

What you need to know if you're pregnant or planning a pregnancy:

Advice for internationally educated
nurses and midwives coming to
work in the NHS in England



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Introduction

Moving to a new job in a new country is a major decision and, if you're pregnant or planning a pregnancy, it's important to have all the information you need to inform this decision. This guide provides information about maternity rights in the NHS in England and what support is available to NHS employees. It's designed to be used alongside discussions with your new employer to help you make informed decisions before travelling to the UK.

Maternity rights will be consistent across all NHS trusts in England as this is governed by English law. However, the support available may be different in different areas or trusts so it's important to gather all the information you need to inform your own decisions.

In England, if a candidate has started the recruitment pre-employment process, it is against employment law for an employer to withdraw the job offer because the candidate is pregnant.

If you are pregnant during the process of moving to England to work in the NHS, you are unlikely to qualify for NHS maternity leave or maternity pay. This is because to qualify for

maternity leave and other benefits as an NHS employee, you must satisfy certain conditions, which we explain in this guide. If you are pregnant at the point of a job interview or job offer, we recommend that you consider and plan how you will support your child and yourself before travelling to the UK.

Although you are under no obligation to tell your employer you're pregnant until 15 weeks prior to your due date, if you're pregnant during any stage of the recruitment process we recommend letting your employer know as soon as possible. This is so they can provide you with support and advice, including information on what support is available in your trust or area.

Pregnancy, maternity leave and maternity pay

Completing pre-employment checks

As part of the standard pre-employment checks for all new NHS staff, you will be asked to complete an Occupational Health self-declaration form. The information you share on this form will be confidential between the Occupational Health team and you. It advises the Occupational Health team of any health conditions, disabilities, or whether you are pregnant so they can provide you with relevant health guidance, undertake workplace risk assessments, and make reasonable adjustments for you where needed.

If you are pregnant at the point of your job interview or job offer, you don't need to wait for this form to tell your new employer that you're pregnant.

Although you are under no obligation to tell your employer you're planning a pregnancy or that you're pregnant until 15 weeks prior to your due date, we recommend letting your employer know as soon as possible so they can provide you with advice and support.

Informing your new employer that you are pregnant will also allow you to discuss whether you would like to stay in your home country during your pregnancy and to give birth there. We know from experience that some people prefer to do this so that they can have support from their family and friends.

Risk assessments

If you are pregnant, you have recently given birth or you are breastfeeding when you arrive in England to start work, your employer must carry out a risk assessment of your working conditions. Should this risk assessment, or a medical practitioner, consider that you or your child are at risk were you to continue with your normal working duties, then your employer should provide you with suitable alternative work for which you will receive the normal rate of pay.

For more information on risk assessments, please visit the [NHS Employers website](#).

Maternity leave and maternity pay

If you move to England to work in the NHS while pregnant, you are unlikely to qualify for NHS maternity leave or maternity pay because you won't satisfy certain qualifying conditions that are outlined in this section. In some cases, you might qualify for statutory maternity leave but not statutory or NHS maternity pay.

This is one of the reasons we recommend that you talk to your employer about your pregnancy and that you consider how you will support your child and yourself if you move to the UK while pregnant. Although you're under no obligation to tell your employer you're pregnant until 15 weeks prior to your due date, if you are able to let them know as soon as possible, they can provide you with support and advice to help you make informed decisions.

The NHS maternity policy is based on UK employment law and the full policy can be found in the [NHS Employers handbook](#).

Maternity leave

A pregnant employee working for the NHS has the right to apply for up to 52 weeks of maternity leave.

This leave is split into two periods:

1. Ordinary Maternity Leave which is 26 weeks.
2. Additional Maternity Leave which is another 26 weeks.

Maternity leave is the same for full and part-time employees.

In English law, there is a requirement to take a minimum of two weeks off work after the birth of your baby. This is called Compulsory Maternity Leave.

To be eligible for ordinary and additional maternity leave under the NHS maternity policy the following conditions must be met:

1. Usually you must present relevant documentation that you are pregnant by the end of the 15th week before the baby is due.
2. You must give written confirmation of the date you intend to start maternity leave which cannot be earlier than the beginning of the 11th week before the expected week of childbirth.

