

**UNIVERSITY OF  
PLYMOUTH**

**Maternity policy and procedure**

V1.2 01/03/2017

## Summary

This document outlines:

- The University's maternity provisions including entitlement to:
  - Maternity leave
  - Statutory maternity pay
  - Occupational maternity pay
  - Keeping in touch days
- Qualifying conditions
- How to access your benefits
- The process you should follow if you are pregnant, going on maternity leave and returning from maternity leave
- Responsibilities for managers, employees and Talent and Organisational Development (TOD)

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## 1. Policy statement

At Plymouth University we value our people, and aim to support a diverse and inclusive environment where employees can flourish throughout their employment.

Having a baby can be a challenging time, and we can offer you access to information, guidance and support on how to get your statutory maternity leave and pay, together with enhanced occupational maternity pay that you may be entitled to.

Additional information and guidance can be found on the [HR Community](#).

## 2. List of abbreviations and acronyms

AML	Additional maternity leave
EWC	Expected week of confinement
KIT days	Keeping in touch days
LEL	Lower earnings limit
MATB1	Maternity certificate
MA	Maternity Administrator (contact: <a href="mailto:hr@plymouth.ac.uk">hr@plymouth.ac.uk</a> )
MN1	Maternity notification form
MPP	Maternity pay period
OML	Ordinary maternity leave
OMP	Occupational maternity pay
QS	Qualifying service
QW	Qualifying week
TOD	Talent and Organisational Development

### 3. Definition of terms used in this document

**OML** Ordinary maternity leave is weeks 1 to 26.

**AML** Weeks 27 to 52 are additional maternity leave.

**KIT days** Keep In Touch days are days where you can come into work to carry out your normal duties your maternity leave, with your manager's agreement.

**LEL** The LEL is the threshold of the amount you earn before you pay national insurance contributions.

**Maternity Administrator** A member of the HR Operations team responsible for maternity administration. Please email [HR@plymouth.ac.uk](mailto:HR@plymouth.ac.uk) for contact details.

**MATB1** The maternity certificate supplied by your midwife or Doctor, which confirms that you are pregnant and your EWC. You will normally be given this at your 20<sup>th</sup> week.

**MPP** Maternity pay period during which statutory and/or occupational maternity pay is paid.

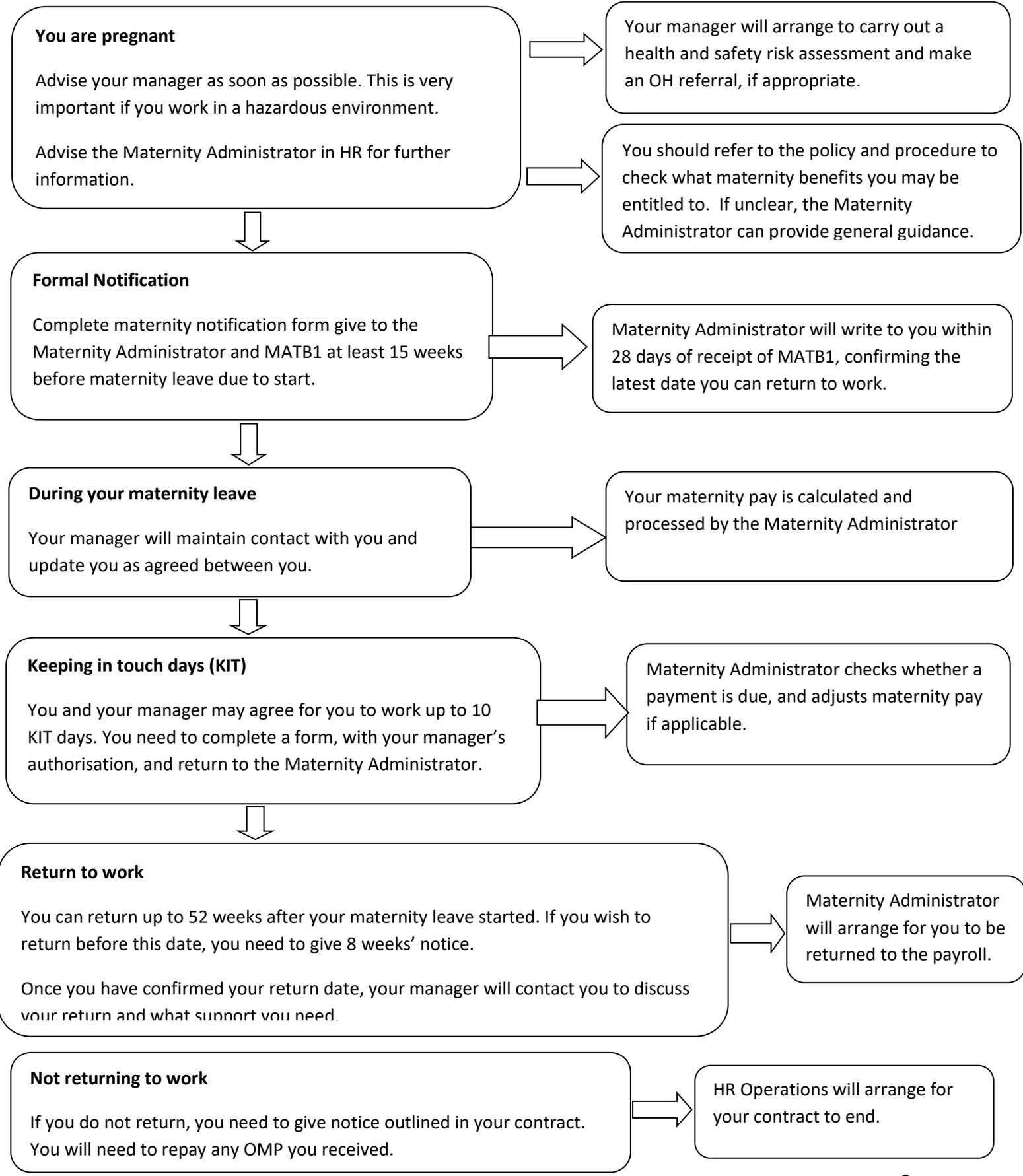
**OMP** Maternity pay enhancements offered by the University that are above SMP, subject to QS and pay.

