



Maternity Leave Policy

DOCUMENT CONTROL	
Owner:	Head of Human Resources Business Services
Document Control:	HR Business Support
Date Live From:	November 2016
Review/Approval Group:	Partnership Policy Review Group
Last Reviewed:	November 2016
Review Due/Cycle:	2 yearly

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This policy can be made available in different languages, larger print, audio tape, CD or Braille. To make a request, please contact the HR Business Support Team on 0141 337 4568 or email hrbusinesssupportteam@nhs24.scot.nhs.uk

1. Aim

- 1.1 This policy aims to provide staff who are pregnant with guidance on maternity leave and pay entitlements, and outlines the staff responsibilities in exercising these entitlements.

Equally, this policy provides guidance for line managers in supporting staff who are pregnant prior to, during and after their maternity leave.

Further guidance on the contents of this policy can be sought from the HR Business Support Team who can be contacted by phone or email on 0141 337 4568 or hrbusinesssupportteam@nhs24.scot.nhs.uk.

- 1.2 It is the aim of NHS 24 to ensure that all staff members are treated in a fair and equitable manner and with dignity and respect in accordance with the organisational values set out in the NHS Scotland Workforce 2020 Vision Plan.

2. Scope and Eligibility

- 2.1 This policy applies to all NHS 24 staff who are pregnant, irrespective of length of service or hours worked.
- 2.2 All staff who are pregnant will be entitled to 52 weeks maternity leave.
- 2.3 Entitlements to maternity leave and pay are governed by employment legislation including:

- Management of Health and Safety Regulations 1999
- Workplace (Health, Safety and Welfare) Regulations 1992
- Employment Relations Act 1999
- Sex Discrimination Act 1975

Staff who are pregnant are also entitled to the following:

- Protection from dismissal because of pregnancy
- The right to return to work with their employer
- The right to maternity pay or maternity allowance as appropriate

- 2.3 Terms and conditions of employment, with the exception of salary, will apply throughout the entire maternity leave period. More information can be found in Section 8 of this policy.

3. Applying for Maternity Leave and Pay

- 3.1 Staff who are pregnant are encouraged to disclose their pregnancy to their line manager as soon as they are comfortable to do so, to allow NHS 24 to

provide full support. However, staff must inform their line manager that they are pregnant no later than the 15th week before the Expected Week of Childbirth (EWC) and state their intentions by completing the application for maternity leave (Appendix A). The application should be signed by the member of staff applying for maternity leave and their line manager, and forwarded to the HR Business Support Team.

- 3.2 The MATB1 Certificate confirms the Expected Week of Childbirth (EWC), and it will be available after the 20th week before the EWC, from a GP or midwife and the original must be submitted with Appendix A.
- 3.3 If a member of staff applying for maternity leave has a secondary post with another employer, the original MATB1 should be submitted to NHS 24, and a copy will be taken and the original returned to the member of staff.
- 3.4 If, following submission of the application form the member of staff can change their mind about their leave dates. Providing that they give at least 28 days notice, if not possible as soon as reasonably practicable, of the new proposed start date and a new application form is submitted.

4. Risk Assessment

- 4.1 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 action taken to control any risks identified.
- 4.2 The risk assessment should be carried out by the line manager, with the member of staff who is pregnant. The risk assessment form is located within the New and Expectant Mothers policy. If necessary regular reviews should be carried out, and copies of these should be forwarded to the HR Business Support Team and relevant Health and Safety Lead Coordinator. The original should be retained by the line manager until the member of staff returns from maternity leave and the post maternity leave risk assessment is completed. Further information on the post maternity leave risk assessment can be found in Section 21 of this policy.
- 4.3 If a risk is identified, or the member of staff's GP, midwife or other registered practitioner deems their job to pose a risk, it will be necessary to take steps to eliminate that risk. These steps may include:
 - Reduced working hours
 - A move of shift pattern, i.e. from night working to day working
 - Temporary redeployment to a more suitable post
- 4.4 Where the line manager deems the steps above are not practical or cannot be facilitated, it may be necessary to release the member of staff on paid leave until such time that the risks can be eliminated, the member of staff's doctor deems them fit for the duties of their role, or maternity leave commences. Any paid leave of this kind will be reviewed at regular intervals.

