

**ROYAL HOLLOWAY
University of London**

MATERNITY POLICY

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Background Information

The College offers a maternity scheme that is in excess of the statutory maternity benefits scheme. This scheme is open to all members of staff with relevant length of service at the College.

Staff who become pregnant are asked to speak to their line manager as soon as possible to ensure that Health and Safety precautions are considered during and after pregnancy.

1.1 Rights to Maternity Leave

Maternity Rights fall into several categories:

- Time off for antenatal care;
- Maternity leave;
- Maternity benefit

Pregnant employees are also protected under Health and Safety Protection legislation. The specifics are:

- Employers are required by law to protect the health and safety of staff who are pregnant, have recently given birth or are breastfeeding; and
- Health and safety protection starts on these grounds as soon as an employer knows an member of staff is pregnant.

All rights described in this policy apply equally to both part-time and full-time staff, providing they meet any qualifying conditions, such as length of service.

1.2 Rates

The College will apply current rates of Statutory Maternity Pay as given by the Inland Revenue.

1.3 Definition of phrases

'Childbirth' means the live birth of a child, or a stillbirth after a pregnancy lasting at least 24 weeks.

'Expected week of childbirth' means the week, beginning with midnight between Saturday and Sunday, in which it is expected that the baby will be born.

2. Policy

2.1 Time Off for Antenatal Care

2.1.1 Policy

All pregnant members of staff irrespective of length of service are entitled to paid time off during normal working hours to receive antenatal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Antenatal care includes appointments with a GP, hospital appointments and clinics and could include relaxation classes and parent craft classes if advised by one of the above.

2.1.2 Individual Actions

- The member of staff should advise her line manager as far in advance as is possible of the time and date of any appointment.
- The member of staff may be asked to produce an appointment card and / or medical evidence stating that she is pregnant prior to permission being given.
- Wherever possible these appointments should be arranged at the start or end of the working day.

2.1.3 Payment during time off

The College will pay staff at their normal hourly rate of pay during the period of time off. The normal working hours will be clear from the contract of employment. If the hours vary, they should be calculated by averaging the actual number of hours worked over the previous 12 complete working weeks.

2.2 Maternity leave (Cross-reference with section 2.3 for Maternity Pay)

2.2.1 College Maternity Leave for all staff categories

All eligible staff are entitled to take maternity leave for a minimum of twenty-six weeks. The first eighteen continuous weeks will be paid at full salary and will include any SMP due at the appropriate rate. The remaining eight weeks will be paid at standard SMP rates.

To qualify for the College's maternity leave scheme staff must have been employed for at least 26 weeks continuous employment at the start of the fourteenth week before the expected week of childbirth.

All staff who have completed 26 weeks' continuous employment at the beginning of the fourteenth week before the expected week of childbirth, are also entitled to additional maternity leave, which begins at the end of ordinary maternity leave.

Before commencing maternity leave, staff must also confirm their wish to return to work **in writing to the Personnel Department** for a period of at least three months following the expiry date of their maternity leave.

If staff do not wish to return to work, then they will not be eligible for College maternity leave but will still be eligible to claim Statutory Maternity Pay and leave.

Contractual holiday leave continues to be accrued during the period of ordinary maternity leave. Statutory holiday leave continues to be accrued during the period of additional maternity leave.

The contract of employment continues during ordinary maternity leave and staff continue to receive all their contractual benefits except wages or salary during this part of the leave. Only the contract of employment continues during additional maternity leave.

2.2.2 Maternity Leave for staff not entitled to College Maternity Leave

Staff are entitled to 26 weeks' paid maternity leave irrespective of their length of service or the number of hours they work each week.. The payment will be at SMP rates.

2.2.3 Compulsory Maternity Leave

The member of staff may not work for two weeks from the date the baby is born.

2.3 Maternity Pay (Cross-reference with section 2.2 for Maternity Leave)

2.3.1 Statutory Maternity Pay

Background information and qualifying criteria

There are two criteria to qualify for Statutory Maternity Pay (SMP):

- all staff must have at least 26 continuous weeks' service at the start of the fourteenth week before the week in which their child is due, and
- their average weekly earnings in the eight weeks up to and including the qualifying week should be, at least, equal to the lower earnings limit for National Insurance contributions.

SMP is payable whether or not the member of staff intends to return to work and is payable for 26 weeks from the beginning of the week after she leaves work or starts her maternity leave.

