MATERNITY POLICY

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RELEVANT DOCUMENTS
- Maternity and Parental Leave etc. Regulations 1999 (SI 1999/3312)
- Shared Parental Leave Regulations 2014 (SI 2014/3050)
- Statutory Shared Parental Pay (General) Regulations 2014 (SI 2014/3051)
- Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)

RELATED POLICIES & DOCUMENTS
- Shared Parental Leave Policy
- Ordinary Parental Leave Policy
- Paternity Policy April 2015
- Paternity Policy March 2013 (including Additional Paternity Leave)
- Staff Handbook
- Request for Flexible Working Policy
MATERNITY POLICY

Introduction to maternity rights and benefits

This policy sets out the rights of employees to statutory maternity leave and pay.

The University recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is the University's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant she should clarify the relevant procedures with her HR Adviser to ensure that they are followed correctly.

Definitions under this maternity rights and benefits policy

The following definitions are used in this policy:

"Expected week of childbirth" means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

"Qualifying week" means the 15th week before the expected week of childbirth.

"Childbirth" means either:

- Birth of a live child, or
- A still birth after a pregnancy lasting at least 24 weeks.

(full maternity entitlements will be granted in both these circumstances).

Scope of this policy

All pregnant employees (regardless of length of service) have the right in law 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.

All employees who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave (except during the first two weeks from the day of childbirth) subject to their following the correct notification procedures as set out below.
How much maternity pay will the employee receive?

*Employees entitled to enhanced maternity pay*

The University offers employees with more than one year's continuous service by the qualifying week (which is 15 weeks prior to the estimated week of childbirth) enhanced (occupational) maternity pay.

The University pays employees with the required one year's service their normal pay during the first four (4) weeks' maternity leave, followed by two (2) weeks at 90% of average weekly earnings, twelve (12) weeks at half pay plus flat rate SMP or, if less, 90% of average weekly earnings and twenty one (21) weeks at flat rate SMP or, if less, 90% of average weekly earnings.

Note: Half pay and the top up to full pay during the first 4 weeks of the maternity pay period will be reclaimed by LJMU if the individual is unable to return to work for a period of 13 weeks after the period of maternity leave/shared parental leave. (This period remains at 13 weeks even if the individual reduces her working hours to part time).

*Employees entitled only to statutory maternity pay*

Employees who have been continuously employed by the University for at least 26 weeks at the end of their qualifying week and are still employed during that week, will also qualify for statutory maternity pay, providing that:

- they are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- they have provided a MAT B1 form stating their expected week of childbirth; and
- their average weekly earnings are not less than the lower earnings limit for national insurance contributions.

Statutory maternity pay is payable for up to 39 weeks, with the first six weeks payable at 90% of the employee's average weekly earnings. The remaining 33 weeks is payable at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. It is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Payment of statutory maternity pay cannot start prior to the 11th week before the employee's expected week of childbirth. It can start from any day of the week in accordance with the date the employee starts her maternity leave.

Statutory maternity pay is payable whether or not the employee intends to return to work after her maternity leave.
Employees who are not entitled to statutory maternity pay may be entitled to receive maternity allowance payable directly by the Government. If an employee is not entitled to statutory maternity pay, the University will provide the employee with an SMP1 form to allow her to pursue a claim for maternity allowance.

**Timing of maternity leave**

Ordinary maternity leave can start at any time after the beginning of the 11th week before the employee’s expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the employee’s chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before her maternity leave was due to start, she must notify the University in writing of the date of the birth as soon as reasonably practicable.

The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child.

**Notice requirements**

On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there are health and safety considerations for the University.

By the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee is required to inform the University in writing of:

- the fact that she is pregnant;
- her expected week of childbirth; and
- the date on which she intends to start her maternity leave.

The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor’s name and address or the midwife’s name and registration number on it.

The employee is permitted to bring forward her maternity leave start date, provided that she advises the University in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided that she advises the University in
writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The University will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

The employee is required to give at least 28 days' notice of the date that she wants her statutory maternity pay to begin. If it is not possible for the employee to give 28 days' notice, for example if the baby arrives early, she should tell the University as soon as reasonably practicable.

**Time off for antenatal care**

Once an employee has advised the University that she is pregnant, she will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor.

