

MATERNITY LEAVE – What you need to know!

Being pregnant is an extremely exciting time but can be equally daunting. This guide gives you a quick overview of what is required from an employment and training point of view, before, during and after your Maternity Leave and should hopefully help allow a relatively seamless transition from work into motherhood and back into work again.

| Whom do I need to tell? - Notification | |
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| | <p>Your Employer</p> <ul style="list-style-type: none"> • Notify in writing, before the end of 15th week before Expected Week of Childbirth (EWC) or as soon as practicably possible, of your intention to take Maternity Leave and the date when you wish this to commence (can change the date provided you give at least 28 days notice) • MATB1 Form (obtain from GP or Midwife) • Right to “reasonable” time off to attend antenatal appointments • Once employer informed in writing of wish to take Maternity Leave, they are obliged to confirm in writing within 28 days (including paid/unpaid leave entitlements, annual leave owed and expected return date) |
| | <p>HEE Wessex and RCOA</p> <ul style="list-style-type: none"> • Need to inform of your intention to take Maternity Leave • CCT will be suspended until your return to work (end of maternity leave, not end of accrued annual leave) • On returning to work you are required to notify them so that your new CCT date can be calculated and whether you are returning on a less than full time (LTFT) basis • https://wessex.hee.nhs.uk/wp-content/uploads/sites/6/2020/04/Maternity_Paternity_and_Adoption_Leave_guidance-1.pdf |
| | <p>GMC / MDU / MPS</p> <ul style="list-style-type: none"> • GMC – must continue to pay (but reduced fees offered if annual salary on leave <£32,000) • Medical defence – regard maternity leave as a “career break” therefore not required to pay and usually may be claimed retrospectively |

What are my Entitlements: Time and Pay

- Entitled to 52 weeks paid and unpaid maternity leave – provided you return to work afterwards
 - Eligibility to full NHS Maternity Pay depends on having completed 12 months continuous service within NHS by week 29 of pregnancy
 - See NHS Employers terms and conditions handbook www.nhsemployers.org/publications/tchandbook
- **Occupational Maternity Pay**
 - 8 weeks full pay, 18 weeks half pay, then 26 weeks unpaid leave
- **Statutory Maternity Pay (SMP)**
 - Paid for up to 39 weeks (less any time on full OMP), irrespective of whether you return to work or not (independent and additional to Occupational Maternity Pay)
 - Claimed by your employer on your behalf
 - Only eligible if you have worked for NHS for a minimum of 26 continuous weeks
- **Maternity Allowance (MA)**
 - This is what you need to apply for if not eligible for SMP (i.e. recently started working in NHS)
 - Same pay as SMP but you need to apply for it independently through your local Job Centre Plus
- **Maternity Leave**
 - Retain all contractual rights and benefits
 - Annual pay increments
 - Study Budget
 - Accrual of Annual Leave (Note: your annual leave should ideally be taken within the normal calendar year and not carried forward– however if this is not possible owing to when you take your Maternity leave relative to the Calendar year, this should be honoured.)
 - Your annual leave accrual is not dependent on whether the Maternity Leave is paid or not
 - Does NOT include pay
 - If after maternity leave, you do not wish to return to work:
 - Employer entitled to retrieve the maternity pay awarded (at their discretion)
 - To avoid this you need to return to work for a minimum of 3 months within 15 months of commencing maternity leave

- **Pension**

- You and your employer continue to contribute to the NHS Pension Scheme
- However, during unpaid maternity leave you may be required to take specific action to ensure this period counts towards your pension

- **New Parent Support Leave (previously known as Paternity Leave)**

- Entitled to 2 weeks leave (not to be taken as odd days) after the arrival of the baby
- Same rules for adoption
- Eligibility for paid leave dependant on at least 26 weeks continuous service within the NHS
- Intention to take Paternity Leave must be given to your employer by the 15th week prior to the EDD
- Right to reasonable time off to attend antenatal appointments

- **Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)**

- Government initiative aimed at making the working environment more family friendly for both partners after the birth of a child
- Applies to parents of a child born or adopted on or after 05 April 2015
- Must be taken between the baby's birth and 1st Birthday or 1st year of adoption
- After the first 2 weeks after the baby is born/adopted, which is compulsory for mother to take as Maternity Leave and Pay (if eligible), the couple can choose to end the Maternity Leave and Pay and move to Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP)
- The absolute allocations in total time and total pay remain unchanged but this can now be shared between both parents provided each fulfils the eligibility criteria
- SPL also lets you suggest a flexible pattern of leave to your employer. You have the right to take SPL in up to 3 separate blocks but your employer can agree to more. They can also let you split each block into several shorter periods of work and leave. You may choose to take some of the time off at the same time as the other partner.
- You must give at least 8 weeks' notice of any leave you wish to take
- See website <https://www.gov.uk/shared-parental-leave-and-pay> for details on eligibility, detailed explanation and conditions

What are the risks to me and my baby while I am still working?

