr>
<td>Working with the member of staff to determine the best course of action and where necessary, identify and explore alternative approaches to assist them in balancing domestic/work responsibilities.</td>
<td>Ensure that any request to return to work on a flexible working arrangement is not unreasonably refused.</td>
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</tbody>
</table>