

## Introduction

This document sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and covers the arrangements for antenatal care, pregnancy-related illness, maternity leave and pay. The College implements the maternity rights set out in legislation.

## Maternity Rights

You have the following maternity rights:

- Protection of your health & Safety, and that of your baby; work areas will be risk assessed
- Paid time off for ante-natal care
- Not to suffer any unfair treatment and not to be dismissed or selected for redundancy on grounds related to your maternity.
- Maternity pay - linked to your level of earnings.
- Maternity leave

## Leave and Pay Entitlement

All employees (regardless of service) are entitled to 52 weeks' Maternity Leave. The maternity leave period must include the 2 weeks immediately after childbirth. This is known as the compulsory maternity leave period. **Paid** entitlement depends upon length of service as outlined below:

Staff with **less than 1 year's continuous service at the 11<sup>th</sup> week before the EWC** are entitled to Statutory Maternity Pay (SMP):

- 6 weeks at 9/10 of a week's pay **followed by**
- 33 weeks at the current rate of SMP (or 9/10 if this is less)

The College pays this on behalf of the Benefits Agency to all employees who are eligible to receive it. To qualify for SMP an employee must have:

- 26 weeks' service by the end of the 15<sup>th</sup> week before the EWC **and**
- Average earnings in the 8 weeks ending with the 15<sup>th</sup> week before the EWC must be equal to the lower earnings limit.

If you do not qualify for SMP you may be able to claim **Maternity Allowance** from the Benefits Agency. You need to contact your local Jobcentre Plus to find out if you are entitled to this.

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<b>Staff with at least 1 years' continuous service at the 11<sup>th</sup> week before the EWC:</b>	
Weeks 1-6	<ul style="list-style-type: none"> <li>○ 4 weeks @ full pay (less any SMP or Maternity Allowance)</li> <li>○ 2 weeks @ 9/10 of a week's pay (less any SMP or Maternity Allowance)</li> </ul>
Weeks 7-18	<p><b>For staff intending to return to work (for at least 3 months) are entitled to contractual maternity pay:</b></p> <ul style="list-style-type: none"> <li>○ ½ pay plus SMP (or MA and any dependent's allowances if not eligible for SMP) except when ½ pay plus SMP or MA exceeds full pay.</li> </ul> <p><b>For staff not intending to return to work</b></p> <ul style="list-style-type: none"> <li>○ SMP</li> </ul>
Weeks 19-39	<ul style="list-style-type: none"> <li>○ SMP</li> </ul>

You will lose your right to receive SMP if:

- You are taken into legal custody.
- You start work for another employer.
- You return to work (excluding 'keeping in touch' days)

### Notification

You must notify the College of the following (in writing) as soon as practicable, but no later than the end of the 15<sup>th</sup> week before the expected week of childbirth:

- That you are pregnant.
- Of the expected week of childbirth (EWC).
- Of the date you wish your Ordinary Maternity Leave to start.  
(*this date cannot be earlier than the 11<sup>th</sup> week before the EWC*).
- Your intention to return to work.

You must also provide us with your MAT B1 as soon as it is available.

You may change your mind about when you want to start your leave providing you write to the Personnel Department at least 28 days in advance of the intended start date for your maternity leave. If it is not reasonably practicable to give such notice, you must provide the information as soon as reasonably practicable.

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If you are absent from work with a pregnancy-related illness during the four weeks before the start of the EWC, your maternity leave will start from the beginning of the fourth week before the EWC.

Where childbirth occurs before the notified leave date, maternity leave will start on the day after the birth and you should inform the College that you have had your baby as soon as is reasonably practicable after the birth.

**Time off for antenatal care**

Once you have advised the Company that you are pregnant, you are entitled to take reasonable time off work with pay to attend the antenatal clinic and other antenatal appointments made on the advice of your doctor, registered midwife or registered health visitor. Antenatal care may include relaxation and parent craft classes that your doctor, midwife or health visitor has advised you to attend, as well as medical examinations.

