

## **MATERNITY LEAVE AND PAY ACADEMIC STAFF**

### **1 INTRODUCTION**

St Mary's maternity policy incorporates statutory requirements on maternity rights and offers a more generous provision in relation to maternity pay than that which is required by law.

### **2 MATERNITY LEAVE ENTITLEMENTS**

#### **2.1 Maternity leave**

All pregnant employees, regardless of length of service or working hours, who comply with appropriate notification requirements, are eligible for 52 weeks' Maternity Leave. They also have a right to return to work at the end of this period. Maternity leave is compulsory for a two-week period commencing on the date of birth.

During this period the employee's contract of employment continues and all contractual rights are maintained except basic pay.

#### **2.2 Notification requirements**

Pregnant employees must inform their line manager as early as possible of the date on which they wish to commence their maternity leave. The pregnant employee must notify the Human Resources department, in writing; by the 15th week before the expected week of childbirth, where reasonably practicable to do so.

Pregnant employees must provide medical evidence of their expected week of childbirth in the form of a maternity certificate (MAT B1 form). This is available from their doctor or midwife after the 26<sup>th</sup> week of pregnancy and must be forwarded to the Human Resources department as soon as possible.

The Human Resources department will write to the employee, within 28 days of her notification, setting out her return date.

### **2.3 Length of maternity leave**

Pregnant employees are entitled to up to 26 weeks' **ordinary maternity leave** followed immediately by up to 26 weeks' **additional maternity leave** - a total of up to 52 weeks' leave.

### **2.4 Start of maternity leave**

Maternity leave may commence on any day of the week.

Maternity leave cannot commence earlier than 11 weeks before the expected week of childbirth nor commence later than the day after the employee gives birth. An employee's maternity pay period will begin the day after she gives birth if she is confined before the eleventh week before her expected week of childbirth (EWC) or she is confined after the twelfth week before her EWC but before the date she had previously indicated she would commence her maternity leave.

For an employee leaving the University the maternity pay period will begin the day after she leaves her employment if she leaves 11 weeks or less before her expected week of childbirth, before the start of her maternity pay period and before her actual confinement (if earlier).

## **3 SICKNESS**

If a pregnant employee has an illness that is attributable to her pregnancy requiring absence from work in the last four weeks before the expected week of childbirth, the maternity leave period will be triggered automatically and will commence on the day after the employee was first absent from work.

## **4 'KEEPING-IN-TOUCH' DAYS**

Employees on maternity leave may, with the agreement of the University, carry out up to 10 days' work during their maternity leave period without bringing the maternity leave to an end. In accordance with legislation, any work carried out on any day shall constitute a full day's work.

Work means any work done under the contract of employment and may include training, attending meetings and committees or any activity undertaken for the purposes of keeping in touch with the workplace.

It should be noted however, that this provision does not confer any right on the University to require any work to be carried out during the statutory maternity leave period, nor any right on a member of staff to request work during this period. Also, there is no obligation on either the University or the member of staff to make use of these days.

Any days' work carried out will not have the effect of extending the total maternity leave period.

#### **4.1 Contact during Maternity Leave**

Reasonable contact between the St Mary's University and the employee is encouraged to facilitate communication. Under legislation, either party is entitled to initiate this during the maternity leave period (for example to discuss the member of staff's return to work or potential work related issues that may concern them) and such contact will not bring the maternity leave period to an end.

### **5 RETURN TO WORK**

If an employee intends to return to work **before** the end of the 52 weeks maternity leave period she must give 8 weeks' written notice to Human Resources department

The University may delay an employee's return-to-work date if she has failed to provide adequate notice of her return. The return-to-work date may therefore be postponed to a date which would give the University 8 weeks' notice. Where an employee changes her mind about her intended return date she is required to give 8 weeks' written notice of the new return date.

If an employee returns to work on the latest date of return as specified by the University she will not be required to give notice.

#### **5.1 Rights to return to work**

An employee returning from maternity leave has the right to return to her previous job on no less favourable terms and conditions as applied before the leave commenced.

Where it is not practicable for an employee to return to her original job because of redundancy/reorganisation, a suitable alternative post, on not less favourable terms and conditions must be offered where one exists. Formal consultation/representative must be available to the employee in these circumstances.

While full time employees do not have a right to return to work part-time, the University will give sympathetic consideration to such requests to return to work on a part-time basis after maternity leave.

### **6 TIME OFF WORK FOR ANTE-NATAL CARE**

Regardless of length of service or working hours, a pregnant employee has the right not to be unreasonably refused time off with pay to receive antenatal care. This

includes time off for travelling to hospital or doctor's appointments and antenatal classes.

Employees must notify their line manager in advance about any intended absence and may be required to produce written evidence of appointments made from the Doctor, Midwife or Health Visitor.

## **7 ANNUAL LEAVE**

Annual leave is accrued during a period of maternity leave.

Annual leave cannot be carried over from one holiday year to the next (with the exception of 5 days with the approval of the Head of School/Department) and cannot be taken during maternity leave. Therefore, if an employee's maternity leave will span over two holiday years it is advisable that she takes any outstanding entitlement before commencing her maternity leave.

Please note that where statutory or customary holidays fall during a maternity leave period it is not possible to accrue these holidays and take time off once the maternity leave has ended.

## **8 PAY DURING MATERNITY LEAVE**

In order to be paid during their period of maternity leave employees must inform the Human Resources department at least 28 days before they wish to commence maternity leave where reasonably practicable to do so; and provide a **MAT B1** form (this must be the original and not a copy).

### **8.1 Occupational Maternity Pay**

Pregnant employees who have been employed by the University for a minimum of 52 weeks as at the 15<sup>th</sup> week before the expected week of childbirth are entitled to Occupational Maternity Pay as follows:

- (i) 4 weeks at full pay (including Statutory Maternity Pay (SMP))
- (ii) 2 weeks at 9/10ths of salary (calculated in accordance with current legislation);
- (iii) 12 weeks at half pay plus flat rate SMP (unless this exceeds your full pay, in which case, you are not entitled to receive monies in addition to your normal pay);
- (iv) 21 weeks at flat rate SMP (or 90% of earnings if this is less than flat rate SMP); and,
- (v) Additional leave will be unpaid.

## 8.2 Statutory Maternity Pay

Pregnant employees who do not qualify for occupational maternity pay and who have been employed by the University for a minimum of 26 weeks as at the 15<sup>th</sup> week before the expected week of childbirth are entitled to Statutory Maternity Pay on the following condition;

The employee must have average weekly earnings in the 8 weeks prior to the qualifying week equal to or greater than the lower earnings limit (currently £95 per week) for the payment of National Insurance contributions.

Statutory Maternity Pay is 90% of average weekly earnings for 6 weeks followed by 33 weeks' SMP (the current rate of SMP is £135.45 per week effective from 1 April 2012) or 90% of average weekly earnings (if this is less than £135.45 per week) for the full 39 weeks.

## 8.3 Employees not eligible to receive SMP

Pregnant employees who are not eligible to receive SMP may be eligible to receive 39 weeks' Maternity Allowance. Further information is available from the local Jobcentre Plus office or Social Security office.

## 9 DECISION NOT TO RETURN TO WORK

If an employee decides not to return to work following maternity leave she should notify the Human Resources department of her resignation as soon as possible.

If an employee decides not to return to work for at least 3 months after the maternity leave ends then the University may require her to repay her occupational maternity pay. If the employee has at least 2 years service prior to the 11th week before the expected week of childbirth then she will be entitled to retain her first 6 weeks of occupational maternity pay.

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