

## **MATERNITY POLICY**

<b>Responsibility for Policy:</b>	Executive Director of Human Resources
<b>Relevant to:</b>	All LJMU Staff
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### **RELEVANT DOCUMENTS**

- Maternity and Parental Leave etc. Regulations 1999 (SI 1999/3312)
- Shared Parental Leave Regulations 2014 (SI 2014/3050)
- Statutory Shared Parental Pay (General) Regulations 2014 (SI 2014/3051)
- Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)
- General Data Protection Regulation (2016/679 EU)

### **RELATED POLICIES & DOCUMENTS**

- Shared Parental Leave Policy
- Ordinary Parental Leave Policy
- Paternity Policy
- Paternity Policy
- Request for Flexible Working Policy

## **MATERNITY POLICY**

### **Introduction**

The University is fully committed to helping our staff to balance the needs of work and family life and appreciates the importance of providing a greater choice for staff in how they arrange parental care during the first year of a child's life.

The options available to you are based upon your length of service and these can be complex, the aim of this policy is to outline all the options available to you so that you can decide what works best for you and your family. Therefore, when you discover that you are pregnant you should contact your Human Resources Business Partner (HRBP) who will be able to outline the support available to you. The University also has a parent/carer advocate within the Human Resources team and an institutional Parents network to help support you with any questions that you may have. Your HRBP will provide you with more information on these resources.

### **Maternity definitions**

The following definitions are used in this policy:

- "*The expected week of childbirth*," means the week, starting on a Sunday, during which the doctor or midwife expects you to give birth.
- The "*Qualifying week*," means the 15<sup>th</sup> week before the expected week of childbirth.
- "Childbirth" means either the birth of a live child or a stillbirth after a pregnancy lasting at least 24 weeks.
- "Staff" includes all staff contracted to work for the University. This policy does not apply to students.

### **Scope of this policy**

All pregnant staff (regardless of length of service) have the right in law to take up to 26 weeks' ordinary maternity leave and up to a further 26 weeks' additional maternity leave and to resume work afterwards. You will therefore be entitled to a total period of 52 weeks' maternity leave.

If you take maternity leave you have the right to return to work at any time during either ordinary maternity leave or additional maternity leave (except during the first two weeks from the day of childbirth). We also provide an enhanced scheme for our staff that fit the eligibility criteria, which is outlined below.

**What will my maternity pay be?**

There are two types of maternity pay for our staff and these are dependent upon your length of service. For staff with more than 1 years' service by the qualifying week we provide our staff with an enhanced scheme. For Staff with 26 weeks or more service at the end of the qualifying week, we pay statutory Maternity pay. These two schemes are detailed below:

***Entitlement to enhanced maternity pay***

We have made the decision to pay our staff enhanced maternity pay compared to the statutory requirement, as it's important to us that we attract, retain and support our staff to enable them to balance the needs of work and family life. We therefore offer staff with ***more than one year's continuous service*** by the qualifying week (which is 15 weeks prior to the estimated week of childbirth), enhanced maternity pay.

Under this scheme our staff will receive their ***normal pay during the first 26 weeks and then 13 weeks Statutory Maternity pay (SMP)***.

Note: The enhancement to full pay during the maternity pay period will be reclaimed by LJMU if you are unable to return to work for a period of 13 weeks after the period of maternity leave/shared parental leave. (This period remains at 13 weeks even if you reduce your working hours to part time).

***Entitlement to statutory maternity pay (SMP)***

If you do not meet the 1 years' service criteria but you have been continuously employed by the University for at least 26 weeks at the end of your qualifying week and are still employed during that week, you will qualify for statutory maternity pay, providing that:

- you are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- they you have provided a MAT B1 form stating your expected week of childbirth; and
- your average weekly earnings are not less than the lower earnings limit for national insurance contributions.

