

# MATERNITY POLICY: LEAVE & BENEFITS

## 1. INTRODUCTION

University of Suffolk Maternity Policy is part of our suite of family friendly policies which together are designed to recognise your family as well as your work commitments and to ensure a healthy work-life balance. This Maternity Policy applies to all pregnant staff irrespective of length of service.

## 2. NOTIFICATION OF PREGNANCY

Early on in your pregnancy you are welcome to arrange to meet with your People Business Partner to discuss arrangements with regard to your pregnancy and maternity leave.

## 3. HEALTH AND SAFETY AT WORK FOR EXPECTANT (AND NEW) MOTHERS

It is advisable that you notify us as soon as possible of your pregnancy, so that a risk assessment can be undertaken with yourself and your line manager.

The risk assessment will include any specific risks to women of childbearing age. Please see the [Pregnant Worker Risk Assessment](#).

If risks are identified associated with your pregnancy or as a new mother who has given birth within the previous six months, or because you are breastfeeding, we will make changes that are necessary to your work to ensure you are not exposed to any significant risk. You must inform us of any advice that you have received from your doctor or midwife that could impact on your assessment(s).

Reassessments will be made as your pregnancy progresses to take into account possible risks that may occur at different stages of your pregnancy.

If you are still breastfeeding on your return to work you should let the People and Organisational Development (POD) team know before your return date. We will then conduct a risk assessment and ensure we have suitable provision.

Please refer to the University of Suffolk Health and Safety guidance on the intranet, Staff Information Health and Safety; New and Expectant Mothers, and the Health & Safety Executive website for further information.

#### **4. ANTE-NATAL CARE**

You are entitled to time off work with pay to attend appointments for ante-natal care. Except in the case of your first appointment, your line manager may ask you to produce evidence of your appointments. Where possible, you should make appointments which cause minimal disruption to your working day.

#### **5. MATERNITY LEAVE NOTIFICATION & PROCEDURE**

All pregnant employees are entitled to 52 weeks' statutory maternity leave (26 weeks' Ordinary Maternity Leave and 26 weeks' Additional Maternity Leave).

You must advise POD and your line manager of your intention to take maternity leave and the intended commencement date of maternity leave, by the 15<sup>th</sup> week before your expected week of childbirth, unless this is not reasonably practicable. In this case you must give as much notice as is reasonably practicable.

You should make this notification using a [MAT1](#) form. You must also provide a MATB1 certificate from your doctor or midwife which states the expected week of birth of your baby.

Maternity leave can commence anytime from the beginning of the 11<sup>th</sup> week before the week in which the baby is due. If you decide to work right up until the birth (and you are medically fit to do so), then maternity leave and pay will start from the day after the birth of the baby.

The POD team will confirm your leave and pay entitlements in writing within 28 days of your notification of maternity leave on the [MAT1](#) form (and including the MatB1), clarifying the date you are expected to return if you take the full leave entitlement due to you.

If you change your mind about when you want to start your maternity leave, you must let us know in writing, allowing at least 28 days' notice of the revised date of commencement of maternity leave. (Unless not reasonably practicable in which case as much notice as is reasonably practicable is required.)

Where your maternity leave starts unexpectedly e.g. due to early childbirth or illness, you must advise the POD team as soon as you are able. Maternity leave will commence on the day following the birth of your baby when this occurs before the intended commencement of maternity leave.

If you are off sick due to a pregnancy-related illness at the beginning of the 4<sup>th</sup> week before the expected week of birth, you will commence maternity leave at that date. If immediately prior to this you were on sick leave you will transfer from sick pay to maternity pay. If you are still working and you become sick with a pregnancy-related illness after the beginning of the 4<sup>th</sup> week before the expected week of birth, maternity leave and pay will commence on the day following the first complete day you are absent from work for that reason.

Please see Maternity Leave, Pay & Benefits Timeline in Appendix 1 for information on critical dates regarding maternity leave, pay and benefits.