SMP is payable only when a member of staff is absent from work. It will cease if she returns to work.

SMP will be paid into their bank account through payroll on the same date that their salary would have been payable, and will be subject to deductions for tax, National Insurance and pension contributions in the usual way.

The Rate of SMP

The first six weeks of SMP are paid at 90% of the member of staff's average weekly earnings.

During the remaining 20 weeks, the member of staff will receive the lesser of:

- SMP at the flat rate of £100 per week (this amount is set by the Department of Social Security) or
- 90% of their average weekly earnings.

Women who do not Qualify for SMP

If members of staff do not qualify for SMP, they should ask the Personnel Department for form SMP1.

2.3.2 Maternity Allowance

Background Information and Qualifying Criteria

All women who are pregnant or who have just given birth are entitled to claim a maximum of 26 weeks' MA if:

- They are employed but do not qualify for SMP;
- They have recently been employed; or
- They are self-employed.

There are two criteria to meet to qualify for MA:

- the member of staff must have been employed or self-employed in at least 26 weeks during the period of 66 weeks ending with the week before the expected week of childbirth, and
- the member of staff must have earned, on average, at least £30 per week in 13 weeks during the period of 66 weeks ending with the week before the expected week of childbirth.

MA is payable only when a member of staff is absent from, or has left work. It will cease if she returns to work.

MA can be paid by order book or can be paid into the member of staff's bank and is paid by the Jobcentre Plus / Social Security office.

Rate of MA

MA is paid as the lesser of two options:

- Either at the MA standard rate (£100 per week at April 2003) or
- At 90% of the member of staff's average weekly earning.

2.3.3 Occupational Pension Schemes: USS and SAUL

General Information

During periods of Ordinary Maternity Leave (first 26 weeks), staff are entitled to benefit from their normal terms and conditions of employment other than remuneration.

During the first 26 weeks of (paid) maternity leave, the College's pension contribution will remain at 14% of the member of staff's normal salary. Her own contribution of 6.35% should be based on her actual received pay, whether at full pay or at Statutory Maternity Pay rates.

Paid Maternity Leave (first 26 weeks)

Paid maternity leave is defined as being when staff are in receipt of statutory maternity pay or contractual maternity pay (or a combination of both).

Scheme rules – USS

Membership of USS continues throughout the first 26 weeks maternity leave, whether or not the employee receives any pay. Under the terms of USS, the employer continues to pay the normal employer contribution but also pays any difference between the actual employee contribution and the normal employee contribution while on full pay.

Scheme rules - SAUL

Membership of SAUL continues throughout the first 26 weeks maternity leave, whether or not the employee receives any pay.

Members will pay their normal % contribution rate on whatever payments they receive during their maternity leave. The employer must make their normal % contribution rate on the pay the member would have received if they had been working normally for the first 26 weeks, but not for any unpaid leave.

Additional Unpaid Maternity Leave (second 26 weeks)

During additional unpaid leave, the entitlement to benefit from her normal terms and conditions of employment other than remuneration only continues if both sides continue to pay contributions.

Scheme rules – USS

USS states that this occurs only during paid maternity leave. (USS guidelines 5.10 (c)). This means that neither employee nor College contributions are made during additional maternity leave. Membership is suspended for the additional period of maternity leave. The rules state that, should the member of staff choose to pay AVCs following a return to work from additional maternity leave, the employee will also pay the appropriate normal employer contribution.

Scheme rules - SAUL

SAUL also states that this occurs only during paid maternity leave. This means that neither employee nor College contributions are made during additional maternity leave. Membership is suspended for the additional period of maternity leave.

Both pension schemes allow for the possibility of staff making AVCs after their period of maternity leave.

2.4 Starting Maternity Leave and Benefits

Maternity leave can begin at any time after the start of the eleventh week before the week in which the baby is due to be born.

2.4.1 Notification Requirements

In order to take advantage of the right to ordinary and additional maternity leave, staff must give the College the proper notification.

If the required notification is not given within the specified time limits, the member of staff may lose their right to SMP and to start maternity leave on their intended start date. The time limits can be extended only in exceptional circumstances where it was not reasonably practicable for the notification in question to have been given any earlier.

2.4.2 Claiming Maternity Leave

To claim maternity leave, a staff member must notify the Personnel Department no later than the end of the fifteenth week before the expected week of childbirth (EWOC) of:

- the fact that she is pregnant;
- the expected week of childbirth; and
- the date when she intends to start taking leave (in writing). This start date must be no earlier than the beginning of the 11th week before the EWOC.

