



# Maternity Policy

Lead Officer (Post):	
Responsible Office/ Department:	
Responsible Committee:	People and Culture
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Date policy due for review:	
Date of Equality Impact Assessment:	Click or tap to enter a date.
Date of Privacy Impact Assessment:	Click or tap to enter a date.

Accessible versions of this policy are available upon request. Please contact the University Governance team

**Policy Summary**

Overview	To consolidate new staffs understanding of their duties and responsibilities, to ensure they have the knowledge and skills to perform their role safely and to a high standard, with an understanding of UHI North, West and Hebrides (NWH) mission, values and culture.
Purpose	This policy sets out the contractual and statutory maternity rights for all eligible employees wishing to take maternity leave.
Scope	This policy applies to all new employees including academic and professional services - full time, part time and temporary staff members.
Consultation	All staff will be asked to consult on the new policy.
Implementation and Monitoring	The implementation and monitoring of the policy is the responsibility of the Human Resource department.
Risk Implications	There are no risk implications.
Link with Strategy	This policy aligns with UHI's enabling plan 'people and culture' which forms part of the strategic plan (2021-2025) framework.
Impact Assessment	Equality Impact Assessment:
	Privacy Impact Assessment:

## Contents

<b>1. Introduction</b>	<b>4</b>
<b>2. Scope of the Policy</b>	<b>4</b>
<b>3. Aims of the Policy</b>	<b>4</b>
<b>Procedures – The Key Things You Need to Know</b>	<b>5</b>
1. General Qualification Conditions for Parental Leave	6
2. Antenatal Leave	6
3. General Entitlements	7
4. General Exclusions	7
5. Less than 26 weeks Continuous Service	7
6. More than 26 weeks Continuous Service	7
7. Keeping in Touch Days	7
8. Baby is Born Early	7
9. Return to Work	7
10. Return to Work when the Employee Terminates Employment	7
11. Redundancy	6
12. Calculation of Statutory Maternity Pay	6
13. Cessation of Entitlement	6

## **1. Introduction**

The Maternity Policy is designed to enable the college to meet its statutory legislative requirements and to provide an appropriate level of support to employees who wish to take time off following the birth of a child.

The policy outlines both the Statutory and Occupational entitlements to leave and payments and provides a framework for Managers and Staff to help them manage maternity leave and pay effectively.

## **2. Scope of the Policy**

The policy applies to all employees of UHI North, West and Hebrides College.

## **3. Aims of the Policy**

To review, update and amend the existing policy in line with the general review of all college policies.

To end the practice where payments to some employees significantly exceed the payments they would receive if they were attending work.

To increase the level of support provided to most employees for the first 26 weeks of Maternity Leave.

To achieve these aims by extending the period of OMP to 26 weeks in line with other organisations and by setting the level of payment of Occupational Maternity Pay at 90% of normal salary.

To provide guidance which enables the college to comply with statutory requirements.

**Procedures – The Key Things You Need to Know**

1. General Qualification Conditions for Parental Leave
2. Antenatal Leave
3. General Entitlements
4. General Exclusions
5. Less than 26 weeks Continuous Service
6. More than 26 weeks Continuous Service
7. Keeping in Touch Days
8. Baby is Born Early
9. Return to Work
10. Return to Work when the Employee Terminates Employment
11. Redundancy
12. Calculation of Statutory Maternity Pay
13. Cessation of Entitlement

## General Qualification Conditions for Maternity Leave

- You are required to notify the college of the start date of your Maternity Leave no later than the end of the 15<sup>th</sup> week before the Expected Week of Confinement (EWC). Failure to do so may result in the loss of both Statutory and Occupational entitlements to return to work, Maternity Leave and Maternity Pay.
- Your notification must detail the date on which you intend to commence Maternity Leave.
- In addition, at least 28 days before the start of your Maternity Leave, you must submit form **MATB1** to the College HR Team. This form must be issued by a registered medical practitioner or midwife detailing the EWC. Failure to do so will result in the loss of any Statutory Maternity Pay or Maternity Allowance.
- The HR Team are responsible for assessing your entitlement and will notify Payroll of the payments due. You will also receive a letter from HR prior to going on Maternity Leave detailing your payments and entitlements.
- Following the birth, you must notify the College HR Team of the actual date of birth. This must be done as soon as possible but at the latest within 21 days of the date of birth.
- You must continue to be pregnant in the qualifying week and continue to be employed at that time.
- You must have stopped work in order to receive the appropriate entitlements.
- Maternity Leave cannot commence earlier than the eleventh week prior to childbirth unless your baby is born earlier than this.

## Antenatal Care

- You will be allowed to take reasonable time off without loss of pay to attend antenatal clinics or similar appointments.

## General Entitlements

- You will be entitled to a maximum of 52 weeks of maternity leave, regardless of length of service or of hours worked.
- You will have the right to return to work at the college, where you comply with the notification requirements.
- You have the right not to be dismissed solely for reasons relating to your pregnancy or Maternity Leave.

- If you are pregnant or you have recently given birth or if you are breast feeding and you cannot carry out your normal duties because of health and safety regulations, you have the right to be offered a suitable alternative post or be placed upon Special Leave with Pay whilst the situation is resolved.
- You will continue to accrue annual leave entitlement and public holidays whilst on Maternity leave.

