

General Maternity Guidance for rotational Junior Doctors in Training

June 2013

If the employee satisfies the qualifying conditions, and leaves their employer after the start of the 15th week before EWC, it does not matter why she left or that she may not be coming back to the NHS - she is entitled to SMP to be paid by her original employer. If the doctor moves to a new employer (hereafter referred to as Employer B)

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6. Sickness prior to childbirth

It is not uncommon for a pregnant employee to experience some form of sickness in the months leading up to the period of Maternity leave. It is the responsibility of the employer to undertake a risk assessment of an employees' working conditions to assess whether the employee or her child would be at risk were she to continue with her normal duties.

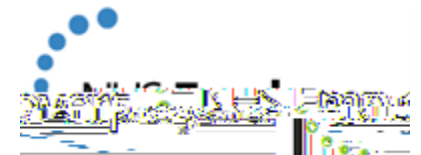
Absence prior to the last four weeks before the EWC, supported by a medical statement of incapacity for work, or a self-certificate, shall be treated as sick leave in accordance with normal leave provisions.

If sickness is experienced then it should be managed under the normal sickness provisions. However, if an employee is off work ill, or becomes 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 employee has worked, whichever is the later.

Odd days of pregnancy related illness during this period may be disregarded if the employee wishes to continue working till the maternity leave start date previously agreed.

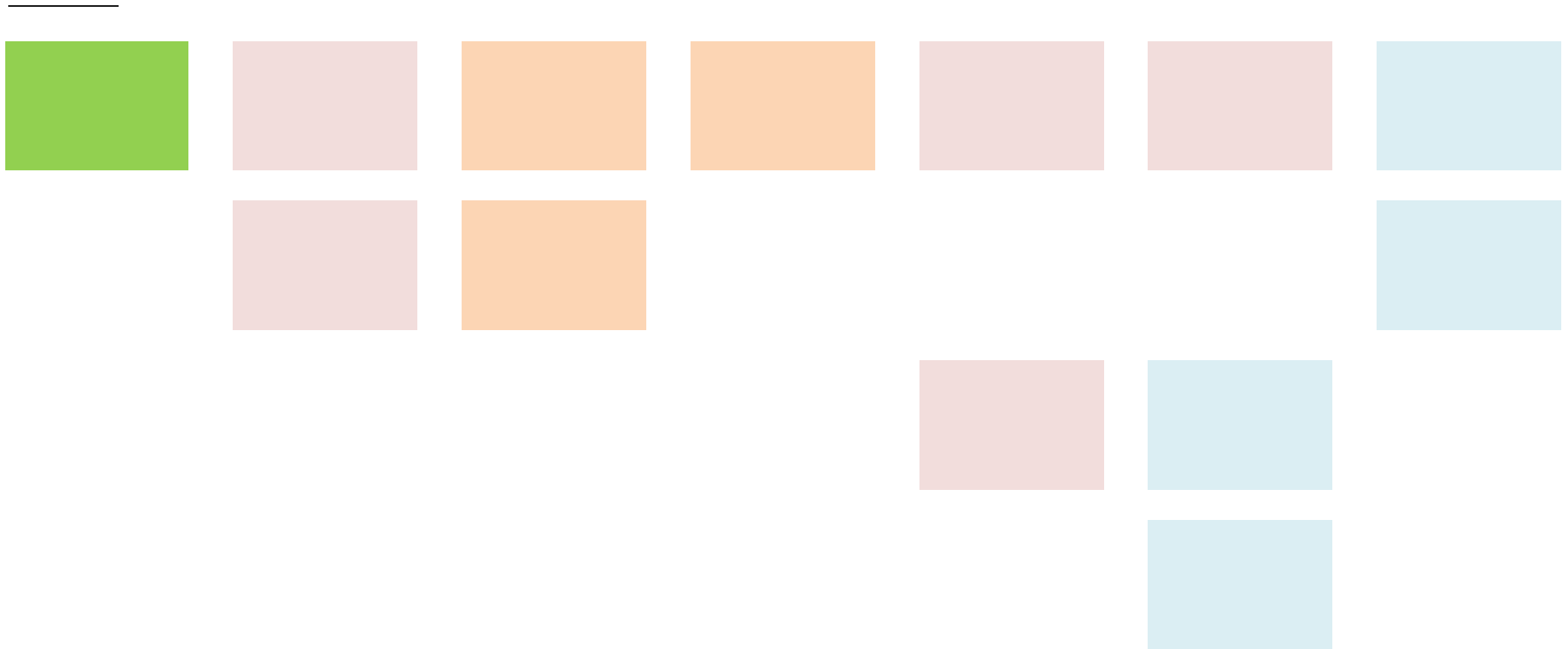
Flowchart – an indication of actions to take and what to expect when planning maternity leave

The flowcharts below have been designed to give employers a quick checklist of their obligations under t



