



Maternity Policy

1.0 Introduction

- 1.1 The Maternity Policy explains both statutory and contractual maternity benefits. A wide range of legislation governs maternity leave and pay. Most of the relevant legislation can be found consolidated into the Employment Rights Act 1996, the Employment Relations Act 1999, the Employment Act 2002 and the Work and Families Act 2006.
- 1.2 The Union will pay Statutory Maternity Pay (SMP) on behalf of the Department for Work and Pensions and additional occupational maternity pay to all employees who are eligible to receive it. Further information can be found at www.bis.gov.uk

2.0 Maternity Rights

- 2.1 All pregnant employees, regardless of hours worked and length of service, have the following rights:
 - Up to 52 weeks Maternity Leave (made up of 26 weeks Ordinary and 26 weeks Additional Maternity leave) subject to meeting notification criteria.
 - Return to work to the same job and the same terms and conditions or if that is not reasonably practicable (e.g. the job no longer exists) to a suitable alternative position.
 - Additional protection against unfair treatment, discrimination or dismissal as provided by the Equality Act 2010.
 - Maternity leave does not count as a break in service. The employee, whilst on ordinary maternity leave, is entitled to full contractual benefits, excluding remuneration.
 - Paid time off for antenatal care.

3.0 Definitions

A number of abbreviations and definitions are used in this policy. These are the terms used in UK legislation and across all organisations in relation to maternity policy policies.

- EWC - Expected Week of Childbirth (the week, starting on a Sunday, in which the doctor or midwife expects the employee to give birth).
- OML - Ordinary Maternity Leave
- AML - Additional Maternity Leave
- OMP - Occupational Maternity Pay
- SMP - Statutory Maternity Pay
- QW - The Qualifying Week for SMP (the 15th week before the EWC)
- SPL - Shared Parental Leave
- KIT - Keeping in Touch days

4.0 Notification of Pregnancy and Start of Maternity Leave

- 4.1 The employee who would like to exercise her right to maternity leave and pay must, no later than the 15th week before the EWC, notify the Finance & Resources Manager of:
- Her pregnancy
 - Her expected week of childbirth (EWC). In order to be paid SMP, the employee must produce a certificate (normally a MAT B1 form) from a registered medical practitioner or a registered midwife stating the EWC.
 - The date on which she intends to start her OML. This must be in writing and cannot commence earlier than the 11th week before the EWC.
- 4.2 The employee may vary the date on which she intends her OML to start provided that she gives the Finance & Resources Manager notice of the new date 28 days before the date originally notified or 28 days before the new date on which she intends her OML to start, whichever is the earliest.
- 4.3 An employee absent from work due to a pregnancy-related illness on or after the first day of the beginning of the fourth week before the EWC must notify the Finance & Resources Manager of the reason for her absence as soon as it is reasonably practical, in order to preserve her rights to maternity leave and pay. Maternity leave will automatically commence from the first day of absence and maternity pay will commence on the day following the first complete day of absence from work.

5.0 Maternity Leave

- 5.1 Subject to meeting the notification criteria detailed in section 4, all pregnant employees are entitled to up to 52 weeks maternity leave, made up of 26 weeks OML followed by a further 26 weeks AML regardless of length of service.
- 5.2 Legislation prohibits an employee from returning to work during the two week period immediately after the birth of the child. This is known as the compulsory maternity leave period.
- 5.3 Shared parental leave and pay came into effect for babies born after 5 April 2015. Employees who meet the eligibility criteria are able to bring their maternity leave to an end ('curtailment') at any point after the initial two week compulsory maternity leave period following the birth of the child. The parents can then choose how to split up the remaining weeks of leave and pay between them - this is known as Shared Parental Leave (SPL).
- 5.4 Under the SPL scheme, working couples are able to share the remaining maternity leave and pay. Up to 50 weeks' leave and 37 weeks of pay can be shared. Shared parental leave can be taken by each parent consecutively or at the same time. Information regarding eligibility, notice requirements and options regarding leave are given in the separate Shared Parental Leave Policy.
- 5.5 Except when maternity leave has been curtailed and transferred to shared parental leave, the Union will assume that the employee will return to work at the end of the 52 weeks leave. If the employee wishes to return to work earlier, she must give the Students' Union at least 8 weeks written notice.

