



## **Maternity Leave**

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The information below applies to employees of the Central Academic Bodies and central activities of the University of London (the "central University") and University staff deployed to Health Education England.

*\*EWC: The week, beginning on a Sunday, during which your doctor or midwife expects you to give birth as specified on your MATB1*

### **1 Determination of Maternity Leave Entitlement**

#### 1.1

There is no minimum qualifying service requirement for an employee to take Maternity Leave. However, the terms that will apply, including pay, depend on your length of service.

#### 1.2

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)**.

#### 1.3

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

### **2 Statutory Maternity Leave**

#### **2.1 Duration of Statutory Maternity Leave**

##### 2.1.1

Employees are entitled to up to 26 weeks' **Ordinary Maternity Leave (OML)** and 26 weeks' **Additional Maternity Leave (AML)** regardless of length of service or the number of hours worked per week.

#### **2.2 Pay During Statutory Maternity Leave**

##### 2.2.1

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 central University in the 15th week prior to the EWC and your average earnings in the eight weeks up to and including that week must be at least the equivalent of the lower earnings limit for National Insurance contributions.

##### 2.2.2

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:



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

## 2.2.3

The central University is not allowed to make SMP payments to you until we have received acceptable medical evidence of the date your baby is due. This will normally be a Maternity Certificate MATB1 given to you by your Doctor or Midwife. (Other medical evidence shall only be acceptable if it shows the date the baby is/was due and not simply the date on which the baby was born).

## 2.2.4

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.

## 3 University Maternity Leave

### ***3.1 Duration of central University Maternity Leave (UML)***

#### 3.1.1

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

### ***3.2 Pay During central University Maternity Leave (UML)***

#### 3.2.1

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

#### 3.2.2

UML with full pay includes any SMP entitlement (see section 2.2 'Pay During Statutory Maternity Leave' above for information about eligibility for SMP). 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.

#### 3.2.1

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.

## 4 Notification of Pregnancy and Medical Evidence of the EWC



## 4.1

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

## 4.2

You must notify the central University of your pregnancy in order to exercise your right to paid time off for ante-natal care.

## 4.3

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

## 4.4

If you are unable to notify the central University of your pregnancy at the required time, you must notify the central 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.

## 4.5

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 central University as soon as it is reasonably practicable.

## 4.6

The central 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.

## 4.7

You are required to provide the central 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. Other medical evidence may be acceptable for this purpose if it includes information as to the EWC (and not simply the date on which your baby was actually born).

## 4.8

Please also note that your MATB1 will not be valid if issued (that is, signed by your Doctor or Midwife) more than 20 weeks prior to your EWC. The MATB1 must also have either your Doctor's name and address or your midwife's name and registration number on it.

## 4.9

Once the EWC is established by your MATB1, it will not normally change even if your baby is born early or late. Exceptionally, a doctor or midwife may certify that the original date was given in error.

## 4.10

In cases where a MATB1 is lost or mislaid a replacement can be issued and clearly marked 'duplicate'.

## **5 Health and Safety Whilst you are Pregnant**



## 5.1

As soon as possible after you notify us of your pregnancy, and whenever necessary afterwards, the central 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.

## 5.2

Risk assessment shall normally be the responsibility of your immediate line manager or other senior manager and is a requirement in relation to women who are pregnant, have recently given birth, or who are breastfeeding.

## 5.3

You should be aware that, in the event that a risk assessment establishes that there is risk to your health or that of your baby, we may take steps to avoid that risk including transferring you to suitable alternative work (on terms which are not substantially less favourable) or suspending you on maternity grounds (during which period you would normally be entitled to your normal pay and benefits etc).

## **6 Sickness Absence Prior to Maternity Leave**

### 6.1

The normal provisions apply in respect of sickness absence during your pregnancy prior to commencing your maternity leave.

### 6.2

However, if you are absent from work either wholly or partly as a result of a pregnancy-related illness at any time during the four weeks prior to your EWC, the University may start your maternity leave automatically from that date.

## **7 Time off for Antenatal Care**

### 7.1

Once you have advised us of your pregnancy, you are entitled to take reasonable paid time off work to attend antenatal appointments as advised by your doctor, registered midwife, or registered health visitor.

### 7.2

In order to be entitled to take time off for antenatal care, you are required to produce a certificate from your doctor, registered midwife, or registered health visitor, stating that you are pregnant 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.

### 7.3

Antenatal care may include relaxation and parent craft classes that your doctor, midwife, or health visitor has advised you to attend, in addition to medical examinations.

### 7.4

You must endeavour to give your line manager as much notice as possible of antenatal appointments and, wherever possible, arrange appointments to minimise disruption to work.



## 8 Starting your Maternity Leave

### 8.1

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

### 8.2

However, if you give birth before the date on which you have notified the central 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.

