

# **Maternity Leave & Pay**

## **Guidelines for Employees**

# Contents

<b>Introduction.....</b>	<b>3</b>
<b>Maternity Leave &amp; Pay Entitlements.....</b>	<b>3</b>
<b>Planning your Maternity Leave.....</b>	<b>5</b>
<b>Working safely through your pregnancy.....</b>	<b>6</b>
<b>During your maternity leave.....</b>	<b>6</b>
<b>Returning to work.....</b>	<b>7</b>
<b>The Procedure at a Glance.....</b>	<b>8</b>
<b>Application for Maternity Leave Form (ML1).....</b>	<b>9</b>
<b>Change to Start of Maternity Leave Form (ML2).....</b>	<b>10</b>
<b>Keep in Touch day Request Form (ML3).....</b>	<b>11</b>
<b>Notice of Early Return to Work Form (ML4).....</b>	<b>12</b>

# Introduction

Congratulations on your pregnancy! These guidelines set out the University's provision for maternity leave and pay.

Having a baby is an important time during which we will support you as much as possible. This guide gives your details of:

- Your entitlements to maternity leave and pay
- Your rights during and after pregnancy
- What you need to do during the various stages of your pregnancy

## Maternity Leave & Pay Entitlements

### ACAS Key points

- Pregnant employees have the right to 52 weeks maternity leave.
- 39 weeks could be paid which may be Statutory Maternity Pay, Maternity Allowance or contractual maternity pay (contractual pay may be more than statutory pay or could be paid for longer than 39 week - this will depend on the terms of employment).
- Pregnant employees are protected against unfair treatment and discrimination.
- During maternity leave an employee and employer can agree to have up to 10 keeping in touch days.
- Employees are entitled to paid reasonable time off for antenatal care.
- Women returning to work following Maternity Leave have the right to return to the original job or suitable alternative.

### Entitlement and length of statutory maternity leave

#### *Statutory Maternity Leave*

- You are entitled to take up to 52 weeks' maternity leave regardless of your length of service with the University. This consists of 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave. Additional maternity leave must follow on immediately from ordinary maternity leave.
- Whilst you can determine how much of the 52 weeks' maternity leave you wish to take, you are required by law to take a minimum of two weeks maternity leave from the date your baby is born. We will assume that you will take the full 52 week entitlement unless you notify us otherwise.
- If you return to work before the end of your 52 week entitlement, you can share the balance of leave with your partner, please refer to **Shared Parental Leave**.

### Entitlement to Maternity Pay

#### *Statutory Maternity Pay*

You may be entitled to up to 39 week's statutory maternity pay (SMP) if you satisfy the following requirements:

- Have average weekly earnings at or above the lower earnings limit for the payment of National Insurance contributions (calculated by looking at earnings in the 8 week period immediately before the 15<sup>th</sup> week before the EWC); and
- Have 26 week's continuous service at the 15<sup>th</sup> week before the EWC.

The Government sets the lower earnings limit and SMP rates on a yearly basis. These figures can be found on the [Government's website](#).

#### *Maternity Allowance*

If you do not qualify for SMP, you may still be entitled to Maternity Allowance, which is paid by Jobcentre Plus, for up to 39 weeks.

To qualify, you must have been employed or self-employed for 26 weeks out of the 66 weeks

before the expected week of childbirth. You can claim maternity allowance once you have reached 26 weeks of pregnancy, and payments can start 11 weeks before the baby is due.

To qualify, you must meet the following qualifying conditions in the 66 weeks before the baby is due:

- been employed or self-employed for at least 26 weeks (these need not be consecutive weeks).
- earned at least £30 a week, on average, in over any 13 of those 26 weeks.

Further information on eligibility and rates can be found on the [Government's website](#).

### University Enhanced Maternity Pay Options

We offer an enhanced package of maternity pay to employees who qualify for SMP and:

- Continue to be employed by the University until immediately before the beginning of the 11<sup>th</sup> week before the EWC i.e. to the end of the 29<sup>th</sup> week of pregnancy; and
- Have more than 26 weeks continuous service; and
- Intend to return to work for a minimum of 3 months following maternity leave.

