

# Maternity Policy

## 1. Introduction

The University's Occupational Maternity Scheme provides enhanced benefits to those contained within the statutory provisions.

The qualification for the Occupational Maternity Scheme is that at the 15th week before the expected week of childbirth you will have 26 weeks' continuous service with the University.

If you do not qualify for the Scheme, you will still be entitled to take up to 52 weeks of Maternity Leave, and may be eligible to claim Maternity Allowance.

## 2. Maternity Leave

You must notify your line manager and the relevant HR Partner/Adviser of your pregnancy, the date your baby is due and the date on which you intend to commence Maternity Leave at least 15 weeks before your baby is due. This notification should be in writing.

We encourage you to contact your HR Partner/Adviser much earlier than this, as this enables the University to ensure that you are provided with clear information as early as possible and that a Health & Safety Risk Assessment is conducted.

You will need to provide evidence of your due date by providing a MatB1 certificate as soon as it is available, which is normally around the 21st week of pregnancy. This will be provided by your Midwife or Doctor.

Once your HR Partner/Adviser has been formally notified of your due date, they will write to you to confirm your entitlements and to request confirmation of your intentions regarding your Maternity Leave. Unless advised otherwise, the University will assume that you wish to take your full 52 weeks of Maternity Leave.

After confirming the date you intend to commence your Maternity Leave, you can change this date, but must give at least 4 weeks' notice, in writing, of the new date. This must be 4 weeks before the original date, or 4 weeks before the new date, whichever is earlier.

If, after confirming the date you intend to return from your Maternity Leave, you wish to change this date, you must give at least 8 weeks' notice, in writing, of the new date. This must be 8 weeks before the original date, or 8 weeks before the new date, whichever is earlier.

## 3. Maternity leave entitlement

All pregnant employees are entitled to up to 52 weeks' Maternity Leave regardless of length of service and hours of work.

You can start your Maternity Leave on any day of the week and can commence your Maternity Leave at any time from 11 weeks before your baby is due, up to and including the day of the birth. However, the birth of your child will automatically start your Maternity Leave and Maternity Pay Period (if applicable), even if your baby is born before the date on which you were due to begin your Maternity Leave.

Also, if you are absent from work due to a pregnancy related illness in the 4 weeks prior to the due date then your Maternity Leave will start automatically on the date that you go off sick.

You remain entitled to maternity leave and pay if your baby is born stillborn after the 24<sup>th</sup> week of pregnancy or if your baby only lives for a short time after birth at any stage of pregnancy.

The two week period after your baby is born is called compulsory Maternity Leave and you are not permitted to work during this time.

If you wish to change the dates you start or end your Maternity Leave you must give the required notice, as specified above.

## 4. Maternity Pay

### 4.1 What is Statutory Maternity Pay (SMP)?

SMP is a taxable weekly government benefit which is paid by the employer during Maternity Leave to women who qualify for SMP.

SMP is paid over the first 39 weeks of Maternity Leave at a rate of:

- 90% of your average weekly earnings (this figure is worked out at your Qualifying Week – see below) for each of the first 6 weeks of Maternity Leave, followed by
- £151.97 per week (from 4 April 2021) - or 90% of your average weekly earnings if that is less than £151.97 per week – for the next 33 weeks.

If you qualify for SMP it will automatically be incorporated into Occupational Maternity Pay (if eligible).

### 4.2 How do I qualify for Statutory Maternity Pay (SMP)?

The week (Sunday to Saturday) in which your due date (as specified on the MatB1) falls is known as the Expected Week of Childbirth (EWC).

The 15<sup>th</sup> week before the EWC is known as the Qualifying Week. To work out your Qualifying Week, use a calendar and find the Sunday of your expected week of childbirth. Then count back 15 Sundays (do not include the Sunday of your EWC). The 15<sup>th</sup> Sunday is the beginning of your qualifying week.

In order to qualify for SMP, you must be still employed by the University at the Qualifying Week and have been continuously employed with the University for at least 26 weeks continuing into the Qualifying Week (part weeks count as full weeks).

You must also have average weekly earnings above the National Insurance lower earnings limit (£120 a week from 4 April 2021).

### 4.3 What if I do not qualify for Statutory Maternity Pay (SMP)?

You will still be entitled to 52 weeks of unpaid leave, and you may be able to claim other allowances including Maternity Allowance. You should contact Jobcentre Plus or your HR Partner/Adviser to discuss this further.

## 5. Occupational Maternity Pay

### 5.1 How do I qualify for the University Occupational Scheme?

Provided that you declare that you intend to return to work at the end of your Maternity Leave, you will be entitled to benefit from the University Occupational Maternity Scheme if you have been continuously employed with the University for at least 26 weeks continuing into the Qualifying Week (part weeks count as full weeks).

