

# **Maternity Leave**

## **Maternity Introduction**

If you become pregnant whilst employed by the University you may be entitled to benefit from the University's Occupational Maternity Scheme. Alternatively if you are not eligible for this you may be entitled to Statutory Maternity Pay or Maternity Allowance. All employees are entitled by law to a period of Maternity Leave.

This booklet contains details of your entitlement during and after your pregnancy in relation to your employment in the University. It also contains guidance on the procedures to follow. Included are answers to the most frequently asked questions on the subject of maternity rights.

In addition to the special concessions provided by the University, there are a number of legal rights connected with maternity which use some technical terms to specify when they apply. The booklet seeks to explain these terms.

In order to know which sections apply to you, read the following guidelines.

Will you have at least one year's continuous service, before the expected date of confinement, with the University? If so, go to Sections 2 and 3, Confirmation of Pregnancy and Occupational Maternity Scheme.

If you do not have a year's service but you will have 41 weeks' continuous service including the expected week of childbirth, go to Sections 2 and 4, Confirmation of Pregnancy and Statutory Maternity Pay.

If neither of these applies then you should read Sections 2 and 5, Confirmation of Pregnancy and Maternity Leave.

If you are still unclear about your rights after reading this booklet, then please do not hesitate to contact the Department of Human Resources.

## **Confirmation of Pregnancy**

### ***When should I advise the University of my Pregnancy?***

As soon as you have confirmation of your pregnancy, you should notify your line manager in writing copied to the Department of Human Resources, of the approximate date your baby is due. You should complete and return to Human Resources the Maternity Leave Application form at least 28 days before you go on maternity leave. It would be helpful if you could indicate whether or not you are likely to take maternity leave and return to work (providing you qualify), although this indication will not be binding to you. You should discuss with your line manager, the date you wish to commence your maternity leave; s/he will agree this with you, in consultation with Human Resources

### ***Will I be allowed time off to attend an Antenatal Clinic?***

During your pregnancy, paid time off will be granted to you for the purpose of normal attendances at an antenatal clinic. You will be expected, whenever possible, to arrange the times of your visit to fit in with the needs of the University. Should circumstances arise where more frequent appointments are required than would usually be recognised as necessary, you are requested to advise your line manager and discuss the frequency of attendance required in your case. However, reasonable requests should not be refused.

### ***Will I be paid when on sickness absence during my pregnancy?***

Providing you follow the appropriate procedures for Sickness Absence, you may qualify for Occupational Sick Pay (OSP) or Statutory Sick Pay (SSP) during your pregnancy. If the illness is pregnancy related, then entitlement to OSP and SSP ceases from either:

1. the date your maternity leave commences,
2. the date your Maternity Pay Period begins, or
3. 28 days before the week in which your baby is due, if you are off sick at that time, in which case your maternity leave starts immediately.

If illness is not pregnancy related then entitlement ceases on either:

1. the date your maternity leave commences,
2. the date your Maternity pay period begins, or
3. the date the baby is born.

### **Might there be any risks or dangers in the workplace for me or my unborn baby during my pregnancy?**

There may be no additional risks at all in the workplace for you and your baby. However, depending on the nature of your job, your overall general health and the stage of your pregnancy there may be matters which need to be considered. These could include your overall working conditions and processes and the different physical, biological and chemical agents that relate to your role. These risks will vary depending on the job you do, your health and the stage of your pregnancy.

Your manager and you both have a role in ensuring that your workplace is safe. First of all it is essential for your and your baby's health and safety that you tell your line manager you are pregnant as soon as possible.

Once your manager knows of your pregnancy he/she is required to carry out a specific health and safety risk assessment of your duties to eliminate/minimise these risks. This may mean revising existing risk assessments or preparing new ones, but in both instances you will be involved in the process. It is essential for this process that you pass on to your manager any advice you have received from your doctor or midwife that could impact on the assessment.

Should you or your manager need further advice about this you should make contact with Health and Safety Services.

### ***Can I take a 'Career Break' and return to work after a number of years?***

The University operates a Career Break Scheme for staff. Eligibility is normally confined to those staff who have been in the University's employment for at least two years on the date on which the career break would begin. You should speak to your line manager in the first instance. As it will take time to arrange cover for your proposed absence, naturally you should inform him/her as early as possible.

### ***Can I return to work part-time or apply to job-share after maternity leave?***

Yes, you can return to work on a part-time basis for six months, or you can apply either to job-share or to work part-time on a longer-term basis. To qualify you must have been employed continuously by the University for at least six months on the day you wish the variation to your contract to begin. You should discuss these options with your line manager as early as possible.