If you satisfy the criteria above, you have the option to choose which maternity pay package best suits your circumstances. These options are outlined below.

Continuous Service	Option 1 (intend on returning to work)	Option 2 (intend on returning to work)	Option 3 (do not intend on returning to work)
More than 26 weeks continuous service (at the beginning of the 15 <sup>th</sup> week before EWC)	<p>Entitled to up to <b>52 weeks maternity leave</b></p> <ul style="list-style-type: none"> <li>• First <b>16</b> weeks at full normal pay (to include SMP)</li> <li>• Following <b>23</b> weeks at SMP only or 90% of weekly earnings (whichever is less)</li> <li>• Up to <b>13</b> weeks of unpaid maternity leave</li> </ul>	<p>Entitled to up to <b>52 weeks maternity leave</b></p> <ul style="list-style-type: none"> <li>• First <b>8</b> weeks at full normal pay (to include SMP)</li> <li>• Following <b>16</b> weeks of the maternity leave at half pay (to include SMP)</li> <li>• Following <b>15</b> weeks at SMP only or 90% of weekly earnings (whichever is less)</li> <li>• Up to <b>13</b> weeks unpaid maternity leave</li> </ul>	<p>Entitled to up to <b>52 weeks maternity leave</b></p> <ul style="list-style-type: none"> <li>• First 6 weeks at 90% of average earnings (to include SMP)</li> <li>• Following 33 weeks at SMP only or 90% of weekly earnings (whichever is less)</li> <li>• Up to 13 weeks unpaid maternity leave</li> </ul>
	<p><b>Individuals be required to pay back 10 weeks full normal pay if they do not return to work for at least three months following maternity leave.</b></p>		

If you are unsure what option is best for you, you can discuss this with your HR Business Partner

# Planning your Maternity Leave

## Letting us know of your pregnancy and intention to take maternity leave

We would advise that you let your immediate line manager know as soon as possible of your pregnancy. This will allow you both to ensure that any relevant health and safety factors are considered as early as possible.

## Formal Notification

You need to formally notify us of your intention to take maternity leave using the **ML1 Form** at least 15 weeks' before your baby is due. You are required to inform us:

- That you are pregnant (and include a copy of your MATB1 Form)
- The expected week of childbirth
- When you wish to start your maternity leave
- When you wish to end your maternity leave (if known)
- Your preferred Maternity Pay option

Your maternity leave should begin no earlier than the beginning of the 11<sup>th</sup> week before your expected week of childbirth (EWC). You can take your leave anytime thereafter taking into consideration your own personal circumstances, needs, health and wellbeing.

## What we will do once we receive your notification

Once notification has been received, we will write to you within 28 days setting out your specific maternity leave and pay details.

If you change your mind on the date you intend returning to work, you must give us eight weeks' notice by completing and returning the **ML2 Form**.

## Change in circumstances following formal notification

As we know, not all things in life go to plan. Your baby could be born earlier than planned or you may become unwell during your pregnancy. In these circumstances, your maternity leave will start on whichever date is the earlier of:

- The day after you give birth
- The day after any day on which you are absent for a pregnancy-related absence in the 4 weeks before the EWC.

# Working safely through your pregnancy

## Antenatal care

Good antenatal care is important to your health and you are entitled to reasonable time off with pay for antenatal care. If your antenatal care appointments are scheduled within your normal working hours, you will be paid for the time you take off.

As with any other request for time off, you should let your manager know as soon as possible when your appointments have been scheduled so that, if appropriate, any arrangements can be made to cover your absence.

## Health and Safety

You and your line manager have a joint responsibility, in law, for your health and safety during your pregnancy. You and your line manager will conduct a risk assessment for new and expectant mothers to ensure any risks are identified and mitigated.

Early in the pregnancy you both should review together:

- The health and safety risk assessment for your work and workplace

- How you may be affected while you are pregnant or breast-feeding

You and your manager should:

- Consider any aspects of your role that may not be appropriate for someone who is pregnant
- Identify if there is any risk to your unborn baby that is associated with your role

If you or your line manager have any concerns about your health and safety, or that of your baby, you must raise them with your line manager, HR Business Partner or Occupational Health immediately.