The policy also advises that you should provide:

1. An authenticated medical certificate showing the expected week of childbirth.
2. You must give written confirmation that you intend to return to work following maternity leave for at least three months in accordance with Agenda for Change 15.14 (ii) (c).

Employment rights are protected whilst on maternity leave, this includes the right to:

1. A pay rise,
2. Build up (accrue) annual leave,
3. Return to work.

Maternity pay

As previously mentioned, if you arrive in England and start work with the NHS whilst pregnant, or if you become pregnant shortly after starting work it is unlikely you will meet the conditions to qualify for maternity pay.

There are two types of maternity pay: NHS Occupational Maternity Pay and Statutory Maternity Pay (SMP). In some circumstances, a maternity allowance is available where an employee is not able to claim maternity pay but that this too has strict eligibility criteria. To be eligible for NHS maternity pay you must have:

a) 12 months of continuous employment with the NHS (not necessarily with the same employer), without a break of more than three months, by the time of 11 weeks before your expected week of childbirth and have complied with the NHS' notice requirements.

Under this scheme, you would be entitled to:

- 8 weeks of full pay (less SMP and Maternity Allowances), followed by
- 18 weeks of half-pay (plus SMP and Maternity Allowances), followed by
- 13 weeks of SMP or Maternity Allowance – Maternity Allowance is paid at the rate of £156.66 per week (April 2022 – April 2023) or 90% of your average earnings (if that is less).

b) To qualify for SMP you will need to satisfy various conditions including that you:

- Have been employed for at least 26 continuous weeks with your NHS employer at the beginning of the 15th week before the baby is due.
- Follow local policy and agree with your line manager the date you intend to start your maternity leave.

SMP is paid up to 39 weeks and begins when your maternity leave starts.

Payment for SMP is:

- 90% of employee's average weekly earnings (before tax) for the first 6 weeks
- From week 7, the SMP rate or 90% of the average weekly earnings (whichever is lower) for a total of 33 weeks.

Maternity pay is paid in the same way as your salary (for example, monthly) and tax and National Insurance is deducted.

If you do not qualify for maternity pay, you may be eligible for Maternity Allowance, which is paid directly to individuals by the Department of Social Security. You can read more on the [Gov.UK website](#).

The following links offer further information on maternity leave and pay:

- [NHS Terms and Conditions of Service handbook](#) (NHS Employers website)
- [UK Government's advice on maternity leave and pay](#)
- [The RCN's 'Having a family' toolkit](#).

CASE STUDY

A new internationally educated staff nurse moves to the UK and joins her new NHS employer on 1 February 2019. She has not been employed by the NHS previously.

She writes to her manager notifying them that she's pregnant on 7 March 2019, which is the fifteenth week before childbirth (due date 15 June 2019).

The nurse requests to start maternity leave from the beginning of the 11th week before the week of her due date on 4 April 2019. This leave is granted as the staff nurse is entitled to full maternity leave.

However, the new staff nurse doesn't qualify for NHS maternity pay or statutory maternity pay as she doesn't have 12 months' continuous service (employment) in the NHS or 26 week's continuous service with her existing employer.

Benefits and support available NHS employees who are pregnant

Some of the benefits and support available include:

- Health and wellbeing support – your employer can tell you about what services are available to support you.
- Protection of employment terms whilst on maternity leave.
- People living in England receive free prescriptions and dental care while pregnant and up to 12 months after their due date – you will need to speak to your doctor or midwife for more details.

As a sponsored skilled worker, you are subject to immigration restrictions for some nationally available benefits and services. To find out more, visit the [Citizens Advice website](#).

There are some voluntary organisations that provide information and advice on benefits and rights to works. These include:

- [Gingerbread](#) (supports single parent families)
- [Maternity Action](#)
- [Working families](#).

If you give birth whilst working in England, your child might not automatically receive British citizenship. To find out more about this, visit the [Gov.UK website](#).

Paid time off for antenatal care appointments

In the UK, if you are pregnant, your employer must provide you with reasonable time off for antenatal care appointments (or other appointments advised by a registered medical practitioner, midwife or health visitor) as part of your paid working day. This is regardless of how long you have worked for that employer. Time to attend these appointment times will include travelling and waiting times.

You will need to provide your new employer with proof of appointments, for example, an appointment letter.