### ***What happens if I have been signed off as sick on the day that I am due to return on a part-time basis?***

You will be deemed to be part-time from the day you are due to return, even if you are unable to return because of illness. Therefore your sick pay will be calculated in accordance with your part-time hours.

## **During Maternity Leave**

### ***Do I Qualify For Maternity Leave?***

Even if you do not qualify for Occupational Maternity Pay or Statutory Maternity Pay you will still be entitled to a period of unpaid maternity leave of up to 52 weeks.

You must comply with the notification procedure below.

### ***What must I do in order to take unpaid maternity leave?***

If you wish to take unpaid maternity leave, you must give the University **at least 28 days'** notice in writing of the date your absence from work will begin (or as much notice as is reasonably practicable). Your letter should be sent to the Department of Human Resources via your line manager and must include the following:

1. The date you intended to finish work in order to commence your unpaid maternity leave.
2. A statement confirming your intention to return to work at the end of the maternity leave.
3. The date of your baby is due

You must also produce medical evidence of the date of expected childbirth. This will normally be the original MB1 certificate which will be available from your Doctor or midwife from the 14th week before the week in which your baby is due.

***When can I commence my unpaid maternity leave?***

The earliest date your unpaid maternity leave can commence is from the beginning of the 11th week before the EWC. You can work beyond this date if you are fit enough to do so. You should discuss the date you wish to commence maternity leave with your line manager.

***When would I be expected to return to work?***

You have the right to return to work at any time before the end of the 52 week unpaid maternity leave period. You must give the University at least 28 days' notice of the date of your return to enable arrangements to be made for your return. If you come back before the end of the 52 weeks you must provide medical evidence of your fitness to do so. You are not allowed to work during the two weeks immediately after the birth.

***How will my annual leave entitlement be affected?***

You will accrue annual leave during the unpaid maternity leave period. If your maternity leave period covers two annual leave years, you may only carry ten days over.

**DURING MATERNITY LEAVE**

***Will my contract of employment continue during maternity leave?***

Yes, your contract continues as normal, even though you are on unpaid leave.

The whole of the period of maternity leave will qualify for service when calculating entitlement to statutory rights such as future maternity leave, redundancy pay and periods of notice

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### ***What happens to my superannuation benefits?***

Your contributions will cease whilst you are away and then be resumed when you return to work and your period of absence will not count as pensionable service. If you want any further information you should contact Salaries and Wages.

### ***Do I need to notify the University of the date my baby is born?***

Yes, it would be helpful and, obviously your colleagues from your department will be keen to receive news of your baby's birth, but you should also arrange for the Department of Human Resources to be notified in writing of the actual date of childbirth. This date is also used to calculate the maximum period of maternity leave you may take before returning to work.

## **RETURN TO WORK**

### ***Should I confirm the date I wish to return?***

It is helpful if you confirm this with the Department of Human Resources 28 days before the date you wish to return to work. This helps your department to prepare for your return.

### ***What happens if I decide that I no longer wish to return to work?***

If, at any time during your unpaid maternity leave, you decide that you do not wish to return to work you should send a letter to the Department of Human Resources, via your line manager, confirming that you wish to waive your right to return.

### ***What happens if I am unable to recommence work on the intended date?***

If you are ill at the specified date and are unable to recommence work, you may postpone your return providing you produce a Doctor's certificate stating that you are incapable of working at that time. Your entitlement to sick pay will depend upon your length of service.

## **Occupational Maternity Scheme**

### ***What is the Occupational Maternity Scheme?***

The University has agreed a maternity leave scheme with the appropriate Trade Unions, which make better provisions for a woman who is pregnant. This includes a higher rate of pay whilst on maternity leave.

### ***How do I qualify?***

All female members of staff who have completed one year's continuous service with the University before the expected week of childbirth (EWC) are entitled to maternity pay/leave on normal pay/salary for a period of 18 weeks' followed by a period of 21 weeks paid at a statutory rate (see section 4 for details of the statutory rate), provided you intend to return to normal duties afterwards (either full time or part-time). If you wish you may then remain on unpaid maternity leave for up to 13 weeks after the 39 weeks paid maternity leave. (You may then be eligible to a period of unpaid parental leave) You should also be aware that the University has put in place a range of Worklife Balance policies.

### ***What must I do in order to receive Occupational Maternity Pay?***

You must request maternity leave as soon as reasonably practicable, but not less than 28 days before you intend to go on leave (unless there are exceptional circumstances). It is helpful if you raise the matter with your line manager as early as possible, so that suitable cover can be arranged for your absence.

As soon as you receive your form MB1 confirming your expected date of childbirth, you should forward it to the Department of Human Resources. They will send you an Application Form for the University Maternity Scheme (Form M3) together with the Terms and Conditions of the Scheme.