The written letter giving the intended start date of leave must be given to the Personnel department a **minimum of 28 days** before the intended start date.

2.4.3 Claiming SMP

To claim SMP, the member of staff must give 28 days notice of the date on which she wishes to begin receiving SMP (if the College has not already been informed) and should also provide a MAT B1 certificate (issued by your GP or midwife) to confirm the expected week of childbirth.

The MAT B1 certificate should be given to the Personnel Department by the end of the third week of what would be the maternity pay period. The College cannot begin paying SMP until the certificate has been received.

Please note that SMP pay periods start on the Sunday following the last day on which the employee worked.

2.4.4 Birth Notification

If the baby is born earlier than notified (or before any notification has been given), maternity leave will begin automatically even if it is earlier than the eleventh week before the week in which the baby is due. In order to preserve her rights to maternity leave and SMP, the member of staff must, as soon as it is reasonably practicable, give the College notice (in writing to the Personnel Department) of the date of childbirth and evidence of the date the baby was expected.

2.4.5 College notification of End of Leave

Once the notification has been correctly carried out as detailed above, the College must inform the employee of the date on which their leave will end. This should be done within 28 days of the member of staff's notification unless the start dates for the leave have changed.

2.4.6 Sickness during Pregnancy

Staff who are absent from work due to illness will normally be able to take sick leave until they start maternity leave on the date notified to the College as detailed above. Providing that the absence is non-pregnancy related, this absence could remain under SSP or Incapacity Benefit payments.

However, should the illness be pregnancy-related, the maternity leave period starts automatically on the day after the first day of absence following the beginning of the fourth week before the expected week of childbirth. This applies even if the day of absence is before the date the member of staff has notified as the date on which she intends her leave to start.

In order to preserve her rights, the member of staff must as soon as is reasonably practicable give the College notice in writing (with 28 days notice) that she is absent from work due to a pregnancy related illness and give the date on which that period of absence began.

2.5 Return to Work after Maternity Leave

2.5.1 Intended Date of Return

Unless otherwise notified, the date on which the member of staff returns to work will be:

- the first working day after the end of her 26 weeks' ordinary maternity leave period; or
- if she qualifies for additional maternity leave, the first working day after the end of her 52 weeks ordinary and additional maternity leave combined; or
- within any longer leave period allowed on a voluntary or contractual basis by her employer.

The appropriate date of return would have been notified to the member of staff within 28 days of her notification to the College of her intention to take leave.

2.5.2 Return to Work

Staff do not need to give notification of their return to work if they return immediately after the end of their ordinary or additional leave period.

2.5.3 Early Return to Work

If the member of staff intends to return to work before the date notified to her by the College, she must give 28 days notice of the date of her return. This notice does not have to be in writing but must be made to the Personnel department.

Where a member of staff qualifies for additional leave but only wishes to take the 26 weeks' ordinary maternity leave, she must give the College 28 days notice of her intended return to work.

If she attempts to return to work earlier than the end of her ordinary or additional leave without giving the College 28 days' notice, the College may postpone her return until 28 days notice has been given.

She may not postpone her return to a date later than the end of her ordinary or additional leave.

A member of staff whose return has been postponed under these circumstances is not entitled to receive wages or salary if she returns to work during the period of postponement.

The only exception to these circumstances is if the College has not given appropriate notification of the end of her leave to the member of staff.

2.5.4 Sickness after Maternity Leave

When an individual is unable to attend work at the end of her ordinary or additional leave due to sickness, the normal contractual arrangements for sickness absence will apply.

2.5.5 Resignation After Maternity Leave

When a member of staff does not wish to return to work after her ordinary or additional leave, she must give the College the notice of termination required by her contract of employment or where none is in place, her statutory notice.

2.6 Health and Safety

2.6.1 General

This section concerns the protection of the health and safety of women of childbearing age including new and expectant mothers. This includes women who are pregnant or who have given birth within the last six months or who are breastfeeding.