**Parental leave** The right of both mothers and fathers, whether they are natural or adoptive parents, to take time off work to look after a child or make arrangements for the child's welfare. Please refer to the [Parental leave policy](#).

**QS** To be eligible for statutory maternity pay, you need to have been employed at the University for at least 26 weeks' continuous service at the qualifying week. Service with another University may also apply.

**QW** This is the 15<sup>th</sup> week before your expected week of confinement and is important in determining whether you qualify for maternity pay. Your maternity pay is based on your average pay in the eight weeks prior to your qualifying week.

#### 4. The procedure at a glance



## **5. Maternity Leave**

### **5.1 Maternity leave entitlement**

You are entitled to a continuous period of 52 weeks maternity leave, regardless of how long you have been employed with the University.

The 52 weeks is made up of 26 weeks Ordinary Maternity Leave (OML) and 26 week Additional Maternity Leave (AML).

During your period of maternity leave, your terms and conditions of employment will remain as if you were not on maternity leave, and you will continue to accrue annual leave, and be entitled to any increments in your pay that would have been due.

At the end of your 52 weeks, if you would like further leave, you can apply for parental leave, or take any accrued annual leave, with your manager's authorisation.

### **5.2. Maternity Leave Period**

You must give 15 weeks' notice before your expected week of confinement to your manager and the Maternity Administrator confirming the date you wish to start maternity leave, using the MN1 form and your MATB1. You can amend this date, but must let your manager and the Maternity Administrator know of any changes at least 28 days before your maternity leave is due to commence.

You can decide how much of the 52 weeks you would like to take, but you must take a minimum of two weeks' maternity leave immediately after your baby is born.

You are not able to start your maternity leave earlier than the 11<sup>th</sup> week before your EWC.

If you have a pregnancy related illness and unable to work within four weeks of your EWC, your maternity leave will automatically start on the following day. Any other illness that is not related to your pregnancy will covered by the sickness absence policy.

Maternity leave and pay can commence on any day of the week.

### **5.3 Shared parental leave**

You are entitled to stop your maternity leave and pay, and share parental leave with your partner. If you chose to do this, you will need to give 8 weeks' notice. More information can be found in [the Shared Parental Leave Policy](#) .

## 6. Statutory maternity pay and maternity allowance

### 6.1 Statutory maternity pay (SMP)

Your entitlement to SMP depends on your length of continuous service<sup>1</sup> at the University and the amount of national insurance contributions paid by the qualifying week (QW).

If you have qualifying service (26 weeks' or more continuous service) at the qualifying week and your pay is above the LEL, you will be entitled to SMP for 39 weeks.

SMP comprises higher and lower rates:

- Weeks 1 to 6 at the higher rate SMP, which is 90% of average weekly earnings. This is based on the average of your actual pay for the 8 weeks before your QW.
- Weeks 7 to 39 at the Standard Rate SMP week (or 90% of average weekly earnings if this is less than Standard Rate SMP). This is an amount fixed by the government each year, and current rates can be found on the [HR Community](#).

You do not receive SMP for the remaining period of additional maternity leave, up to 19 weeks.

SMP is paid in complete weeks – please see Returning to Work.

