

Maternity Leave Policy

Contents

1. Policy Statement	2
2. Scope of the Procedure	2
3. Roles and Responsibilities	2
4. Maternity Leave Entitlements	2
5. Start of Maternity Leave	3
6. Maternity Pay Entitlements.....	3
7. Sickness Absence.....	4
8. Contact During Maternity Leave – Including KIT days	4
9. Return to Work.....	4
10. Ante-natal Care	5
11. Annual Leave	5
12. Decision Not to Return to Work	6
13. Stillbirth and Miscarriage	6
14. Shared Parental Leave.....	6
Relevant Policy Headings	6

1. Policy Statement

- 1.1 St Mary's University is committed to supporting best practice in relation to maternity, recognising the value of achieving a gender-diverse workforce and retaining and promoting female talent.
- 1.2 In support of this, the University provides maternity benefits including maternity pay that are above the statutory minimum.
- 1.3 The aim of the University's Maternity Policy is to set out the rights and entitlements of pregnant employees in relation to maternity leave and pay both before and after the birth of their child.

2. Scope of the Procedure

- 2.1 This Maternity Leave Policy applies to all eligible employees, with the exception of staff employed via an agency.

3. Roles and Responsibilities

3.1 Employees have a responsibility to:

- Notify their manager that they are pregnant as early as possible and provide the correct notification, as detailed in this policy;
- Discuss their plans for maternity leave with their line manager as early as possible;
- Seek clarification of the relevant procedures and their entitlements with the HR Department;
- Provide any additional evidence as requested by the University.

3.2 Managers have a responsibility to:

- Ensure the health and safety of pregnant employees by carrying out risk assessments for all pregnant employees and those returning from maternity leave, ensuring any risks are either avoided or reasonably mitigated;
- Encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible;
- Make arrangements to cover the employees' period of maternity leave.

4. Maternity Leave Entitlements

- 4.1 All pregnant employees, regardless of length of service or working hours, are eligible for 52 week's maternity leave. It is up to the employee to decide how much of the 52 weeks' maternity leave they wish to take. The law requires that a minimum of two weeks' leave is taken commencing from the date of birth.
- 4.2 All employees have a right to return to work at the end of the maternity leave period.
- 4.3 During the maternity leave period the employee's contract of employment continues and all contractual rights are maintained during the maternity leave period except for pay, which may be replaced by contractual maternity pay or statutory provision where eligible.
- 4.4 All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave (OML) followed immediately by 26 weeks' additional maternity leave (AML), making a total of 52 weeks' maternity leave.
- 4.5 Where an employee decides to return to work before completing 52 weeks' maternity leave, they may share the untaken balance of leave/pay as Shared Parental Leave. For further guidance see the University [Shared Parental Leave Policy](#).

5. Start of Maternity Leave

- 5.1 Pregnant employees must inform their line manager as early as possible of the date on which they wish to commence maternity leave.
- 5.2 The employee must notify the HR Department in writing by the 15th week before the expected week of childbirth.
- 5.3 The HR department will write to the employee within 28 days of their notification, confirming their maternity entitlements and the expected return date.
- 5.4 An employee must provide 28 days' notice if they wish to change the start date of their maternity leave.
- 5.5 Maternity leave may commence on any day of the week, commencing at anytime from the 11th week before the expected week of childbirth.
- 5.6 A period of maternity leave can start no later than the day after the day the employee gives birth.
- 5.7 If an employee gives birth before the commencement of maternity leave, they should inform their line manager and HR as soon as reasonably practicable. In these circumstances, maternity leave and pay will start automatically the day after the birth.

6. Maternity Pay Entitlements

- 6.1 Maternity leave and pay are separate entitlements. Entitlement to maternity pay will depend on an employee's length of continuous service.
- 6.2 In order to be paid during maternity leave employees must inform the HR Department at least 28 days before they wish to commence maternity leave, where reasonably practicable to do so.
- 6.3 All employees seeking statutory and occupational maternity pay, must provide the University with a MATB1 (maternity certificate) as soon as possible during the pregnancy. The MATB1 is issued by a doctor or midwife no sooner than the 20th week before the baby is due. The original MATB1 must be provided to the University, a copy will not be accepted.
- 6.4 Occupational Maternity Pay (OMP)
To be eligible for OMP employee's must have completed at least 52 weeks' continuous service for the University, as at the 15th week before the expected week of childbirth. Employees who qualify for OMP will receive the following:
 - 18 weeks at full pay, inclusive of statutory maternity pay (SMP*);
 - 21 weeks at flat rate SMP (or 90% of earnings if this is less than flat rate SMP*);
 - Additional leave will be unpaid

*In the event that an employee qualifies for occupational maternity pay, but not statutory maternity pay then the employee will be paid OMP minus SMP. For example, where an employee has not met the lower earnings limit for National Insurance contributions to entitle them to SMP.

6.5 Statutory Maternity Pay (SMP)

Employees who do not qualify for OMP but who have been employed continuously for a minimum of 26 weeks as at the 15th week before the expected week of childbirth are entitled to SMP. To be eligible for SMP, employees' earnings must reach the lower earnings limit for National Insurance contributions. Further information on National Insurance lower earnings limit is available at www.gov.uk.

6.6 SMP is calculated as follows:

- 6 weeks at 90% of average weekly earnings;
- Followed by 33 weeks at the lower rate of SMP.

6.7 Maternity Allowance

Employees who are not eligible to receive OMP or SMP may be eligible to receive a state Maternity Allowance, which can be claimed via www.gov.uk. Such staff will be entitled to up to 52 weeks unpaid maternity leave as outline above.

