



# Maternity Policy

The Maternity Policy explains both statutory and contractual maternity benefits and provides links to related benefits such as Shared Parental Leave. Employees of Bath Spa University who are eligible may make an application under the policy for up to 52 weeks of maternity leave. The University will pay up to 39 weeks Statutory Maternity Pay (SMP) on behalf of the Department for Work and Pensions and additional occupational maternity pay to all employees who are eligible to receive it. Further information about SMP can be found on the [GOV.UK website](https://www.gov.uk). In order to qualify for additional occupational maternity pay the employee must have been continuously employed by the University for more than 52 weeks by the 11th week before the expected week of childbirth (EWC).

## Scope of policy

The policy applies to all employees, across all grades and groups including academic and professional services, fixed term and part time hourly paid lecturers, part time and full time, permanent and temporary. It can also apply to those temporarily associated with the University (e.g. Students Union) if appropriate.

This policy does not form part of any employees' contract of employment and we may amend it at any time.

## Responsibilities

### Employee

- Comply with the requirements of the Maternity Policy
- Ensure that any application for maternity leave and/or pay is made in accordance with this policy and any statutory requirements
- Cooperate with management in the execution of their duties and responsibilities in relation to this policy
- In the case of a pregnant employee to carry out risk assessments as appropriate and in order to safeguard health, safety and welfare of yourself and your unborn child at all times
- Line Manager
- Understand the Maternity policy, and related procedures, attending appropriate training as required

- Ensure that employees are aware of the Maternity policy
- Treat pregnant employees consistently and with respect, understanding and sensitivity
- Manage any requests received in accordance with the requirements of the policy
- Complete a comprehensive risk assessment with the employee as early as possible once you have been made aware of the pregnancy and revisit the risk assessment as appropriate
- Remain in regular and reasonable contact with the employee for the duration of the pregnancy and maternity leave period. Advice and support on maintaining contact during the maternity leave period will be given by HR

### Human Resources

- Ensure that the Maternity policy is kept up to date and in particular reflects any changes to entitlement
- Provide training, coaching, advice, guidance and support as appropriate
- Acknowledge, process and administer any request received and made in accordance with this scheme

### Maternity rights

All pregnant employees regardless of hours worked and length of service have the following rights:

- Up to 52 weeks Maternity Leave (made up of 26 weeks Ordinary and 26 weeks Additional Maternity leave) subject to meeting notification criteria.
- Return to work to the same job and the same terms and conditions or if that is not reasonably practicable (e.g. the job no longer exists) to a suitable alternative position.
- Protection against dismissal for reasons wholly or partly relating to pregnancy.
- Maternity leave does not count as a break in service. The employee, whilst on ordinary maternity leave, is entitled to full contractual benefits, excluding remuneration.
- Paid time off for antenatal care.

### Notification of maternity - employee obligations

An employee wishing to exercise her rights under the maternity policy needs to inform

the Human Resources Department no later than the end of the 15th week before the expected week of childbirth (EWC) of:

- Her pregnancy
- Her expected week of childbirth. In order to receive SMP the employee must produce a certificate (normally a MAT B1 form) from a registered medical practitioner or a registered midwife confirming the EWC
- The date on which she intends to start her Ordinary Maternity Leave (OML). This must be in writing using one of the below forms, and cannot commence earlier than the 11th week before the EWC

An employee may change the date on which she intends to start her OML provided that she notifies the University no later than 28 days before either the original start date or the new date on which she intends her OML to start, whichever is the earliest.

In order to preserve her rights to maternity leave and pay, an employee absent from work as a result of a pregnancy related illness on or after the first day of the beginning of the fourth week before the expected week of childbirth must notify Human Resources of the reason for her absence as soon as it is reasonably practicable. Maternity leave and pay will commence automatically on the day after the first day of maternity related absence.

### Time off for antenatal care

An employee is entitled to take paid time off during normal working hours to receive antenatal care. Antenatal care includes appointments with her GP, hospital clinics and any other appointments (for example relaxation classes) made on the advice of a doctor, midwife or health visitor.

An employee should give her line manager as much notice as possible of times when she will be absent from work and may be asked to produce relevant appointment cards.

### Risk assessments and action plans

The university has a responsibility to ensure the health and safety of pregnant employees.

An employee should ask her line manager for a Maternity risk assessment form as early on in her pregnancy as possible. The risk assessment will be used to identify possible

risks to the employee and her unborn child, including:

- Lifting or carrying heavy loads
- Standing or sitting for long periods
- Exposure to toxic substances
- Long working hours
- Stress risk factors

Where a risk is identified the university must either remove the risk or remove the employee from being exposed to it (for example, by offering suitable alternative work). If neither of these is possible, the employee may be suspended from work on full pay.