Statutory maternity pay is payable for up to 39 weeks. The first six weeks of SMP is paid at 90% of your average weekly earnings. The remaining 33 weeks is payable at a rate set by the Government for the relevant tax year, or at 90% of the average weekly earnings, if this figure is lower than the Government's set weekly rate. It is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Payment of statutory maternity pay cannot start prior to the 11<sup>th</sup> week before the expected week of childbirth. You can start from any day of the week in accordance with the date that you start your maternity leave.

Statutory maternity pay is payable whether or not you intend to return to work after your maternity leave.

If you are not entitled to statutory maternity pay you may be entitled to receive maternity allowance payable directly by the Government. If this is the case, we will provide you with an SMP1 form to allow you to make a claim for maternity allowance.

### **How much maternity leave can I take?**

You are entitled to take up to 52 weeks maternity leave, although the payment terms with vary throughout this period. Leave will start on whichever date is the earlier of:

- your chosen start date;
- the day after you give birth; or
- the day after any day on which you are absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If you do give birth before your planned maternity leave was due to start, you must notify the University in writing of the date of the birth as soon as you are able.

The law does say that a minimum of two weeks of maternity leave is taken immediately after the birth of any child.

### **What do you I need to tell you?**

On becoming pregnant, you should notify your line manager as soon as possible. This is important, as there are health and safety considerations that we need to consider for you and your baby.

By the end of your qualifying week, or as soon as possible afterwards, you should inform your line manager in writing of:

- the fact that you are pregnant;
- your expected week of childbirth; and
- the date on which you intend to start your maternity leave.

You should also provide us with a copy of your MAT B1 form, which is a certificate from a doctor or midwife confirming your expected week of childbirth. They will hand it to you when you go in for your regular check-ups.

You can bring forward your maternity leave start date, should you wish, but we will need you to provide us with notice in writing at least 28 days before the new start date or, if that is not possible, as soon as you possibly can.

### **What are my rights during maternity leave?**

All your terms and conditions will remain the same regarding your contract only your pay will change, as this will be replaced by enhanced/statutory maternity pay.

### ***Time off for antenatal care***

Once you have advised us that that you are pregnant you will also receive paid time off work to attend antenatal appointments as advised by their doctor, registered midwife or registered health visitor.

You will be supported to take time this time off for antenatal care and will just need to provide a certificate from your doctor, registered midwife or registered health visitor, stating that you are pregnant. The exception to this is in the case of your first appointment.

Antenatal could include relaxation and parent craft classes that your doctor, midwife or health visitor has advised you to attend in addition to any medical examinations. Where you are able to please provide your line manager notice of these antenatal appointments.

### ***Health and safety risk assessments will be carried out.***

We want to ensure that you and your baby are safe within the workplace, so we will carry out a risk assessment to assess any potential workplace risks to our staff who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to their health and safety or the health and safety of their baby. The details around this Risk assessment can be found within the Health & Safety Code of Practice SCP33.

<https://policies.ljmu.ac.uk/UserHome/Policies/PolicyDisplay.aspx?&id=36&l=1>

### **What if I am off sick?**

If you are absent from work during pregnancy owing to sickness, you will receive normal statutory or contractual sick pay in the same manner as you would during any other sickness absence provided that she you have not begun your ordinary maternity leave.

If, however, you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before their expected week of childbirth, your maternity leave will start automatically.

If you are absent from work wholly or partly because of your pregnancy during the four weeks before the expected week of childbirth, you must notify the University in writing of this as soon as you are able.

### **Will this impact on my pension?**

During periods of maternity leave at full pay the amount that you contribute to your pension will remain as normal. This will only change if your pay changes e.g., when you move to statutory maternity pay (SMP). Your pension contributions will then be deducted as a percentage of your actual salary. However, pensionable benefits will remain the same based on the pay you would have received had you not been on maternity leave.