### 8.3

If you are absent from work for a pregnancy-related reason in the 4 weeks before the EWC, the central 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.

### 8.4

It is a legal requirement that you take a minimum of two weeks maternity leave immediately following the birth of your child.

## 9 Terms and Conditions of Employment During Maternity Leave

### 9.1

During maternity leave, your employment contract is unaffected and you will be entitled to receive all your contractual benefits (except in so far as your normal salary is not payable in whole or in part), including any benefits in kind.

### 9.2

Continuous employment is not broken by maternity leave and incremental progression, (where appropriate) and entitlement to pay awards, etc, are unaffected.

### **9.3 Occupational Pension**

#### 9.3.1

Pensions rights and contributions are as laid down in the rules of the appropriate pension scheme.

#### 9.3.2

During paid maternity leave, this includes maternity leave on half-pay and SMP only periods, membership of the pension scheme remains continuous with no detriment and employee contributions will be based on actual pay, while employer contributions will be based on the salary that you would have been paid were you not on maternity leave.

#### 9.3.3

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.

#### 9.3.4

On your return to work, you have the opportunity to pay extra contributions for any pensionable service missed.

### **9.4 Salary Sacrifice**



## 9.4.1

If a salary sacrifice arrangement is in place, your SMP will be calculated based on your post-sacrifice salary in line with statutory requirements; however the University pays an enhanced occupational maternity pay that tops up the statutory payments so that the amount of pay you receive will not be affected by **Salary Sacrifice for USS or University Pensions (SSUP)**.

## 9.4.2

Unless you apply to opt out of SSUP under a lifestyle event, you will continue to sacrifice an amount of your maternity pay, during any period you are in receipt of occupational maternity pay. This is on the basis that this does not reduce your post-sacrifice salary to below SMP. Maternity pay will continue to be based on your total Pre-sacrifice Salary.

## **9.5 Annual Leave**

### 9.5.1

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

### 9.5.2

Your annual leave entitlement must therefore be applied prior to going on Maternity leave and/or prior to returning to work following 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 to the next leave year.

### 9.5.3

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.*

### 9.5.5

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

## **10 Maintaining Contact and Keeping in Touch Days**

### 10.1

The central 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.

### 10.2

You must ensure that you have provided up-to-date contact information (including full postal address and home/mobile telephone numbers at a minimum, and a personal email address if possible) before commencing maternity leave and update us with any changes throughout your maternity leave.



We also recommend that, shortly before your maternity leave starts, you discuss with your line manager your preferences for maintaining contact during your maternity leave. This will enable your line manager to ensure you receive information in relation to, for example, salary review processes, pay awards, job opportunities, details of events, and training opportunities etc during your absence if you wish.

## 10.4

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.

## 10.5

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

## 10.6

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.

## **11 Payment for KIT Days**

### 11.1

For each KIT Day worked you will be paid for a full day (at the appropriate rate according to your salary spine point), regardless of the hours you work on that day. 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.

### 11.2

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.

## **12 Notice Requirements on Ending Maternity Leave**

### 12.1

The central 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 central University shall provide written confirmation of your expected return date.

### 12.2

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 central University shall write to you within 28 days of the start of maternity leave with a revised expected return date.



## 12.3

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).

## 12.4

If you fail to give the required 8 weeks' notice, the central 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.

## 12.5

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

## 12.6

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.

## 12.7

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.

## **13 Return From Maternity Leave**

### 13.1

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.

### 13.2

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.

### 13.3

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.

## **14 Live and Still Births**

### 14.1

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.



## 15 Transfer of Maternity Leave and Statutory Maternity Pay

### 15.1

If you propose to return to work early without using your full 52-week entitlement to maternity leave (by giving proper notification of an early return), you may be eligible to transfer up to 26 weeks of your outstanding maternity leave (and outstanding SMP) to your spouse, civil partner, or partner, or the father of your child, to be taken as additional paternity leave (and additional statutory paternity pay) on your return to work.

### 15.2

The earliest that additional paternity leave may commence is 20 weeks after the date on which your 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. You must therefore have at least two weeks of your maternity leave that remains unexpired.

### 15.3

Further details should be obtained from your spouse's or partner's employer. If you do wish to transfer part of your maternity leave entitlement in this way, you will be required to submit a written and signed declaration form to your spouse's or partner's employer. That employer may also make additional enquiries of the central University to verify its employee's entitlement to additional paternity leave and pay.

## 16 Parental Leave

### 16.1

Further details of [Parental Leave](#) entitlements are available from the Human Resources.

## 17 Adoption Leave

### 17.1

Employees intending to adopt a child may also be eligible for benefits. For information on adoption leave and pay, please refer to [Adoption Leave](#).