To be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

An individual who has a qualifying relationship with the employee, which includes the employee's husband or civil partner and the father of the expected child, is eligible to take unpaid time off to accompany the employee at up to two antenatal appointments. The individual with the qualifying relationship should ask his/her employer for more details of the right.

**Health and safety**

The University has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to her health and safety or the health and safety of her baby and the risk arises from either processes,
working conditions or physical, chemical or biological agents in the workplace. If applicable, the University will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal job duties, the University will take such steps as are reasonably necessary to avoid those risks, such as altering the employee’s working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for the University to alter the employee’s working conditions to remove the risks to her health and there is no suitable alternative work available to offer her on a temporary basis, the University may suspend her from work on maternity grounds until such time as there are no longer any risks to her health. This may be for the remainder of her pregnancy until the commencement of her maternity leave. If an employee is suspended in these circumstances, her employment will continue during the period of the suspension and it does not in any way affect her statutory or contractual employment and maternity rights. The employee will be entitled to her normal salary and contractual benefits during the period of her suspension, unless she has unreasonably refused an offer of suitable alternative employment.

Please also refer to Health & Safety Code of Practice SCP33.

**Sickness absence**

If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must notify the University in writing of this as soon as reasonably practicable.

**Rights during maternity leave**

During ordinary maternity leave and additional maternity leave, all terms and conditions of the employee’s contract except normal pay will continue. Salary will be replaced by enhanced/statutory maternity pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid whilst receiving maternity pay.
Employees are encouraged to take any outstanding holiday due to them before the commencement of maternity leave. Employees are reminded that wherever possible holiday should be taken in the year that it is earned. If this is not possible employees must liaise with their line manager to use up outstanding holiday as soon is practically possible.

**Contact during maternity leave**

The University reserves the right to maintain reasonable contact with employees during maternity leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

**Keeping-in-touch days**

Employees can agree to work for the University (or to attend training) for up to 10 days during their maternity leave without that work bringing their maternity leave to an end and without loss of a week's statutory maternity pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The University has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the University.

Please refer to Keeping in Touch (KIT) Days Policy.

**Returning to work after maternity leave**

The employee may return to work at any time during ordinary maternity leave or additional maternity leave, provided that she gives the appropriate notification. Alternatively, the employee may take her full period of maternity leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of maternity leave has elapsed, she must give at least eight weeks' notice in writing to the University of the date on which she intends to return. The University encourages all individuals (including those who choose to take their maximum leave entitlement) to give at least 8 weeks written notification of their date of return to the payroll which will enable the payroll deadline date to be met.

The employee has the right to resume working in the same job if returning to work from ordinary maternity leave. If the employee returns to work after a period of additional maternity leave, she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.
Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the maternity leave period.

If the employee decides during maternity leave that she does not wish to return to work, she should give written notice of resignation to the University as soon as possible and in accordance with the terms of her contract of employment.

Please refer to note on page 2 regarding the repayment of enhanced maternity pay if the employee does not intend return to work for a period of 13 weeks after the period of maternity leave. Enhanced (Occupational) maternity pay is only paid to an individual who is intending to return to work for a period of 13 weeks following maternity leave/shared parental leave; this 13 week period of return applies to full and part time employees.

**Transfer of maternity leave**

*Shared parental leave*

Shared parental leave is available in relation to babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the University is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the University's agreement).

To be able to take shared parental leave, an employee and his/her partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave.

Employees can refer to the University's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the mother's maternity leave can be curtailed. The University's policy on shared parental leave sets out the notice periods with which employees must comply and what evidence they must provide to the University. The policy also contains more details on employees' entitlement to statutory/enhanced shared parental pay scheme.

The mother and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.
Additional paternity leave

Additional paternity leave is available in relation to babies due before 5 April 2015. If an employee proposes to return to work by giving proper notification, her spouse, civil partner or partner may be eligible to take additional paternity leave (and additional statutory paternity pay) once she has returned to work.

The earliest that additional paternity leave may commence is 20 weeks after the date on which the child is born and it must end no later than 12 months after the date of birth. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks.

Further details should be obtained from the employee's spouse's or partner's employer. She will be required to submit a written and signed declaration form to that employer, which may also make additional enquiries of the organisation to verify its employee's entitlement to additional paternity leave and pay.

Please refer to Paternity Leave Policy for further detail.