

UNIVERSITY OF LONDON
Institutes and Central Activities

A Guide to Maternity Leave Arrangements (EWC on or after 1 April 2007)

Determination of Maternity Leave Entitlement

There is no minimum qualifying service requirement for an employee to take Maternity Leave. However, how long your leave lasts, how much is paid and the amount of pay you receive depend on your length of service.

If you have less than one year's service at the start of the **Expected Week of Childbirth (EWC)** you are entitled to **Statutory Maternity Leave (SML)**.

If you have continuous service with the University or one of its Colleges of one year or more at the start of the EWC you are entitled to SML or, if you provide a written statement of intent to return to work with the University after your Maternity Leave, to the University's occupational scheme (**University Maternity Leave or UML**).

Statutory Maternity Leave

Duration of Statutory Maternity Leave

Employees are entitled to at least 26 weeks **Ordinary Maternity Leave (OML)** and 26 weeks **Additional Maternity Leave (AML)** regardless of length of service.

Pay During Statutory Maternity Leave

In order to qualify for **Statutory Maternity Pay (SMP)**, you must have completed 26 weeks continuous service by the beginning of the 14th week before the EWC. In addition, you must have worked for the University in the 15th week prior to the EWC and your average earnings must be at least the equivalent of the lower earnings limit for National Insurance.

If you qualify for SMP, it will be paid through the Payroll, monthly and on the same date and in the same manner as applies to your salary payments. The rates are:

- 90% of average pay for 6 weeks
- SMP flat rate or 90% of average pay (whichever is the lower) for 33 weeks.

If you do not qualify for SMP you may be able to claim Maternity Allowance (MA) from the Social Security Office / Jobcentre Plus. You can obtain a claim form for MA from the Social Security Office / Jobcentre Plus or your antenatal clinic.

University Maternity Leave

Duration of University Maternity Leave (UML)

If you qualify by service and you have provided a written statement of your intent to return to work with the University following Maternity Leave, you will be entitled to UML of up to 52 weeks.

Pay During University Maternity Leave (UML)

During UML you will be paid through the Payroll, monthly and on the same date and in the same manner as applies to your salary payments at the following rates:

- 8 weeks on Full Pay
- 16 weeks on Half Pay
- 15 weeks during which SMP is payable subject to eligibility
- 13 weeks Unpaid Leave

UML with full pay includes any SMP entitlement. SMP at the lower rate will be paid in addition to half pay to those eligible for it for a maximum of 16 weeks provided that no combination of payments exceeds full pay.

If you fail to return to work after UML or, when you do return to work, you fail to remain in our employment for a minimum of three months, your entitlement to UML shall be replaced by the relevant statutory scheme and you will be required to repay the non-statutory elements of maternity pay.

Sickness and Health Issues

As soon as possible after you notify us of your pregnancy, and whenever necessary afterwards, the University will undertake a risk assessment to ensure the health and safety of you and your baby at work. If you are employed on work where there is a risk to your pregnancy, we will arrange to protect you and your unborn child.

Starting Your Maternity Leave

You may start your Maternity Leave on a date of your choice, but no earlier than the 11th week before the EWC.

However, if you give birth before the date on which you have notified the University that you wish to start your maternity leave, or if your child is born prior to the 11th week before the EWC, the maternity leave will normally be held to begin on the date of the birth.

If you are absent from work for a pregnancy-related reason in the 4 weeks before the EWC, the University may start your maternity leave automatically regardless of the date on which you have notified us that you wish to begin your maternity leave.

Notice Requirements on Starting Maternity Leave

You are encouraged to advise the University of your pregnancy at the earliest possible date so that the University may make arrangements to protect you from any health or safety risks to you or to your baby at work.

You must notify the University of your pregnancy in order to exercise your right to paid time off for ante-natal care and, unless it is your first appointment, you may also be asked to present an appointment card or some other document showing that an

appointment has been made. Further details on rights to time-off for antenatal care are available from the central University HR Office.

No later than the end of the 15th week before the EWC, you must notify the University of the pregnancy, the EWC and the date on which you plan to commence Maternity Leave.

If you are unable to notify the University of your pregnancy at the required time, you must notify the University immediately that it is reasonably practicable to do so. You must notify us in writing unless it is not reasonably practicable for you to do so.

After giving written notification as detailed above, you may vary the date on which you commence Maternity Leave by giving 28 days notice in advance of the earliest of either the previously notified or newly notified date. If it is not reasonably practicable for you to give such notice you must notify the University as soon as it is reasonably practicable.

The University shall respond in writing to your notification within 28 days. This response shall state the expected date of return if you take the full leave to which you are entitled.

You are required to provide the University with a certificate giving the date of the EWC no later than 28 days before the date on which you wish to commence your leave. You may use the MATB1 which can be supplied by your doctor or midwife for this purpose, but you should note that a MATB1 is not valid for this purpose if it is signed more than 20 weeks before the EWC.

Terms and Conditions of Employment During Maternity Leave

Continuous employment is not broken by maternity leave.

Incremental progression (where appropriate) will not be affected by maternity leave.

