

Maternity Leave

This document was written as a guide by some trainees with relevant experience. It is designed to help you to understand the basics of your rights as a trainee when pregnant, applying for maternity leave, on maternity leave and returning to work afterwards. The advice is correct at the time of writing but you should always contact the people in the relevant roles (as mentioned below) to make sure that you are up to date with what is expected of you and what you can expect from your employer. The current NHS Maternity Policy can be found at the following link:

http://www.nhsbsa.nhs.uk/Documents/NHSBSACorporatePoliciesandProcedures/Maternity_Leave_Policy.pdf

What do I do when I find out I am pregnant?

Once you have finished celebrating the news that you are pregnant you need to start planning what you are going to do about work. You are required to inform your employer of your pregnancy and your intention to take maternity leave and the date you will be finishing work, at the latest, by the 15th week before you are expected to deliver. This should be in writing and should include a copy of your Mat B1 form (your midwife can provide this for you after your dating scan). If you don't do this then there is a chance that they will not pay your maternity pay on time. Most Trusts will have a specific form you should complete and send a copy to Medical Personnel and Payroll; it is called a BSA M1 form. You are required by law to take a minimum of 2 weeks of maternity leave starting from the day your baby is born.

Once you have informed your employer that you are pregnant you should consider whether you need to ask for a Risk Assessment or not. A Risk assessment should be done by your line manager (normally an administrative manager within your department and not a Consultant) and should be done if you feel that you need to discuss altering your duties because of your pregnancy. For example lots of pregnant women choose to not work night shifts or 12 hour shifts past around 28 weeks gestation because they find it tiring; however, the purpose of the Risk Assessment is not just to give up on-calls, it can also be used to highlight issues such as physical safety on labour ward, or concerns that you have about standing for long periods in theatre etc. Most trusts have a specific risk assessment form for pregnant women available on their Trust website.

If you have reduced your duties because of risks to yourself during pregnancy there should be no alterations to your pay. If your hospital is unable to accommodate your requirements then they would be expected to suspend you on full pay. If for any reason you cannot get a Risk Assessment done, or you feel that you are being put under pressure to carry out duties that you feel are putting you at risk, the next step is to contact your occupational health department to ask for their help.

You can start your maternity leave anytime from 11 weeks before your expected due date. If you have health problems that mean you need to stop work earlier you will need to get a sick note from

your GP to cover from the date you go onto leave until you are 36 weeks gestation. At 36 weeks gestation your leave would no longer be considered to be sick leave and would be reclassified as maternity leave instead.

You are entitled to have paid leave for your antenatal classes and appointments

What happens when I go on Maternity Leave?

You are entitled to 52 weeks of maternity leave as long as you have been employed by the NHS for 12 months before going on maternity leave, and intend to come back to the NHS for a minimum of 3 months after your maternity leave.

Maternity pay is broken into 2 parts: Statutory Maternity Pay (SMP – the ‘benefits’ bit, about £600 pretax) and Occupational Maternity Pay (OMP – the ‘wage’ bit, however much you were earning per month in the 25th week of pregnancy). You can either ask for the money to be paid as it comes or ask that it be divided equally over the number of months you are planning on taking as leave.

You are entitled to 8 weeks of full pay (this will be the same value as your usual monthly wage, but will be made up of SMP and OMP), followed by 18 weeks of half OMP plus SMP, followed by 13 weeks of SMP, followed by 13 weeks of no pay.

Sometimes a trainee will move trusts between 25 weeks gestation and when they go on Maternity Leave. In this case your SMP will come from the Trust you were working for when you were 25 weeks gestation and the OMP from the Trust you were working at when you left to go on Maternity Leave.

You are entitled to do Keep In touch (KIT) days whilst on maternity leave and should be paid your usual daily and banded rate for them; working even part of a day counts as a whole KIT day. KIT days are voluntary, not compulsory, and are designed to enable you to do a few days of work so that it won't be as daunting when you return to work after Maternity Leave. Section 7 in the NHS Maternity Policy document (link at the start of this document) has more information about KIT days.

You accrue annual leave whilst on maternity leave just as you would if you were working. Therefore if you left as full time and return as full time you would be entitled to the same number of days of annual leave as a person who worked the whole year. You also accrue the Bank Holiday days that happened whilst you were on Maternity Leave.

What do I do to return to work after Maternity Leave?

You are entitled to return to the job that you left and under the same conditions of pay and employment. You are also entitled to apply for LTFT training, although this is not guaranteed and may involve having to return to a different hospital to the one that you left.

If you are going to take your full entitlement of Maternity Leave (52 weeks) then you do not have to do anything to return to work – your Trust will assume that this is the case when you complete your paperwork before going on Maternity Leave. If you are going to come back to work sooner you are

required to provide a minimum of 28 days notice to your line manager, in writing in the form of the BSA M2 form.

If you wish to return to work but are breast feeding and intend to continue doing so, your employer is responsible for enabling this to happen. If this means that your duties must be altered then you should again complete a risk assessment and a procedure should be put in place for you. This should have no effect on your pay. You should be provided with a private place in which to express milk and a fridge to store it in.

According to RCOG policy it is recommended that a trainee returning to work after a period of leave longer than 3 months should have a supervised phased return to work. This is not NHS policy and is done on a case by case basis depending on the grade of the trainee and their specific needs. The RCOG recommend that 6-8 weeks before your intended date of returning to work you meet with your educational supervisor and complete part one of the 'return to work' form which highlights your areas of need and agrees how long the period of review needs to be. This should then be sent to the rota coordinator to incorporate your specific needs into your rota. Initially all work should be supervised and Work Based Assessments should be completed during this time. You should then meet with your educational supervisor again who should review all your Work Based Assessments and sign you off as competent to resume normal unsupervised duties. Further information on a phased return to work and a link to the RCOG 'return to work' form can be found at the following link: <https://www.rcog.org.uk/en/careers-training/resources--support-for-trainees/training-guidelines/returning-to-training/>

Other useful resources

The BMA offer members helpful advice on maternity entitlements and pay on their website, and also provided a handy timeline based on your EDD – follow this link: <http://bma.org.uk/practical-support-at-work/working-parents/maternity-leave-calculator>

For the NHS Maternity Policy follow this link:

http://www.nhsbsa.nhs.uk/Documents/NHSBSACorporatePoliciesandProcedures/Maternity_Leave_Policy.pdf

For information on phased return to work from the RCOG follow this link:

<https://www.rcog.org.uk/en/careers-training/resources--support-for-trainees/training-guidelines/returning-to-training/>