

## **MATERNITY POLICY**

### **1. Introduction**

The policy of the Manchester Metropolitan University is to provide maternity benefits which are in line with the letter and the spirit of the law on maternity rights. This handbook aims to inform staff of the entitlement to contractual and statutory maternity rights. It also explains the procedures to follow to access these entitlements and information regarding your return to work after Maternity Leave.

### **2. Maternity Leave**

You are entitled to 52 weeks' maternity leave regardless of the length of service you have or the hours you work. The first 26 weeks of maternity leave are known as Ordinary Maternity Leave (OML) and is paid leave. You are also entitled to a further 26 weeks leave known as Additional Maternity Leave (AML), of which 13 weeks is paid and the rest of the 13 weeks is unpaid. Therefore, you can receive paid maternity leave for up to 39 weeks in total.

### **3. Statutory Maternity Pay**

To qualify for SMP you must:

- have at least 26 weeks' service by the end of the 15th week before your Expected Week of Childbirth (EWC);
- have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance Contributions (NIC);
- still be pregnant at the 11th week before your EWC;
- have stopped working wholly or partly because of pregnancy;
- have provided the University with 28 days of written notice of maternity absence;
- have provided evidence of your EWC (your MATB1);
- take maternity leave

SMP is payable whether or not you intend to return to work and is not repayable if you do not return to work for any reason. SMP is payable for a maximum of 39 weeks and is only payable if you are absent from work on maternity leave. The exact amount of the SMP that you are entitled to

receive will vary depending on your earnings and the amount of maternity leave you take.

As a general rule you can expect to receive the following:

- higher rate SMP for the first 6 weeks. (Equal to 90 per cent of your average earnings in the qualifying period. The qualifying period is the 8 week period immediately preceding the 14th week before the EWC.)
- lower rate SMP at the rate of £124.88 for up to 33 weeks thereafter.

If you do not meet the service requirement for SMP or, if you earn less than the lower limit for National Insurance Contributions, you will not be entitled to SMP. However, you may be entitled to a Maternity Allowance. Please contact your local Jobcentre Plus for further advice.

#### **4. Occupational Maternity Pay**

If you have been employed by the university for over 26 weeks by the end of the 15th week before your Expected Week of Childbirth (EWC); you will also be entitled to Occupational Maternity Pay (OMP) which will be paid inclusive of SMP.

To be eligible for payment of maternity pay, you should:

- Still be pregnant in the 11<sup>th</sup> week before your EWC
- Have stopped work
- Have provided your HR Advisor with a copy of your MATB1 form which your doctor or midwife will issue to you.

The following table lists your entitlement to Maternity Pay:

<b>Service</b>	<b>Entitlement Amount</b>	
<b><i>Less than 26 weeks</i></b>	<b><i>Maternity Allowance</i></b>	<b><i>Maternity Allowance</i></b>
Between 26 weeks and 2 years service by the end of the 15 <sup>th</sup> week before the EWC	SMP/OMP	6 weeks @ Full Pay 12 weeks @ Half Pay 21 weeks @ SMP flat rate 13 weeks @ no pay
Over 2 years by the end of the 15 <sup>th</sup> week before the EWC	SMP/OMP	13 weeks @ Full Pay 13 weeks @ Half pay 13 weeks @ SMP flat rate) 13 weeks @ no pay

**NB:** Please note that the Full and Half Pay amounts are inclusive of SMP.

**5. Notice of intention to take maternity leave**

At least 15 weeks before your EWC you should notify your HR Advisor in writing of the following:

- That you are pregnant
- The week your baby is expected to be born
- The date on which you intend to start maternity leave

You can begin Maternity Leave at any time after the beginning of the 11<sup>th</sup> week before your EWC.

If you change your mind about the date you want to commence Maternity Leave you should let your manager and HR know at least 28 days in advance of the revised date. You may only give shorter notice if it has not been reasonably practicable for you to comply with this timeframe. Should your baby be born before your intended start date, your Maternity Leave will commence from the day of the birth.

Your HR Advisor will acknowledge receipt of your notification within 28 days and will confirm the start date of your maternity leave, details of maternity leave and pay, and your expected return date following ordinary or additional maternity leave. A Maternity Leave Application form will be included in the letter for your completion and return. You will also be advised to send your MAT B1 to your HR Advisor when you have received this from your midwife or doctor, normally around 26 weeks into your pregnancy.

Failure to comply with the above notification requirements may lead to the loss of your rights relating to maternity leave and SMP.

If you would like to meet with your HR Advisor to discuss your maternity entitlements, benefits and rights, let them know and they will arrange an informal meeting with you.

**6. Health and Safety**

Following notification of your pregnancy your manager will arrange for an individual ongoing assessment of your work to ensure that you are not put at risk during and immediately after your pregnancy. If you have any concerns regarding the tasks you are undertaking during your pregnancy and the effect on your health and safety these should be raised with your manager.

**7. Ante-natal appointments**

You are entitled to paid time off during working hours to attend appointments for ante-natal care. Please inform your Line Manager in advance of such appointments, and if requested provide evidence of them.

**8. Sickness prior to maternity leave**

If you are sick after the 4<sup>th</sup> week before your EWC and it is unrelated to your pregnancy it will be counted as sick leave until the date agreed you would start your Maternity Leave. If the illness is related to your pregnancy then Maternity Leave will automatically commence on the first day of absence.

**9. Compulsory maternity leave**

You cannot work at any time during the two-week period immediately after the date of childbirth. This is a compulsory maternity leave period when working is prohibited.