In order to be entitled to take time off for antenatal care, you are required to produce a medical certificate from one of the above, stating that you are pregnant. Except in the case of your first appointment, you should also produce evidence of the appointment, such as an appointment card, to your line manager. You must endeavour to give your line manager as much advance notice as possible of antenatal appointments and you should try to arrange them as close to the start or the end of your working day as possible.

In addition, your spouse, civil partner or partner who lives with you in an enduring family relationship (but is not your relative), or the father of your expected baby, is entitled to take unpaid time off work in order that they may accompany you to an antenatal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse. This is limited to a maximum of two appointments, with the maximum time off during working hours for each appointment being no more than 6.5 hours. Your spouse’s or partner’s employer can request them to sign a declaration in this regard which states that they have a qualifying relationship with you or your expected baby, they are taking the time off to accompany you to an antenatal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse and the date and time of the appointment. However, no evidence of your pregnancy or your antenatal appointment needs to be provided to their employer. If you are a surrogate mother, this right also applies to the intended parent if they are the potential applicant for a parental order. Further details should be obtained from your spouse’s or partner’s employer.

**Risk Assessments**

The College has a duty to take care of the health and safety of all employees and will carry out a workplace risk assessment for women who are pregnant.

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## Starting Maternity Leave

If your maternity leave has not already started it will be triggered by:

- The birth of your baby **OR**
- A pregnancy-related absence from the beginning of the 4<sup>th</sup> week before the EWC.

**In both these situations you must inform the College as soon as reasonably practicable, that you have given birth or that you are absent wholly or partly because of pregnancy.**

## Returning To Work

It will be assumed that you will be returning at the end of your full maternity leave entitlement unless otherwise informed. If you wish to return before this date you must give 8 weeks notice of the date you wish to intend to return to work. You do not need to give any notice of your return to work if you plan to return at the end of your 52 weeks entitlement.

You have the right to return to your original job after 26 weeks. After 52 weeks you have the right to return to the same job, or to another suitable job and conditions that are no less favourable if that is not reasonably practicable.

If you receive contractual maternity pay and do not return to work for a period of at least 13 weeks you will be required to repay the 12 weeks half pay (in respect of weeks 7-18). If you are unsure about your return to work, you may elect to have the 12 weeks half pay paid on your return to work.

If you are unable to return to work at the end of your maternity period due to illness, you will be treated as if you were on sick leave, and will therefore be entitled to sick pay.

## Pension Contributions

If you are in receipt of remuneration, whether salary or SMP, or both, during your maternity leave you will be treated as though you are working normally for the purposes of access to the occupational pension scheme membership and benefits. The College will pay the normal contribution towards the pension scheme for the period of paid maternity leave. You are only required to pay contributions on the amount of actual remuneration, or SMP you are in receipt of.

If you wish to continue pension contributions during your period of unpaid maternity leave, you should contact the pension authority to obtain the appropriate advice on how to do so.

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### Keeping in Touch

Except during the 2 weeks immediately after childbirth a 'keep in touch' day may be used to enable you to attend work without losing your right to SMP or contractual maternity pay. Up to 10 keep in touch days may be undertaken during the maternity leave period without bringing your leave to an end. There is no obligation on either you to undertake work or the College to provide work. The keep in touch days must only be arranged by mutual agreement. The purpose of any keep in touch day will be agreed in advance so that both parties are clear what you will actually do.

### Stillbirth / Miscarriage

In the unfortunate event of a stillbirth, you continue to be entitled to your full maternity leave and SMP if the baby is born after the 24<sup>th</sup> week of pregnancy. In the event of a miscarriage during or before the 24<sup>th</sup> week of pregnancy, the provisions and regulations of the sick pay scheme will apply.

### Flexible Working Requests

You may, if you wish, make a request for flexible working to provide more time for childcare purposes. Please see the Colleges 'Flexible Working Procedure' for details. A copy of this can be obtained from the Personnel Department.

### Parental Leave

When you return to work, you will have the right to Parental Leave. This is a total of 18 weeks unpaid leave over the first 18 years of your new child's life. Leave must be taken in blocks or multiples of one week. Further information is available from the personnel Department.