Further advice can also be found on the [Acas website](#).

Working in the NHS as a new parent

Flexible working

Our [NHS People Promise](#) sets out a commitment to flexible working and in September 2021, changes were made to the NHS terms and conditions of service handbook to support more staff to work flexibly.

On your return to work, should you require a flexible working pattern, you can speak to your line manager to request this. Flexible working relates to the arrangements in place regarding the time, location, and pattern of a person's work.

Offering flexible working is a way that your NHS employer can accommodate a diverse nursing workforce and for you, it can provide a better work / life balance and improve job satisfaction.

If you submit a flexible working request, your manager will consider this, alongside the department's needs, your colleagues' working patterns, and your own needs.

To find out more about your local flexible working policy, speak to your new NHS employer.

Breastfeeding support

If you choose to breastfeed, and you are breastfeeding when you return to work, make sure you discuss your options with your manager or Human Resources (HR) department.

NHS trusts have certain legal obligations and will have policies in place to support breastfeeding mothers. These policies will include a break allowance for mothers to express milk, and the need to provide a warm, clean, private room, and offer flexible working hours.

For further information on breastfeeding, please visit the [NHS Start For Life website](#).

Paternity leave

If you are a father-to-be, you have the right to paternity leave in England providing certain eligibility criteria is met. This is in line with employment law, so it applies to everyone including NHS employees.

If you live and work in England and your baby is born in your home country, you may also apply for paternity leave. Further information should be requested from your employer.

In England, paternity leave is also available for the partner or spouse of a child's mother (whether opposite or the same sex), the child's adopter, or the intended parent (if you are having the baby through a surrogacy arrangement). Your employment rights are protected whilst on paternity leave, this includes your right to:

- Pay rise,
- Build up (accrue) annual leave,
- Return to work.

To find out more about your local policies on paternity leave and whether you're eligible, speak to your employer.

The following links offer more information on paternity leave:

- [NHS terms and conditions of service handbook](#)
- [UK Government paternity leave guidance](#)
- [The RCN's 'Having a family' toolkit](#)
- [Citizens Advice guidance on parental rights at work.](#)

Shared parental leave

Shared parental leave and parental pay is an option for parents who wish to share responsibility for their child at birth. Full and part-time employees are entitled to paid and unpaid shared parental leave in the NHS and a couple can share up to 50 weeks of leave and up to 37 weeks of pay between them. However, both parents will need to meet both work and pay criteria to be eligible for this.

If you are considering this, you need to demonstrate you meet the following criteria:

- 12 months' continuous service with one or more NHS employers at the beginning of the 11th week before the expected week or childbirth.
- You have notified your employer you wish to take shared parental leave, providing a minimum of eight weeks' notice, which will confirm:
 - Your intention to take shared parental leave
 - Your wish to access shared parental leave

- You intend to return to work with the same or another NHS employer for a minimum period of 3 months after their shared parental leave has ended
- That the mother or primary adopter has returned to work following maternity or adoption leave
- You also need to confirm that the other parent meets the statutory “employment and earnings test” by being an employed or self-employed earner in the UK for a total of 26 weeks in the 66 weeks preceding the week the child is due to be born or matched for adoption.

You should speak to your employer for your local policy details and to find out whether you are eligible for this leave.

The following links offer more information on shared parental leave:

- [NHS terms and conditions of service handbook](#)
- [UK Government shared parental leave guidance](#)
- [Maternity Action’s advice on paternity leave and shared parental leave.](#)

Childcare options

The cost for childcare in England can be expensive. To support their workforce, some NHS trusts have childcare support in place, such as staff discounts or agreements with onsite or local nurseries. You can speak to your new employer to find out what is available.

Depending on the parents’ immigration status, all three and four-year olds in England can receive 570 free hours of childcare per year. It is normally taken as 15 hours per week for 38 weeks per year.

This free childcare can only be accessed through an approved childcare provider and stops when your child starts in reception class (or reaches compulsory school age).

To find out more information and see if you would be eligible for this, visit the [Gov.UK website](#).

You can find further details on average costs and general information on childcare in England, on the following websites:

- [NCT](#)
- [MoneyHelper](#).

