

JS/14/47

10 March 2014

Dear Colleague

Miscarriage before 24 weeks

The SNCT has been asked to consider how miscarriages which occur before 24 weeks are treated.

The SNCT provision is currently set out in paragraph 7.16:

“7.16 Where an employee is absent before the start of the maternity leave period due to illness, the absence will be treated as sickness absence except when paragraph 7.17 below applies. This includes absence due to miscarriage (that is, prior to the 24th week of pregnancy).

7.17 If an employee is absent because of a pregnancy related illness, and there are fewer than four weeks before her baby is due, she will be deemed to have commenced ML.

7.18 Where an employee is unable to return to work after the ML period has ended, or on the date previously notified, due to sickness, the normal sickness notification and certification procedures as set out in Section 6 (Sickness Allowances and Notification Arrangements) apply.”

While maternity rights are protected after 24 weeks and the period before 24 weeks is covered by sickness absence provisions the sickness must be treated as a maternity related sickness absence and appropriate support should be given.

You are asked to bear this in mind in relation to attendance management procedures.

Yours sincerely

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