## **6. MATERNITY PAY**

The amount and type of maternity pay you may be entitled to depend partly on your length of service with University of Suffolk. Most employees, as a minimum, will be entitled to Statutory Maternity Pay (SMP). You may also be entitled to receive Occupational Maternity Pay (OMP). If so, the two types of pay are inter-related so that you cannot receive more than your normal weekly pay whilst on maternity pay.

Please see page 9 of this document, Maternity Pay & Leave Entitlements. This will help you clarify your entitlement to maternity pay (and leave) according to your length of service and level of earnings.

The government website can help you establish and calculate your entitlement to Statutory Maternity pay (SMP) and leave. The link can be found [here](#).

Entitlement to occupational maternity pay (OMP) in addition to any entitlement to SMP, is granted as long as you have at least one year's service with University of Suffolk as at the week in which the baby is due. The maximum pay you are entitled to receive is equivalent to your normal full pay, which will be made up of SMP and the balance as OMP.

There is a maximum pay period of 39 weeks (reduced if you return to work within 39 weeks of commencing maternity leave). If you choose to take more than 39 weeks' leave, the remaining weeks will be unpaid; up to a maximum of 13 weeks' unpaid if you take the full 52 weeks maternity leave.

Payments will be made at your normal pay intervals but cannot commence earlier than the 11<sup>th</sup> week before the expected week of childbirth. To facilitate payment arrangements, it is helpful for maternity leave and the maternity pay period to commence on a Sunday as far as possible. This is, however, your choice.

You may choose when to receive your Occupational Maternity pay. It can be paid as it falls due or can be paid as a lump sum upon your return. In order to remain entitled OMP, you must return from maternity leave for a minimum period of 13 weeks. If you are paid OMP before the end of the 13 week return period, then do not return for the period required for whatever reason, all OMP becomes immediately repayable to the University of Suffolk.

If you have no entitlement to SMP or OMP due to insufficient service, or your earnings are below the Lower Earnings Level you may be entitled to Maternity Allowance. In this case the University of Suffolk payroll section will issue you with a SMP1 form and you should forward this to the local Jobcentre Plus without delay.

## 7. STILLBIRTHS OR DEATH OF A BABY AFTER CHILDBIRTH

Whilst you may not feel ready to talk to us in the event of a stillbirth, we would like you to contact us as soon as you can. We would like to be as supportive as possible and will be able to advise you what payments and benefits may be available to you.

If your baby is stillborn before the 25<sup>th</sup> week of your pregnancy, you will not be able to get Statutory Maternity Pay (or leave). You may be able to get Statutory Sick Pay instead. You will also be eligible for sick or compassionate leave according to the circumstances. Each case will be considered by the Director of Human Resources. Please see the [Special Leave policy](#) for further details.

If your baby is stillborn after the start of the 25<sup>th</sup> week of your pregnancy, you remain entitled to Statutory Maternity Pay (and leave).

If your baby dies after childbirth, you remain entitled to Statutory Maternity Pay (and leave).

## 8. KEEPING IN TOUCH WHILST ON MATERNITY LEAVE

- **Contact during Maternity Leave**

Reasonable contact between your line manager and/or POD and yourself should take place whilst you are on maternity leave. This would usually be to discuss changes that may be taking place at work or to discuss your return to work or any work-related issues that may be of concern.

You may wish to agree with your manager before you go on maternity leave what level of contact is deemed appropriate.

- **Keeping in Touch Days**

You may carry out up to 10 'Keeping in Touch Days' during your maternity leave, (as long as none take place during the two week period commencing on the day on which childbirth occurs). This will not affect your maternity pay or bring your maternity leave to an end. Any work carried out on any one day will constitute a full day's work.

Work in this context means any work done under your contract of employment and may include training, attending meetings or committees, or any activity for the purposes of keeping in touch with the workplace.

You will receive your normal rate of pay undertaking for a KIT day. You will not be entitled to receive extra payment above your maternity pay for undertaking keeping in touch days unless otherwise agreed with your line manager and confirmed in writing.

