

**ROYAL HOLLOWAY
University of London
MATERNITY POLICY**

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1.0 Background Information

The College offers an occupational maternity scheme in addition to statutory maternity benefits. This scheme is open to all members of staff with the 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 pregnancy and after childbirth. Employers are required specifically by Health and Safety legislation to protect the health and safety of staff who are pregnant, have recently given birth or are breastfeeding. As soon as the employer knows the member of staff is pregnant the protection will start.

1.1 Rights to Maternity Leave

All pregnant employees (regardless of length of service) have the right to take up to 26 weeks ordinary maternity leave and up to a further 26 weeks additional maternity leave and to resume work afterwards. The employee is therefore entitled to a total period of 52 weeks maternity leave. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave.

Maternity rights fall into several categories:

- Time off for antenatal care
- Maternity leave
- Maternity benefit/ pay

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 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.

'SMP' is short for Statutory Maternity Pay. Statutory Maternity Pay (SMP) is a weekly payment subject to average weekly earnings of not less than the lower National Insurance earnings limit. Employees with at least 26 weeks service at the Qualifying Week are entitled to receive 39 weeks SMP. The College pays SMP through the payroll and it is subject to tax and National Insurance deductions. Qualifying women are entitled to SMP whether or not they intend to return to work for the College.

'Ordinary Maternity Leave' is the first 26 weeks of maternity leave. During this time you are entitled to all of the contractual rights (such as pension or holidays) that you would have received if you had not been on leave.

'Additional Maternity Leave' is the second 26 weeks of maternity leave and it starts on the day after the Ordinary Maternity Leave period finishes. During this time you are entitled to accrue contractual holidays that you would have received if you had not been on leave.

2.0 Policy

2.1 Time Off for Antenatal Care

All pregnant members of staff irrespective of length of service are entitled to reasonable 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.

2.1.4 Time off for IVF treatment

There is no statutory right for an employee to receive time off, with or without pay, during normal working hours in order to undertake a course of fertility treatment. The maternity pay and rights legislation relates solely to an employee being pregnant and not to the causes of pregnancy.

However, the College will grant up to three occasions of up to 1 day's leave in any one year for an employee to undergo fertility treatment. The policy applies equally to an employee whose partner is undergoing fertility treatment. If the employee requires time off beyond the permitted number of days, the employee may nevertheless be allowed to take time off out of his/her annual holiday entitlement for this purpose.

In order to qualify for time off under this policy, the employee must have a minimum of 26 weeks continuous service.

Time off for fertility treatment up to the permitted number of days will be paid at the employee's normal rate of basic pay.

Any employee who wishes to take advantage of this policy must:

- inform his/her line manager as soon as plans for the member of staff or his/her partner to undergo fertility treatment have been confirmed;
- provide a statement from a qualified medical practitioner that fertility treatment has been recommended and approved;
- (at the request of his/her line manager) produce an appointment card for each occasion on which time off is requested;
- try to arrange appointments at times that will cause the minimum amount of inconvenience to the College;
- give as much notice as possible of the days on which time off is required.

Any information provided to the line manager will be maintained in strict confidence and should be forwarded to Human Resources for absence management recording purposes.

2.2 Maternity leave and pay

2.2.1 Maternity leave for all staff categories

All staff are entitled to take 52 weeks maternity leave, which is made up of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.

2.2.2 Maternity leave and pay for staff entitled to the College Maternity Pay Scheme

To qualify for the College's maternity pay scheme staff must have been employed continuously for at least 26 weeks into the 15th week before the expected week of childbirth. The first 18 continuous weeks will be paid at full salary and will include any SMP due at the appropriate rate (please see section 2.2.6 for further details). The remaining 21 weeks will be paid at standard SMP rates. There is no entitlement to pay for the remaining 13 weeks of maternity leave. If staff do not wish to return to work for a period of three months, following the period of maternity leave, then they will not be eligible for College maternity pay, but will still be eligible to claim Statutory Maternity Pay.

Contractual holiday leave continues to be accrued during the period of Ordinary Maternity Leave and Additional Maternity Leave.

2.2.3 Maternity leave and pay for staff not entitled to College Maternity Pay

Staff are entitled to 52 weeks maternity leave irrespective of their length of service or the number of hours they work each week. To qualify for Statutory Maternity Pay from the College staff must have been employed continuously for at least 26 weeks into the 15th week before the week the baby is due.

If members of staff do not qualify for SMP, they should ask the Human Resources Department for form SMP1, as they may be entitled to maternity allowance (MA): http://www.dwp.gov.uk/advisers/claimforms/ma1_print.pdf

2.2.4 Compulsory Maternity Leave

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

2.2.5 Keep in Touch Days

During the maternity leave period all staff are entitled to work for up to ten days, with the agreement of their manager and the Human Resources Department. These days are known as “Keep in Touch days.” (KIT) Any work done on any day during the maternity leave period will count as a whole KIT day, up to the ten day maximum. These days may be used for any activity which would ordinarily be classed as work under the member of staff’s contract of employment e.g. attending training or a team meeting.