Other information and support

This section provides information on some of the other factors you may want to consider when making a decision about moving to England to work in the NHS while pregnant or planning a pregnancy, such as whether you will be able to bring and support family members with you and what health, wellbeing and other support is on offer.

Bringing family members with you to England

You must have the correct visa to work and live in England. Your new NHS employer will advise and support you in obtaining this during your recruitment process.

Most internationally educated nurses and midwives that relocate to England will be sponsored by an employer through a Skilled Worker visa (this includes the Health and Care visa). This visa is only provided to you and not your family members.

Your family (partner and child / children) can apply to stay in England once you have received your visa. Providing they are eligible and successful with their application, they will be categorised as “dependants” and their visa will expire on the same day as yours.

We would encourage you to consider when the best time for your family to travel to England might be. You may want to consider travelling to the UK and settling into living and working in England for a few months before making any decisions about when family members should join you.

To read more about the process of obtaining visas for family members and to find out who is eligible, visit the [Gov.UK website](#).

[Find out more about the Skilled Worker visa.](#)

Finding suitable accommodation

Although it's not always guaranteed, a new international recruit is likely to be placed in trust owned or trust sourced accommodation for at least their first month in employment and this will be arranged by their new NHS employer.

It is likely to be accommodation for a single person and you may be sharing your living space with others (for example, kitchen and bathroom). The type of accommodation and the length of stay provided should be confirmed within the offer letter you receive from your new NHS employer and/or during the pre-employment process.

Once the period in trust accommodation is over, the trust will support you to find your own accommodation. It is important that these plans are in place as soon as possible and you will need to consider rent and bills.

Your employer will provide advice and guidance on where to find local accommodation and the costs involved. It's also a good idea to learn about your rights and responsibilities as a tenant in the UK before you move into your new accommodation. You can find this information on the [Gov.UK website](#).

Accommodation costs for family members won't be covered by your new NHS employer. If you are planning to travel to the UK with family members, including children you will need to consider your accommodation plans and we recommend that you seek advice from your new NHS employers before making any arrangements.

Please remember, when you rent accommodation in England, most registered landlords and agents ask for a "tenancy deposit" before you move into the accommodation.

You can find useful information and advice about housing and accommodation on [Shelter's website](#).

Health and wellbeing resources

The health and wellbeing of our NHS people is paramount and one of the key elements of [Our NHS People Promise](#) is that you should feel supported, safe and secure at work.

There are lots of free resources available to support NHS employees with health and wellbeing.

Support available includes:

- [Wellbeing apps](#) – during the COVID-19 pandemic, NHS staff have been given free access to a number of wellbeing apps to support with their mental health and wellbeing.
- [Looking After You Too](#) – this programme offers coaching support for ethnic minority staff working in NHS trusts.
- [Health and wellbeing conversations](#) – you can speak to your manager about creating a personalised support plan aimed at the wellbeing of staff, affected by work-related factors including workload, autonomy, relationships, team support and the working environment.
- [Cavell Nurses Trust](#) – this charity supports nurses, midwives, and healthcare assistants when they're suffering a personal or financial crisis.

For more information about what will be available to you, speak to your new NHS employer. You should receive this information as part of your local induction too.

You can find information and advice for internationally educated nurses and midwives travelling to the UK in our guide on the [NHS Employers' website](#).

Trade union representation

As this document sets out, you have various maternity rights if you are pregnant. You also have a right to trade union representation. If you have any concerns about your maternity rights being upheld, you can see what support your union can offer you.

The NHS works in partnership with several trade union bodies. You can request further information about these trade unions and how to join them during the pre-employment stage of the recruitment process.

Unions that are recognised by the NHS include:

- [The Royal College of Nursing](#)
- [The Royal College of Midwifery](#)
- [Unison](#)
- [Unite](#).

International nursing and midwifery associations

International nursing and midwifery associations can also be a valuable source of pastoral and professional support for internationally educated nurses and midwives working in the NHS in England. You can find a list of associations and links to more information, including how to get in touch with them, on [NHS Employers' website](#).

More information

If you're an international nurse or midwife, and you have any questions on the information provided in this leaflet, please contact your new NHS employer for more information.

This information was published by NHS England and NHS Improvement's Nursing International Recruitment Programme. You can contact the programme team at: england.NursingWorkforce@nhs.net

Version 1 - June 2022