6.0 Maternity Pay

6.1 In order to qualify for Statutory Maternity Pay (SMP) an employee must:

- Have been continuously employed by the Students' Union for a minimum of 26 weeks at the 15th week before the EWC and;
- Have been earning no less than the lower earnings limit for National Insurance.

6.2 Women who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, paid by the Benefits Agency, for up to 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth.

6.3. Maternity Pay Package A - Statutory Maternity Pay

6.3.1 This scheme covers all employees who have been continuously employed for a period of not less than 26 weeks at the 15th week before the EWC but less than 52 weeks at the 11th week before the EWC.

6.3.2 The employee is entitled to receive 6 weeks at 90% of full pay followed by 33 weeks at the Statutory Maternity Pay standard rate per week or 90% of average earnings whichever is less.

6.4 Maternity Pay Package B – Occupational Maternity Pay

6.4.1 This scheme covers all employees who have been continuously employed for a period of more than 52 weeks at the 11th week before the EWC.

6.4.2 If the employee has declared her intention to return to work following AML she will be entitled to 100% of normal weekly earnings for the first four weeks of absence followed by two weeks at 90% (reduced where an employee is not eligible for SMP by flat rate Maternity Allowance) and 12 weeks at 50% of normal weekly earnings plus SMP (subject to combined pay and SMP not exceeding full pay). The final 21 weeks will be paid at the standard rate of Statutory Maternity Pay.

6.4.3 If the employee chooses not to return to work or not to continue to work for a period of at least 13 weeks service following her maternity leave the Union reserves the right to reclaim the half pay element. The Union will claim up to a maximum of 12 weeks, or if she has received less than 12 weeks payment (because she has returned to work), the amount of money which she has been paid. She will not be required to refund any SMP. If the employee is uncertain over her return to work she may elect to have the 12 weeks half pay on her return to work.

7.0 Circumstances in which SMP is not affected

7.1 Early Births: If the baby is born early but after the employee has started to receive SMP it will continue to be paid. If the employee had not yet started to receive SMP it will be triggered.

7.2 Late Births: If the baby is born after the EWC, SMP is not affected.

7.3 Still Births: In the unfortunate and tragic event of a stillbirth the employee is entitled to SMP if the child is born after week 24 of the pregnancy

8.0 Circumstances in which SMP is lost:

8.1 If during the period the employee is paid SMP she does any of the following, the entitlement to SMP will cease:

- goes abroad outside the European Community
- is taken into legal custody
- starts work for another employer
- returns to work (excluding the '10 Keeping in Touch' days).

9.0 Keeping in Touch (KIT) Days

9.1 An employee can agree with the Union to attend work for up to 10 occasions during the statutory leave period (not including the 2 weeks compulsory leave immediately following the date of the birth) without bringing that period to an end. There is no obligation for either the employee or the Union to make use of the 10 KIT occasions/days.

9.2 The reasons for KIT days during the period of maternity leave could include maintaining confidence and skill levels, training, meetings or any other activity that assists the employee in keeping up to date with the workplace and easing the transition back to work. Any day's work undertaken will not extend the statutory maternity leave period.

9.3 Each full or part day worked will be counted as one of the 10 occasions. However, claims can only be made for the actual number of hours worked and this will be paid at the employee's normal hourly rate of pay. In order to generate a payment for any KIT days used, the employee's line manager will need to notify the Finance & Resources Manager of the day(s) attended and number of hours worked within 7 working days. Due to payroll cut off dates, notification received after the 5th of the month may not be paid until the following month.

10.0 Contact with the Employee

10.1 Both the Union and the employee are entitled to make reasonable contact with each other from time to time during the maternity leave period, for example to discuss the employee's return to work.

11.0 Right to Return

11.1 An employee who resumes work after OLM is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent, unless a redundancy situation has arisen, in which case she is entitled to be offered a suitable alternative vacancy.