As KIT days allow work to be done under the employee’s contract of employment they will attract contractual payments and in this way are different to the reasonable contact that employers and employees may make with one another. The employee will be paid her contractual rate of pay for the hours she actually works during the KIT day, not for a full day’s work (i.e. if an employee attends a two hour meeting on one day this will count as one KIT day, but she will only be paid for 2 hours work). Any SMP and/or College maternity pay for the week in which the work is done will be counted towards the contractual pay. The College will pay the shortfall between the maternity pay and the employee’s contractual rate of pay for each agreed KIT day. If a KIT day falls during the paid period of maternity leave pension scheme contributions will be deducted accordingly. Where an employee is in a no pay period, but receives pay for KIT days, no pension contributions will be deducted from any amount paid for the KIT day during the no pay period.

Staff should inform their HR contact, preferably within one month of the KIT day being taken, to ensure that payment can be made promptly.

2.2.6 Statutory Maternity Pay

Most employees will be entitled to receive statutory maternity pay (SMP) during maternity leave provided that their average weekly earnings are not lower than the lower earnings limit for national insurance contributions. Statutory maternity pay is currently payable for up to 39 weeks; six weeks at the higher rate and up to 33 weeks at the standard rate.

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

- Employed by the College without a break for at least 26 weeks into the 15th week before the week your baby is due
- Have earnings before tax which are an average of the Lower Earnings Limit for National Insurance Contributions (NI).

SMP is payable whether or not the member of staff intends to return to work and is payable for 39 weeks from the beginning of the member of staff’s maternity leave. (Please see further details about maternity leave in section 2.2.2).

SMP is payable only when a member of staff is absent from work. It will cease when the member of staff returns to work unless the employee is returning to work on a KIT day (please see section 2.2.5).

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 33 weeks, the member of staff will receive the lesser of:

- SMP at the current rate (this amount is set by the Department for Work and Pensions) or
- 90% of their average weekly earnings.

2.2.7 Repayment

At the end of any period of maternity leave staff will be required to return to work for a period of three months in order to avoid the College re-claiming College maternity pay, except in exceptional circumstances. This does not affect an employee's entitlement to Statutory Maternity Pay.

2.2.8 Fixed Term Contracts and Maternity Leave

It is the College's policy to treat staff employed on fixed-term contracts in the same manner with respect to their entitlement to maternity leave and pay as those on substantive contracts.

Where an employee's contract is due to expire during the course of her maternity leave, (whether that leave is under rules of the Occupational Maternity Scheme or Statutory Maternity entitlements), her employment will be extended beyond that expiry date, as long as it would have been extended had she not been on maternity leave.

Staff on fixed term contracts will be expected to return to work for 3 months or to the end of the contract, whichever date is sooner. If the employee's contract is due to expire during the period of the maternity leave, and no suitable vacancy exists for her, she will not be required to return. In this case maternity pay under the College's Occupational Maternity scheme, if applicable, will be paid until the expiry of the contract. After this date, if an employee is entitled to statutory maternity pay, this will be paid until the end of the 39-week period.

An example of this would be if a contract expired due to the completion of a project and the employee was subsequently made redundant. In this instance, the appropriate occupational maternity entitlement will continue to be paid until the last day of employment.

2.3 Pension Schemes and SmartPension

Employees Opted In SmartPension

In accordance with statutory requirements, Statutory Maternity Pay is based on Contractual Salary. An employee's SMP is calculated on their Contractual Salary in line with these requirements, however the College pays an enhanced Occupational Maternity Pay (OMP) based on 'Reference' salary which tops up the statutory payments so that the amount of pay staff receive is not affected by SmartPension subject to their eligibility for OMP.

Unless staff opt out of SmartPension under a lifestyle event (pregnancy), they will continue to sacrifice an amount equivalent to 6.35% (USS) or 6% (SAUL) of the 'Reference' salary for the first 18 weeks of the maternity pay period, provided the salary sacrifice does not reduce the Contractual Salary to below SMP.

If an employee takes any period of unpaid maternity leave, their entitlement to participate in **SmartPension will cease.**

If an employee participates in any form of salary sacrifice, further advice and help can be sought from the Pensions Administrator or Human Resources.

Employees Opted Out of SmartPension But Making Standard Contributions

Unless an employee elects prior to the commencement of maternity leave not to maintain contributions, all members of staff contributing to the pension scheme are required to pay superannuation contributions whilst in receipt of maternity pay, irrespective of whether SMP or College maternity pay is paid. For USS members, the employee's contributions will be calculated on the basis of the actual pay received. The College pays the shortfall of employees' contributions and continues to maintain the full employer's contributions for a period of 39 weeks. For SAUL members the College will continue to pay the full amount of the employer's contribution for a period of 39 weeks and the employees' contribution will be calculated on the basis of the actual pay received.

No contributions are due during unpaid maternity leave and membership of the pension is therefore suspended. If the member elects to repay these additional contributions following their return from maternity leave, an application should be made to the Pensions Office where the cost and method of payment will be determined. If the additional contributions are not made following the employee's return from maternity leave, the unpaid period will be treated as non-pensionable.

