



Northern Ireland Ambulance Service
Health and Social Care Trust



Maternity Information Pack



Table of Contents

Why Produce a Maternity Information Pack? _____	3
What are your First Steps? _____	4
What are your Entitlements? _____	4
Terms and Conditions while Pregnant or on Maternity Leave _____	6
While on Maternity Leave _____	8
Returning from Maternity Leave _____	9
What if you do not wish to Return to N.I.A.S. at the end of your Maternity Leave? _____	10
What if you are on a Fixed-Term or Training Contract? _____	12
What are N.I.A.S Procedures in Dealing with Pregnant Employees? _____	12
What are my Responsibilities as an Employee? _____	13
Frequently Asked Questions _____	14
Glossary of Terms _____	16
Further Information _____	17
<u>Appendix 1</u> – Northern Ireland Ambulance Service Policy on Pregnant Workers _____	18

Why Produce a Maternity Information Pack?

In this pack, N.I.A.S. aims to provide our pregnant employees with all of the relevant information they will require in relation to their maternity entitlements and leave. In doing so we wish to ensure that you are fully aware of the following:

- ✓ your statutory rights and entitlements as a pregnant employee
- ✓ your responsibilities as a pregnant employee
- ✓ our policies and procedures regarding pregnant employees

The Trust will at all times, endeavour to ensure the elimination or reduction of any maternity related health and safety risk to employees who are pregnant. We hope therefore, that in providing you with this information pack we are helping to ensure that the health and safety of both you and your baby, is fully protected at work and trust that it will facilitate the maternity process to run as fluently as possible.

The policy on pregnant workers applies to anyone who can be defined as;

“a pregnant employee who informs her employer of her condition in accordance with the legislation and/or national practice”





What are your first steps?

- ✓ Firstly inform your line manager that you are pregnant and the approximate date your baby is due. Your statutory maternity rights are only protected once you have informed your employer of your pregnancy through the appropriate channels.
- ✓ Inform your line manager of any sickness, ante natal appointments or any holidays booked in the coming months.
- ✓ Where an employee is pregnant, N.I.A.S. must carry out a risk assessment of her working conditions. If it is found, or a medical practitioner considers, that you or your child would be at risk where you to continue with your normal duties, N.I.A.S. will endeavour to provide suitable alternative work for which you will receive your normal rate of pay, including any unsociable hours payments/shift allowances (where applicable).
- ✓ If night work is no longer considered appropriate, you must obtain a medical certificate stating that night duties should not be undertaken for health and safety reasons, and submit this to your line manager who will strive to make alternative arrangements.

What are your entitlements?

- ✓ All employees will have the right to take up to 52 weeks of maternity leave, whether paid or unpaid, as outlined alongside the conditions below. (you are not permitted to return to work within 2 weeks of childbirth)
- ✓ An employee working full-time or part time will be entitled to paid and unpaid maternity leave under the HSC contractual maternity pay scheme if:

- (i) She has 12 months continuous service with one or more HSC employers at the beginning of the eleventh week before the expected week of childbirth (A break in service of three months or less will be disregarded (though not count as Service)
 - (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 is reasonably practicable thereafter) of both her intention to take maternity leave and the date she wishes to start her maternity leave on.
 - (iii) She notifies her employer that she intends to return to work with the same or another HSC employer for a minimum period of three months after her maternity leave has ended
 - (iv) Provides a MATB1 form from her midwife or GP giving the expected date of Childbirth
- ✓ Under the new maternity leave regulations, provided that you meet the conditions above, you are entitled to 39 weeks Maternity Leave paid as follows:
 - 8 weeks full pay (this includes Statutory Maternity Pay)
 - 18 weeks half pay plus Statutory Maternity Pay, providing the total receivable does not exceed full pay
 - 13 weeks Statutory Maternity Pay only (equates to approx. £124 per week) (Figure accurate as of April 2010 – for up to date figure please contact the Employee Resourcing Department at Trust Headquarters)
 - ✓ In order to calculate what constitutes your average weekly earnings for the purposes above, the Salaries and Wages department will utilise your earnings in the two pay periods prior to the 15th week before your baby's due date/ 'expected week of confinement'. Your basic salary, unsociable hours payments and overtime payments within the two prescribed pay periods will be taken into account when performing this calculation
 - ✓ By prior agreement with N.I.A.S. Salaries and Wages Department, Occupational Maternity Pay may be paid in a different way for example, you can request to be paid a fixed amount spread equally over the Maternity Leave period
 - ✓ You 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 circumstances for example, where employees have sick pre-term babies or multiple births.
 - ✓ If you do not have a minimum of 12 months continuous service, you may still be entitled to statutory maternity pay provided that you worked for N.I.A.S. previous

to becoming pregnant and that you earn at least enough to be relevant for National Insurance purposes.