## Sickness Absence

Any sickness absence which is unrelated to your pregnancy shall be dealt with in accordance with our normal provisions for sickness absence.

If your sickness is in any way related to your pregnancy, your maternity leave will start automatically and you will begin to receive your maternity pay.

# During your Maternity Leave

## Contact during maternity leave

Before you finish up for maternity leave, you and your line manager should agree the arrangements for keeping in touch, and in particular, how often and in which way you would like to be contacted during maternity leave. For example, this may be to keep you up to date with developments at work, make you aware of any vacancies or development opportunities or to discuss arrangements for your return to work. This will ensure that communications between you and your manager are balanced to suit your needs.

## Keep in Touch Days

You are entitled to up to 10 Keep in Touch Days whilst on maternity leave. These days can be useful to:

- allow you to undertake work in your normal role
- maintain or establish key relationships with colleagues

- to attend training or work events
- to ease your return to work

Keep in Touch Days are optional and must be agreed with your line manager. They do not have any impact on maternity leave or affect pay. These days will be paid at your normal contracted rate of pay and will be offset against any statutory SMP due.

Please complete **ML3 Form** to request your Keep in Touch Day(s).

### Terms and Conditions during maternity leave

During maternity leave, there will be no change to your core contractual rights or terms and conditions except for pay. All other terms and conditions remain unchanged.

#### **Pension**

You will continue to pay pension contributions in the normal way during paid leave. We will also

continue to make pension contributions on the individual's behalf during this time.

There is the option to agree to continue these contributions whilst on unpaid leave. Further information on the options available under each pension plan is available on the [intranet](#).

Alternatively, you can contact the University's Pensions Officer.

#### **Annual Leave and Public Holidays**

Contractual annual leave and public holiday entitlement will continue to accrue throughout your maternity leave. You should discuss when this leave will be taken with your line manager. Where possible, all leave should be taken within the leave year in which the entitlement became available.

If an individual decides not to return to work, any annual leave and public holidays due will either be offset against their contractual notice period or paid in their final salary payment.

## Returning to Work

Before starting maternity leave, we will confirm the date that you are expected to return to work in writing. If you are unable to return to work on this date due to illness or injury, our normal arrangements for sickness absence will apply.

### Notification to change Return to Work Date

If you decide to come back to work before the expected return date, you must advise their line manager and POD in writing (**ML4 Form**) at least 8 weeks before you plan to return.

### Rights when you return

You have the right to return to the job you did before maternity leave, or if that is not practical, to an alternative job that is suitable and appropriate.

### Returning to work and breastfeeding

We support employees who return to work whilst breastfeeding and provide facilities to accommodate this.

