



## Maternity Leave Policy and Procedure

### 1 Introduction

- 1.1 This policy sets out the Occupational Maternity Leave Scheme provided by the University to its staff and explains the statutory rights to Maternity leave and pay.
- 1.2 The policy aims to:
- support staff to balance work and family life
  - maintain contact with staff and assist them in their return to work
  - retain staff and thereby encourage equality and diversity within the workplace

### 2 Scope

- 2.1 This policy applies to all staff at the University who meet the eligibility criteria.

### 3 General Principles

- 3.1 This policy should be read in conjunction with the Shared Parental Leave Policy which provides parents with more flexibility in how to share the care of their child in the first year following birth. Mothers can opt to curtail their maternity leave early and to share the remaining leave and pay entitlement with their partner\*. This enables parents to choose to be off work at the same time and/or take it in turns to have periods of leave to look after their child. (\*Where this policy refers to "partner" this is regardless of gender and includes same-sex partners.)
- 3.2 This policy does not form part of any contract of employment and the University may amend it at any time.
- 3.3 The University has a range of guidance for staff and managers about maternity leave, and this policy should be read in conjunction with this guidance. This guidance is available [here](#).

### **3 Eligibility for leave**

- 3.1 All members of staff are statutorily entitled to Ordinary Maternity Leave (OML) for 26 weeks and Additional Maternity Leave (AML) for 26 weeks. 52 weeks in total, regardless of length of service.

### **4 Eligibility for pay**

- 4.1 To qualify for paid leave a member of staff must have completed at least 26 weeks of continuous service with the University by the end of the 'Qualifying Week' (i.e. the 15<sup>th</sup> week before the expected week of confinement (EWC),
- 4.2 The EWC is the week, beginning on the Sunday, in which it is expected that the child will be born. The week in which the child is actually born is the week of childbirth.

### **5 Statutory Maternity Pay (SMP)**

- 5.1 SMP is a State benefit for women on maternity leave, the conditions for which and the amount of which are determined by the Government but it is paid by the employer:
- the first 6 weeks of Ordinary Maternity Leave are paid at 90% of the individual's average earnings
  - thereafter, staff will receive the Standard Rate, or 90% of average earnings if this is less, for 33 weeks.
- 5.2 Average earnings are calculated based on earnings over the eight weeks prior to the end of the qualifying week.
- 5.3 SMP may start on any day of the week.
- 5.4 To qualify a member of staff must have completed at least 26 weeks of continuous service with the University by the Qualifying Week, have average earnings above the lower earnings limit for National Insurance contributions during the 8 week period prior to the end of the qualifying week, and have followed the application procedures set out in this policy.

- 5.5 All eligible staff will receive SMP whether or not they intend to return to work after Maternity Leave.
- 5.6 A member of staff who does not meet the above criteria for SMP should contact their local social security/Jobcentre Plus office to enquire about eligibility for Maternity Allowance (MA). Unlike SMP it is not paid by the employer, instead payment is made by the social security/Jobcentre Plus office. Employer and employee pension contributions will be paid for the 39 weeks by the University.

## **6 Occupational Maternity Pay (OMP)**

- 6.1 OMP is provided by the University to give enhanced benefits to staff who intend to return to work after Maternity Leave. It comprises of:
- full pay for 26 weeks during the period of Ordinary Maternity Leave , which will include any payments of SMP/ MA. Or SMP/MA alone where this is greater.
  - SMP/MA only for the first 13 weeks of the period of Additional Maternity Leave and
  - the remaining 13 weeks will be unpaid.
- 6.2 To qualify a member of staff must have:
- completed at least 26 weeks of continuous service with the University by the Qualifying Week, and
  - have followed the application procedures set out below in section 15, informing the University in writing that they intend to return to work at the end of the period of maternity leave for at least 12 weeks (excluding sickness absence and extended unpaid leave).

## **7 Ante-Natal Care**

- 7.1 Once a pregnancy has been confirmed a member of staff who has made an appointment to receive ante-natal care on the advice of a registered medical practitioner, registered midwife or registered health worker, will be entitled to take time off with pay to keep the appointment, provided they produce the documentation giving details of the appointment date and time. This is irrespective of length of service or hours worked.

## **8 Commencement of Maternity Leave**

8.1 A member of staff may choose when to start Maternity Leave, subject to the following constraints:

- the Maternity Leave period cannot start before the 11<sup>th</sup> week before the EWC
- the latest date Maternity Leave can start is the date of childbirth.
- the Maternity Leave period will be automatically triggered if the member of staff is absent from work wholly or partly because of pregnancy after the beginning of the 4<sup>th</sup> week before the EWC.
- the Maternity Leave period will be automatically triggered if the baby is born early, in which case maternity leave will start the day after the day on which the baby is born.