11.2 After AML an employee is entitled to return to work to the same job on the same terms and conditions as if she had not been absent. However, if there is some reason why this is not reasonably practicable to return to her original job, she will be offered a similar job on the same terms and conditions not less favourable than her original job.

11.3 Where an employee is unable to attend work at the end of her OML or AML due to sickness the normal contractual arrangements for sickness absence will apply.

11.4 If industrial action or any other interruption of work makes it unreasonable for the employee to return to work on the date which she has specified, she may instead return when work resumes.

12.0 Time Off for Antenatal Care

- 12.1 The employee is entitled to take paid time off during normal working hours to receive antenatal care. Antenatal care includes appointments with her GP, hospital clinics and any other appointments (for example relaxation classes) made on the advice of a doctor, midwife or health visitor.
- 12.2 The employee should give her line manager as much notice as possible of times when she will be absent from work and may be asked to produce relevant appointment cards.

13.0 Risk Assessments

- 13.1 The Union has a responsibility to ensure the health and safety of pregnant employees.
- 13.2 The employee should ask her line manager for a risk assessment as early on in her pregnancy as possible. The risk assessment will be used to identify possible risks to the employee and her unborn child including:
- lifting or carrying heavy loads
 - standing or sitting for long periods
 - exposure to toxic substances
 - long working hours
- 13.3 Where a risk is identified the Union must either remove the risk or remove the employee from being exposed to it (for example, by offering suitable alternative work). If neither of these is possible, the employee will be suspended from work on full pay.

14.0 General Issues

- 14.1 Maternity leave is not treated as sick leave and is not, therefore, taken into account when calculating any period of sick leave.
- 14.2 Annual leave accrues whilst the employee is on OML and AML. Any leave that is accumulated must be taken at the end of the maternity period i.e. before returning to work.
- 14.3 If an employee decides not to return to work following maternity leave, she must give notice as per her contract and before the end of the maternity leave. Her leaving date will be considered to be the date at which the paid maternity period ended, or will end, if the resignation is received in advance of the end of the paid 39 week period.
- 14.4 Periods of maternity leave and maternity-related sickness absence are regarded as continuous service for the purpose of calculating entitlements to employment benefits.
- 14.5 If, in the early months of pregnancy, an employee is advised by an approved medical practitioner to absent herself from work because of the risk of rubella, she will be entitled to leave with full pay.
- 14.6 Employees are able to access help, advice and support through the (Employee Assistance Programme) provider, Lifeworks. Details are available from the Finance & Resources Manager.

15.0 What you should do if you become pregnant

Timescale	Action
Prior to the 15th week before the expected week of childbirth	Tell us you are pregnant.
	You should tell us that you are pregnant by completing the 'Maternity Leave/Pay application form' which is available from the Finance & Resources Manager. You can tell us as soon as you want to but it must be before the 15th week before your expected week of childbirth. Failure to do so may affect your entitlements. This is also to protect you from unfair treatment on grounds of pregnancy and from any health and safety risks to you or your baby. If you wish to change the date on which you wish to start your maternity leave you must give us 28 days' notice. You should also inform your line manager and request a Health and Safety Risk Assessment.
At least 28 days before you wish to start your leave	Let the Finance & Resources Manager have your MAT B1 form. You should ask your doctor/midwife for a signed MAT B1 Form. This leave must be received at least 28 days before your wish to start your leave. We cannot accept this form if your doctor or midwife signs it more than 20 weeks before your baby is due.
Within 4 weeks of receiving your maternity leave application form	We will write to you to confirm your leave and pay entitlements.
At least 8 weeks before if you wish to return to work early	Complete the return to work early form.
	You will be entitled to 52 weeks leave. We will assume that you will return to work at the end of your maximum maternity leave entitlement. If you wish to return before the end of your maximum maternity leave entitlement you must complete the 'Return to Work Early form' available from the Finance & Resources Manager, giving the Union at least 8 weeks' notice.

Approved by Board of Trustees: March 2017

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