It should be noted that pension contributions do not have to be paid by the employee during her maternity; in such a case the employer contribution will not be paid and the membership will be suspended for the period. Any election not to maintain pension scheme contributions should be made in writing to the Pensions Officer prior to the commencement of maternity leave.

If an employee is not entitled to receive any payment during her maternity leave period and is not eligible for SMP, the College will pay the full employee and employer contributions to the USS Scheme for the statutory 39 week period. These contributions will be based on the salary the member would have received if she was not absent due to maternity leave. For SAUL Members, the College will continue to pay the full employer's contribution a period of 39 weeks.

For further information please contact the College's Payroll and Pensions Officer:

2.4 Starting Maternity Leave and Benefits

Maternity leave can begin at any time after the start of the 11th 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 Human Resources Department no later than the end of the 15th 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 Human Resources 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 she should also provide a MAT B1 certificate (issued by her GP or midwife) to confirm the expected week of childbirth.

The MAT B1 certificate should be given to the Human Resources Department at least three weeks before the maternity leave is due to start. If the member of staff is unable to provide the MATB1 certificate due to unforeseen circumstances (e.g. illness) the College will allow her thirteen weeks to provide this. The College cannot pay College or Statutory Maternity Pay until the certificate has been received.

2.4.4 Birth Notification

If the baby is born earlier than notified (or before any notification has been given), maternity leave and pay 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 the staff member's rights to maternity leave and SMP, the member of staff must, as soon as it is reasonably practicable, notify the College (in writing to the Human Resources Department) of the date of childbirth and evidence of the date the baby was expected.

2.4.5 College notification of end of maternity 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 the College sick-pay, 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 the member of staff's 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 Return to Work

A member of staff has the right to resume working in the same job if she is returning to work at the end of ordinary maternity leave, i.e. within 26 weeks of starting maternity leave. If she is returning to work after additional maternity leave, i.e. after 26 weeks, the entitlement changes. In this case the employee has the right to return either to the same job or, if this is not reasonably practicable from the College's perspective, to another suitable job on terms and conditions that are not less favourable. Employees, in discussion with their relevant recognised trade union representative, will be given opportunities for consultation at all stages of this process and suitability of another suitable job will depend on all relevant factors such as the appropriateness to the employee's skills, aptitudes and experience, level of responsibility and available training,

2.5.2 Intended Date of Return

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

- the first working day 52 weeks after the maternity leave began; or
- within any longer leave period allowed on a voluntary or contractual basis by the College.

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.

Staff do not need to give notification of their return to work if they return immediately after the end of their additional leave period (full entitlement).

The College will write to the employee before her due date of return reminding her of when she is due back and setting out the arrangements for her return to work.

On the employee's first day back at work, she should arrive at her normal start time and report immediately to her line manager, who will be responsible for dealing with any housekeeping matters and ensuring that she settles in smoothly. In order to assist further in this regard, the employee's manager should also update the employee on developments in her absence, discuss arrangements regarding workload, discuss any training needs or any other operational matters.

It is the College's policy to be flexible on the working arrangements for all employees. Where reasonably practicable, the College will make every effort to consider and accommodate requests for reasonable adjustments to workload following a period of maternity leave in order to enable the employee to settle back into work on a gradual basis, with the aim that the employee will be completely up to speed and handling a full workload within one month of her return from maternity leave. Any such adjustments will be always made on the proviso that the employee must have fully returned to work within three months of her return date.

Each such request will be dealt with individually, taking into account the likely effects that an adjusted workload will have on the College, the work of the employee's department and the employee's colleagues and the employee's salary may be adjusted accordingly. Agreeing to one request for an adjusted workload will not set a precedent or create a right for another employee to be granted an adjusted workload.

Where the employee has returned to work with the College's agreement on a part-time basis, in accordance with the College's Flexible Working Policy. <http://www.rhul.ac.uk/personnel/policydocs/FlexibleWorkingv2.pdf>, the employee should be given an appropriate workload for the number of hours being worked.

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 eight weeks notice of the date of her return. This notice does not have to be in writing but must be made to the Human Resources Department.

If a member of staff attempts to return to work earlier than the end of the ordinary or additional leave without giving the College eight weeks notice, the College may postpone her return until the full eight weeks notice has been given. However, the College cannot postpone the member of staff's return date to later than the end of the maternity leave period.

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, in writing, of when the maternity leave should end 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 maternity leave, she must give the College the notice of termination required by her contract of employment. Staff who do not wish to return to work will not be eligible for College maternity pay, but will still be eligible to claim Statutory Maternity Pay.

3.0 Health and Safety

The College Health & Safety Adviser has developed guidance which provides health and safety information to those who are pregnant, have given birth within the previous six months, or are breastfeeding. It also identifies the procedures that managers should follow to ensure that appropriate health and safety arrangements are implemented for the protection of the mother and child.

The maternity risk assessment process operates on the principle that the member of staff is required to advise her manager of her circumstances at the earliest opportunity. The manager will then undertake a review of existing risk assessments and, where appropriate, identify and address any specific risk-related issues which require attention.

Further information on the above procedure can be found at the following link:
<http://www.rhul.ac.uk/health-and-safety/policies-and-procedures.html#maternity>