

Maternity Leave Policy and Procedures

1. Purpose

- 1.1 This policy sets out the Occupational Maternity Leave Scheme provided by the University of Manchester Conferences Limited (UMC Ltd) (“the company”) to its employees and explains the statutory rights to Maternity Leave and pay.
- 1.2 This policy aims to:
 - i. support employees to balance work and family life
 - ii. maintain contact with employees and assist them in their return to work
 - iii. retain employees and thereby encourage equality and diversity within the workplace.

2. Scope

- 2.1 This policy applies to all employees of UMC Ltd.

3. General Principles

- 3.1 This policy should be read in conjunction with the Shared Parental Leave Policy, which:
 - 3.1.1 Provides parents with more flexibility in how to share the care of their child in the first year following birth
 - 3.1.2 Allows mothers /birth parent to curtail their maternity leave early and to share the remaining leave and pay entitlement with their partner* and thereby 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 employee's contract of employment and the company may amend it at any time.

4 Eligibility for leave and pay

- 4.1 All employees 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.
- 4.2 To qualify for paid leave employees must have completed at least 26 weeks of continuous service with the company by the Qualifying Week (i.e. the 15th week before the expected

week of confinement (EWC).

- 4.3 The EWC is the week, beginning at midnight between Saturday and 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 or birth parent 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 employee's average earnings.
- Thereafter, employees 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, the employee must have:

- Completed at least 26 weeks of continuous service with the University by the Qualifying Week
- Average earnings above the lower earnings limit for National Insurance contributions prior to the end of the qualifying week
- Followed the application procedures set out in this policy

5.5 All eligible employees will receive SMP whether or not they intend to return to work after Maternity Leave.

5.6 Employees who do 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.

6 Occupational Maternity Pay (OMP)

6.1 OMP is provided by the company to give enhanced benefits to employees who intend to return to work after Maternity Leave. It comprises of:

6.1.1 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.

6.1.2 SMP/MA only for the first 13 weeks of the period of Additional Maternity Leave and the remainder will be unpaid.

6.2 To qualify, employees must have:

6.2.1 Completed at least 26 weeks of continuous service with UMC Ltd by the Qualifying Week

6.2.2 followed the application procedures set out below in section 16 informing UMC Ltd 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 employees who have 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. This is irrespective of length of service or hours worked.

8 Commencement of Maternity Leave

8.1 Employees may choose when to start their Maternity Leave, subject to the following constraints:

8.1.1 The Maternity Leave period cannot start before the 11th week before the EWC

8.1.2 The latest date Maternity Leave can start is the date of childbirth.

8.1.3 The Maternity Leave period will be automatically triggered if the employee is absent from work wholly or partly because of pregnancy after the beginning of the 4th week before the EWC

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

9 Keeping in Touch during Maternity Leave (KIT days)

9.1 During maternity leave, the company may offer employees the option to work for up to 10 days without bringing Maternity Leave to an end or losing Statutory or Occupational Maternity Pay or Maternity Allowance, to enable them to keep in touch and keep up to date with developments at work, and this may include working, attending training or meetings.

- 9.2 Any work during maternity leave must be by agreement, on agreed dates and neither the company nor employees can insist on it. Working for any part of a day will count as one of the 10 days available.
- 9.3 Days of work will not extend the Maternity Leave period, and employees can work during Ordinary or Additional Maternity Leave but not during the two weeks of Compulsory Maternity Leave immediately after the birth.
- 9.4 The company will pay employees at their normal basic rate of pay (inclusive of Statutory and/or Occupational Maternity Pay) for the hours worked.
- 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 company may also make reasonable contact with employees, 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 employee on their return.
- 9.7 Prior to the commencement of Maternity Leave the line manager and the employee will discuss, agree and document arrangements for staying in touch with each other using the Keeping in Touch Agreement form (attached).
- 9.8 These arrangements should include agreements on the way in which contact will happen, how often, and who will initiate the contact, and should also cover the reasons for making contact and the types of things that could be discussed.
- 9.9 The company will ensure that employees 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 Return to Work

- 10.1 The Return-to-work Interview Checklist (attached) provides a useful tool for managers to assist employees in making a successful transition back into work, and this may be used on the employees' 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 Employees who intend to return to work at the end of full Maternity Leave (i.e. 52 weeks), will not have to give any further notification of their return to work.
- 10.4 Employees who intend to return to work **before** the end of their Maternity Leave must provide 8 weeks' notice in writing to the Line Manager and People Services of their intended date of return. (Note: the return-to-work date is the date the maternity leave ends and does not include annual leave which the employee intends to take after this date).

