

UNIVERSITY OF LONDON
Institutes and Central Activities

A Guide to Maternity Leave Arrangements

Determination of Maternity Leave Entitlement

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

All pregnant employees are entitled to at least 26 weeks **Ordinary Maternity Leave (OML)** regardless of length of service.

If you have completed 26 weeks service by the beginning of the 14th week before the EWC you are entitled to OML of 26 weeks followed by **Additional Maternity Leave (AML)** of 26 weeks (a total of 52 weeks leave).

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 during your Ordinary Maternity Leave, 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 six weeks
- £100 or 90% of average pay (whichever is the lower) for twenty 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 their 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
- 2 weeks during which SMP may be payable or are otherwise Unpaid Leave
- 26 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. If you are employed on work where there is a risk to your pregnancy, we will arrange to protect you and your unborn child.

Maternity leave shall not normally count against normal sick leave entitlement. However if you are absent for more than 24 weeks connected with your pregnancy or childbirth and your absence is supported by a medical certificate, the absence shall be dealt with under the sick leave provisions

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.

If you give birth before the date on which you have notified the University that you wish to start your maternity leave, 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.

You must notify the University of your pregnancy in order to exercise your right to paid time off for ante-natal care and 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 Personnel 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 any annual leave taken during the maternity leave period, 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. Ofe 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 the first 26 weeks of Maternity Leave. However you may not take accrued annual leave during OML or during paid maternity leave of any kind.

Annual leave shall not ordinarily accrue during any unpaid period of maternity leave entitlement except when this would reduce the leave entitlement below the minimum (currently 4 weeks paid leave per annum) to which you are entitled under the Working Time Regulations (1998). Where the effect of the reduction of leave entitlement in such cases would bring the entitlement below the minimum, the minimum entitlement shall be applied.

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 use accrued annual leave in lieu of an equivalent amount of unpaid maternity leave where this immediately follows the expiry of paid 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 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.

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.

If you wish to return at an earlier date, you must give 28 days notice of your return.

If you fail to give the required 28 days 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.

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 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 from 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 details of the statutory provisions from the DTI website at www.dti.gov.uk/er/review.htm or from the central University Personnel Office.

Where you are unable to return from Maternity Leave on the due date due to 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 between the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks, in the granting of Maternity Leave.

Parental Leave

One week's paid University Parental Leave shall be available to an employee in lieu of an equivalent amount of unpaid maternity leave for those staff with an entitlement to OML only and who are not entitled to Statutory Maternity Pay.

Further details of Parental Leave entitlements (which extend beyond the entitlement detailed above) are available from the central University Personnel 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 Personnel Office.