

# Policy

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**Title:** MATERNITY

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**From:** Human Resources

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## 1. Introduction

The University, in line with legislation, offers all female members of staff statutory maternity leave and pay. It also operates a contractual pay scheme. For the purposes of this policy, the two schemes are separated. In order to qualify for the enhanced contractual scheme female members of staff will need to meet some additional criteria not required under statutory arrangements.

## 2. Statutory maternity leave

All women, regardless of their length of service with the University, will be entitled to 26 weeks ordinary maternity leave and 26 weeks additional maternity leave. Additional maternity leave must follow on immediately after ordinary maternity leave. Any maternity leave will not result in a loss of seniority or incremental progression.

In order to be eligible for maternity leave, a pregnant woman is required to notify the University of her intention to take maternity leave by the 15th week before her Expected Week of Childbirth (EWC), unless this is not reasonably practicable. She will need to put in writing to the Human Resources Department:

- that she is pregnant
- the week her baby is expected to be born
- when she wants her maternity leave to start.

A woman may change the date she intends to commence maternity leave providing she gives the University at least 28 days' notice of the change, unless this is not reasonably practicable.

The University is required to respond to a woman's notification of her leave plans within 28 days of receiving them. In this response the University will set out the leave and pay options available to the individual.

If a woman wants to return to work before the end of her statutory right to maternity leave or wishes to change her return to work date, she will need to give the University 8 week's written notice of the date she intends to return to work.

## 3. Statutory maternity pay

Women are entitled to receive statutory maternity pay (SMP) provided they have 26 weeks continuous service with the University at the 15th week before the EWC (also referred to as the qualifying week).

SMP is payable for a 39 week period from the commencement of ordinary maternity leave, whether or not a woman intends to return to work following the birth of her baby, provided the woman has average earnings of or above the lower earnings limit for payment of National Insurance contributions.

Women, who have not been continually employed by the University for 26 weeks by the qualifying week, may be entitled to Maternity allowance from the Department for Work and Pensions. Women are advised to contact the Department for more information in this circumstance.

SMP will be paid by the University as follows:

- 6 weeks at 90% of average weekly earnings
- 33 weeks at the standard SMP rate or 90% of average weekly earnings, whichever is less.

A women entitled to SMP will be entitled to a total of 52 weeks leave (26 weeks ordinary and 26 weeks additional maternity leave), 39 weeks of which will be paid at SMP rate.

Women must follow the notification procedures detailed in section 1 to receive SMP.

#### 4. **Contractual maternity pay**

To qualify for contractual maternity pay, a woman must have been continuously employed by the University for a minimum of 52 weeks up to and including the 15th week before the expected week of childbirth.

Women will be entitled to receive their full contractual salary for the initial leave period of 26 weeks, which will include SMP where the woman is eligible. A woman eligible for contractual maternity pay will be entitled to a total of 52 weeks leave (26 weeks ordinary and 26 weeks additional maternity leave), 39 weeks of which will be paid consisting of 26 weeks at full pay, plus a further 13 weeks at SMP rate.

In order to be eligible for contractual maternity pay the woman must undertake, in writing, to return to work for at least 52 weeks following the period of maternity leave (both paid and unpaid leave periods).

If a woman is uncertain about whether or not she wishes to return to work for a period of 52 weeks following her period of maternity leave and chooses not to undertake in writing to return, she will be entitled to receive SMP as detailed in Section 2 of this policy. If she does later return to work, she will receive the difference between SMP and her full contractual salary where she undertakes in writing that the return will be for a minimum of 52 weeks. The University will require the repayment of the difference between contractual maternity pay and SMP if the woman does not return for the full 52 weeks due to resignation or dismissal due to gross misconduct. In cases where the woman accepts voluntary redundancy, the University may require the repayment of the difference between contractual maternity pay and SMP. The relevant Voluntary Redundancy Scheme in operation at the time will determine whether repayment is required. The re-payment will constitute a fairly significant sum and therefore adequate provision should be made if the woman is in any doubt about returning.