- ✓ If your earnings are too low to qualify for Statutory Maternity Pay we will advise you of this situation and provide you with an SMP1 form to take to your local Jobs and Benefits office where you will be entitled to claim Maternity Allowance
- ✓ You are entitled to paid time off for antenatal care. Antenatal care includes attendance at relaxation and parent-craft classes which are advised by your midwife or medical practitioner, as well as appointments for antenatal care. (Please note that your line manager is entitled to ask for evidence of your appointments from the second appointment onwards.)
- ✓ If you are a member of N.I.A.S. operational staff, you are entitled to claim back the expense of purchasing appropriate uniform maternity wear up to the value of £50(Figure accurate as of April 2010 – for up to date figure please contact the Employee Resourcing Department at Trust Headquarters). In order to claim this you should complete the appropriate expenses form, obtain a signature from your line manager, attach any receipts and send to the Employee Resourcing Manager at N.I.A.S. Headquarters for approval of payment.

Terms and conditions while pregnant or on maternity leave?

- ✓ During Maternity Leave (both paid and unpaid) you retain all of your contractual rights except remuneration
- ✓ During the first 26 weeks maternity leave N.I.A.S. must continue to give you any contractual benefits you would normally receive as if you were at work
- ✓ You will have the right to return to your job under your original contract and on no less favourable terms and conditions
- ✓ If you return to work during or at the end of the first 26 weeks of maternity leave, you are entitled to the same job on the same terms and conditions (eg your salary, hours and the seniority of your job) as if you hadn't been away. If you take additional maternity leave (i.e. if your maternity leave is for more than 26 weeks in all)you are still entitled to return to the same job on the same terms and conditions but if N.I.A.S. cannot give you your exact job back for good reasons, you are entitled to a suitable job at the same level with terms and conditions that are at least as good as your previous job

- ✓ Annual Leave will continue to accrue during maternity leave, whether paid or unpaid
- ✓ 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.
- ✓ Where the amount of accrued annual leave exceeds normal carry over provisions, it may be mutually beneficial 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 you and your line manager.
- ✓ Pension rights and contributions shall be dealt with in accordance with the provisions of the HSC Pension Plan. Pension contributions are based on the 'actual earnings' of the employee therefore contributions will be directly proportionate to whether you are receiving full pay or half pay. Contributions take into account both your basic salary and unsociable hours payments.



While on Maternity Leave

- ✓ You and your line manager may make reasonable contact during your maternity leave. An employee can work up to a maximum of 10 'Keeping in Touch Days' without bringing her maternity leave to an end.
- ✓ Keeping in touch days are intended to facilitate a smooth return to work for women returning from maternity leave. Before going on leave you and your manager should discuss and agree any voluntary arrangements for keeping in touch during your maternity leave including;
 - Any voluntary arrangements that you may find helpful to keep in touch with developments at work including training events, and nearer the time of your return, to help facilitate your return to work
 - Keeping your line manager in touch with any developments that may affect your intended date of return
- ✓ Working any part of any day will count as one Keeping in Touch Day and you will be paid at your basic daily rate for the hours worked , less appropriate maternity leave payment.
- ✓ Any such days must be at the agreement of both you and your line manager and neither party can insist upon them.



Returning from Maternity Leave

- ✓ You must inform N.I.A.S. of the date you propose to return to work, in writing, at least 21 days before that date. To assist you with this, N.I.A.S. HR Department will issue you with a pro-forma to complete.
- ✓ If you wish to return to work earlier than previously agreed with N.I.A.S., you must give notice of at least 28 days.
- ✓ It is important to note that while you are entitled to take 39 weeks paid maternity leave, should you opt to take 26 weeks maternity leave you will be unable to request sick leave with a maternity related illness until your 39 weeks standard maternity leave has ended. Should you book sick leave for a maternity related illness after this 26 week period, you will automatically move on to Statutory Maternity Pay (approximately £124 per week) (Figure accurate as of April 2010 – for up to date figure please contact the Employee Resourcing Department at Trust Headquarters) for the remainder of your 39 weeks maternity.
- ✓ In the event of illness following the date you were due to return to work after your 39 weeks maternity leave, normal sick leave provisions will apply as necessary.
- ✓ Women who have recently given birth are entitled to have paid time off for post-natal care.
- ✓ If you are breast-feeding when you return to work then N.I.A.S. should undertake a risk assessment to ensure that you have access to suitable facilities to continue doing so i.e. a private space in which to express milk and refrigeration facilities for its safe storage.
- ✓ There are provisions to help you balance the caring of your child and work, such as the right to request flexible working; the right to time off such as parental leave and time off to deal with a family emergency; and financial support from the government such as tax credits. (Details of financial support can be obtained from your local Jobs & Benefits Office)
- ✓ If at the end of your maternity leave you wish to return to work on different hours than previously worked, N.I.A.S. has a duty to give serious consideration to any such request for flexible working. N.I.A.S. however does retain the right to refuse such a request on business grounds.

