

MATERNITY LEAVE POLICY AND PROCEDURE

1 INTRODUCTION

Whilst the University expects its employees and staff to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions. Breach of this policy may be addressed via the University's Disciplinary Policy and Procedure and Code of Conduct.

This policy will be reviewed by the Human Resources department on a 3-year basis or amended in response to changes in future legislation and/or case law.

2 OWNERSHIP

The Human Resources department owns and manages this policy on behalf of The University of Northampton.

3 ORGANISATIONAL SCOPE

This Maternity policy is a corporate policy and applies to all employees (and workers, as applicable) of The University of Northampton including any wholly owned subsidiaries, unless an alternative policy exists, subject to any qualifying conditions.

4 POLICY STATEMENT

- 4.1 The University of Northampton recognises the statutory rights of employees to take maternity leave and maternity pay where the qualifying criteria are met.

This policy aims to inform all employees of their rights and responsibilities before and after the birth of their child and the statutory right to maternity leave and, for those who qualify, maternity pay. The policy applies to all new and expectant parents employed by the University, whether they work full or part time and provides information on the enhanced pay arrangements available to employees who meet the qualifying criteria.

This policy is informed by the Work and Families Act (2006), which came into force on 1 October 2006.

5 DEFINITIONS

- 5.1 **Statutory Maternity Leave** – consists of 26 weeks of Ordinary Maternity Leave ('OML') and 26 weeks of Additional Maternity leave ('AML').
- 5.2 **Statutory Maternity Pay (SMP)** – An employee with more than 41 weeks continuous service at the time the baby is due (EWC) is entitled to SMP which is an amount determined by the government.
- 5.3 **Maternity Allowance (MA)** – An employee with less than 41 weeks continuous service at the time the baby is due (EWC) can claim MA through the Department of Work and Pensions
- 5.4 **Enhance Maternity Pay (EMP)** – An employee with more the 41 weeks continuous service is eligible to receive additional pay over their SMP – for eligibility and duration please see point 7.5.

6 KEY PRINCIPLES

- 6.1 The University is committed to equality of opportunity in employment for all its staff and to developing work practices and human resource policies that support work-life balance. Reflecting this commitment the provisions of the University's maternity policy exceed those laid down in law. The University will not treat pregnant employees or employees on maternity leave less favourably than any other employees.

All pregnant employees are entitled to a period of maternity leave regardless of their length of service. The amount of leave and maternity pay for which they will qualify will however differ as described below.

The University recognises the challenges an employee may face when returning to work after maternity leave and is committed to ensure an employee is fully supported while on maternity leave and when returning to work.

Employees who are adopting a child or are in a surrogacy arrangement and intend to apply for a Parental Order should refer to the University's Adoption Leave Policy.

During the maternity leave period the employee's contract of employment continues and they are entitled to receive all of their contractual benefits except pay. Contractual annual leave entitlement will continue to accrue.

The effects of experiencing miscarriage or stillbirth on an employee are recognised and the University is committed to providing support to employees in this situation.

- 6.2 Unauthorised audio recording of conversations is prohibited. Anyone in breach of this may be subject to disciplinary action.

7 PROCEDURE

7.1 Notification

The employee must notify their line manager as soon as possible that they are pregnant in order that a risk assessment can be carried out.

The line manager will notify the employee of the relevant HR contact should they have any questions around policies or procedures.

Formal notification of pregnancy and intention to take Maternity Leave should be made in writing no later than the 15th week before the expected week of childbirth.

Notification of an employee's request for Maternity Leave and Pay should be made via the Maternity Notification Form (Appendix 1) and should be accompanied by the MATB1 form which is provided by the employee's antenatal care provider. The Maternity Notification Form and the MATB1 should be forwarded to Human Resources.

7.2 Risk Assessments

When an employee has informed their line manager that they are pregnant, a pregnancy health & safety risk assessment will be carried out by their Line Manager.

The pregnancy risk assessment will be reviewed at regular intervals during the employee's pregnancy and they are required to notify their line manager of any change in their condition/circumstances to allow an interim risk assessment to take place if required. Where any risk is identified, information will be provided to explain the measures that will be taken to protect parent and baby.

7.3 Time Off for Antenatal Care

All pregnant employees are entitled to reasonable time off work for antenatal care. This will be paid at the normal rate of pay.

Antenatal care includes parentcraft classes and relaxation classes, where they have been advised by a registered medical practitioner, registered midwife or registered health visitor, as well as medical examinations.