**10. Working and keeping in touch during maternity leave**

To support occasional training, or help keep in touch without losing SMP, the government has introduced 'Keeping in Touch' (KIT) days during maternity leave. These KIT days allow the University and you to make reasonable contact occasionally during a maternity period. In addition, if you are on maternity leave you can still work for up to a maximum of ten days by mutual agreement without losing SMP. However, it should be noted that you cannot work during the compulsory maternity leave period of two weeks immediately following the birth of the baby.

An example of a KIT day could be to attend an Away day, training or refresher courses. It should not be used to introduce friends and colleagues to new family members.

Important points to note include the following:

- You can come into the office for one hour or a whole day. This will still be a KIT day.
- The decision to undertake a KIT day must be made by agreement between you and your line manager.

- The KIT day will not bring your maternity leave to an end.
- The University has no right to demand that you undertake any such KIT work and you cannot insist that you undertake such work.
- If you work more than 10 days you will lose your SMP for the week that you exceed this limit and thereafter.
- Your Manager may make 'reasonable contact' with you whilst you are on Maternity Leave. This might include talking about your return to work or updating you about what is happening at work.

## **11. Miscarriage/ still births**

In the unfortunate event of either a miscarriage or stillbirth at or after the start of the 16<sup>th</sup> week before the EWC, it is treated as a confinement and the entitlement to maternity leave and pay will be the same as for a normal birth. Where a miscarriage or stillbirth occurs before this date, the procedures relating to sickness absence will apply.

## **12. Benefits and contract of employment**

Provided you have given the required notice as detailed above, during the ordinary and additional maternity leave, your contract of employment continues in force. All the terms and conditions of the contract continue with the exception of salary. Continuity of service is maintained, and any standard incremental progression which may take place during the maternity leave period will be implemented.

### **12.1 Holiday entitlement**

Your holiday entitlement will accrue as normal during your Maternity Leave. You can take your holiday either before or after your Maternity Leave. This will depend which time of year your Maternity Leave falls, as any holiday entitlement should be taken within the annual leave period. Leave not taken within the annual leave period will be lost.

In exceptional circumstances other arrangements regarding when you take your annual leave may be agreed with your manager.

### **12.2 Pension**

Deductions for superannuation will automatically be made from your maternity Payments.

Members of the Greater Manchester Pension fund can pay pension contributions during any period of unpaid Maternity Leave. Further details are available at [www. Gmpf.org.uk](http://www.Gmpf.org.uk).

Members of the Teachers Pension Scheme can pay pension contributions during any period of Maternity Leave Through the 'Buying Past Added Years' option. Further details are available at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk).

You have the right to return to your previous post if you return to work at the end of the ordinary maternity leave period. Should you take additional maternity leave, you will normally return to your previous post; however if that should not be feasible, you are entitled to return to work on terms and conditions no less favourable than those which applied before your maternity leave.

Should a redundancy situation arise which could affect your post while you are on maternity leave, you will be consulted about the continuation of your employment, and if your post becomes redundant you will be offered any suitable alternative vacancy subject to availability.

### **13. Term time only staff/staff employed for less than 52 weeks per year**

If you work for less than a full year, then you will be entitled to maternity pay on a pro rata basis. The total period of maternity leave will not exceed 52 weeks.

### **14. Returning to work**

There is no requirement for you to provide notification of your intended return from OML or AML as this is an automatic right, however you are encouraged to keep in contact with your manager and HR Advisor throughout the period of your Maternity Leave.

Your HR Advisor will write to you 28 days before your planned return date asking if you still intend to return to work on this date. This will ensure that arrangements are in place in your department for your return and HR can notify payroll.

If you wish to return to work before your entitlement of 52 weeks or earlier than the original return date then you will need to provide the University with 8 weeks notice in advance of your revised return date. In some circumstances it may be possible for you to provide less notice if you want to return to work earlier than planned.

If you would like to return to work on a revised working arrangement, you should let your HR Advisor know at the earliest opportunity so that it can be discussed with your line manager.

If you decide not to return to work after maternity leave you are required to give the relevant notice as stated in your contract of employment. If you fail to give notice and fail to return to work at the end of your relevant period of leave (without informing the University of a genuine reason for absence, such as sickness), you will be treated as having resigned. Your employment and contract will come to an end as a result of your resignation.

**15. Staff on fixed term contracts**

If you are on a fixed term contract and the contract is due to expire during your maternity leave period, you should talk to your manager and/or HR Advisor at the earliest opportunity to explore the possibility of an extension. Where no extension is possible, staff will be entitled to the balance of the SMP following the end of the contract. Any OMP paid will not be recovered.

**16. Nursery care**

The University operates a Child Care Voucher Scheme in conjunction with Fideliti in which salary can be given up 'Sacrificed' in exchange for Childcare Vouchers. Up to a certain amount, these vouchers are exempt from National insurance and tax and therefore represent a saving to you. Further Information is available from Fideliti on 0800 288 8727 quoting reference MMU7566.

**17. Useful websites**

The following websites contain detailed information about statutory maternity entitlements and statutory maternity rights.

[www.dti.gov.uk/er/maternity.htm](http://www.dti.gov.uk/er/maternity.htm)

[www.tiger.gov.uk](http://www.tiger.gov.uk)

[www.maternityalliance.org.uk](http://www.maternityalliance.org.uk)

[www.dwp.gov.uk](http://www.dwp.gov.uk)

[www.inlandrevenue.gov.uk](http://www.inlandrevenue.gov.uk)