A woman on a fixed term contract will not be expected to repay contractual maternity pay if the contract expires or does not enable a return to work for the required 52 weeks following the period of maternity leave.

Women must follow the notification procedures detailed in section 2 to receive contractual maternity pay.

#### 5. **General rights common to both schemes**

- Maternity leave can begin on any day of the week.
- All pregnant women have the right to paid time off for ante-natal care. Evidence of the appointments may be requested.
- From the 1 October 2014, fathers and partners, and intended parents in a surrogacy situation have the right to take unpaid time off work to accompany a pregnant woman at an antenatal appointment on two occasions. The time off should be requested in writing.
- The earliest date maternity leave can commence is the 11th week before the baby is due.
- The University will require a medical certificate providing an estimated date of birth, for example a MAT B1 certificate, prior to any maternity leave commencing. Failure to produce this may result in the loss of entitlement to maternity pay and leave.
- A woman's maternity leave will start automatically if she is absent from work for a pregnancy related illness during the four weeks before the start of her EWC, regardless of the date she intended to commence her maternity leave.
- The University may make reasonable contact with the employee while she is on maternity leave.
- A woman may not return to work within 2 weeks of giving birth.
- During the maternity leave period, a woman will accrue holiday entitlement.
- Where an employee's child is stillborn 24 weeks or more into the pregnancy, she will retain her entitlement to maternity leave and statutory and contractual maternity pay provided that she meets the qualifying conditions. A stillbirth prior to this date will mean that the employee will not have the right to maternity leave or pay. Instead, the employee will be entitled to paid sick leave.
- However, where a live child is born early and lives for a short period of time only, the employee will retain her full rights to maternity leave and, assuming she meets the qualifying conditions, maternity pay, irrespective of the timing of the birth.

## 6. **“Keeping In Touch” (KIT) Days**

There are 10 optional ‘Keep In Touch’ (KIT) days available to women on maternity leave which will provide the opportunity to undertake a limited amount of work and training without losing any maternity pay. This may help ease an eventual return to work and benefit both parties. KIT days can only be taken where both the woman and employer agree that it would be beneficial; neither party is able to insist that KIT days are worked. Any work done on any day will count as a whole KIT day, i.e. if the woman attends work for a one hour training session she will have used one of her KIT days. There are no restrictions on when KIT days can be used although maternity leave regulations prohibit any work for two weeks after childbirth.

Once the 10 days have been exceeded a woman will lose a whole week's Statutory Maternity Pay for any week in which she does any work for her employer, no matter how little.

If an employee is receiving full contractual maternity pay at the time they work a KIT day they will continue to receive their normal pay for that work – they won't receive any additional pay for the KIT day. If the employee is receiving statutory pay at the time they work a KIT day the University will top up their statutory pay so that the employee receives a normal day's pay for the KIT day.

## 7. **Health & Safety and Risk assessment**

The risk from certain hazards may be increased for new and expectant mothers, and that elevated risk can affect mother, baby or both. An assessment of such risks is therefore required for women who are pregnant, have recently given birth or are breastfeeding. New and expectant mothers should notify their line manager as soon as possible so that this risk assessment can be undertaken at the earliest opportunity. However, the risk assessment must be completed once the woman has provided written notification that she is pregnant, or has given birth within the last six months, or is breastfeeding. The University's [risk assessment for expectant workers](#) template is available via the HR website and the Safety & Occupational Health website.