Except in the case of the first appointment an employee must be prepared to show an appointment card or some other document confirming that an appointment has been made. As with other medical

appointments, appointments for antenatal care should wherever possible, be made outside normal working hours.

7.4 Maternity Leave

Maternity leave consists of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML) for all employees, regardless of their length of service.

Maternity leave may commence any time in the 11 weeks before the expected week of childbirth, and must last for at least two weeks after the birth.

If the baby is born prior to the 11th week before the expected week of childbirth, or prior to the planned start of maternity leave, maternity leave and, where applicable, maternity pay will commence on the day after the baby's birth.

7.5 Maternity Pay

An employee with less than 41 weeks continuous service at the time the baby is due is not entitled to Statutory Maternity Pay (SMP). Instead, Maternity Allowance (MA) can be applied for from the Department of Work and Pensions.

An employee with 41 weeks or more continuous service at the time the baby is due, who returns to work for at least 26 weeks has an entitlement to Enhanced Maternity pay (EMP) of a total of 39 weeks paid maternity leave consisting of:

- the first 6 weeks at full pay; and
- the next 12 weeks at half pay plus SMP (but not exceeding full pay); and
- the next 21 weeks at SMP or 90% of weekly earnings if this is less than SMP (but not exceeding full pay)

An employee with 41 weeks or more continuous service at the time the baby is due who chooses not to return to work has an entitlement to a total of 39 weeks paid maternity leave consisting of:

- the first 6 weeks at full pay; and
- the next 33 weeks at SMP or 90% of weekly earnings if this is less than SMP (but not exceeding full pay)

Repayment of EMP when deciding not to return to work

The University has the right to reclaim the non-statutory element of maternity pay if the employee chooses not to return to work after their maternity leave or returns but does not continue in employment for at least 26 weeks.

Pay when redundant or at the end of a fixed-term contract

If an employee is made redundant or is on a fixed term contract which ends during maternity leave, or during the following 26 week period, the Enhanced Maternity Pay will cease at the point the contract of employment is ended. The employee will be entitled to the balance of any Statutory Maternity Pay remaining and will not be required to repay any EMP already received.

7.6 Sickness Absence and Sick Pay

If an employee suffers general ill-health during their pregnancy this will be treated as normal sickness leave and paid accordingly. However if the ill-health is pregnancy-related and occurs during the four weeks immediately prior to the due date, this will automatically trigger the start of the maternity leave. Employees must ensure that they inform Human Resources if this occurs.

The maternity leave period cannot be broken by other types of absences such as annual leave. If an employee is ill during maternity leave the illness is treated as part of the maternity leave.

7.7 Special Circumstances

In the event of a baby not reaching term or being stillborn, the employee will still be entitled to maternity leave and pay (if previously eligible for pay), if the pregnancy has reached the start of the 24th week.

7.8 Contact during Maternity Leave

Prior to maternity leave commencing the line manager will take responsibility for agreeing with the individual the level of contact which will take place during maternity leave.

During maternity leave either party is entitled to initiate contact, with the aim of keeping the individual informed and ensuring they feel involved. This can include but not be limited to forwarding relevant information, invitations to key meetings and social events, and discussing return to work arrangements.

7.9 Keeping in Touch Days

'Keeping in Touch' (KIT) days allow an employee to carry out up to 10 days' work during their maternity leave period, without bringing their maternity leave to an end.

KIT days can be taken at any time during the maternity leave period, with the exception of the two weeks immediately after childbirth. If KIT days are worked, they do not extend the statutory maternity leave period.

KIT days must be agreed between both the employee and the line manager, as there is no obligation on either party to make use of these days.

Payment will be made based on the number of hours worked during each KIT day. Regardless of the number of hours worked during a KIT day, it will constitute a full day's work for the purposes of the number of KIT days used. For example, if an employee comes into work and carries out 3 hours of work that day, that will constitute 1 KIT day.

Once the line manager has agreed the details of the first KIT day, a risk assessment will be undertaken by the line manager, to enable the employee's attendance at the workplace. For subsequent KIT days a review of this original assessment will be undertaken by the line manager, to take into account any changes in either the work environment or the employee's condition/circumstances.

7.10 Job Vacancies

Whilst an employee is on maternity leave the University will provide them with details of current job vacancies.

Employees will be able to provide a personal email address on the Notification form where details of current vacancies will be sent.

7.11 Pension Schemes

Information on pension contributions whilst on maternity leave can be provided upon request from the payroll team.