8.2 Staff will not be unreasonably requested by the University to undertake work that would have taken place during the maternity leave period prior to departing on maternity leave. This will not however prevent staff from assisting in the planning of coverage of their work in advance of the maternity leave period.

## **9 Keeping in Touch (KIT) during Maternity Leave**

9.1 During maternity leave, the University may offer members of staff the option to work for up to 10 KIT days without bringing Maternity Leave to an end or losing Statutory or Occupational Maternity Pay or Maternity Allowance. This is to enable staff to keep in touch and keep up to date with developments at work, and may include working, attending training or meetings.

9.2 KIT days are optional, they must be agreed in advance by both the member of staff and the manager. Staff can work during Ordinary or Additional Maternity Leave but not during the two weeks of Compulsory Maternity Leave immediately after the birth.

9.3 Working for any part of a day will count as one of the 10 KIT days available. KIT days will not extend the Maternity Leave period.

9.4 The University will pay staff at their normal hourly basic rate of pay (inclusive of Statutory and/or Occupational Maternity Pay) for the number of hours which the member of staff works on a KIT day.

- 9.5 A log of days worked must be kept using form ML/ADL4 and submitted for payment on return to work at the end of the Maternity Leave period.
- 9.6 In addition, during Maternity Leave, the University may also make reasonable contact with members of staff, for example, to discuss return to work arrangements or to communicate important information, such as news of changes at the workplace that might affect the member of staff on their return.
- 9.7 Prior to the commencement of Maternity Leave staff and managers are encouraged to use the pre-maternity leave checklist (form ML2) to agree and document arrangements for staying in touch with each other. This should include agreements on the way in which contact will happen, how often, and who will initiate the contact. It should also cover the reasons for making contact and the types of things that could be discussed.
- 9.8 The University will ensure that members of staff are kept informed of promotion opportunities relevant to their job and any important changes in the workplace which may directly affect them on their return to work.

## **10 Returning to Work**

- 10.1 The return to work interview checklist (form ML/ADL3) provides a useful tool for managers to assist staff in making a successful transition back into work. This may be used on the individual's return or during keeping in touch days in the lead up to their return to work.
- 10.2 No-one is allowed to return to work during the first two weeks from the date of childbirth. This is classed as a period of Compulsory Maternity Leave.
- 10.3 A member of staff who intends to return to work at the end of full Maternity Leave (i.e. 52 weeks), will not have to give any further notification of her return to work. However, if they intend to return to work before the end of Maternity Leave, or to change the intended return to work date for any reason, the member of staff must provide 8 weeks' notice, in writing, of the new intended date of return to the manager and to HR Services. (Note the return to work date is the date the maternity leave ends and does not include annual leave which the member of staff intends to take after this date.)

- 10.4 A member of staff who is only taking the Ordinary Maternity Leave is entitled to return to the same job undertaken prior to the leave, on terms and conditions that are no less favourable than those that would have applied had they not been absent.
- 10.5 A member of staff who has stated their intention to return to work after Additional Maternity Leave will normally be re-employed in their previous post, but if there are exceptional reasons why this is not possible they will be employed on similar work and on terms and conditions no less favourable than if they had not been absent.
- 10.6 A member of staff who has been working full-time but who indicates a wish to return to work on a part-time basis following Maternity Leave should submit a request under the Flexible Working Policy and discuss this with their manager as early as possible.
- 10.7 A member of staff who fails to return to work after Maternity Leave will be treated as being on unauthorised absence, and the University will be entitled to take appropriate disciplinary action, which may include dismissal. The University will, in such circumstances, reclaim any payment made in excess of SMP.
- 10.8 If a member of staff leaves within 12 weeks of the return to work after Maternity Leave the University has the right to recover any payment made in excess of SMP. This provision shall not apply to staff on a fixed term contract that expires either before their return to work or within a period of 12 weeks from return to work provided that they have not (i) been notified that their contract is to be renewed/extended or (ii) refused an offer of suitable alternative employment.
- 10.9 The University offers coaching to staff returning from Maternity Leave, through Staff Learning and Development.

## **11 Health and Safety**

- 11.1 The School/other organisational unit in which a pregnant member of staff works is responsible for risk assessments in relation to the work and environment. Any health and safety concerns should be raised immediately within the School/unit. Occupational Health may be consulted for confidential advice and guidance.

- 11.2 A member of staff who is pregnant, has recently given birth or is breast-feeding, and is unable to continue in their post on designated health and safety grounds, will be offered alternative work or, where none is available, will be suspended from work on full pay until such time as they are able to resume duties.

## **12 Still births**

- 12.1 In the unfortunate event of a still birth and where the pregnancy has lasted longer than 24 weeks, the member of staff will receive all of the leave and benefits entitlement set out in this Policy.