- ✓ If it is agreed that you will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period this will not affect your right to return to your job under your original contract at the end of the agreed period.
- ✓ If you wish to request flexible working, you must do so in writing to your Line Manager, well in advance of your return to work as any employer can take up to six weeks to reach a decision on a formal request.
Additional information on requesting flexible working arrangements is available from the Human Resources Department.



What if you do not wish to return to N.I.A.S. at the end of your maternity leave?

- ✓ When agreeing your maternity leave dates, if you decide that you do not intend to return to work within N.I.A.S. or another HSC employer for a minimum of three months, you will still be entitled to a shortened form of maternity leave as follows;

Provided that you meet the conditions laid out for maternity pay as detailed on page 4, you will be entitled to pay equivalent to statutory maternity pay which is paid at 90% of average weekly earnings for the first six weeks of your maternity leave and to a flat rate sum for the following 33 weeks

- ✓ If during your maternity leave, you decide not to return to work, you must give N.I.A.S. at least the standard amount of notice for leaving your job under your contract. Your notice period can run during your maternity leave and your maternity leave and employment protections continue until the date you give as the end of your employment.
- ✓ If you have informed N.I.A.S. of your intention to return to work for a minimum period of 3 months after Maternity Leave, either to your current post or to a

different HSC employer, and you fail to do so within 15 months of beginning your maternity leave, you will be liable to refund the whole of your maternity pay, less any statutory Maternity Pay received.

In cases where N.I.A.S considers that to enforce this provision would cause undue hardship or distress, they will have the discretion to waive their rights to recovery.

What if you are on a Fixed-term or training contract?

- ✓ Employees subject to fixed-term or training contracts which expire after the eleventh week before the expected week of childbirth, and who satisfy the conditions of maternity leave as outlined previously, shall have their contracts extended so as to allow them to receive the 52 weeks which includes paid contractual and statutory maternity pay and the remaining 13 weeks of unpaid maternity leave.
- ✓ Employees on fixed-term contracts who do not meet the 12 months continuous service condition as previously outlined may still be entitled to Statutory Maternity Pay.



What are N.I.A.S. Procedures in Dealing with Pregnant Employees?

- ✓ The first stage of our procedure is to provide pregnant employees with all the relevant information that they will require throughout the course of their pregnancy. We aim to have done so in the provision of this information pack
- ✓ After receipt of a MATB1 form, from your G.P. or Midwife (normally issued at 26 weeks), an acknowledgement letter and 'Application for Maternity Leave' form will be sent to the employee's home address
- ✓ Once this application form is returned, the employee's entitlements are calculated and the requested leave dates verified. If an employee is not entitled

to maternity pay, an SMP1 form will be sent to their home address accompanied by a letter informing them of the reasons why.

- ✓ Acknowledgement of receipt of the application is then sent, accompanied by verification of their leave dates.
- ✓ Once maternity leave has commenced, appropriate payments are arranged through the salaries and wages department
- ✓ One month prior to the agreed return to work date, a letter of reminder of this date will be sent to the employee's home address accompanied by a 'Return to Work Form'

What are my Responsibilities as an Employee?

- ✓ Inform your line manager as soon as possible that you are pregnant and how many weeks pregnant you are
- ✓ Engage with your line manager in relation to the carrying out of a risk assessment to identify any element of your role which may represent a risk to the health and safety of either you or your baby. Ways in which these risks can be minimised or eliminated should be identified and agreed upon. Do not partake in any duties at work that you feel may compromise the health and safety of yourself or your baby
- ✓ On receipt of your maternity certificate / MATB1 form (normally produced after 26 weeks of pregnancy) from your midwife/GP, forward this original document to the Human Resources Department at N.I.A.S. Headquarters, as soon as possible
- ✓ Discuss arrangements to facilitate the taking of your annual leave entitlement
- ✓ On receipt of the 'Application for Maternity Leave', ensure this is fully completed and returned as promptly as possible
- ✓ Inform your line manager of your requested maternity leave dates
- ✓ Keep your line manager and the HR Department informed of any changes in these dates ensuring that you give the appropriate notice as outlined previously
- ✓ On receipt of the 'Return to Work Application Form', ensure that this is fully completed and returned as promptly as possible

Frequently Asked Questions

- **When can I begin my Maternity Leave?**

You can begin your maternity leave at any time between eleven weeks before the expected week of childbirth and the expected week of childbirth, provided that you give the required notice

- **What happens if I want to change my Maternity Leave Dates?**

If you subsequently wish to change the date from which you wish your leave to start, or the date on which you wish to return to work, you should notify the HR department and your line manager at least 28 days beforehand (or if this is not possible, as soon as is reasonably practicable beforehand).

