

# Maternity Leave and Pay Policy

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# Maternity Leave and Pay Policy

## 1 Policy Statement

The University of Strathclyde is committed to supporting colleagues throughout their pregnancy and return to work. In addition to statutory benefits the University also offers enhanced benefits to those who meet the relevant qualifying criteria.

## 2 Purpose of Policy

The purpose of this policy is to:

- Outline the enhanced benefits under the University Maternity Leave and Pay Scheme along with details of the qualifying criteria.
- Outline the statutory entitlements in respect of maternity leave and pay.
- Ensure that employees are clear on their rights and responsibilities prior to, during and after their period of maternity leave.

Guidance for managers on their responsibilities to employees who are pregnant or on maternity leave can be found at: [Maternity Leave Guidance for Managers](#).

## 3 Notification Procedures

### 3.1 Notification of Pregnancy

To assist the University in discharging its responsibilities towards the health and safety of the pregnant employee and her unborn child it is advisable that written notification is made at an early stage in the pregnancy.

The employee may wish to meet with a member of their Human Resources Team to discuss her entitlement under this policy or other issues relating to maternity leave. A contact list for HR can be found [here](#).

Although early notification of pregnancy is encouraged as above, the employee must notify the University in writing that she is pregnant no later than the 15th week before the expected week of childbirth (EWC) or as soon as reasonably practicable stating:

- The Expected Week of Childbirth
- The date she wants her maternity leave to start (no earlier than the 11th week before the EWC).

This notification can be in the form of a completed [MLI form](#) and submission of the original MATBI form, available from the employee's GP or midwife (normally at around week 20 of pregnancy). The University needs to see the original MATBI form for HMRC purposes.

If childbirth occurs earlier than the employee intended her maternity leave to start, it will be deemed to have automatically begun from the day after childbirth. In these circumstances the employee should contact the University as soon as is reasonably practical to advise of this.

## 3 Ante-Natal Care

A pregnant member of staff will be allowed to take reasonable time off without loss of pay to attend ante-natal care appointments made on the advice of a medical practitioner, registered health visitor or registered midwife. There is no qualifying service period required for this.

## 4 Maternity Leave and Pay

### 4.1 Entitlement to Maternity Leave

Employees who are pregnant have the right to 52 weeks' maternity leave, regardless of length of service or hours of work. This is made up of 26 weeks "ordinary maternity leave" and 26 weeks "additional maternity leave". The maternity leave should begin no earlier than the beginning of the 11th week before the expected week of childbirth.

If an employee wishes to take a further period of unpaid leave they can make an application via their Head of Department (or equivalent) and it will be given full consideration.

All mothers must take a minimum of two weeks' maternity leave after the birth of their child, regardless of length of service.

### 4.2 University Maternity Pay

Employees are entitled to University Maternity Pay provided the following conditions are met:

- They have been continuously employed by the University for 26 weeks or more at the beginning of the 15<sup>th</sup> week before the expected week of childbirth.
- They are employees of the University at the EWC

If employed on fixed term contracts, breaks between contracts of one calendar month or less will be discounted for the purposes of calculating entitlement to maternity leave and pay.

An employee who meets the above criteria will be given the choice of claiming either:

Option 1	<ul style="list-style-type: none"><li>• 4 months at full pay, which will include any relevant statutory maternity payment (SMP).</li><li>• SMP will continue beyond the full pay period until a maximum total of 39 weeks is paid.</li><li>• This will be followed by 13 weeks unpaid maternity leave.</li></ul>
Option 2	<ul style="list-style-type: none"><li>• 2 months at full pay, which will include any relevant SMP payment, followed by 4 months at half pay. SMP is paid in addition to half pay subject to the total pay not exceeding the normal full pay.</li><li>• SMP will continue beyond the full pay period until a maximum total of 39 weeks is paid.</li><li>• This will be followed by 13 weeks unpaid maternity leave.</li></ul>

Please note that from 1<sup>st</sup> January 2021 there is no longer an obligation for staff members to return to work for three months following a period of maternity leave in order to satisfy eligibility requirements for University Maternity Pay. Similarly, the University will no longer reclaim the non-statutory element of maternity pay from any member of staff who does not return to work following their maternity leave.

An online maternity pay calculator is available to provide an indication of maternity pay entitlement for the duration of the proposed period of maternity leave. This calculator does not take account of deductions such as tax or national insurance but has been designed as a guide to support an employee's decision making in terms of the maternity pay option that is most appropriate for them.

## 4.3 Statutory Maternity Pay

### 4.3.1 Statutory Maternity Pay

Statutory Maternity Pay is paid to employees alongside University Maternity Pay for a period of 39 weeks as follows:

<b>Weeks 1 to 6</b>	The higher of the <a href="#">current flat rate</a> or 90% of average weekly earnings.
<b>Weeks 7 to 39</b>	The lower of the <a href="#">current flat rate</a> or 90% of the employee's average weekly earnings

In the unlikely event that an employee does not qualify for University Maternity Pay they may still be eligible to receive Statutory Maternity Pay and this should be discussed with a member of their HR team.