### Paternity Leave

Your partner, or the child's father, may be entitled to two weeks' paid Statutory Paternity Leave. He needs to let his employer know he wants to take paternity leave by the 15<sup>th</sup> week before your baby is due so he should find out about paternity leave early on.

### Shared Parental Leave

Where your EWC is on or after 5 April 2015 and you give notice to end your maternity leave early and to formally opt in to the shared parental leave scheme instead, you may then be eligible to share the balance of your leave (and pay) with your spouse, civil partner or cohabiting partner, or the father of your child, (if they are also eligible) as shared parental leave (and statutory shared parental pay, if applicable). Shared parental leave is available for up to 52 weeks, reduced by the number of weeks of maternity leave you have taken (the compulsory maternity leave period must still be taken). It is up to you and your spouse or partner to agree between yourselves the amount of shared parental leave each of you will take, assuming you

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are both eligible, as long as the total time taken does not exceed the maximum permitted between you.

Shared parental leave can also be taken consecutively or concurrently but it must start no earlier than the date on which your baby is born and it must end no later than twelve months after the date of childbirth. If you wish to consider shared parental leave, further details can be obtained from the personnel department.

Shared parental leave replaces the right to additional paternity leave

For further details and guidance please refer to the Shared Parental Leave Entitlement Policy

### **General Issues**

With the exception to payment of salary, during the first 26 weeks of your maternity leave you are entitled to benefit from the terms and conditions of your contract that would apply had you not been absent.

During the 26 weeks additional maternity leave you are entitled to benefit of the trust and confidence obligation and any terms and conditions relating to notice, compensation in the event of redundancy and disciplinary or grievance procedures. You are bound by the obligation of good faith and any terms and conditions relating to notice, disclosure of confidential information, acceptance of gifts or other benefits and participation in any other business.

The College will keep you informed of staff vacancies during your period of maternity leave.

The College is entitled to maintain reasonable contact with you during your maternity leave period should circumstances make this necessary. This is separate from the keeping in touch arrangements described above and may be necessary to communicate or consult with you about issues relevant to your employment, for example:

- to communicate important news about the College or to update on any developments which have occurred during your absence;
- to keep you advised of any changes that may arise which could affect your job, such as mergers, restructuring or job evaluation; and
- to discuss and plan your return to work.

Women are protected from unfair treatment due to pregnancy, childbirth or taking maternity leave.

**IF YOU REQUIRE ANY FURTHER INFORMATION PLEASE CONTACT A MEMBER OF THE PERSONNEL DEPARTMENT.**

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## EQUALITY IMPACT ASSESSMENT

Date of assessment:	20-07-16
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Assessed by:	Jim Rowley
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**Who is affected by or associated with the policy?**

*For example, who are the main users of the policy, who are the 'stakeholders'? (students, potential students, staff, visitors, general public, etc)*

Staff
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Is there anything to suggest that this policy (intentionally or unintentionally) does/could have an adverse effect on any of the 9 protected characteristics as stated below?

Characteristic	Yes	No
Age		x
Disability		x
Gender Re-assignment		x
Marriage or Civil Partnership		x
Pregnancy and Maternity		x
Race		x
Religion or Belief		x
Sex		x
Sexual Orientation		x

If you have answered 'Yes' to any of the above please explain in the box below

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Could the policy be modified to make a positive contribution to equality of opportunity for one or more of the protected characteristics?

*For example, consider: Do different groups have different needs in relation to the policy? Is the impact of the policy different on different groups? Are different groups more or less satisfied with the policy?*

Characteristic	Yes	No
Age		x
Disability		x
Gender Re-assignment		x
Marriage or Civil Partnership		x
Pregnancy and Maternity		x
Race		x
Religion or Belief		x
Sex		x
Sexual Orientation		x

If you have answered 'Yes' to any elements in this assessment please complete the action plan below.

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**EQUALITY IMPACT ASSESSMENT - ACTION PLAN**

Are there any points to note or modifications/ actions that are needed to be taken by the person/group responsible for the policy?

<b>Yes</b>	<b>No</b>
	X

<b>Suggested Action – modification or note</b>	<b>Person responsible for action</b>	<b>Date for action and/or resubmission</b>

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