- **What happens if I am unwell in the weeks immediately before I am due to begin my maternity leave?**

If you are off work ill, or become ill with a pregnancy related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after the you last worked, whichever is the later.

- **What happens if my baby is born before my maternity leave has begun?**

Where an employee's baby is born before her maternity leave has begun, 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 eleventh 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 begin the day after the birth.

- **What happens if my baby is born while I am on annual leave?**

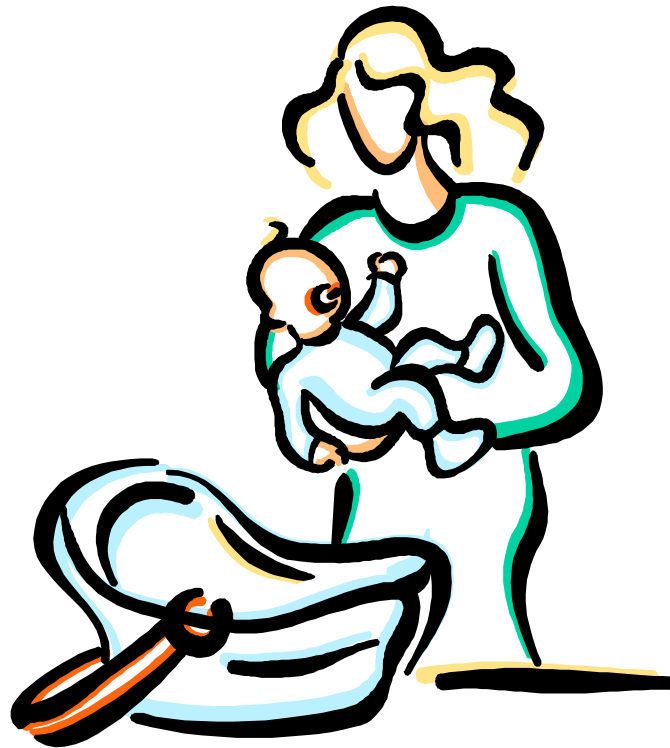
If your baby is born while you are on annual leave, your annual leave will cease and maternity leave begin on this date. Any annual leave entitlement outstanding will then be carried over and be available to you after your period of maternity leave has ended.

- **What happens if job opportunities arise while I am off on maternity leave, will I still be eligible to apply?**

While on maternity leave, you are still eligible to apply for any vacancies which arise for which you meet the essential criteria. Any such vacancies should be circulated to you via your line manager while you are on your maternity leave.

- **What if I am having issues at work related to my pregnancy?**

If you are worried about any work related issues during your pregnancy, these should be raised immediately with your line manager in the first instance. If you feel that you cannot approach your line manager about the issue, you should contact a member of the Human Resources Department at N.I.A.S. Headquarters.



Glossary of Terms

'Break in Service'

A period between employments with an employing authority or authorities including NHS health authorities , NHS Boards, NHS Trusts, Primary Care Trusts and the Northern Ireland Health Service

Further Information

If you require any further information on your maternity leave entitlements or have any queries regarding the information provided in this pack, please contact the Human Resources Department at N.I.A.S. headquarters

If you have any queries regarding other statutory benefits/allowances that you feel you may be entitled to, or for information about paternity rights, you may find the links below useful;

<http://www.dti.gov.uk/employment/workandfamilies/maternity-leave-pay/guidance/page21116.html>

<http://www.dwp.gov.uk/lifeevent/benefits/statutorymaternitypay.asp>

<http://jobcentreplus.gov.uk/JCP/Customers?WorkingAgeBenefits/Dev008115.xml.html>

Information about Health and Safety for new and expectant mothers at work can also be found using the following link:

www.hse.gov.uk

APPENDIX 1-

NORTHERN IRELAND AMBULANCE SERVICE POLICY ON PREGNANT WORKERS

1 .POLICY

The Trust will at all times endeavour to ensure the elimination or reduction of any maternity related health and safety risk to employees who are pregnant. This document is based on the Pregnant Workers Directive (92/85/EEC).