There is no obligation to undertake Keeping in Touch days and University of Suffolk is under no obligation to offer them. However, if you wish to make use of these days, please let your manager know so that appropriate arrangements can be discussed.

## 9. NOTIFICATION OF RETURN TO WORK

If you intend to return to work at the end of your full (52 weeks) maternity leave period (or on the date you specified before you commenced maternity leave), you are required to give no further notice. We will expect to see you back at work on the first day of week 53 since you went on leave (or other date given in your notification). If you have agreed to take annual leave at the end of your maternity leave, you will then be deemed to be back at work for pay and benefits purposes for the duration of

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your leave. You will be expected back at the work on the first working day following the end of your annual leave.

However, if you wish to change your date of return (to either an earlier or later date or not to return at all), you must give 8 weeks' notice of your revised return (or non-return) date. Please advise us in writing if you wish to change your date of return. If you do not comply with this, your maternity leave may be extended for 8 weeks' after the date of giving notice of return (but no later than the beginning of week 53 since you went on maternity leave), to allow us to make appropriate arrangements for your return.

## **10. ENTITLEMENTS FOR OTHER MAIN CARERS**

If you return to work early<sup>1</sup> ceasing claims for statutory maternity pay or maternity allowance, the child's biological father, or your husband/civil partner may be entitled to Additional Paternity Leave (APL). APL was introduced to enable others who also have the main responsibility for the child to take leave from work to care for their infant.

Applying for APL should be made via the person's own employer. To support his/her application you would be expected to sign a declaration in accordance with that employer's processes for taking APL. This declaration is likely to ask you to confirm your return to work date with us and that you are the mother of the child. To find out more about APL please refer to the Paternity Leave Policy for the person's employer or contact your People Business Partner. You may also wish to read our Paternity Leave Policy which outlines the expectations of the mother.

If you are returning to work early to enable APL for another person, please confirm this within your letter when requesting an earlier return date, confirming the person's name applying for APL; their employer are likely to write to us to confirm arrangements.

## **11. NON-RETURN TO WORK**

If, during your maternity leave, you decide you no longer wish to return to work, you should notify us as soon as possible, so that we can make alternative arrangements with regard to your post. Early notification will not affect your Statutory Maternity Pay (where payable) and you will continue to receive it through your University of Suffolk pay until the end of the 39<sup>th</sup> week of maternity pay. This will affect your calculated annual leave entitlement. If you have overtaken your annual leave entitlement, you will be expected to repay the amount of the overpayment. Your leave date from University of Suffolk will be the date of the last day of SMP.

Where you have been receiving University of Suffolk Occupational Maternity Pay (OMP) and you do not return to work at the end of your maternity leave (or you return to work but leave within 13 weeks of the date of return from maternity leave), OMP becomes immediately repayable. Repayment will need to be discussed and agreed with your People Business Partner. If you have opted to receive OMP on your return, it will no longer be due to you.

If you are unable to return to work after the end of your entitlement to maternity leave because you are medically unfit, you should submit a medical certificate. In such cases you will transfer from maternity leave to sick leave.

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<sup>1</sup> The Mother must have at least two weeks' statutory maternity pay or maternity allowance remaining

If you simply 'do not turn up' without explanation, your absence may be treated as unauthorised and could be subject to disciplinary action. Leave will not accrue if there is any extended period of absence.

## **12. ANNUAL LEAVE ENTITLEMENT DURING MATERNITY LEAVE**

Annual leave continues to accrue throughout the full period of maternity leave and can be taken up to one year after returning to work.

## **13. PENSION CONTRIBUTIONS DURING MATERNITY LEAVE (USS & LGPS)**

Contributions are maintained in full for any period when you are in receipt of any pay, whether contractual or SMP. Where you are not entitled to contractual maternity pay or to SMP, contributions also have to be maintained for the first thirty-nine weeks of maternity pay or the period up to two weeks after the baby's birth if this is longer. Member's contributions during this period are based on your actual income and any shortfall is made up by University of Suffolk. A member of USS on unpaid leave is treated as being on suspended membership of the scheme and does not receive any service credits. On your return you may, buy in this service by paying both employer and employee contributions.