- **Employers Responsibilities:**

- Laws that protect you at work only apply once your employer knows you are pregnant
- Once above established, then Risk Assessment conducted – if any risks identified they must be removed, or alternative working arrangements agreed
- If you are unable to undertake on-call – Trust's responsibility to arrange locum cover

- **FAQs**

- **Shifts / On-call**

- There are no hard and fast rules regarding shift patterns during pregnancy. You should have regular risk assessments with your Line Manager or College Tutor and night shift working can be discussed with them
- More than 12/52 off out-of-hours working will affect your CCT date
- Conflicting reports on whether long hours reduce foetal growth and risk of preterm delivery

- **Anaesthetic gases**

- Previously shown to increase risk of spontaneous abortion and congenital anomalies, but significantly reduced since advent of scavenging. May be best to avoid lists with high exposure in 1st trimester

- **Manual handling**

- Hormonal changes = susceptibility to injury
 - Advise avoid manual handling
 - Advise avoid prolonged standing after 24th week

- **Radiation**

- Ionising radiation toxic and teratogenic. Most at risk during 1st 8 weeks
- Radiation Council guidelines advocate a total dose of no more than 0.5 Rad during entire pregnancy (typical x-ray = 0.008 Rad)
- Important to take precautions – Minimum 5mm lead wrap-around apron if within 6 feet of exposure
- Limiting exposure by avoidance not always possible, practical or necessary

- **MRI**

- No evidence of harm

- **Bone cement (Methylmethacrylate)**

- No evidence for teratogenicity

What happens if I get ill during my pregnancy?

- **Up to 4 weeks prior to Expected Week of Childbirth (EWC)**
 - Same rights to paid sick leave as any other employee
 - Same rights to sick pay as other employees
 - Note that the calculation of your OMP is based on the average of your salary in the 2 months before the end of the 28th week of pregnancy (the qualifying week). If you have been off on sick leave for an extended period, your salary may be reduced, and this will affect what you receive as Maternity Pay
 - Up to individual as to when she wants to start her Maternity Leave
- **Within 4 weeks of EWC:**
 - If off with a pregnancy-related illness your employer can ask you to start your Maternity Leave
 - You are required to give your employer written notice of the start of your leave as soon as reasonably practicable

Returning to work

- Have the right to the same job on the same terms and at the same rate as prior to your Maternity Leave
- Although you are entitled to take a full 52 weeks Maternity Leave, not everyone wants to, and therefore you will need to notify your Trust in writing of your intended date of return (requires 28 days' notice)
 - Legally all women are required to take a minimum of 2 weeks Compulsory Maternity Leave after the birth of their child before they can return to work
- May organise "Keeping in Touch" (KIT) days, but these are not enforceable either by yourself or your Trust. It is usually by mutual agreement.
 - These are usually paid at basic rate for hours worked and you are allowed a maximum of 10 days, or you would forfeit the rest of your SMP
 - How you plan to spend your "KIT" days is up to you but needs to be pre-arranged with the College Tutor in the Trust you are to work in on return. An email will suffice. This email detailing the hours would need to be sent to Medical HR
 - Courses can be attended and your Study Budget can be accessed to pay for these
 - Cannot take these during your accrued annual leave prior to returning to work. (This would constitute fraud as would be double paid (leave and KIT)
 - https://www.rcoa.ac.uk/sites/default/files/documents/2020-03/Bulletin120_0.pdf
 - <https://www.rcoa.ac.uk/sites/default/files/documents/2020-05/Bulletin121.pdf>

Supported Return to Training

- This should now be offered to all doctors returning to training who have taken 3 or more months away from relevant clinical work.
- This requires forethought and planning so organise it early. (Even prior to taking the time out if possible)
- The deanery has produced guidance on this:
 - **Return to Training Scheme**
 - <https://wessex.hee.nhs.uk/trainee-information/trainee-journey/supported-return-to-training/>

Less than Full Time (LTFT) Training

If you are considering LTFT training this is what you need to know and do:

- Download and read the LTFT Training documents from the HEE Wessex website
 - This includes regional information on:
 - **LTFT Policy and Guidance**
 - **GMC Position Statement**
 - **Application Form**
 - <https://wessex.hee.nhs.uk/trainee-information/trainee-journey/less-than-full-time-training/>
- Contact your Training Programme Director early announcing your intention to return less than full time
- Please note it may take up to 16/52 from time of application
- Read available information via links on the LTFT in Anaesthesia deanery and RCOA webpages
- Contact:
 - Dr Katharine Barr – Flexible Training Advisor for Anaesthetics, HEE Wessex Katharine.barr@dchft.nhs.uk