2 .APPLICATION

This policy applies to employees who are defined in the Pregnant Workers Directive as follows:

*** Pregnant employee**

"a pregnant employee who informs her employer of her condition in accordance with the legislation and/or national practice".

3. PROCEDURES

The Trust regards as good practice to have procedures for dealing with maternity related health and safety risks due to the wide diversity of jobs performed and a variety of duties and skills involved. This procedure covers all staff.

4. PROCEDURES FOR STAFF

4.1 Notification

An employee who is pregnant should notify her Manager at the earliest opportunity.

4.2 Interview

Arrangements should be made by the Manager for the member of staff to have a personal interview with a member of the HR Department for advice on maternity leave or other relevant issues.

4.3 Assessment of the Working Environment

The Manager will carry out an assessment of the employee's working conditions in order to ascertain whether there is a potential risk to her health and safety, which may affect her pregnancy.

Each case will be looked at on its own merits and will assess the nature, degree and duration of exposure to the risk. Hazards can be physical, biological and chemical. In particular, special consideration will be given to exposure to heavy lifting, violent patients, patients under the influence of drugs or alcohol, major incident environments, shift work, disturbing situations (e.g. cot deaths, on the job stresses, risk to patients and risk of infection).

Following the completion of the assessment, advice can be sought by the Manager, through the HR Department, from the Occupational Health Department where necessary and appropriate measures taken to respond to and minimise risks.

Managers can contact Occupational Health at any stage to discuss specific issues relating to a pregnant worker.

4.4 Inform the Employee:

The Manager will report to the employee the result of the assessment and the measures to be taken.

4.5 Measures to be Taken:

Such measures will be in the form of temporary adjustments to the employee's working environment. Should this not prove feasible, suitable alternative duties will be sought.

4.6 Alternative Employment:

Available alternative employment must be of the nature that is suitable to both the Trust and the employee and specifically appropriate for the employee to undertake in her condition. It should be noted that in the case of mobile operational ambulance staff, consideration of reasonable adjustment may prove impracticable

Consideration will be given to the following:

- a Other skills the individual may possess and can be utilised;
- b Work experience in another department;
- c Clerical/administrative work on stations;
- d Staff development;

e Additional mileage over that normally travelled.

The Manager, in conjunction with a member of the HR Department, will arrange for suitable alternative duties and will inform the employee concerned in writing.

Should there be any problems regarding the arrangements the employee should discuss them with her Manager in the first instance.

Where possible flexible working hours should be granted to suit both the individual and the Trust. In particular, Managers will take due cognisance of any ante-natal or other related appointments

The employee will be continued to be paid her salary as appropriate for her substantive position.

Any additional travelling expenses incurred whilst performing alternative duties will be paid on the submission of the appropriate travel claim form.

Employees must inform their Manager of any sickness, ante natal appointments or holidays booked.

4.7 Refusal to Accept and Perform Alternative Work Offered:

After all reasonable options have been exhausted remuneration may not be paid to an employee on leave of absence for any period during which she had been offered suitable alternative work but which she unreasonably refused to accept and perform.

4.8 Leave of Absence on Maternity Related Health and Safety Grounds:

Should satisfactory alternative work not be available the employee will be required to take leave of absence on maternity related health and safety grounds until such time as she goes on to Maternity Leave.

Whilst on such leave of absence the employee will continue to receive the normal schedule salary including any allowances.

4.9 Night Work:

Employees who are pregnant are advised not to perform night work during pregnancy and for a certain period of time after the birth.

In such cases where night work is not considered appropriate the employee must submit a medical certificate stating that night work should not be undertaken for health and safety reasons.

On receipt of such a certificate the individual concerned should be transferred to day work for the requisite period concerned where feasible.

5. TRADE UNION REPRESENTATION

The right of an employee, if she so wishes, to be represented by a Trade Union Representative or a work colleague at all stages of this procedure is acknowledged. It is the responsibility of the employee to contact her Trade Union to arrange representation.

6. UNIFORM PROVISION

If you are a member of N.I.A.S. operational staff, you are entitled to claim back the expense of purchasing appropriate uniform maternity wear up to the value of £50 (Figure accurate as of April 2010 – for up to date figure please contact the Employee Resourcing Department at Trust Headquarters). In order to claim this you should complete the appropriate expenses form, obtain a signature from your line manager, attach any receipts and send to the Employee Resourcing Manager at N.I.A.S. Headquarters for approval of payment.

7. FUTURE CHANGES

This policy will be subject to changes in the light of developments in health and safety legislation and in good practice.