Contributions are maintained in full for any period when you are in receipt of any pay, whether occupational or SAP. Member's contributions during this period are based on your actual income and any shortfall is made up by University of Suffolk.

A member of either USS or LGPS on unpaid leave after the first 39 weeks is treated as being on suspended membership of the scheme and does not receive any service credits. On your return you may buy back this service by paying both employer and employee contributions.

Please refer to the relevant scheme guide for further information about pension contributions during periods of absence.

If you have been paying Additional Voluntary Contributions to buy added years of pensionable service prior to starting adoption leave you should continue to pay the same percentage of your full salary unless you want to terminate your contract. Please contact your AVC Administrator for further guidance.

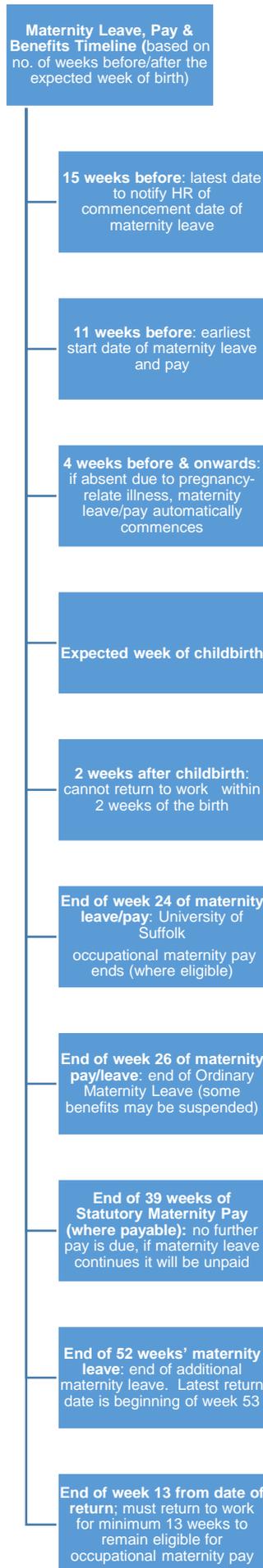
## **14. TRADE UNION SUBSCRIPTIONS**

. You should contact your union directly to arrange to make payment.

## **15. STATUTORY ENTITLEMENTS ON RETURN TO WORK**

We have a range of other policies which cover both statutory and contractual entitlements and form part of our Family Friendly suite of policies. These are detailed below.

# Appendix 1



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<b>Minimum Length of Service</b>	<b>Earnings Level</b>	<b>Maternity Leave Entitlement</b>	<b>Statutory Maternity Pay (SMP) Entitlement</b>	<b>Occupational Maternity Pay (OMP) Entitlement</b>	<b>Comments</b>
Applies only to employees with less than 26 weeks' service at the 15 <sup>th</sup> week before the baby is due.	N/a	52 weeks (26 weeks OML* & 26 weeks AML**)	No entitlement	No entitlement	Apply for Maternity Allowance from Benefits Agency. The university will issue an SMP1 form for this purpose.

<p>At least 26 weeks' service at the 15<sup>th</sup> week before the baby is due.</p>	<p>Average weekly earnings of <b>more</b> than the lower rate of SMP</p>	<p>As above</p>	<p>6 weeks @ 90% of full pay</p> <p>33 weeks @ lower SMP rate</p> <p>Up to 13 weeks unpaid</p> <p>Payable even if not returning</p>	<p>No entitlement where employee has less than one year's service at the week in which the baby is due.</p> <p>Where employee has one year or more service at the week in which the baby is due:</p> <p>8 weeks' full pay</p> <p>16 weeks' half pay</p> <p>Up to 28 weeks' unpaid</p>	<p>OMP only payable where employee has indicated their intention to return to work after maternity leave***.</p> <p>Where payable, OMP will be 'offset' by SMP so that pay does not exceed 100% of normal pay.</p>
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