- 4.5 Where temporary redeployment occurs, it will also be necessary to risk assess the alternative post.
- 4.6 Any associated health and safety implications can be adequately addressed by means of normal health and safety management procedures and risk assessment.
- 4.7 Staff who are released on paid leave or who are temporarily moved from night to day working will continue to receive their enhancements and protection (where applicable).

5. Responsibilities

Line Manager

- 5.1 Upon notification of pregnancy, the member of staff's line manager must issue the member of staff with a copy of the Maternity leave policy and the New and Expectant mothers policy.
- 5.2 On receipt of the application form and the MATB1 the line manager must forward these to HR Business Support team.

HR Business Support Team

- 5.3 The HR Business Support Team, they will write to the member of staff to confirm the maternity leave dates, advise the staff member that NHS 24 requires 28 days notice to change intended dates and complete the necessary payroll notification.
- 5.4 The HR Business Support Team will confirm the dates of maternity leave with the line manager and the Central Resource Team (CRT) where applicable.

6. Antenatal and Postnatal Care

- 6.1 All pregnant staff are entitled to paid time off to attend antenatal and postnatal appointments and classes. These would include midwife, hospital or GP appointments and parent craft classes.
- 6.2 It is expected, where possible, that pregnant staff will arrange appointments and classes at a time that is out with their normal working hours. Where this is not possible, paid time off will be granted for such appointments and classes, recommended by Midwife, GP or Health Visitor.
- 6.3 Pregnant staff who will be attending appointments and classes during their normal working hours must provide their line manager and the HR Business Support Team with as much notice as possible and a copy of their

appointment letter or other proof of appointment. Please note that proof of appointment is not required in the case of the 1st appointment.

- 6.4 Line managers are responsible for ensuring that the personnel management information system and the Scottish Standard Time System (SSTS) are updated accordingly with the authorised leave.

7. Sickness Absence Prior to Maternity Leave

- 7.1 Normal sickness absence reporting procedures, as detailed in NHS 24's Promoting Attendance Management Policy, apply when reporting and recording sickness prior to maternity leave.
- 7.2 Where a pregnant member of staff is absent from work with a pregnancy related illness in the 4 weeks prior to their Expected Week of Childbirth, maternity leave will automatically commence. If the pregnant member of staff is fit to return to work following an odd days (3 or less) illness this will be disregarded and the maternity leave will not commence.
- 7.3 Where the pregnant member of staff is absent from work with a non pregnancy related illness in the 4 weeks prior to the Expected Week of Childbirth, normal sick pay arrangements will apply.
- 7.4 There will be no entitlement to sick leave or sick pay for staff whilst on maternity leave.
- 7.5 Sickness absence due to a pregnancy related illness will not normally be counted towards sickness absence triggers, in line with NHS 24's Promoting Attendance Management Policy.

8. Maternity Leave and Pay

8.1 Maternity Leave Period

Pregnant staff can start their maternity leave at any point between the 11th week before the Expected Week of Childbirth (EWC) and the EWC and must take a minimum of 2 weeks maternity leave after the birth of their baby.

8.2 Occupational Maternity Pay (OMP)

8.2.1 NHS 24 provides an Occupational Maternity Scheme, which exceeds the Government's statutory maternity pay provisions to qualify staff must:

- Have 12 months continuous service* with the NHS at the beginning of the 11th week before the EWC with one or more NHS employing authorities
- Still be employed with NHS 24 at the beginning of the 11th week before the EWC
- Still be pregnant at the beginning of the 11th week before the EWC or have had the baby by then
- Comply with the notice periods set out in this policy
- Intend to return to NHS work for a period of not less than 3 calendar months

*** Continuous service is deemed as having had a break in service of no more than 3 calendar months.**

8.2.2 Staff who qualify for Occupational Maternity Pay (OMP) will be paid as per the following table:

Weeks 1-8 of maternity leave	Full pay (Statutory Maternity Pay (SMP) paid and offset so no more than full pay received)
Weeks 9-26 of maternity leave	Half of full pay PLUS Statutory Maternity Pay (but combined value must not exceed full pay amount)
Weeks 27-39 of maternity leave	Statutory Maternity Pay only (if applicable)
Weeks 40-52 of maternity leave	Unpaid leave (may be extended in exceptional circumstances)

8.2.3 Staff can opt to have OMP paid in a different way, for example by combining the full and half pay amounts and spreading this equally over the maternity leave period. It should be noted that this option only applies to OMP, therefore, during the 1st 8 weeks of maternity leave earnings will be lower as the SMP will still be offset. There will also be implications on how KIT days are paid (see section 17 for full details). This option should be indicated on the application for maternity leave form (Appendix A).