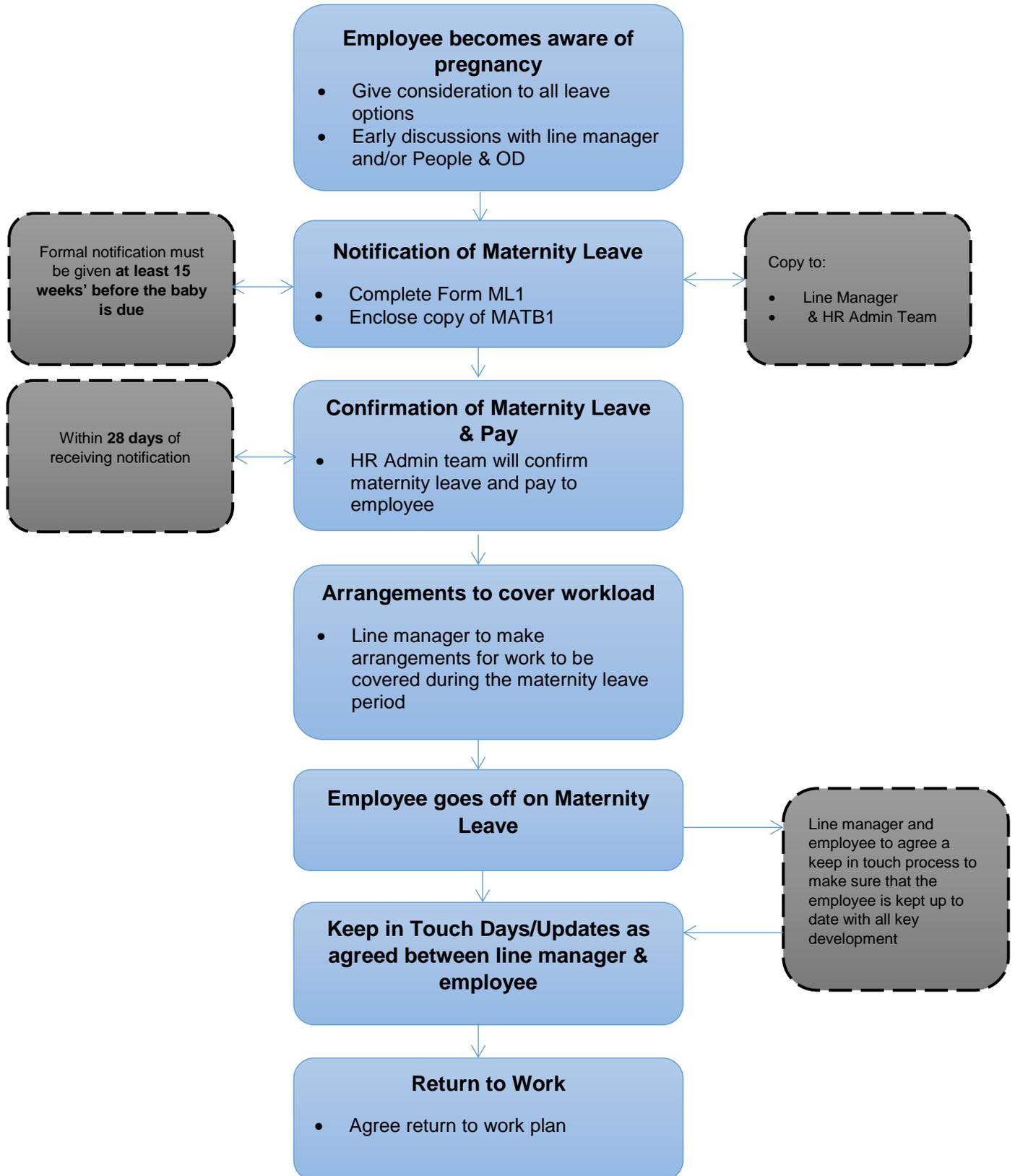
### Flexible Working

Eligible employees have the right to request flexible working and we will give due consideration to such requests. Further information is available in the University's **Flexible Working Procedure**.

### Returners Scheme

Further information on the support that we provide to individuals returning to work after maternity leave is contacted in the University's **Returners Scheme**.

# The Procedure....At a Glance



## Form ML1

# APPLICATION FOR MATERNITY LEAVE

## Maternity Leave: Application

Name:	
Job Title:	
Department:	

## Section A: Confirmation of Dates

I am advising the University that I am pregnant and my expected week of childbirth is:	
A certificate (MatB1) to confirm my pregnancy is	Delete as appropriate In your possession/enclosed with this form/to be given to you shortly.
I wish to take my maternity leave commencing on: (Sunday when maternity pay period will commence)	
I wish my maternity leave to end on (if this is known):	