Where an employee is not eligible for University Maternity Pay or Statutory Maternity Pay then they may be eligible to claim Maternity Allowance directly from the Department of Work and Pensions (DWP) if they have been either:

- Employed by the University for less than 26 weeks at the beginning of the 15th week before the EWC and in other paid employment in the 66 weeks preceding the EWC.
- Self-employed in the 66 weeks preceding the EWC.

Further guidance on Maternity Allowance can be found on the [DWP website](#).

## 4.4 Shared Parental Leave and Pay

Eligible employees also have the option to take Shared Parental Leave (SPL) and Pay with their partner at any time after the first two weeks of Compulsory Maternity Leave. Maternity Leave must be curtailed for SPL to commence. Details can be found on the University [website](#) or by contacting [Human Resources](#).

## 4.5 Ordinary Parental Leave

If the employee requires additional time off to look after her child she may be able to take a further statutory unpaid period under the University's Ordinary Parental Leave Policy. Details can be found on the University [website](#) or by contacting [Human Resources](#).

# 5 Rights during Maternity Leave

## 5.1 Continuity of Employment

Continuity of employment is maintained during maternity leave which means there is no break in service during the employee's absence from work.

An employee shall normally return to the job in which she was employed under the original contract of employment and on terms applicable to her if she had not been absent.

## 5.2 Annual Leave and Public Holidays

Throughout the paid and unpaid maternity leave period the individual accrues contractual annual leave and public holiday entitlement. This leave can be taken as agreed with the line manager. It is recommended that the employee adds this entitlement onto the beginning or end of the maternity leave period where possible.

### 5.3 Pension Benefits

Pension benefits will be preserved during the period of paid leave. The employee has the option to agree to pay the contribution for the unpaid leave on their return to work and, provided that this occurs, the University will also pay employer contributions for the unpaid period of leave.

Further information on specific provision under respective pension schemes can be provided by the [Pensions Office](#).

### 5.4 Keeping in Touch

The University will make reasonable contact with the member of staff during her period of maternity leave to keep her up to date with developments at work and discuss arrangements for a return to work. During maternity the employee and their line manager will identify and agree a buddy within the Department / School to provide appropriate updates as required and support individuals on their return to work.

The employee may also work up to 10 days (Keeping in Touch days) during her maternity leave as long as she and her line manager have agreed to this and to what work will be undertaken. Please note that for the purposes of Keeping in Touch days a part day counts as a full days' entitlement.

Payment for Keeping in Touch days will vary dependent on the hours worked and at which point in the maternity pay cycle the employee is at however, generally, the payment amount will not be greater than that which the employee would ordinarily have received had they been at work. (i.e. you will receive additional pay for Keeping in Touch days which are undertaken whilst you are on half pay or nil pay; but you cannot receive additional pay for Keeping in Touch days which are undertaken whilst you are on full pay).

Further information can be provided by the [Payroll Team](#), Finance Office.

Claims for Keeping in Touch days should be signed off by the Head of Department using the *Payment for Keeping in Touch Days Form*. Forms should be sent to Human Resources for processing before the employee returns to work.

[Family Friendly Mentoring](#) is also available through the Organisational and Staff Development Unit.

## 6 Rights during Maternity Leave

If the nature of work undertaken by an employee could involve risk to their health and safety, or that of the baby, arrangements will be made to protect both the mother and child with regard to statutory health and safety provisions that may apply at the time. The management of Health and Safety at Work Regulations 1999 and accompanying approved code of practice, require departments (or equivalent) to take particular account of the risks to new and expectant mothers when assessing the risks in the work activities of the Department (or equivalent).

New and expectant mothers are able to initiate action under the Regulations by giving written notice to the Head of Department (or equivalent) and Human Resources.

The risk assessment should account for all women of childbearing age. The above applies in situations where a member of staff is pregnant, has given birth within the last six months, or is breastfeeding. The member of staff should inform the University if she continues to breastfeed to ensure that any risks are considered.

Further guidance on risk assessment can be found on the Human Resources website.

## 7 Pregnancy and Sickness Absence

If the employee is absent with a pregnancy related illness in the 4 weeks before the EWC the maternity leave will commence on the day after the first day of illness.

## **8 Complex care needs during maternity leave**

In the event of a birth that results in a prolonged period in hospital for either the mother or child (a stay longer than 3 weeks) a request may be made for extended paid leave (at the equivalent statutory rate) to be added to the end of the intended maternity leave period to reflect the time spent in hospital up to a maximum of 12 weeks. For example, if a baby remained in hospital for a period of 5 weeks, this leave could be added to the end of the leave period if required. Requests should be made to the individual's line manager and Human Resources.

## **9 Miscarriage and Stillbirth**

If an employee suffers a miscarriage prior to 24 weeks of pregnancy and is unable to attend work support will be provided under the University's Sickness Absence Management Policy.

In the event that an employee has a stillbirth at 24 weeks or later in her pregnancy she will be entitled to the same amount of Maternity Leave and Pay as she would have received had the baby been born alive.

## **10 Notification of Return to Work**

The University will assume that the employee is taking the full 52 weeks' maternity leave entitlement. An employee who opts to return to work earlier than the end of the 52 weeks should give as much written notice to the University (i.e. line manager and HR team) as is reasonably practicable, usually a minimum of 8 weeks.

## **11 Policy Review**

This policy will be reviewed and updated at periodical intervals to ensure continuing suitability for organisational needs and compliance with relevant legislation.