- 8.2.4 If a pregnant member of staff is unsure that following their maternity leave they will return to NHS work for a period of 3 calendar months they can defer payment of OMP. This will ensure that should they not return there is no overpayment, however if they do return OMP will be paid in full as a lump sum. This option should be indicated on the application for maternity leave form (Appendix A).

8.3 Statutory Maternity Pay (SMP)

8.3.1 To qualify for SMP staff must:

- Have 26 weeks continuous service with **NHS 24** at the end of the 15th week before the EWC
- Have average weekly earnings of no less than the lower earnings limit for National Insurance (NI) contributions , details in 8.4
- Still be pregnant at the beginning of the 11th week before the EWC, or have had the baby by then
- Comply with the notice periods set out in this policy
- Have stopped work due to pregnancy

The current rate of Statutory Maternity Pay and the current lower earnings limit can be found at www.hmrc.gov.uk or www.direct.gov.uk

8.3.2 Staff who qualify for SMP will be paid as follows:

Weeks 1-6 of maternity leave	The higher rate of SMP, which is calculated at 90% of average weekly earnings.
Weeks 7-39 of maternity leave	Lower rate SMP or 90% of average weekly earnings, whichever is less
Weeks 40-52 of maternity leave	Unpaid

8.4 Calculation of Maternity Pay

- 8.4.1 Average weekly earnings are calculated based on the gross weekly earnings received, that are liable for National Insurance contributions. These include overtime, bonuses and enhancements received during the 8 week period leading up to the last pay day prior to the 15th week before the EWC.
- 8.4.2 Staff should note any salary sacrifice scheme, such as Edenred Childcare Vouchers, will affect the calculation of maternity pay.
- 8.4.3 Half pay, for Occupational Maternity Pay purposes, is half the amount of full pay as calculated above.
- 8.4.4 OMP will be appropriately adjusted for any changes that occur after the reference period e.g. pay awards and annual increments will result in the payment increasing.

- 8.4.5 Staff members will be provided with, in advance of the maternity leave commencing, a written breakdown of all payments due.

At no time should the combination of Occupational Maternity Pay and Statutory Maternity Pay exceed the full pay calculation.

8.5 Maternity Allowance

- 8.5.1 Staff who do not qualify for SMP may be entitled to Maternity Allowance. Their MATB1 Certificate will be returned along with a SMP1 form. The SMP1 form allows the member of staff to apply for Maternity Allowance directly to Jobcentre plus. Further details on Maternity Allowance can be obtained from www.gov.uk

8.6 Entitlements flowchart

Members of staff can use the entitlement flowchart (Appendix A) to establish entitlements based on individual circumstances.

9. Maternity Leave and Shared Paternity Leave

- 9.1 Under government legislation pregnant staff have the option to split their leave entitlement with their partner. Details regarding this are contained in the Shared Parental Leave policy.

10. Pre-Term Baby

- 10.1 Where a member of staff's baby is born before their maternity leave period is due to start, maternity leave and pay will commence automatically from the day after the baby is born.
- 10.2 The member of staff must notify their line manager of the date of birth as soon as is reasonably possible. The line manager must forward this information to the HR Business Support team.
- 10.3 Staff can elect to split their OMP if their baby is born prematurely provided they take the 2 weeks compulsory maternity leave immediately following the birth of the baby. They may return to work and take the rest of the OMP and maternity leave at a later date. In this situation, please contact the HR Business Support Team for further guidance as selecting this option will have implications for Statutory Maternity Pay payments.

11. Baby Born Late

- 11.1 If a pregnant member of staff has their baby later than the Expected Week of Childbirth, the intended start date for maternity leave and pay will not be affected.