You should indicate on the form (M3)

1. when you want to commence your maternity leave
2. if you want unpaid leave

3. whether you want to return to work on a part-time basis
4. if you intend to take annual leave before or after your maternity leave.

You should pass this form to your Line Manager who should sign it and send it to Human Resources.

***What happens to my Superannuation contributions?***

During the initial 18 weeks paid maternity leave you will continue to pay your contributions and the University will continue to make the employer's contribution. For the following 21 weeks you will be paid at the statutory rate, and if you decide to take unpaid leave, you should contact Salaries & Wages to discuss the conditions of your particular pension scheme. Under normal circumstances, if you continue to pay your contributions, the University will continue to make the employer's contribution.

***How will I be paid?***

You will continue to be paid in the normal way.

***How will my annual leave be affected?***

Whilst you are on paid maternity leave your annual leave will accrue. You will accrue annual leave during any period of unpaid maternity leave you choose to take.

***I want to stay at work until just before the baby is due. Can I do this?***

Under the University's Maternity Leave Scheme you may remain at work right up to the birth of the baby. However, if you work in a job where you may be at risk of injuring your baby and yourself, you will be asked to provide a certificate from your Doctor to say that you are fit to work. You should discuss any potential risks with your line manager.

If your baby is born before the date on which you intended to commence maternity leave you will be required to begin maternity leave from the day after your baby is born.

***If I am unable to work due to a pregnancy related illness, when would my maternity leave commence?***

It will automatically commence at the beginning of the 4th week before your expected date of childbirth or the Monday following your first day of absence.

***If I am unable to work due to an illness, which is not related to my pregnancy, what happens?***

You will commence maternity leave on the date you had originally proposed.

***What happens if I have a miscarriage or my baby is born still-born?***

If your pregnancy terminates in less than 20 weeks, normal sick leave provisions will apply; after 20 weeks you are entitled to full maternity leave. You should provide medical evidence from your doctor of the date of the miscarriage/still birth.

***What happens if I no longer wish to return to work?***

If at any time during your maternity leave, you decide that you do not wish to return to work you should write to the Department of Human Resources, confirming that you wish to waive your right to return. This will involve a recalculation of your Occupational Maternity Pay.

***What happens if I decide to take a period of unpaid leave after the 39 weeks' paid leave, but then I am ill at the time my unpaid leave is due to start?***

If you have agreed a period of unpaid leave immediately after your paid maternity leave, this will commence as planned and you will not be eligible for sick pay during the period of unpaid leave. If you go on sick leave following your paid maternity leave, you will be deemed to have returned to work and will not therefore automatically be eligible for a period of unpaid leave.

## **Statutory Maternity Pay**

### ***What is Statutory Maternity Pay?***

Statutory Maternity Pay (SMP) is the payment employers are required to pay to employees who stop work because of pregnancy, subject to certain eligibility criteria.

### ***Do I qualify for Statutory Maternity Pay?***

To determine whether you are eligible to receive SMP you should first note your Expected Week of Childbirth (EWC). The EWC is the week in which your baby is due. If the expected day of birth is a Sunday, that day is the beginning of your EWC. If the expected date falls on any other day of the week, the previous Sunday is the beginning of your EWC.

Having determined your EWC you should now establish the Qualifying Week (QW). The QW is the 15th week before the EWC. From a calendar, simply count back 15 Sundays from the beginning of the EWC to give you the date of the beginning of the QW.

To qualify for SMP from the University you must satisfy the following conditions:

- 1. You must have been continuously employed by the University for at least 26 weeks continuing into the QW.** Employment for just part of the QW is enough for it to count as one of those weeks.
- 2. You must have been in receipt of average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions.** The Department of Human Resources will be able to tell you what the current lower earnings limit is. As a general rule, the gross earnings which are taken into account to determine average weekly earnings are those received over the eight weeks up to and including the last pay day before the end of the QW.
- 3. You must still be pregnant at the 11th week before the week your baby is due, or have been confined at that time.**
- 4. You must have stopped working for the University and not receiving any other payment, such as sick pay or holiday pay.**

5. **You must give the University appropriate notice of your maternity absence.**
6. **You must provide the University with evidence of your EWC.**

If you satisfy these conditions you qualify for SMP even if you did not intend to return to work for the University after the baby is born.

***What must I do in order to receive Statutory Maternity Pay?***

You must give the University at least 28 days' notice in writing of when you intend to stop because of pregnancy and you must indicate the date on which you wish your Maternity Pay Period (MPP) to start. Your letter should be sent to the Department of Human Resources, via your line manager.