### 5.2 What does the Occupational Scheme provide?

All employees who qualify for the Scheme, regardless of their staff category, grade and hours of work, are entitled to receive the following payment during their Maternity Leave

- 18 weeks on full pay (inclusive of SMP, if eligible) then;
- 21 weeks on SMP only, (if eligible) then;
- 13 weeks of unpaid leave

NB. If you are eligible for Occupational Maternity Pay, but not SMP (as your average earnings are below £120 per week) then you will receive 18 weeks of full pay and you may be able to receive Maternity Allowance for the remaining 21 weeks of paid Maternity Leave. Please see section 4.3 above with regards to claiming Maternity Allowance.

### 5.3 What happens if I decide to leave the University after I have received Occupational Maternity Pay?

If you decide not to return to work after your Maternity Leave, or if you return to work after Maternity Leave and work less than three months (pro rata if your hours are reduced following your return to work) before you leave, you will be required to repay Occupational Maternity Pay paid to you (less any SMP you received).

In order to help you with this situation, you have the option to defer the payment of your Occupational Maternity Pay until after you return to work, if you wish. If this option is of interest to you, please contact your HR Partner/Adviser to discuss this further.

## 6. Before your Maternity leave

### 6.1 Risk assessment

You and the University have a joint legal obligation to ensure that you undertake a risk assessment as soon as you believe that you are pregnant. Our concern is to make sure that your health and safety as a pregnant mother are protected while you are working and that you are not exposed to risk. You should undertake a specific risk assessment of your job jointly with your line manager. Further guidance and the risk

assessment form can be downloaded from the Health and Safety website. You can contact our Occupational Health service at any time for further advice and guidance with regards to your health and well-being at work during your pregnancy.

## 6.2 Time off for antenatal care

You will be entitled to take reasonable time off without loss of pay, to attend ante-natal care appointments made on the advice of a medical practitioner, registered health visitor or registered midwife. You will need to show your line manager your appointment card or document to confirm the appointment.

## 6.3 Annual leave

During your Maternity Leave you carry forward any untaken annual leave until the Maternity Leave period ends. Any public holidays or closure days which occur during your Maternity Leave are also carried forward until your Maternity Leave period ends. As far as possible, you should take a reasonable proportion of your entitlement to annual leave before you commence your Maternity Leave. If your Maternity Leave spans two leave years, you will be allowed to carry over into the next leave year any leave that you have accrued during your Maternity Leave period and which you did not take prior to commencing your Maternity Leave. You should discuss any outstanding annual leave upon your return with your line manager.

# 7. During your Maternity Leave

## 7.1 Terms of Employment during Maternity Leave

All your terms and conditions of employment (excluding those relating to payment of salary) will be preserved during your Maternity Leave. This includes your accrual of annual leave (see above).

For members of one of the pension schemes offered by the University, contributions are maintained in full during the SMP pay period. Your contributions during this period are based on actual earnings and the University tops this up to the level of your normal monthly pension contribution.

Pension contributions cease during any period of unpaid Maternity Leave and no service is accrued. Contributions are not payable on KIT days (see below) taken in any period of unpaid leave and therefore do not accrue service. On your return to work you have the option to pay contributions for the period of unpaid Maternity Leave based on the rate of pay that you would have received had you not been on Maternity Leave. If you decide to pay employee contributions for the period of unpaid leave, the University will also pay its employer contributions for the same period. Contributions can be deducted from salary as a one-off payment or over a reasonable agreed period. Should you wish to explore this, please contact the Pensions Office within 3 months of your formal return to work to discuss this further.

Periods of Maternity Leave do not affect continuity of employment. This means that periods of Maternity Leave will still count when calculating continuous employment for statutory rights.

## 7.2 Communication during Maternity Leave

Although you are bound to be focused on other things during your Maternity Leave, the University recognises that it is important to keep you up to date about what is happening within the University during your absence.

Your line manager and the HR Department will therefore maintain reasonable contact with you whilst you are on Maternity Leave.

Also, you can keep up to date through the University website, and, of course, through informal contact with your colleagues.

### 7.3 Keeping in Touch Days

You are not obliged to do any work or attend any work related events or meetings during your Maternity Leave. However, Keeping in Touch Days (known as KIT days) allow you to go into work for up to 10 days (which may be either separate days or a single block) without losing any SMP or triggering the end of your Maternity Leave. KIT days can be used to enable you to attend meetings, training sessions, or other events, or for you to perform your normal job duties. You should make the appropriate childcare arrangements during any KIT days.

For KIT days to work, you and your manager must agree that you will do some work on a particular day and the type of work to be undertaken. There is no requirement for you to agree to attend work for any KIT days, and your manager does not have to offer such days to you, but they can be a very effective way of maintaining contact during your Maternity Leave and easing your return to work.

If you do attend work for a KIT day, you will receive full pay for any day/hours worked. If a KIT day occurs during a week when you are receiving SMP, this will be effectively “topped up” so that you receive full pay for the day/hours in question. Alternatively you may agree to take the equivalent number of days/hours worked as “time off in lieu”. Payment will be made in the month following the KIT day, to allow for payroll processing.

### 7.4 Shared Parental Leave

Shared Parental Leave (SPL) is a statutory right available to employees who are expecting a child to be born or placed for adoption (whether through birth, adoption, or surrogacy). It provides the option of sharing up to 50 weeks of leave and 37 weeks of pay if they meet the necessary eligibility criteria. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. Further information can be found in the University’s Shared Parental Leave Policy.