## Section B: Payment Option

Continuous Service	Option 1 (intend on returning to work)	Option 2 (intend on returning to work)	Option 3 (do not intend on returning to work)
<b>More than 26 weeks continuous service (at the beginning of the 15<sup>th</sup> week before EWC)</b>	Entitled to up to <b>52 weeks maternity leave</b> <ul style="list-style-type: none"> <li>First <b>16</b> weeks at full normal pay (to include SMP)</li> <li>Following <b>23</b> weeks at SMP only or 90% of weekly earnings (whichever is less)</li> <li>Up to <b>13</b> weeks of unpaid maternity leave</li> </ul>	Entitled to up to <b>52 weeks maternity leave</b> <ul style="list-style-type: none"> <li>First <b>8</b> weeks at full normal pay (to include SMP)</li> <li>Following <b>16</b> weeks of the maternity leave at half pay (to include SMP)</li> <li>Following <b>15</b> weeks at SMP only or 90% of weekly earnings (whichever is less)</li> <li>Up to <b>13</b> weeks unpaid maternity leave</li> </ul>	Entitled to up to <b>52 weeks maternity leave</b> <ul style="list-style-type: none"> <li>First 6 weeks at 90% of average earnings (to include SMP)</li> <li>Following 33 weeks at SMP only or 90% of weekly earnings (whichever is less)</li> <li>Up to 13 weeks unpaid maternity leave</li> </ul>
	<b>Individuals be required to pay back 10 weeks full normal pay if they do not return to work for at least three months following maternity leave.</b>		

I have more than 26 weeks continuous service and can confirm that I choose option (1, 2 or 3):	
I have less than 26 weeks continuous service and understand that I do not qualify for statutory maternity pay.	

## Section C: Declarations

- I understand that if I wish to change my maternity leave commencement date, I must give the University at written notice of at least 28 days.
- I understand that if I wish to return to work before the end of the maternity leave period, I must give the University a minimum 8 weeks written notice.
- I understand and confirm that I will return to work and remain for 3 months following my maternity leave.
- I understand that should I fail to return to work or remain for 3 months the University will reclaim 10 weeks full normal pay, which I received as part of the Maternity Pay Scheme. I authorise this reclaim.

Signed:	Date:
---------	-------

**Please give a copy of this form to your Line Manger & HR Admin Team**

## FORM ML2

### CHANGE TO START OF MATERNITY LEAVE

- Use this form to advise us that the date your maternity leave will start is changing
- Where practical, You must provide us with at least 28 days' notice of the change
- If you are unable to provide 28 days' notice, for example, because your baby has been born early, you must notify us as soon as possible.

#### Section A: Change in Start to Maternity Leave

Name:	
Job Title:	
Department:	
I told you before that I would start my maternity leave on:	
The date I now plan to start my maternity leave is:	

#### Section B: Manager's Approval

I agree to the new start date for maternity leave	
I cannot agree to the new requested start date, the earliest date I can agree to is:	

#### Section C: Signatures

Employee signature:	
Date:	
Line manager signature:	
Date:	

***Please give a copy of this form to your Line Manger & HR Admin Team***

## FORM ML3

### KEEP IN TOUCH DAY REQUEST

- Use this form to request your Keep in Touch Days
- Before submitting this form, agree the dates and the purpose of the days with your line manager
- Submit this form to your line manager and HR Assistant who will ensure appropriate information is passed to Payroll to enable payment to be made.

#### Section A: Maternity Leave – Keeping in Touch

Name:

Job Title:

Department:

***I am aware of my statutory entitlement to request up to 10 Keeping in Touch days to be worked throughout my maternity leave.***

I would like to request to work on the following date(s) for the purpose of Keeping in Touch:

#### Section B: Declarations

I give permission for this information to be shared with the payroll team to ensure appropriate arrangements are made in relation to my pay.

Signed:

Date:

***Please give a copy of this form to your Line Manger & HR Admin Team***

## FORM ML4

### NOTICE OF EARLY RETURN TO WORK

- We advise prior to submitting this form that you discuss your plans directly with your line manager
- Use this form to advise us that you want to return to work before the date you are expected to return
- Please ensure that you provide the statutory minimum notice of 8 weeks of the new date.
- Return the form to your HR Assistant

#### Section A: Notice of Early Return to Work

Name:	
Job Title:	
Department:	
You are expecting me to return from maternity leave on:	
I now plan to return on:	

#### Section B: Declarations

I give permission for this information to be shared with the payroll team to ensure appropriate arrangements are made in relation to my pay.

Signed:	Date:
---------	-------

***Please give a copy of this form to your Line Manger & HR Admin Team***