7. Sickness Absence

7.1 If an employee has a pregnancy related illness and is absent from work due to sickness in the last four weeks before the expected week of childbirth, the maternity leave period will be triggered automatically. Maternity leave will commence on the day after the employee was first absent from work.

8. Contact During Maternity Leave – Including KIT days

- 8.1 The employee and their manager are encouraged to maintain reasonable contact during maternity leave, in order to keep the employee informed of important developments or changes at work and to discuss plans for returning to work etc. Either party is entitled to initiate this contact during the maternity leave period.
- 8.2 By mutual agreement, an employee may work up to 10 Keeping in Touch (KIT) days during the maternity leave period, without bringing the maternity leave to an end or affecting maternity pay.
- 8.3 All employees may undertake up to 10 full days of work with the agreement of their line manager, regardless of whether they are full-time or part-time. Where an employee works less than a full day, this will still count as one KIT day for the purposes of the 10 day maximum and payment will be made for a full day.
- 8.4 KIT days can be taken at any time during the maternity leave period apart from the two week period immediately following childbirth.
- 8.5 Work means any work done under the contract of employment, and may include attending a conference or committee, undertaking a training activity or attending a team meeting.
- 8.6 The provision of KIT days does not give the University the right to require work to be carried out during the maternity leave period, nor any right on an employee to request work during this period. In addition, there is no obligation on the University or the employee to make use of KIT days.
- 8.7 KIT days do not have the affect of extending the maternity leave or maternity pay period.

9. Return to Work

9.1 Notification

If the employee intends to return to work before the end of the 52 weeks maternity leave period, 8 weeks written notice must be provided to the HR Department.

9.2 If an employee fails to give the required notice, the University may postpone the return to work for up to 8 weeks'.

9.3 Where an employee changes their mind about the intended return date, 8 weeks written notice is required of the new return date.

- 9.4 No notice is required if an employee returns to work at the end of the 52 week period, as specified by the University.
- 9.5 Rights to return to work
When an employee returns to work at the end of the Ordinary Maternity Leave, they have the right to return to their previous job on no less favourable terms and conditions as applied before the maternity leave commenced.
- 9.6 Where the employee returns to work during or at the end of the Additional Maternity Leave period and it is not practicable to return to their original job because of redundancy/reorganisation, a suitable alternative post, on not less favourable terms and conditions will be offered where one exists.
- 9.7 In the event that the employee's post is affected by a redundancy/reorganisation situation occurring during maternity leave, the University will write to inform the employee of any proposals and will invite the employee to participate in formal consultation before any final decision is reached. If the employee on maternity leave is impacted by redundancy they will be given priority to be assimilated into any suitable alternative vacancies that are appropriate to their skills and experience.
- 9.8 Whilst full time employees do not have an entitlement to return to work part time or on an alternative working pattern, the University will give consideration to employee requests to do so, in accordance with the University [Flexible Working Policy](#).

10. Ante-natal Care

- 10.1 Regardless of length of service or working hours, a pregnant employee has the right not to be unreasonably refused time off with pay to attend ante-natal appointments. This includes time off for travelling to hospital or doctor's appointments and ante-natal classes.
- 10.2 Employees must notify their line manager in advance of any intended absence and may be required to produce written evidence of appointments made from the Doctor, Midwife or Health Visitor.

11. Annual Leave

- 11.1 Annual leave is accrued during a period of maternity leave.
- 11.2 It is not possible to take annual leave whilst on a period maternity leave as this would bring maternity leave and pay to an end.
- 11.3 The University's annual leave year runs from 1 August to 31 July. Annual leave accrued before commencement of maternity leave should be taken prior to the start of maternity leave where reasonably practicable.
- 11.4 In many cases a period of maternity leave will last beyond the end of the annual leave year. Any annual leave entitlement for the year that cannot reasonably be taken before starting a period of maternity leave, may be carried over to the next annual leave year, subject to the provisions of the University's Annual Leave Policy and Procedure.
- 11.5 All employees should discuss and agree their annual leave plans with their line manager in good time before starting maternity leave. Although due regard will be given to the employee's circumstances, all annual leave requests remain subject to approval by the line manager.

12. Decision Not to Return to Work

- 12.1 If an employee decides not to return to work following maternity leave they should notify the Human Resources department of their resignation as soon as possible.

13. Stillbirth and Miscarriage

- 13.1 If an employee has a stillbirth after the 24th week of pregnancy, they will be entitled to take maternity leave and be paid maternity pay in the same way as a live birth. Any employee in this situation will also be entitled to 2 weeks [Parental Bereavement Leave](#).
- 13.2 If an employee has a miscarriage in the first 24 weeks of pregnancy, there is no entitlement to maternity leave or pay. Any employee in this situation will ordinarily qualify for sick pay.
- 13.3 The University recognises that a situation such as a stillbirth or miscarriage can be an upsetting and traumatic experience and employees may wish to contact the University's Employee Assistance Programme for further advice, support and counselling. Further information on the EAP can be found [here](#).

14. Shared Parental Leave

- 14.1 Eligible employees may decide to end maternity leave early and opt into the Shared Parental Leave scheme. This scheme enables eligible parents to choose how to share the care of their child during the first year after birth or adoption.

Relevant Policy Headings

[Flexible Working Policy](#)

[Paternity Leave](#)

[Shared Parental Leave](#)

[Parental Leave](#)

- **Date Written:** November 2020
- **Author:** Claire Hierlehy-Brown, HR Business Partner
- **Version number:** 3
- **Person responsible:** Fiona Hnatow, Director of HR
- **Effective from:** December 2020
- **Review date:** December 2022
- **Impact Assessment date:**
- **History (where discussed / who circulated to / committees considered):**