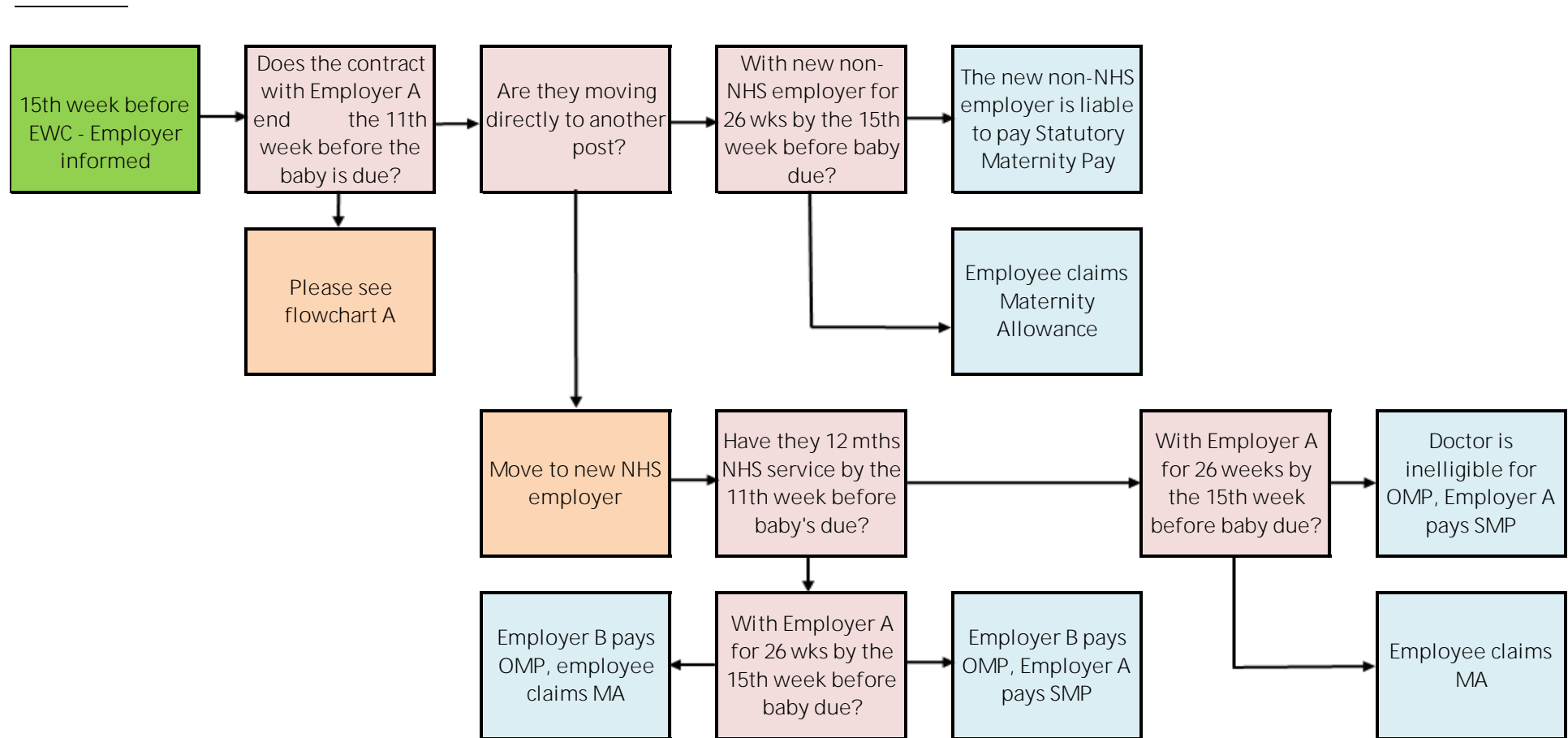
Flowchart an indication of actions to take and what to expect when planning maternity leave

Flowchart B demonstrates what happens if a contract expires after the 11th week before the EWC and it is agreed that the employee will rotate to employer B. We would only expect this to happen if the trainee rotates to another NHS employer. If they rotate to a non-NHS employer their entitlement to OMP may be effected.



Flowchart an indication of actions to take and what to expect when planning maternity leave

Flowchart C demonstrates what happens if a contract expires between the 15th and 11th week before the EWC and the employee has rotated to employer B.



Flowchart - an indication of actions to take and what to expect when planning maternity leave

These flowcharts are for guidance only, however they draw elements directly from the Terms and Conditions of Service many of which are contractual obligations. We recommend you use this factsheet in conjunction with the applicable set of Terms and Conditions of Service.

In addition, the funding arrangements may differ slightly to those stated in the flowcharts depending on whether there are specific local arrangements between employers and Deaneries in different regions. Employees are always advised to speak with their employer regarding employment issues in the first instance to clarify the arrangements in place.