



## Heythrop College Human Resources Policies & Procedures

### Maternity Provision

- 1 Two schemes of maternity benefits are available to staff through Heythrop College:
  - A) Statutory Maternity Benefits
  - B) Heythrop College Maternity Benefits
- 2 To qualify for Heythrop College maternity benefits, full-time or part-time employees would have been continuously employed by the College for a minimum period of twelve months before the expected week of confinement/childbirth (EWC). Employees who are not eligible for Heythrop College maternity benefits may be eligible for the statutory maternity benefits, which will be administered by the College.
- 3 Where employees are entitled to the College's maternity benefits, these will include any relevant statutory maternity payments or benefits. No combination of payments will exceed normal salary (where normal salary is payable).

### GENERAL INFORMATION

- 4 Women wishing to claim benefit under either maternity scheme must follow the procedures for claiming these benefits, which are set out in relevant sections of this document.
- 5 Employees wishing to claim statutory maternity leave, which is for 52 weeks, must give notification no later than the end of the 15<sup>th</sup> week before the EWC (or as soon as is reasonably practicable); the notification will state:
  - that she is pregnant;
  - the expected week of confinement/childbirth – EWC; and
  - what date she wishes to start her maternity leave.

Notification should be in writing to her line-manager; this information must then be passed on immediately to the Human Resources Manager, so that the employee can promptly receive information on maternity entitlements.

- 6 Notification to claim statutory maternity pay (SMP) can be given at the same time as the notification for statutory maternity leave; to qualify for SMP only, an employee must give at least 28 days' notice of the date she expects her

- SMP to start and provide medical evidence of her pregnancy (usually in form of a MAT B1 certificate).
- 7 The earliest SMP can start is from the 11<sup>th</sup> week before the baby is due and the latest is from the day following the birth of the child.
  - 8 Where College benefits are to be claimed, notification of pregnancy, supported by a medical certificate (MAT B1), should be made no later than the end of the 15<sup>th</sup> week before the EWC; in the notification, the employee must inform her employer:
    - that she is pregnant;
    - the expected week of confinement/childbirth – the EWC;
    - what date she wishes to start her maternity leave; and
    - that she wishes to return to work for at least three months.
  - 9 An employee can change her leave dates as long as she gives 28 days' notice before the date she originally intended to start her leave, or 28 days' notice before the new date she wants to start her leave, whichever is earlier.
  - 10 The Human Resources Manager will respond to the employee's notification within 28 days, giving notification of when the maternity leave will end.
  - 11 Maternity leave may start any time from the start of the eleventh week before the EWC, up to the day childbirth occurs. However, where an employee goes on pregnancy-related sick leave and there are fewer than four weeks before the EWC, the employee's maternity leave is triggered automatically; therefore, her first day of maternity leave would be from the day after the first day of absence.
  - 12 An employee is required by law to take two weeks' compulsory leave immediately after childbirth; this will normally form part of the maternity leave period. The College stipulates that an employee wishing to continue working after four weeks before the EWC will be required to produce a medical certificate stating that she is able to do so.
  - 13 The 52 weeks of maternity leave is made up of 26 weeks of ordinary maternity leave followed by 26 weeks of additional maternity leave. All employees who take maternity leave have the right to return to work at the end of their maternity leave period, and they are not required to give notice if they are returning after the 52 weeks of maternity leave, however, it would assist the College if the employee does so.
  - 14 An employee wishing to return to work before the end of the 52 weeks will need to give eight weeks' notice to the College, via her line-manager; the

- College can insist that the employee does not return until the eight weeks has passed.
- 15 An employee who does not wish to return to work after maternity leave must give notice of termination of employment as stipulated in her contract of employment.
  - 16 While an employee is on maternity leave, the contract of employment continues, and the employee's salary will be paid in accordance with the provision offered through statutory requirements, and, where applicable, through the College benefit scheme.
  - 17 An employee on maternity leave will continue to be a member of her superannuation scheme. When she is in receipt of full pay, contributions will be made as usual. During periods where part-payments are made, contributions will be made in accordance with the rules of the pension scheme the employee is in (either USS or SAUL).
  - 18 Pregnancy-related sick leave will not be counted as an employee's normal sick leave entitlement.
  - 19 College annual leave entitlement will continue to accrue during the period of ordinary maternity leave but not during the additional maternity leave period. During the additional maternity leave period, annual leave will accrue in accordance with the statutory minimum entitlement required by the Working Time Regulations 1998, and any subsequent amendments to it.
  - 20 No allowance will accrue for any public holidays or College efficiency days which may fall during the maternity leave.
  - 21 When granting maternity leave, no distinction will be made between live births and stillbirths.

## **A) STATUTORY MATERNITY BENEFITS**

### **STATUTORY MATERNITY PAY (SMP)**

- 22 Employees who have 26 weeks of continuous employment by the 15th week before the EWC, and whose average earnings are at or above the lower earnings limit for payment of national insurance, are entitled to SMP from their employer for a period of 39 weeks.
- 23 SMP is paid at the following rates:
  - a) first six weeks at higher rate - 90% of employee's usual salary;
  - b) remaining 33 weeks at a lower rate - statutory sick pay rate.