The risk assessment should decide what measures are needed to control any additional risk. If the risk assessment identifies that the new or expectant mother would still be exposed to significant residual additional risk in carrying out her normal job duties, then the University will take such steps as are reasonably practicable to eliminate that risk or adequately control it, such as altering the woman's working conditions. In some cases, this may mean offering the woman suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible in such circumstances for the University to alter the woman's working conditions to eliminate or adequately control the residual risk and there is no suitable alternative work available to offer her on a temporary basis, then the University may suspend her from work on maternity grounds until such time as there are no longer any significant risk. This may be for the remainder of her pregnancy until the commencement of her maternity leave. If a woman is suspended in these circumstances, her employment will continue during the period of the suspension and it does not in any way affect her statutory or contractual employment and maternity rights. The woman will be entitled to her normal salary and contractual benefits during the period of her suspension.

The risk assessment should be reviewed when there is a material change, to ensure that it remains up to date. This assessment supplements the general Health and Safety risk assessment that should already be in place for each work activity. Further advice on risk assessments or about any other Health & Safety issues during pregnancy and breastfeeding is available from Safety & Occupational Health.

## 8. **Shared Parental Leave**

Shared parental leave will allow an eligible employee on maternity leave to curtail their maternity leave and share any untaken statutory maternity leave and pay as shared parental leave and pay for any child due on or after 5 April 2015, provided the mother has taken a minimum of 2 weeks maternity leave. For more information about shared parental leave please refer to the Shared Parental Leave policy.

An employee who curtails their maternity leave early in order to take shared parental leave with their eligible partner will stop receiving contractual maternity pay and will only receive the statutory shared parental leave payments.

## 9. **Parental leave**

Unpaid parental leave for a period of up to 18 weeks is available to staff with 12 months continuous service with the University. Parental leave can be taken immediately after unpaid maternity leave unless the woman has elected to transfer her remaining maternity leave entitlement with her partner, or at a later date in accordance with the scheme.

For more information, please refer to the [Parental Leave policy](#).

## 10. **Breastfeeding**

### 10.1 **Facilities for expressing milk and breastfeeding**

The line manager, in consultation with the mother, will make arrangements for a private room e.g. a lockable office or meeting room, to be made available for the mother to breastfeed or express milk.

The room will be clean, warm and with a comfortable chair. Hand washing facilities will be close by although not necessarily in the same room and there will be an electric point for an electric pump.

Under no circumstances will the mother be expected to use a toilet facility for this purpose.

Expressed milk can be stored in the mother's own personal cooler bag.

The mother should ensure that all portable appliances used in the workplace are maintained in a condition suitable for its intended use subject to Safety and Occupational Health guidance.

### 10.2 **Breaks for expressing milk and breastfeeding**

Breastfeeding mothers are allowed to breastfeed or express milk during working hours. Line managers must be flexible with regards to working patterns of breastfeeding mothers.

Time spent breastfeeding and expressing milk will be paid during working hours and is a separate break from work in addition to the normal breaks e.g. lunch.

If the mother is breastfeeding rather than expressing milk, the mother should make arrangements for her baby to be brought to work.

## 11. **Return to work**

An employee has the right to return to their job after taking a period of ordinary leave maternity leave (i.e. they have taken maternity leave in relation to the same child of 26 weeks or less). This right prevails even if the employee takes up to four weeks' parental leave immediately after her ordinary maternity leave.

Where the employee takes additional maternity leave (i.e. they take maternity leave in excess of 26 weeks) the employee will return to the same job unless it is not reasonable practicable, in which case they must be offered a suitable and appropriate role on terms and conditions that are no less favourable.

## 12. **Redundancy**

An employee who is pregnant or on maternity leave has the same redundancy rights as their colleagues. They must be properly consulted and any selection criteria must be objective and fair.

Employees who are pregnant or on maternity leave have the right to be offered any suitable alternative job if they're selected for redundancy (even if other colleagues are more suitable for the role) while on maternity leave.

## 11 **Maintaining this policy**

The University will monitor the effectiveness of this policy and its general compliance within the organisation. This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines

<b>Last updated:</b>	01 July 2022		
<b>Content Changes:</b>	Amendment to section 4 on repayment requirement of CMP and provisions relating to staff on Fixed Term Contracts.		
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