## 8. Returning to work after Maternity Leave

The University will expect you to return to work after 52 weeks of Maternity Leave unless you have notified us of an earlier date of return or you have already resigned or you are on a fixed-term contract that has already expired.

If you wish to return to work before the intended return date, you must give the University at least 8 weeks' notice, in writing, of the new date on which you intend to return. If you fail to give the required notice, we may need to postpone your return until the end of the 8 week notice period or your previously intended return date, whichever comes first.

If you decide not to return to work after your Maternity Leave, you must give written notice to terminate your employment in accordance with your contract of employment – and please see section 5.3 above regarding Occupational Maternity Pay.

If you wish, and if you have accrued sufficient annual leave, you should agree with your line manager to take a period of annual leave at the end of your Maternity Leave – see section 6.3 above regarding annual leave accrual.

If you are unable to return to work at the end of your Maternity Leave due to illness then you must follow the normal absence reporting procedure to report your absence from work – as if you had returned to work on the appropriate date.

In all circumstances you should ensure that you keep in touch with your line manager and keep them fully informed of your intentions.

## 8.1 Workplace support

The University is committed to supporting the successful return to work of individuals following an extended period of Maternity Leave.

Funding is available to all Schools and Functions to aid the successful transition back to the workplace for staff returning to work following an extended period of maternity, adoption or shared parental leave.

Staff are encouraged to discuss with their Line Manager either before they commence Maternity Leave or prior to their return, how these funds might best be used to help with the transition back to the workplace by providing an opportunity to update skills and knowledge, understand any changes that may have occurred in their role, department or field in order to assist a return to full productivity as soon as possible and at the same time enabling personal development in their role. Consideration will be given, for example, to requests for attendance at relevant training courses or conferences, relief from teaching for an additional period or any other support that may be identified by the member of staff or their Line Manager as potentially relevant. The funding will remain available for 12 months following the date of return to the workplace.

## 9. Childcare Vouchers

You can open an online account for the Government's Tax-free Childcare (TFC) scheme through the government website. Under this scheme for every £8 you pay into this account, the government will pay in £2 to use to pay your provider. Full scheme details are available at <https://www.gov.uk/tax-free-childcare>

As of 4 October 2018, childcare vouchers closed for new parent registrations. If you are already in the University's childcare voucher scheme you will be able to continue until the September following your child's 15th birthday, or for as long as the University provides it and you remain eligible. You will not see any changes and you will continue to pay for and receive your vouchers in the normal way. The scheme is run by Computershare [www.computersharevoucherservices.com](http://www.computersharevoucherservices.com). You can manage your childcare voucher account on-line, or contact [parent@computershare.co.uk](mailto:parent@computershare.co.uk).

You can switch to TFC if you wish to do so, but please note that you cannot be in both TFC and the University childcare voucher scheme at the same time. Once you have joined TFC, you cannot switch back to the childcare voucher scheme. If you successfully register for TFC you must inform Human Resources within 90 days and then your childcare vouchers will stop.

## 10. Requesting a Change of Working Hours on Return to Work after Maternity Leave

All employees, with at least 26 weeks' continuous service, have the legal right to request flexible working (for example, a change in your working hours or work pattern). It is important to note that you do not have an automatic right to work flexibly, you are entitled to make a request to work flexibly.

The procedure for requesting flexible working can be found on the [flexible working page](#) of the HR website. We recommend that if you do wish to request a change then you discuss this informally with your manager as soon as possible, and then submit a formal request at least 8 weeks before you intend to return to work. This should allow enough time for your request to be considered before you need to make arrangements regarding your return to work. Please contact your HR Partner/Adviser to discuss this further.

## 11. Fixed-term contracts

If you are on a fixed-term contract and your contract is due to end while you are still on Maternity Leave, the case for extending or renewing your contract will be considered in the normal way. The fact that you are on Maternity Leave is not material to the process to be followed or to the decision to be made.

If the decision is taken to end your contract, your employment will end on the date in your contract. However, the University will continue to consider redeployment opportunities for you until the date that your Maternity Leave ends.

If you qualify for OMP you will be paid OMP up until the date that your contract ends and SMP thereafter until the statutory maternity pay period is exhausted. You will also be paid any redundancy pay that you are entitled to. The University will waive repayment of any difference between OMP and SMP if the end of your contract prevents you from either returning to work or completing 3 months employment on returning to work after your Maternity Leave.

Version Control:

Date of review	Details of any update	Reviewed by
7 October 2020	<ul style="list-style-type: none"> <li>• Update to statutory rate of pay and lower earnings limit.</li> <li>• Clarity on pension contributions clauses.</li> </ul>	HSL
21 October 2020	<ul style="list-style-type: none"> <li>• Update to statutory rate of pay</li> <li>• Clarity on childcare voucher scheme</li> <li>• Clarity on miscarriage after 24 weeks/where baby only lives for a short time after birth</li> </ul>	HSL