- 24 SMP is payable even where the employee has no intention of returning to work.
- 25 Where employees are not eligible for SMP, they may be able to claim maternity allowance (MA); this can be claimed through their local social security/Jobcentre Plus offices. When SMP is not payable, the employer will give the employee a Department for Work and Pensions form (SMP1), which explains why SMP is not payable, and which she can then use when claiming MA.
- 26 An employee who wishes to claim SMP must give at least 28 days' notice before stopping work, stating the date she expects her SMP to start and providing medical evidence of pregnancy (usually on a MAT B1 certificate).
- 27 An employee may change the date from which she wishes to start her SMP, but must give at least 28 days notice of the new date.

#### STATUTORY MATERNITY LEAVE

- 28 Employees who are pregnant are entitled to 52 weeks of maternity leave, regardless of length of service, number of hours worked each week and how much is paid; the maternity leave made up of 26 weeks of ordinary maternity leave, followed by 26 weeks of additional maternity leave.
- 29 Maternity leave can begin any time from the eleventh week before the EWC; however, the following three conditions apply:
  - a) It cannot start until the employee has notified her employer, no later than the end of the 15<sup>th</sup> week before the EWC. The College stipulates that notification should be in writing.
  - b) If childbirth occurs before notice is given, maternity leave will start on the day after childbirth. The employee must then give notice of her intentions as soon as is reasonably practicable after the birth.
  - c) Where the employee is absent due to a pregnancy-related illness in any period from the fourth week before the birth is due, the employee's maternity leave will automatically commence from the day after the start of the pregnancy-related illness.
- 30 An employee is not required to give further notice of her intention to return to work at the end of the maternity leave period, unless she wishes to return before the date of which the employer has notified her.

31 An employee wishing to return to work before the end of the 52 weeks will need to give eight weeks' notice to the College, via her line-manager; the College can insist that the employee does not return until the eight weeks has passed.

**B) COLLEGE MATERNITY BENEFITS**

32 The College offers the following to pregnant women who have been in continuous employment with the College for at least 12 months before the EWC, and who undertake to return to work at the end of their maternity leave period, for at least three months:

- a) 18 weeks of maternity leave on full pay, which will include any SMP payable at the appropriate rates.
- b) Additional SMP due from week 19 to week 39 (21 weeks) at the standard rate.
- c) alternatively, the maternity pay may be spread over a longer period, taking into account SMP payable at the appropriate times; this is subject to written agreement by the Principal, or the Director of Administration, for staff in Administration.
- d) a total amount of maternity pay which will not be more than 18 weeks' full salary plus 21 weeks of SMP at the standard rate.
- e) a total of 52 weeks of maternity leave, which is made up of 26 weeks of ordinary maternity leave and 26 weeks of additional maternity leave.
- f) all statutory rights to return to work (as noted in #14 and #15 above).

33 An employee wishing to claim the College benefits must notify the College of her pregnancy no later than 15 weeks before the EWC, and this should be supported by a medical certificate, (MAT B1 form). In the notification, the employee must inform her employer:

- that she is pregnant;
- the expected week of confinement/childbirth – the EWC;
- what date she wishes to start her maternity leave;
- that she wishes to return to work for at least three months.

34 Once an employee has notified the College of her intention to take maternity leave, the Human Resources Manager will notify her, within 28 days, of the date her maternity leave will end.

## **Contact during Maternity Leave**

- 35 The College is entitled to make reasonable contact with the employee while she is on maternity leave. This might be to discuss matters such as those related to the employee returning to work, training to be given to ease the employee's return to work, or simply to update her on relevant developments at work during her absence.

## **Keeping-in-Touch Days**

- 36 Maternity leave would normally come to an end when the employee returns to work. However, except during the first two weeks after childbirth, the employee can agree to work for up to 10 days during her maternity leave without this bringing her maternity leave to an end, and without it affecting any maternity statutory or College payments. These are known as keeping-in-touch days and constitute days of work.
- 37 During maternity leave, the College has no right to require the employee to carry out any work, neither does the employee have any right to undertake any work for the College. Therefore, work to be done during keeping-in-touch days and payments to do made for the work done will need to be agreed between the College and the employee.
- 38 Any keeping-in-touch days worked do not extend the maternity leave period. Once the keeping-in-touch days have been used up, the employee will lose a weeks' SMP for any week in which she continues to work for the College.

## **Return to Work after Maternity Leave**

- 39 As noted above, all employees who take maternity leave have the right to return to work at the end of their maternity leave period, and they are not required to give notice if they are returning after 52 weeks of maternity leave, though, it would assist the College if the employee does so.
- 40 An employee wishing to return to work before the end of the 52 weeks will need to give eight weeks' notice to the College, via her line-manager; the College can insist that the employee does not return until the eight weeks has passed.