## **13 Premature Birth**

- 13.1 In the event that a baby is born prematurely (normally defined as born more than three weeks before the EWC), maternity leave commences the following day. The University recognises that this would mean maternity leave also ends significantly earlier than planned. In the event of a premature birth the member of staff may extend their additional maternity leave period to the date at which they would ordinarily have returned to work. For example, if a baby is born four weeks premature, the additional maternity leave may be extended by four weeks.

## **14 Other Conditions during Maternity Leave**

- 14.1 Continuity of employment

Periods of Maternity Leave are counted as periods of continuous employment. Staff are entitled to the benefit of (and bound by) their normal terms and conditions of employment, except for terms relating to salary, throughout the 52 week period of Ordinary and Additional Maternity Leave. This includes benefits in kind such as those provided through salary exchange arrangements like PensionChoice.

- 14.2 Annual Leave

- During the period of Ordinary and Additional Maternity Leave a member of staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way.
- Staff may take their annual leave at the beginning and/or end of Maternity Leave.
- Annual leave accrued prior to the start of the Maternity Leave period must be taken within the current leave year.
- Annual leave accrued during the Maternity Leave period should be taken during the current leave year wherever possible. Staff are expected to plan annual leave to stay within the existing conditions applied to carrying leave forward (a maximum of 5 days leave). Staff will normally only be allowed to carry over more accrued annual leave into the next leave year if it has not been possible to take it.
- Staff transferring to part-time work on their return, must take their outstanding full-time annual leave allowance prior to returning.

#### 14.3 Parental Leave

A member of staff may apply to extend their Maternity Leave under the terms of the policies on Career Breaks for Carers or Parental Leave.

#### 14.4 Sickness

- Maternity Leave is not treated as absence due to illness.
- Staff are not entitled to receive sick pay during Maternity Leave.

#### 14.5 Pension scheme membership

- During any period of OML on full pay, pension contributions/PensionChoice will continue as usual. Payslips detail how a member of staff is currently making pension contributions.
- During any period when the member of staff is receiving SMP only:
  - the University will pay all pension costs where the member of staff participates in PensionChoice,
  - if the member of staff does not participate in PensionChoice, staff pension contributions are based on SMP; the University will make up the balance of staff contributions due on the difference between pre maternity leave salary and SMP, plus employer contributions based on the pre maternity leave salary.
- During any period of unpaid maternity leave pension contributions/PensionChoice will not be made by the member of staff or the University and pensionable service will not be earned for this period. A member of staff may choose to make this period pensionable on their return to



work. Any contributions will be based on the salary that would have been earned during this period; if the member of staff pays contributions for this period, the University will also pay its contributions to the pension scheme.

- Staff should contact the Pensions Office for further information.

#### 14.6 Fixed term contracts

- Staff on fixed-term contracts are covered by this policy and associated provisions until the contract expires. Statutory Maternity Pay will continue to be paid beyond the contract expiry date via payroll if eligible. Employer pension contributions will continue to be made until the contract end date.
- Staff on fixed term contracts whose date of contract expiry means that they cannot meet the requirement to return for 12 weeks will not be required to repay their Occupational Maternity Pay, provided that they have not (i) been notified that their contract is to be renewed/extended or (ii) refused an offer of suitable alternative employment.
- Where the fixed term contract is due to end by reason of redundancy during maternity leave a member of staff on the Redeployment Register will be offered a suitable alternative post where such a post becomes available.

#### 14.7 Effect on Probation periods

- There may be occasions when the probationary period is interrupted. In such circumstances it should be made clear (and confirmed in writing) to the individual whether probation is continuing or is being suspended. If it is the latter an indication of the period it is suspended should be given.

### 15 Overpayments

- 15.1 If the University makes an overpayment of Statutory or Occupational Shared Parental Pay, the amount of any such overpayment will be deducted from salary (which may include holiday pay, sick pay, bonus, honoraria, one-off payments, market supplements and pay in lieu of notice).

### 16 How to apply

- 16.1 A member of staff should consult at the earliest opportunity with their manager/ Head of School/unit regarding their pregnancy and expected Maternity Leave, to take account of any risks to themselves and their unborn child in the workplace and to enable planning for absence to begin as soon as possible. The member of staff may also find it helpful to consult with HR Services to seek confidential advice and guidance.
- 16.2 Form ML1 'Notification of intention to take Maternity Leave' must be completed and sent to the manager as soon as possible, but no later than the end of the Qualifying Week (ie. 15<sup>th</sup> week before the EWC). A copy should also be sent to HR Services.
- 16.3 The member of staff must also forward the original MAT B1 form to HR Services, as soon as it is provided by their GP.
- 16.4 HR Services will then confirm in writing, within 10 working days, the terms of the Maternity Leave and the date on which the member of staff is expected to return to work.

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