7.12 Salary Increments and Cost of Living Increases

Salary increments and cost of living pay rises will be applied as normal during maternity leave.

If the University awards a pay rise which is effective at any time from the start of the set period used to work out SMP and the end of maternity leave, SMP will be recalculated and pay will be adjusted accordingly.

7.13 Annual Leave and bank holidays

Whilst on maternity leave an employee continues to accrue annual leave, bank holidays and closed days (where applicable). Employees should discuss with their line manager when they will take their annual leave and are encouraged to take it prior to commencing their maternity leave wherever possible. Any remaining accrued leave can be taken on return from maternity leave and should be agreed with the line manager in accordance with normal annual leave procedures.

7.14 Shared Parental Leave

Subject to qualifying criteria, an employee may be entitled to end their maternity leave to take Shared Parental Leave which allows both parents to be on leave. Further details on this can be found in the Shared Parental Leave Policy and Procedure.

7.15 Returning to Work

Returning after Ordinary Maternity Leave

An employee returning from OML is entitled to return to the same job, on the same terms and conditions as if they had not been absent.

Returning after Additional Maternity Leave

An employee returning from AML is entitled to return to the same job, or a similar job on the same or better terms and conditions. If a post does not exist due to a restructure the Redundancy Policy and Procedure and Redeployment Policy and Procedure will apply.

Giving Notice of Intention to Return to Work

If an employee intends to return to work at the end of their full maternity leave period entitlement, they are not required to give notice of their return.

If an employee wishes to extend their maternity leave or return earlier than a date previously specified, they are required to give their line manager and Human Resources, eight weeks notice of the change, in writing.

If an employee decides not to return to work after either their OML or AML, they must provide their line manager and Human Resources with the notice of resignation required by their contract of employment.

Prior to returning to work, an employee and their line manager should discuss the individual's return to help facilitate their integration back into the work place.

If an employee is unable to return to work due to sickness on the day they are expected back from maternity leave, normal sickness procedures apply.

7.16 Flexible Working Requests

An employee has a statutory right to request flexible working on return from maternity leave. Please refer to the Flexible Working Policy and Procedure for further details.

7.17 Parental Leave

Employees may have the right to 18 weeks unpaid "Parental Leave" and are entitled to request that some of this is added to the end of their Maternity

Leave period. Further details on this can be found in the Time Off and Special Leave Policy and Procedure.

8 ASSOCIATED DOCUMENTS

8.1 The University of Northampton's:

Paternity Leave Policy and Procedure
 Parental Leave Policy and Procedure
 Time off and Special Leave Policy
 Flexible Working Policy and Procedure
 Working Off Premises Policy and Procedure
 Shared Parental Leave Policy and Procedure
 Redundancy Policy and Procedure
 Redeployment Policy and Procedure

9 EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment must accompany this document.

10 VERSION CONTROL

Version Control		Approval record	
Author:	HR	Approval:	Board Approval 23/06/2015
Date written:	Spring 2015	Updates:	Reviewed Oct 22
Current status:	Approved	Approval of revision	29/11/2022

Record of Amendments

Date	Version number	Details of Change	Approval
October 22		<ol style="list-style-type: none"> 1. Policy template updated to ensure accessibility 2. Policy Statement updated and duplicate about aim of statement removed from key principals as reads better in policy statement. 3. Definitions tweaked to make expected week of childbirth (EWC) clearer 4. Key Principles expanded to include reference to surrogacy when referring to adoption policy 	

APPENDIX 1 – Notification of Maternity Leave

Please complete all sections in block capitals and return to HR with your MATB1 form.

Name:	
Faculty/Department:	
Line Manager:	
Employee Number:	
Expected Date of Childbirth:	
Date Maternity Leave to commence:	
Number of weeks of maternity leave being taken:	

If eligible for Employer enhanced Maternity Pay please select option 1 or 2 by ticking the appropriate box below:

1) I wish to be paid at the enhanced rate of maternity pay and understand that I will be required to repay these enhanced benefits should I not return to work with The University of Northampton for a minimum of 26 weeks.	
2) I do not wish to be paid at the enhanced rate of maternity pay and understand that I will receive the enhanced payment should I return to work for 26 weeks.	

Job Vacancies

During your maternity leave we will keep you informed of current vacancies. These alerts will automatically be sent to the e-mail address provided below, unless you request an alternative method.

Email: _____

If you wish to opt out of vacancy alerts, please tick this box to confirm your choice:	
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Please sign and date below to confirm your notification of the details above.

Signed: _____ Date: _____