12. Multiple Births

- 12.1 Multiple births will not affect maternity leave and pay entitlements.

13. Miscarriage and Still Birth

- 13.1 In the event that a member of staff who is pregnant miscarries before the beginning of the 24th week of pregnancy, normal sick leave and pay provisions will apply.
- 13.2 In the event of a still birth after the beginning of the 24th week of pregnancy, the member of staff will be entitled to the same maternity leave and pay provisions, including Occupational Maternity Pay where applicable, as if the baby had lived.

14. Annual Leave

- 14.1 A member of staff will accrue annual leave and public holiday entitlements during both paid and unpaid maternity leave.
- 14.2 It is the responsibility of the line manager and the pregnant member of staff to manage annual leave appropriately in relation to their maternity leave.
- 14.3 Wherever possible, all contractual annual leave should be taken prior to the commencement of maternity leave.
- 14.4 Any contractual annual leave undertaken at the beginning of maternity leave can be utilised at the end of the maternity period. To ensure a consistent approach the pregnant member of staff can carry forward the full undertaken days, as normal annual leave carry forward arrangements do not apply.
- 14.4 Staff members must supply details of intended annual leave periods, these should be recorded on the application for maternity leave (Appendix A).
- 14.5 In exceptional circumstances payment in lieu of annual leave may be considered as an alternative to excessive carry forward amounts. This should be agreed by the line manager, following authorisation from ADON/General Manager/Director.

- 14.6 Staff who have been granted a flexible working request should note that if they reduce their contracted hours, this will affect their annual leave entitlement.

15. Fixed Term Contracts

- 15.1 If the member of staff who is pregnant, is on a fixed term contract but is eligible for OMP as their current contract extends beyond the 11th week before the EWC, they will have their contract end date extended to enable them to receive 39 weeks OMP.
- 15.2 If the member of staff who is pregnant is on a fixed term contract and satisfies the conditions governing the eligibility for SMP, then SMP will be payable, even if the contract expires at the beginning of maternity leave or whilst SMP is being paid.
- 15.3 Annual leave will continue to be accrued throughout the fixed term contract.
- 15.4 If there is no right of return because the contract would have ended then the provisions for repayment of OMP will not apply, see paragraph 21.1.

16. Bank and Sessional Contracts

- 16.1 Bank or sessional contract workers are not entitled to OMP, however may be entitled to SMP if they meet the criteria.

17. Keeping In Touch (KIT) Days and Staff Contact

- 17.1 KIT days give staff on maternity leave the opportunity to work for up to 10 days during their maternity leave without the risk of losing their entitlement to maternity leave and pay.
- 17.2 Any KIT days worked by a member of staff does not extend their maternity leave and pay period.
- 17.3 Staff who are pregnant should agree with their line manager what kind of contact they would prefer during their maternity leave.
- 17.4 KIT days are optional and should be mutually agreed, in advance, determining if and how KIT days will be used. Staff are not obliged to carry out any work or attend any events during their maternity leave and they cannot be penalised for refusing to take up a KIT day.
- 17.5 KIT days are not limited to the member of staff's normal job. They can be used for training or other events as appropriate.

- 17.6 Line managers must inform staff on maternity leave about anything relating to their job that they would normally be made aware of had they been at work, for example, a change of line manager or opportunities for training.
- 17.7 It is the responsibility of the line manager to inform the HR Business Support Team of any KIT days worked.
- 17.8 Staff who work KIT days will be paid their normal hourly pay, including enhancements where applicable, for hours worked. This will be offset against any OMP and/or SMP due. If KIT days are worked during the unpaid leave period there is no offset.
- 17.10 If a staff member has selected to receive their OMP differently (see section 8.23), and have no unpaid element, then all KIT days worked will be offset.

18. Superannuation

- 18.1 Members of staff in the NHS Superannuation Scheme will continue to pay contributions on amounts of pay received during maternity leave.
- 18.2 Superannuation contributions for any unpaid leave will be deducted in full from the member of staff's first pay after their return to work. If more than 6 months unpaid leave is taken, the employee is liable for both employee and employers contributions.
- 18.3 More information about superannuation contributions whilst on maternity leave can be obtained by contacting SPPA at www.sppa.gov.uk

19 Redundancy

- 19.1 Should the post of a member of staff who is on maternity leave become redundant, they will be entitled to the same rights as if they had been at work.