A general guide on how to undertake risk assessments can be found on the [Health and Safety section on new mothers](#). Further advice and guidance can be obtained from the SHE office.

## Maternity leave entitlement

Subject to meeting the notification criteria detailed in our policy scope, all pregnant employees are entitled to up to 52 weeks maternity leave made up of 26 weeks OML followed by a further 26 weeks AML regardless of length of service.

Subject to both parents meeting the eligibility criteria, the mother of the child may take a combination of maternity and shared parental leave provided that the total amount of leave does not exceed 52 weeks. For further information and guidance please refer to the [Shared Parental Leave Policy](#) on the HR web pages.

## Maternity pay

In order to qualify for Statutory Maternity Pay (SMP) an employee must:

- have been continuously employed by the University for a minimum of 26 weeks at the 15th week before the EWC and;
- be employed during that week, i.e. has not resigned or been dismissed before the beginning of that week; and
- have been earning no less than the lower earnings limit for National Insurance (for current rates [click here](#)).

An employee who does not qualify for SMP may be entitled to claim Maternity Allowance

(MA) from the Department for Work and Pensions/Jobcentre Plus Office.

Where an employee does not qualify for either SMP or MA she may be able to claim a Sure Start Maternity Grant instead.

### Maternity Pay - Package A

This package covers all employees who have been continuously employed for a period of not less than 26 weeks at the 15th week before the EWC but less than 52 weeks at the 11th week before the EWC.

The employee is entitled to receive 6 weeks at 90% of full pay followed by 33 weeks at the Statutory Maternity Pay standard rate (see current rates) per week or 90% of average earnings whichever is lower.

### Maternity Pay - Package B

This package covers all employees with more than 52 weeks service at the 11th week before the EWC.

If the employee has declared her intention to return to work following AML she will be entitled to 100% of normal weekly earnings for the first four weeks of leave followed by two weeks at 90% (reduced where an employee is not eligible for SMP by flat rate Maternity Allowance) and 12 weeks at 50% of normal weekly earnings plus SMP (subject to combined pay and SMP not exceeding full pay). The final 21 weeks will be paid at the standard rate of Statutory Maternity Pay.

If the employee chooses not to return to work or not to continue to work for a period of at least 13 weeks service following her maternity leave the University reserves the right to reclaim the half pay element. The University will claim up to a maximum of 12 weeks, or if she has received less than 12 weeks payment (because she has returned to work), the amount of money which she has been paid.

She will not be required to refund any SMP. If the employee is uncertain over her return to work she may elect to have the 12 weeks half pay on her return to work.

## Statutory maternity pay - general principles

- **Early Births:** If the baby is born early but after the employee has started to receive SMP it will continue to be paid. If the employee had not yet started to receive SMP

it will be triggered.

- **Late Births:** If the baby is born after the EWC, SMP is not affected.
- **Still Births:** In the unfortunate and tragic event of a stillbirth the employee is entitled to SMP if the child is born after week 24 of the pregnancy.
- **Sickness in the last 4 weeks before EWC:** Statutory maternity leave and pay will commence automatically on the day following the first day of absence from work because of pregnancy after the beginning of the fourth week before the expected week of childbirth. See paragraph 7 of the [Absence Management Policy](#).

## Circumstances under which SMP is lost

If during the period the employee is paid SMP she does any of the following the entitlement to SMP will cease:

- Goes abroad outside the European community
- Is taken into legal custody
- Starts work for another employer
- Returns to work (excluding the 10 Keeping in Touch days).

## Pension

Employees who are members of the Local Government Pension Scheme (LGPS) or Teachers' Pension Scheme (TPS) and are receiving contractual or statutory maternity pay will continue to make contributions to their respective schemes.

During the period of unpaid absence contributions are not made.

Members of the LGPS can elect to pay Additional Pension Contributions (APCs) to purchase the amount lost during the period of unpaid absence. If you wish to purchase the amount of lost pension you need to make the election within 30 days of returning to work. Further information is available on the [Avon Pension Fund website](#).

Members of the TPS may be able to buy additional pension, for further information on individual circumstances members should go to [My Pension Online](#) if not already registered for My Pension Online, in addition to your National Insurance number you will need your Teachers' Pension Reference number which is obtainable from Payroll.