### **What happens to my annual leave?**

Annual leave (including bank holidays/closure days) will be accrued during the whole period of your maternity leave. You will be able to discuss with your line manager how you propose to plan your annual leave around your maternity leave.

We would expect you to take your annual leave in the leave year it is accrued, as in most cases, there is hopefully sufficient notice to plan for this type of leave. However, the ability to carry over accrued annual leave into the following leave year may be feasible subject to departmental approval/business need. If you were to leave the University and you have taken more annual leave than you would have been entitled to then the University has the right to recover any overpayments.

### **How do I Keep in touch during maternity leave?**

We would like to keep in touch with our staff to support you as best we can whilst you are on maternity leave and in readiness for your return to work. This could include discussing any special arrangements to be made to support your return to work or research, training to be given to ease your return to work or to update you on developments at work during your absence. You can if you wish utilise keeping in touch days to meet with your line manager prior to your return to work to have these discussions.

### ***Keeping-in-touch days***

Whilst you cannot break your maternity leave with annual leave you can, if you wish, attend work for up to 10 days during your maternity leave without loss of a week's statutory maternity pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a full day's work for these purposes. The aim of these kit days is that you could attend team meetings, training, receive updates or meet to plan your return to work. These days/times can be discussed and agreed with your line manager. You can also agree how and when you would like to be contacted/updated by your line manager throughout your leave.

**Can I transfer some of my maternity leave?**

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share any untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

To be able to take shared parental leave, you and your partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This is all detailed in a separate policy on shared parental leave and you can discuss this with your HRBP.

**What happens when I return to work after maternity leave?**

We recommend that you have a conversation with your line manager to discuss your return to work so that you can discuss the options available and the support available for you. You may return to work at any time during ordinary maternity leave or additional maternity leave. Alternatively, you can take your full period of maternity leave entitlement and return to work at the end of this period. If you do wish to return before the full period of maternity leave has elapsed, you must give at least eight weeks' notice in writing to us of the date on which you intend to return.

You have the right to resume working in the same job if you are returning to work from ordinary maternity leave. If you return to work after a period of additional maternity leave, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of your maternity leave will be treated as an unauthorised absence. Whilst every effort will be made to support your return a failure to return may be progressed under the disciplinary procedure. This is unless you are sick and produce a current medical certificate before the end of your maternity leave period. It is therefore recommended that you have discussions with your line manager to help support you.

If you decide during maternity leave that you do not wish to return to work, you should give written notice of resignation to us as soon as possible and in accordance with the terms of their contract of employment.

Please refer to note on page 3 regarding the repayment of enhanced maternity pay if you do not intend return to work for a period of 13 weeks after the period of maternity leave. Enhanced (Occupational) maternity pay is only paid to a member of staff who is intending to return to work for a period of 13 weeks following maternity leave/shared parental leave; this 13 week period of return applies to full and part time staff.

**Can I request flexible working for my return to work?**

Full consideration will be given to all requests from members of staff who wish to change their working commitment and/or arrangements upon returning from maternity leave. You should submit requests as far in advance of the return date as reasonably practicable, to allow us adequate time for the request to be fully considered and where appropriate, the necessary departmental arrangements to be put in place. For further details, please refer to the University's policies and procedures on flexible working or ask your HRBP.

**Can I continue to breast-feed when I return to work?**

The University recognises the need for facilities and support available to mums who want to feel confident and comfortable when breastfeeding their babies in public. Women can also choose to breastfeed, bottle feed or express in the respite locations across the University campus and staff across the organisation have been trained to offer mums any support they may need. Please contact the parent/carer advocate in Human Resources who will be able to support you with this.

**Data Protection**

When managing your maternity leave and pay, the University processes personal data collected in accordance with its data protection policy / policy on processing special categories of personal data. Data collected from the point at which you inform the University that you are pregnant and is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their maternity leave and pay. Inappropriate access or disclosure of data constitutes a data breach and should be reported in accordance with the University's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the University's disciplinary procedure.