20 Returning to Work from Maternity Leave

- 20.1 Staff who are on maternity leave will be expected to return to work at the end of the maternity leave period (after 52 weeks). If they wish to return early 28 days notice is required.
- 20.2 It is the responsibility of the line manager to confirm to HR Business Support Team that the staff member has returned to work.
- 20.3 If staff are returning to work with another NHS employing authority, they must produce a letter of appointment. Further conformation will be needed following the completion of 3 calendar months service.

- 20.4 A member of staff will have the right to return to their substantive post, under their original contract, and on no less favourable conditions.
- 20.5 Where it is agreed that a member of staff returns from maternity leave directly onto a career break, the 3 months service as detailed in section 20.4 will be transferred to the end of the career break. If the member of staff does not return to work after the career break they will be liable to repay OMP in full.
- 20.6 If the member of staff cannot return to work due to ill health, normal sick pay provisions will apply.
- 20.7 Staff who are returning to work following their maternity leave should give consideration to whether they wish to return to their current contractual hours or whether they wish to make a request for flexible working (for example, reduced hours). It is recommended that staff discuss this with their line manager who will provide them with a copy of the Flexible Working Policy.
- 20.8 Staff may also wish to consider a gradual return to full contractual hours, which could be achieved through utilising annual leave and/or any unused Keeping In Touch (KIT) days (see section 17). This request should be discussed with the line manager.
- 20.9 Annual leave cannot be taken during a period of maternity leave, therefore the staff member will be deemed as having returned to work prior to utilising any annual leave untaken at the commencement of the maternity leave. The line manager must notify HR Business Support of the date the member of staff will return to work (or commence annual leave), to ensure accurate payment of salary.

21 Deciding not to complete 3-month employment with the NHS following Maternity Leave

- 21.1 In normal circumstances, staff who are in receipt of OMP and who do not return to work, either for NHS 24 or another NHS employing authority, within 15 months of the commencement of their maternity leave, or who do not return to work for a period of 3 calendar months following maternity leave, are liable to repay all OMP overpaid. This would be done in line with the Overpayments policy.

22 Risk Assessment on Return from Maternity Leave

- 22.1 During the first week a staff member returns to work a post-maternity leave risk assessment must be carried out by the line manager. This should be completed on the original risk assessment form that was completed prior to maternity leave, and then forwarded to the HR Business Support Team. A copy should be sent to the appropriate Health and Safety Lead Coordinator at the staff members site.

22.2 If a risk is identified, or the member of staff's doctor deems their job to pose a risk, it will be necessary to take steps to eliminate that risk. These steps may include:

- Reduced working hours
- A move of shift pattern, i.e. from night working to day working
- Temporary redeployment to a more suitable post

22.3 Where the steps above are not practical or cannot be facilitated, it may be necessary to release the member of staff on paid leave until such time that the risks can be eliminated. Any paid leave of this kind will be reviewed at regular intervals.

22.4 Where temporary redeployment occurs, it will also be necessary to risk assess the alternative post.

23. Support Available to Staff Returning from Maternity Leave

23.1 Childcare Vouchers

23.1.1 The current childcare scheme available to NHS 24 staff is through Edenred. The scheme is a salary sacrifice scheme which enables parents to take a portion of their salary in childcare vouchers, which can be used to pay for childcare.

23.1.2 The portion of salary taken for childcare vouchers is exempt from Income Tax and National Insurance contributions, thereby allowing parents to save money on their childcare.

23.1.3 Information in relation to the childcare options available will be issued with the maternity pack sent by the HR Business Support Team prior to maternity leave. Information on the childcare vouchers scheme can be found at www.childcarevouchers.co.uk or by phoning 0800 247 1233.

23.2 Breastfeeding

23.2.1 NHS 24 is committed to supporting new mothers who wish to continue breastfeeding or expressing milk whilst at work.

23.2.2 In order that the appropriate support can be made available, new mothers who wish to breastfeed or express milk, and take advantage of the associated health benefits, should discuss their intentions with their line manager at least 28 days prior to returning from maternity leave.