## Keeping in touch (KIT) days

An employee can agree with the University to attend work for up to 10 occasions during the statutory leave period (not including the 2 weeks compulsory leave immediately following the date of the birth) without bringing that statutory period to an end. Each full or part day worked will be counted as one of the 10 occasions; however claims can only be made for the actual number of hours worked. For the purposes of this provision, attendance will be paid at the employee's normal hourly rate of pay (attendance rate for part time hourly paid lecturing staff). The reasons for undertaking work during the period of maternity leave could include maintaining confidence and skill levels, and staying informed of students' progress. KIT days may also include training, meetings or any other activity that assists the employee in keeping up to date with the workplace. Any days' work undertaken will not extend the statutory maternity leave period.

In order to generate a payment for any KIT days used, the employee's line manager will need to notify Human Resources of the day(s) attended and number of hours worked within 7 working days. Due to payroll cut off dates, notification received after the 5th of the month may not be paid until the following month. There is no obligation for either the employee or the University to make use of the 10 KIT occasions/days.

## Contact with the employee

Both the University and the employee are entitled to make reasonable contact with each other from time to time during the maternity leave period, for example to discuss the employee's return to work.

Recognising that an employee might feel anxious about returning to the workplace after the period of their maternity leave, they might wish to consider contacting one of the internal coaches at the University to facilitate a positive return to work.

## Flexible entitlements - shared parental leave (SPL)

Shared Parental Leave has been designed to provide greater flexibility and to allow both parents to share in the care of a new-born during the child's first 12 months. This flexibility means that both parents can be off at the same time, or alternate leave, allowing either parent to return to work for both periods in between 'blocks' of leave. It is even possible for just one parent to use the SPL, provided both parents are eligible, in order to take advantage of the greater flexibility it offers.

Employees can choose to simply take maternity leave or they can take a combination of maternity leave and shared parental leave. For further information please visit the [Shared Parental Leave](#) webpages or HR via [hrcontact@bathspa.ac.uk](mailto:hrcontact@bathspa.ac.uk) for advice.

### Returning to work

An employee who resumes work after OML is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent, unless a redundancy situation has arisen, in which case she is entitled to be offered a suitable alternative vacancy where one is available.

The above also applies to an employee who returns to work after Additional Maternity Leave (AML). However if there is a reason other than redundancy which means that it is not reasonably practicable to return to her original job, she will be offered a similar job on equitable terms and conditions not less favourable than her original job.

Where an employee is unable to attend work at the end of her ordinary or additional maternity leave due to sickness, normal contractual arrangements for sickness absence will apply.

If industrial action or any other interruption of work makes it unreasonable for the employee to return to work on the date which she has specified, she may instead return when work resumes.

### Returning to work early

We will assume that you will return to work at the end of your maximum maternity leave entitlement. If you wish to return before the end of your maximum maternity leave entitlement you must complete the Return to Work Early form giving us at least 8 weeks' notice.

If an employee intends to take both maternity and shared parental leave she will need to follow the guidance for giving notice as detailed in the [Shared Parental Leave policy](#). Normally such notice will be considered 'binding' and may be given prior to commencing maternity leave. In addition to completing the return to work early form, indicating that they wish to end their maternity leave early, the employee will need to complete and submit the Application for Shared Parental Leave and Pay.

## General issues

Maternity leave is not treated as sick leave and is not therefore taken into account when calculating any period of sick leave entitlement.

Annual Leave does accrue whilst the employee is on ordinary and additional maternity leave. Any leave that is accumulated must be taken at the end of the maternity period i.e. before returning to work.

Periods of maternity leave and maternity-related sickness absence are regarded as continuous service for the purpose of calculating entitlements to employment benefits.

If, in the early months of pregnancy, an employee is advised by an approved medical practitioner to absent herself from work because of the risk of rubella, she will be entitled to leave with full pay.

Employees on Maternity Leave are entitled to be made aware of job vacancies at the University. The University recruitment web pages are updated daily and, unless otherwise notified, it is assumed that employees are checking vacancies regularly.

If an employee decides not to return to work following maternity leave, she should give written notice as per her contract before she is due to return to work. Unless otherwise agreed the leaving date will be the date on which the notice period ends, or in circumstances where notice is not given, the date on which the resignation is received by the University. Where the leaving date falls before the end of the 39 week statutory maternity pay period, any remaining entitlement to statutory maternity pay will be paid as a single lump sum. However, the employee must notify the University immediately of any circumstance(s) which will result in the statutory obligation to pay SMP transferring or ceasing (e.g. starting work for another employer, travelling abroad outside the EU).