- 10.5 Employees who only take the Ordinary Maternity Leave are entitled to return to the same job they were in before they went on leave, on terms and conditions that are no less favourable than those that would have applied had they not taken Maternity Leave.
- 10.6 Employees who state 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 in similar work and on terms and conditions no less favourable than if had they not taken Maternity Leave.
- 10.7 Employees who have been working full time but who indicate a wish to return on a part time basis following maternity leave should submit a request under the Flexible Working Policy and discuss this with their manager as soon as possible.
- 10.8 Employees who fail to return to work after Maternity Leave will be treated as being on unauthorised absence, and the company will be entitled to take appropriate disciplinary action, which may include dismissal. The company will, in such circumstances, reclaim any payment made in excess of SMP.
- 10.9 If an employee leaves within 12 weeks of their return to work after Maternity Leave the company has the right to recover any payment made in excess of SMP.
- 10.10 This shall not apply to Employees on fixed term contracts whose date of contract expiry means that they cannot meet the requirement to return for 12 weeks, provided that they have not (i) been notified that their contract is to be renewed or extended, or (ii) refused an offer of suitable alternative employment.

11 Health and Safety

- 11.1 The department in which a pregnant employee works is responsible for risk assessments in relation to the work and environment.
- 11.2 Any health and safety concerns should be raised immediately within the Department. Occupational Health may be consulted for confidential advice and guidance.
- 11.3 An employee 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 their 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 Neonatal Care Leave

13.1 Neonatal Care Leave provides parents between 1 – 12 weeks additional leave if their baby requires neonatal care within the first 28 days after birth for at least seven consecutive days. Details regarding pay entitlement during Neonatal Care Leave can be found in the Neonatal Care Leave Policy.

14 Premature Birth

14.1 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 company 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.

15 Continuity of employment

15.1 Periods of Maternity Leave are counted as periods of continuous employment. Employees 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.

16 Annual Leave during Maternity Leave

16.1 During the period of Ordinary and Additional Maternity Leave an employee will continue to accrue annual leave, including bank holidays and closure days, in the normal way.

16.2 Employees may take their annual leave at the beginning and/or end of Maternity Leave.

16.3 Annual leave accrued prior to the start of the Maternity Leave period must be taken within the current leave year.

16.4 Annual leave accrued during the Maternity Leave period should be taken during the current leave year wherever possible. Employees will normally only be allowed to carry over any accrued annual leave into the next leave year if it has not been possible to take it.

16.5 Employees transferring to part-time work on their return, must take their outstanding full-time annual leave allowance prior to returning.

17 Pension membership during Maternity Leave

17.1 During any period of OML on full pay, pension contributions/Pension Choice will continue as usual.

17.2 During any period when the employee is receiving SMP only:

17.2.1 The company will pay all pension costs where the employee participates in PensionChoice;

17.2.2 If the employee does not participate in PensionChoice, employee pension contributions are based on SMP;

17.2.3 The company will make up the balance of employee contributions due on the difference between pre maternity leave salary and SMP, plus employer contributions based on the pre maternity leave salary.

17.2.4 During any period of unpaid maternity leave pension contributions/PensionChoice will not be made by the employee or the company and pensionable service will not be earned for this period.

17.2.5 An employee may choose to make the unpaid period pensionable on their return to work; and any contributions will be based on the salary that would have been earned during this period; if the employee pays contributions for this period, the company will also pay its contributions to their pension scheme.

17.2.6 If the employee pays contributions for this period, the company will also pay its contributions to her pension scheme.

17.3 Employees should contact the Pensions Office for further information.

18 Fixed term contracts

18.1 Employees on fixed-term contracts are covered by this policy and associated provisions until the contract expires.

18.2 Statutory Maternity Pay will continue to be paid beyond the contract expiry date via payroll if eligible.

18.3 Employees 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.

18.4 Where the fixed term contract is due to end by reason of redundancy during maternity leave an employee is eligible to be offered a suitable alternative post via redeployment, where such a post becomes available.

19 Effect on Probation periods

19.1 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.

20 Overpayments

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

21 Other Conditions

21.1 Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to salary, throughout the 52 week period of Ordinary and Additional Maternity Leave.

21.2 Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to salary, throughout the 26 week period of Ordinary Maternity Leave. This includes benefits in kind such as those provided through salary exchange arrangements – e.g. – PensionChoice.

21.3 Maternity leave is not treated as absence due to illness.

21.4 Employees may apply for an extended period of unpaid leave under the terms of the policies on Career Breaks or Parental Leave.

21.5 Periods of Maternity Leave are counted as periods of continuous employment.

22 How to apply

22.1 Employees should consult at the earliest opportunity with their Line Manager regarding the pregnancy and expected Maternity Leave, to take account of any risks to themselves and the unborn child in the workplace, and to enable planning for the absence to begin as soon as possible. Employees may also find it helpful to consult People Services in seeking advice and guidance.

22.2 Employees must notify People Services by completing the [Notify People Services of Upcoming Maternity Leave Form](#) via Connect no later than the end of the Qualifying Week (ie. 15th week before the EWC).

22.3 The employee must upload the original MAT B1 form to People Services, when completing the [Notify People Services of Upcoming Maternity Leave Form](#).

22.4 A member of the People Services team will then confirm in writing, within 10 working days, the terms of the Maternity Leave and the date on which the employee is expected to return to work.

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