23.2.3 All reasonable requests for time off for breastfeeding or expressing milk should be discussed with the line manager and will normally be granted. Facilities are available for mothers who wish to use them for this purpose. There is designated accommodation in each of NHS 24's sites for the use of new mothers wishing to breastfeed or express milk during their working time. Each room is secure with facilities for the storage of breast milk and arrangements are in place for 24 hour access.

23. Monitoring and Review

This policy will be reviewed, in Partnership, on a 2 yearly basis.

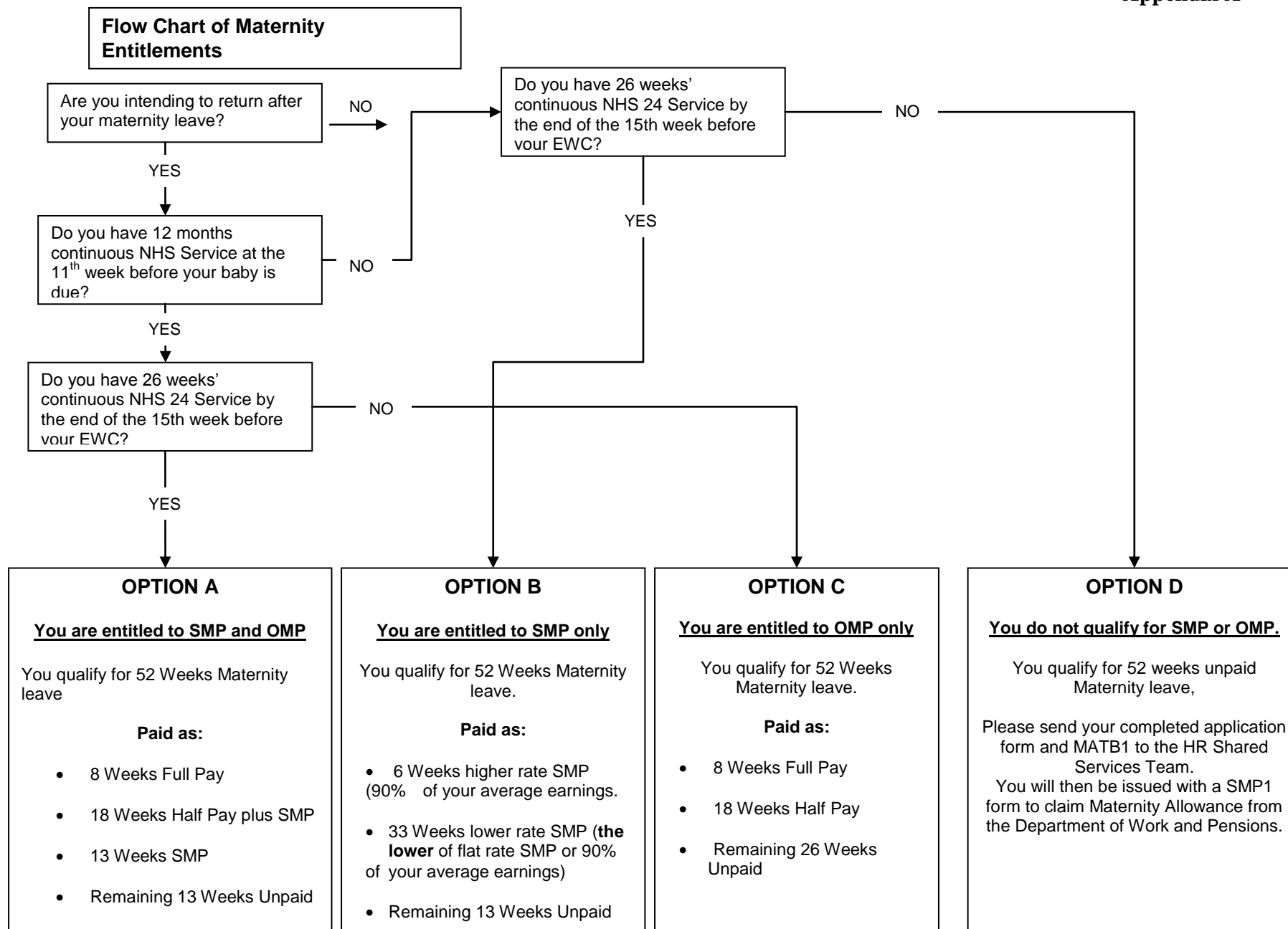
24. Useful Websites

- www.dwp.gov.uk
- www.direct.gov.uk/parents
- www.hmrc.gov.uk/calcs/smp.htm
- www.childcarevouchers.co.uk
- www.hse.gov.uk/mothers/
- www.sppa.gov.uk