### **General Exclusions**

- You will not be entitled to Statutory Maternity Pay for any time in the Maternity Pay Period whilst you are:
  - outside the European Economic Area
  - in legal custody

### **Less than 26 weeks Continuous Service**

- Where you have less than 26 weeks continuous service at the beginning of the 14<sup>th</sup> week before the EWC you are entitled to 52 weeks unpaid ordinary Maternity Leave you have the right of return to work.
- You may have the right to Maternity Allowance from the Department for Work and Pensions (DWP). In order to claim this benefit you must request Form **SMP1** from the College HR Team. This form confirms why the College cannot pay you Statutory Maternity Pay. HR will also return to you your form **MATB1**.

### **More than 26 weeks Continuous Service**

- Where you have more than 26 weeks of continuous service at the beginning of the 14<sup>th</sup> week before the EWC you will be eligible for both statutory and occupational entitlements.
- You will be entitled to paid Ordinary Maternity Leave and the option of Additional Maternity Leave.
- Ordinary Maternity Leave will consist of 26 weeks, during which time you will be paid in accordance with College Policy. Payment will consist of a combination of Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP) equal to 90% of your normal salary.
- You will be entitled to 26 weeks at this rate providing you have an entitlement to Statutory Maternity Pay.
- The calculation of your weekly pay will be made using an 8 week period known as the “set dates” and will include contractual overtime and contractual

enhancements. The set period is normally 8 weeks and the advice section describes how this is worked out.

- Following this, you will receive 26 weeks SMP at the current statutory rate.
- Additional Maternity Leave is the second period lasting for a maximum of 26 weeks following Ordinary Maternity Leave. The **total** of Ordinary Maternity Leave and Additional Maternity Leave is not **normally** more than 52 weeks.

### Keeping in Touch Days

- During Statutory Maternity leave you may, with the College's agreement, attend work and carry out your normal duties for up to 10 days (pro rata for part-time staff) in order to keep up to date with College activities. These can be worked without bringing maternity leave to an end or reducing SMP. The employee will be paid their normal hourly rate. (Staff should note that the College would expect minimal disruption to the student experience).

### Baby is Born Early

- If your baby is born before the expected week of childbirth but after the maternity pay period has started, then payment of SMP and occupational maternity pay is unaffected.
- If you give birth after the end of the qualifying week but before your maternity pay period was due to start, you must, if reasonably practicable, notify the college within 28 days of your confinement of the date on which you gave birth. In such circumstances the maternity pay period (during which SMP is payable) will be the period of 26 weeks starting with the day after the day in which childbirth occurred.
- If you give birth after the expected week of childbirth, the maternity pay period (and payment of SMP) is unaffected.

### Return to Work

- You may postpone your return to work for a further 4 weeks and receive sickness allowance if you satisfy the Sickness Allowance provisions and if you submit medical evidence to support that period.
- The postponement of your return to work will apply from the date from which you notify the college of your proposed revised date of return or, where no such notification has been given, from the end of the 26 weeks ordinary or additional maternity leave.



- If you wish to return to work early from ordinary or additional maternity leave, then you must give the College 8 weeks written notice of your proposed return date.

### **Return to Work when the Employee Terminates Employment**

- Where you decide to terminate your employment due to pregnancy or childbirth, but your baby does not survive then the College will look sympathetically to any request for re-engagement. You have no legal right to re-engagement, however, and you may be offered a post which is not at the same grade or salary as the post from which you resigned.
- You will not be offered re-engagement where:
  - No suitable vacancy exists
  - You cannot provide medical evidence supporting a return to work
  - You do not seek re-engagement within the prescribed time limits

### **Redundancy**

- Where it is not practicable by reason of redundancy for the college to allow you to return to work you will be entitled to be offered a suitable alternative vacancy where one exists.
- You may also be offered a suitable alternative post where, due to exceptional circumstances other than redundancy, the post you occupied prior to taking leave no longer exists (e.g., reorganisation / restructuring). College Management will consult with you at the earliest opportunity should this occur.

### **Calculation of Statutory Maternity Pay**

- SMP is payable only in respect of complete weeks. There is no daily rate.
- Average weekly earnings are calculated for the difference pay periods, as follows.
  - for weekly paid employees: add together the payments made to the employee on the 8 pay days ending with the last day before the end of the qualifying week and divide the results by 8, to produce the weekly average.
  - for calendar monthly paid employees: add together the payments made on the last pay day before the end of the qualifying week and on the immediately preceding pay day, multiply the total by 6 and divide by 52, to produce the weekly average.

- for employees paid in relation to any other regular pay period: determine the lowest number of pay periods which takes in a least 8 calendar weeks; add together the payments made on that number of normal pay days ending with the pay day before the end of the qualifying week; divide the total by the number of weeks covered by the pay periods added together, to produce the weekly average.
- Earnings for the purpose of this paragraph include all payments made in the relevant period which are treated as earnings for National Insurance contributions. The gross earnings figure (before National Insurance or other deductions) must be used.

### **Cessation of Entitlement**

- Payment of SMP ceases when:
  - you have received SMP for the entire maternity pay period
  - you start work after childbirth but before the end of your maternity pay period with an employer other than the college by whom you were employed during the qualifying week
  - you die
  - you travel / reside outside the European Economic Area
  - you are taken into legal custody
- Where the college decides that SMP ceases to be payable, you should be notified, in writing, within 21 days of:
  - the weeks for which the college considers SMP payable.
  - the amount of SMP payable for such weeks.
  - the weeks for which the college considers SMP is not payable and the reasons why.