You must also produce, when available, medical evidence of pregnancy. This will normally be in the form of a certificate (MB1) which should confirm the expected date of childbirth. (A maternity certificate is valid only if the doctor's name and address are stamped in the space provided or if a midwife's address or registration is shown.) The certificate (MB1) will be available from your Doctor/ Antenatal clinic from the 14th week before the week in which your baby is due.

Payment of SMP cannot commence until the medical evidence of pregnancy is produced.

***What happens to my superannuation contributions?***

If you are in the University's superannuation scheme and wish to maintain your contributions you should discuss this with Salaries and Wages. Under normal circumstances, if you continue to pay your contributions, the University will continue to make the employer's contribution.

***What happens if I do not qualify for Statutory Maternity Pay?***

If you do not qualify for SMP you may be entitled to receive Maternity Allowance from your local Social Security Office instead. Your certificate will be returned to you with a form SMP1, which the University will complete to confirm why you are not being,

paid SMP. The form SMP1 should be sent with your certificate to your local Department of Health & Social Security Office in order that they can assess your entitlement to Maternity Allowance.

### ***For how long will I receive Statutory Maternity Pay?***

SMP is payable for a maximum of 39 weeks. The period for which the SMP is payable is called the MPP (Maternity Pay Period).

### ***When can the Maternity Pay Period start?***

This depends on the date you decide to finish work. You should discuss this with your line manager. The period, during which you receive your SMP, can start from the beginning of the week (Sunday) following the date you finish work. The earliest it can start is the beginning of the 11th week before the EWC. You may work up until the baby is due provided you are fit and able to do so. Therefore, if you decide to finish work during the 15th, 14th or 13th week before the EWC there will be a break between your leaving date and the beginning of your MPP.

You should be aware that the qualifying rules for SMP are different from maternity leave and if you are eligible for and wish to take maternity leave you must continue to work until at least the end of the 12th week before the EWC.

### ***How much Statutory Maternity Pay will I receive?***

Statutory Maternity Pay amounts to 90% of your average weekly earnings for the first six weeks of your maternity leave. For the remaining 33 weeks you will receive the statutory payment\* or 90% of your weekly earnings, whichever is lower. (\*in April 2007 the statutory rate was set at £108.85 but you should note that this is subject to review each April)

To qualify you must have worked for the University for a continuous period of at least 26 weeks into the Qualifying Week (QW).

### ***How will my Statutory Maternity Pay be paid?***

Your SMP will be paid through the University's Payroll system into your bank account or building society account. If your salary is paid weekly, your SMP will be paid weekly in arrears. If you receive salary at monthly intervals, your SMP will be paid to you in the same way.

### ***Will there be any deductions from my Statutory Maternity Pay?***

Yes, SMP is treated as earnings and is subject to deductions for tax and National Insurance contributions. However, pension contributions will not be deducted.

### ***How will my annual leave be affected?***

Whilst you are on paid maternity leave your annual leave will accrue. You will accrue annual leave during any period of unpaid maternity leave you choose to take. If your maternity leave covers two annual leave years, you may carry ten days over.

\*Contact the Department of Human Resources for the current rate of Statutory Maternity Pay.

### ***Is there anything that I need to be aware of that will affect my entitlement to Statutory Maternity Pay?***

Yes, the University's liability to pay you SMP will end if during your MPP, you:

- Go outside the European Union
- Are taken into legal custody
- Work for a new employer after the birth of your baby.

You must ensure that the Department of Human Resources is advised if any of those situations occur. You should also be aware that if you work for the University for any week or part of a week during your MPP, SMP will not be payable for the whole of the week in which the work is done.

***What happens if I have twins?***

You will be entitled to one payment of SMP regardless of the number of babies born together.

***What happens if my baby is born before my Maternity Pay Period has started?***

You must arrange for the Department of Human Resources to be notified of the date of birth as soon as is reasonably practicable. You will need to obtain a maternity certificate when it is available confirming the actual date of birth as well as the expected date of childbirth. The Department of Human Resources should be contacted by telephone in the first instance to enable the appropriate adjustments to be made to your salary, and in order that your SMP can commence.

Providing the baby is born after the QW and you follow the procedure above, your entitlement to SMP is not affected and the MPP will become the period of 39 weeks beginning with the week after the week of the actual birth.

If your baby is born before or during the QW, the conditions for eligibility for SMP are slightly modified in relation to the continuous employment rule and the period over which your earnings are averaged. The Department of Human Resources should be contacted immediately by phone for further advice. Subject to those conditions being satisfied, the 39 week MPP will commence from the day childbirth occurs.

***What happens if I decide I no longer wish to return to work?***

If at any time during your maternity leave, you decide that you do not wish to return to work you should write to the Department of Human Resources, confirming that you wish to waive your right to return