25. Other Associated NHS 24 Policies

- Paternity/Partner Leave
- Parental Leave
- Flexible Working
- Adoption and Fostering Leave
- New and Expectant Mothers Procedure
- Promoting Attendance Management
- Disability Leave
- Shared Parental Leave Policy

Appendix A



Appendix B

APPLICATION FOR MATERNITY LEAVE AND PAY

Section A: Information to be completed by member of staff – Please Print

Name of Employee:		Pay Number:	
Job Title:		Department,/Location:	
Preferred contact method during leave		e-mail / letter / telephone / mobile (details below) _____	
Expected week of Childbirth:			MATB1 attached <input type="checkbox"/>
Start date with NHS 24		Continuous start date with NHS. (See section 8 of policy)	

- ☐ Following maternity leave I intend to return to NHS employment for a minimum period of 3 calendar months (Go to section B)
- ☐ Following maternity leave I do not intend to return to NHS employment for a minimum period of 3 calendar months.(Go to section C)
- ☐ Following maternity leave I am undecided about my intention to return, and wish to defer OMP payments.(Go to section D)

Section B: To be completed if you intend to return to NHS employment for a minimum period of 3 calendar months.

I confirm that I have read the maternity leave policy and by using the entitlement flowchart in Appendix A I believe I am eligible for the following (tick appropriate option)

- ☐ **Option A - Occupational Maternity Pay and Statutory Maternity Pay**
- ☐ **Option B - Statutory Maternity Pay only**
- ☐ **Option C - Occupational Maternity Pay only**
- ☐ **Option D - No Pay**

I have detailed below the leave I wish to take

	Starting date	Ending date	No of weeks
Maternity Leave dates			
Annual leave - prior to maternity leave, if applicable.			
Annual leave - following maternity leave, if applicable.			
TOTAL NUMBER OF WEEKS			

- ☐ I wish to have my OMP paid differently and acknowledge the impact detailed in section 8.2.3 for the policy. Below I have detailed how I wish my OMP to be paid.

Section C: To be completed if you do not intend to return to NHS employment for a minimum period of 3 calendar months.

I confirm that I have read the maternity leave policy and by using the entitlement flowchart in Appendix A I believe I am eligible for the following (tick appropriate option)

☐ **Option B - Statutory Maternity Pay only**

☐ **Option D - No Pay**

I confirm that I wish to take the following leave and as I will not be returning to work I will be terminated 52 weeks after my maternity leave start date.

	Starting date	Ending date	No of weeks
Maternity Leave dates			
Annual leave - prior to maternity leave, if applicable.			
TOTAL NUMBER OF WEEKS			

Section D: To be completed if you are unsure of your intention to return to work and wish to defer Occupational Maternity Payments.

I confirm that I have read the maternity leave policy and by using the entitlement flowchart in Appendix A and as I am unsure about my intention to return I believe I am eligible for the following (tick appropriate option)

☐ **Option B - Statutory Maternity Pay only**

☐ **Option D - No Pay**

I confirm that I wish to take the following leave. As I am undecided about my intention to return to work, I am required to advise my line manager of my intentions at least 28 days before my maternity leave end date.

	Starting date	Ending date	No of weeks
Maternity Leave dates			
Annual leave - prior to maternity leave, if applicable.			
TOTAL NUMBER OF WEEKS			

Section E: Declaration and Authorisations

I can confirm that the information I have provided is accurate, as at the time of submission. I acknowledge the need to give 28 days' notice if I wish to change dates and I will advise NHS 24 as soon as reasonably possible if my circumstances change. E.g. baby arrives early.

Signed		Dated	
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I confirm that this application can be progressed based on the dates provided. I have carried out a risk assessment and agreed on what contact / KIT there will be during maternity period.

Line Manager Signed		Line Manager Print name	
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