2.6.2 Procedures

1. All staff need be informed formally that as soon as they know they are pregnant, they must notify their HOD and the Personnel Department.
2. The Personnel Department should then advise the employee in writing of the necessity to undertake a pregnancy risk assessment. This letter should be copied to HOD or Department contact for action and the Health and Safety Department for information.
3. HODs or departmental contact to organise the risk assessment within the department, considering the individual's specific place of work. HODs or departmental contact who require assistance in completing the risk assessment should seek the assistance of a member of the Health and Safety Office staff. **The general checklist can be found on the Health and Safety webpage but assessors should specifically consider the areas of manual handling and associated issues e.g. bending and stooping; the use of chemicals; stress avoidance: reporting issues of concern; lone working; rest facilities etc.**
4. Following the risk assessment, the HOD should write to the employee, confirming the findings and sending a copy of the written risk assessment/letter to Personnel and Health and Safety. This action must be completed within a fortnight of the original notification.
5. On return to duty after maternity leave, the HOD must review the risk assessment with the member of staff and with a member of the Health and Safety Office, if that would be helpful. They should then take any action identified to be necessary, recording that and sending copies to the member of staff, Personnel and Health and Safety.

AGREEMENT

The College in consultation with trade union representatives may review its Maternity policy and procedures as required. Management and trade union representatives will normally review the contents and operation of this policy and procedure, within three years of the last review date.

Signed..... Date..... John Grimmer
Director of Personnel

Signed..... Date..... AUT Officer

Signed..... Date..... MSF Officer

Signed..... Date..... GMB Officer

Appendices

Appendix One – Procedures for Individual and Personnel to follow

Royal Holloway, University of London offers a maternity scheme which is in excess of the statutory maternity benefits scheme. This scheme is open to all members of staff with relevant length of service at the College. Employees who become pregnant are asked to speak to their line manager as soon as possible to ensure that Health and Safety precautions are considered during and after pregnancy.

<u>Actions to be Taken by Pregnant Employees</u>		<u>Actions to be taken by Personnel / H&S / Department / Payroll</u>	
When?	What?	When?	What?
As soon as they know they are pregnant	Inform Personnel and Dept to begin Health and Safety procedures	As soon as notification of pregnancy received in Personnel Dept	Personnel to send letter to employee, sending copy to dept contact and H&S dept for info
When Department informed of need for work place assessment	Meet with Department representative to complete Health and Safety assessment and agree any necessary alterations	When letter received in employee's department	Department to complete work place assessment, using H&S advice as required
		Once assessment completed	Dept contact to write to employee within two weeks of notification detailing findings and subsequent alterations to role. This to be copied into Personnel and H&S department
When ante-natal care attendance is necessary	If necessary, provide medical evidence of pregnancy to attend ante-natal care		
When ante-natal care attendance is necessary	Ante-natal appointments to be arranged, if possible, at the beginning and end of the working day.		
Following the end of the first trimester	The employee should make an appointment with Personnel to understand their rights and entitlements to maternity leave and pay	At appointment with employee	Personnel to explain right to leave and pay for individual employee. If ineligible for Statutory Maternity Pay (SMP), give employee form SMP1 to claim Maternity Allowance (MA)

By the end of the 15th week before the expected week of childbirth

Statutory requirement: The employee must inform Personnel Department in writing of the fact that she is pregnant, of the expected week of childbirth (EWOC) and of the date when she intends to begin taking maternity leave. Leave must commence a minimum of 28 days after this notification and not before the 11th week before the EWOC.

At appointment with employee

Personnel to give individual the details of the holiday entitlement during the maternity leave and details of when this leave may be taken

Following appointment with employee and within 28 days of written notification

Statutory requirement: Personnel to send letter in appendix one with all details of leave and pay entitlement

Minimum of 28 days before the beginning of maternity leave

If the dates for the beginning of the maternity leave have altered, notification must be received into the Personnel department within 28 days of the beginning of the maternity leave period

Minimum of 28 days before the beginning of maternity leave

Provide MAT B1 certificate to employer to ensure the payment of SMP (if eligible)

On receipt of MAT B1 certificate

Personnel and Payroll to process SMP payments (this cannot be done until the certificate has been received)

Before going on maternity leave

Write to the Personnel department stating the individual will return after maternity leave for a minimum of 3 months

PENSION ACTIONS?

Minimum of 28 days before the end of maternity leave

If the date for the return to work after maternity leave is being brought forward, a minimum of 28 days notice must be given to the Personnel department

In time for payroll processing

Personnel and Payroll must ensure the employee is back on the payroll from the month she returns to work

Before the end of her maternity leave

If the employee does not wish to return to work, she must give the contractual notice period in writing prior to the end of her maternity leave



On employee return to work

Personnel to remind the dept to review the H&S checklist and alterations for a period of 6 months after the return to work or for as long as the employee is breastfeeding