Pensions rights and contributions are as laid down in the rules of the appropriate pension scheme. During paid maternity leave, this includes maternity leave on half-pay and SMP periods, membership of the pension scheme remains continuous with no detriment. During any period of unpaid maternity leave, membership of the pension scheme is put on suspense. Life cover may also be suspended during unpaid maternity leave depending upon the rules of the scheme. On your return to work, you have the opportunity to pay extra contributions for any pensionable service missed.

Annual leave entitlement shall accrue in the usual way during Maternity Leave. However you may not take accrued annual leave during your Maternity Leave.

Your annual leave entitlement must therefore be applied prior to or following your return from Maternity Leave. Please note that the normal provisions with regard to the carrying of leave between leave years shall apply and there is no automatic entitlement to carry leave forward..

The following special arrangements apply for the booking and use of leave for employees on Maternity Leave.

Applications for leave do not require the approval or acceptance of a line manager where you opt to terminate your maternity leave earlier than the maximum entitlement and take such accrued annual leave as may be available for an equivalent or lesser period than the outstanding duration of Maternity Leave which would otherwise have been available to you. The usual notice requirements in respect of the termination date for the maternity leave will, however, apply and you must notify us at the same time if you wish to take leave in this way.

Any other requests for leave must be booked and approved in the usual way.

Maintaining Contact and Keeping in Touch Days

The University may make reasonable contact with you during maternity leave on a range of matters, including the administration of your maternity leave, arrangements for your return and to advise you of important developments at work. You may of course contact us for similar reasons.

In addition you may, with our agreement, do up to ten days' work under your contract of employment during maternity leave. These are called Keeping in Touch Days (KIT Days) and are not limited in their use to your normal work, but may be applied for example to attend team briefings/meetings, training, conferences or other events or even to ease the transition to returning to work.

If we request a KIT Day you are under no obligation to agree and shall suffer no detriment as a consequence of any refusal.

Any work done on a KIT Day shall count as a whole day so that, for example, if you attend a course with a duration of just one hour and do no other work that day, that counts as one of your KIT Days.

Payment for KIT Days

After calculation of the amount that would be payable calculated at your normal pay rate for the number of hours performed on a KIT Day, such payment shall only be made where that amount exceeds the amount paid to you (including SMP) under the relevant maternity leave scheme for that day.

In most cases, additional payments shall only therefore become due when you perform work on a KIT Day during the period of your maternity leave when only SMP is payable or when on unpaid maternity leave.

Notice Requirements on Ending Maternity Leave

The University shall assume that, unless you notify us differently at the time that you start your Maternity Leave, you will return to work on the first working day following the end of your maximum maternity leave entitlement. On receipt of your written notification of your intended Maternity Leave start date, the University shall provide written confirmation of your expected return date.

If your start date has been changed (either because you gave notice to change it, or because maternity leave started early due to illness or premature childbirth), the University shall write to you within 28 days of the start of maternity leave with a revised expected return date.

If you wish to return at an earlier date, you must give 8 weeks' notice of your return. Should you wish to vary that date, you may do so by giving 8 weeks' notice in advance of the new date (or of the original date if earlier).

If you fail to give the required 8 weeks' notice, the University may postpone your return to work until you do give the appropriate notice, but this postponement may not extend your absence from work beyond your maximum maternity leave entitlement or previously notified earlier date of return.

The notice required above should be given in writing unless it is not reasonably practicable to do so, but the University has the discretion to accept notice by telephone.

You should note that the law requires that all women take compulsory maternity leave immediately after the birth of their baby and we cannot allow you to return to work until after the compulsory maternity leave period. The compulsory leave period is two weeks from the date of the birth.

If you decide that you do not wish to return to work at the end of your Maternity Leave you must give notice of termination of employment as required under your contract of employment.

Return from Maternity Leave

You are normally entitled to return to work following Maternity Leave in the job in which you were employed, under the original contract of employment, and on terms applicable to you as if you had not been absent.

If you are contracted to fulfil a full-time role you may apply to return to work part-time or otherwise request flexible working arrangements in order to enable you to care for your child. The details of this entitlement are covered by a general statutory right for natural and adoptive parents and partners of natural or adoptive parents to request flexible working arrangements. You can obtain more details of the provisions from <https://intranet.london.ac.uk/1692.html> or from the central University HR Office.

Where you are unable to return from Maternity Leave on the due date as a result of ill health, the normal provisions of your contract in respect of sickness notification, absence and pay shall apply.

Live and Still Births

There shall be no distinctions in the granting of Maternity Leave between the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.

Parental Leave

Further details of Parental Leave entitlements are available from the central University HR Office.

Adoption Leave

Employees intending to adopt a child may also be eligible for benefits.

Benefits equivalent to UML would be available in cases where the adopted child(ren) is/are under two years of age and the newly adoptive parent (of either sex) meets similar conditions to those which apply to employees who have an entitlement to UML in respect of service at the date of adoption and make a written commitment to return to work following leave.

In other cases the statutory scheme may apply. Full details of both statutory and occupational benefits for employees of either sex adopting a child are available from the central University HR Office.