If you work for another employer for any period of time, or are taken into legal custody while receiving SMP, you will no longer be entitled to any further SMP payments.

### 6.2 Maternity allowance

You will not be entitled to SMP if:

- you have less than 26 weeks' service at the qualifying week
- or your average weekly earnings are below the LEL threshold, you will not be entitled to SMP.

The Maternity Administrator will give you an SMP1 form, which you should take to Job Centre Plus, with your MATB1, as you may be eligible for Maternity Allowance.

You may still be entitled to OMP, and if so, the Maternity Administrator will advise you.

You are still entitled to 52 weeks unpaid Maternity Leave.

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<sup>1</sup> Your previous employment, for example with another University or local authority employer may count towards your continuous service in calculating SMP, please check your offer letter, or contact the Maternity Administrator if you are unsure if this applies to you.

## 7. Occupational maternity pay (OMP)

If you are an employee<sup>2</sup> and have 1 years' continuous service at the qualifying week you are eligible to receive OMP:

- 12 weeks at full pay inclusive of SMP as outlined in section 6.
- 12 weeks half pay plus SMP (if half pay plus SMP is greater than full pay, you will receive full pay)

OMP is based on your actual salary and continuing allowances at the time you start your maternity leave. OMP is paid in complete days, based on the number of calendar days in the pay period and will be shown on your payslip as basic pay.

If you are paid on an hourly basis, your OMP will be based on your average weekly pay in the 8 weeks before the QW.

If you have been paid OMP, you will need to return to work for a period of at least 13 weeks. If you have arranged to take annual leave, shared paid parental leave or other paid absence before returning, this can count towards your 13 weeks, however, periods of unpaid parental leave will not count.

If you decide not to return to work for 13 weeks following your maternity leave, you will need to repay your OMP.

If you have not decided whether you want to return to work, you may defer your OMP until your return to work. You would receive SMP when you are on maternity leave, and then be paid your OMP in a lump sum when you have returned to work. If you are on a fixed term contract that is due to end during your maternity leave and are not sure whether this will be extended, you are advised to defer your OMP, to avoid having to repay your OMP if you are not able to return.

Where you are entitled to both SMP and OMP, whichever amount is most beneficial to you will be paid.

## 8. Health & Safety

You should advise your manager that you are pregnant at the earliest opportunity so that you can consider any health and safety issues in your workplace. Your manager will be expected to carry out a risk assessment with you.

If you work in a laboratory or other high risk area, you must advise your manager as soon as you think you might be pregnant to enable an Occupational Health referral and assessment of the work environment earlier in your pregnancy. This is to avoid possible risks of foetal abnormalities due to chemical or toxin exposure, which can occur within the first 12 weeks of pregnancy.

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<sup>2</sup> OMP excludes non-contracted workers

Your manager should meet with you to discuss any support you need, and update your health and safety risk assessment as soon as you return to work.

The University's Maternity Risk Assessment can be found on the [HR Community](#).

## **9. Antenatal Care**

You are entitled to paid time off for antenatal care, including appointments with midwives and doctors, and for relaxation classes and parent craft training. Your partner will also be entitled to take unpaid time off work to attend two antenatal appointments.

Where possible, you should try to arrange appointments that minimise disruption, and you need to advise your manager.

## **10. Still Birth**

In the unfortunate event of a stillbirth occurring earlier than 16 weeks before the expected week of birth, no maternity entitlements will apply, but the appropriate sickness absence and pay entitlements will apply. If this occurs within 16 weeks, maternity leave and benefits outlined above would apply.

## **11. Keeping in Touch Days**

You and your manager may agree for you to work for up to 10 'Keeping in Touch (KIT) Days' whilst you are on maternity leave. KIT days can include the opportunity for you to attend a training event, to carry out a specific piece of work at that time, or attend a conference. There is no obligation for either your manager to offer you a KIT day or for you to have to come and work a KIT day.

You can take KIT days either as separate days or in blocks of several days, however, KIT days can't be worked during the first two weeks after your baby is born.

If you work a KIT day when you are being paid SMP and / or OMP, the payment made for your KIT day will need to be offset by these amounts.

You are able to work up to 10 'Keeping in Touch Days' to continue your paid maternity leave. However, if you work more than 10 KIT days, you will no longer be eligible for SMP.

## **12. Your benefits**

### **12.1 Annual leave**

You will continue to accrue annual leave throughout the full period of maternity leave, including any statutory public holiday and/or University closure day that falls during the period of your maternity leave.

Where possible, you should to take all annual leave you accrue during the leave year you return from your maternity leave. Accrued leave will be calculated and confirmed by your manager, including any adjustments agreed to carry over any leave into the next leave year.

### **12.2 Pension**

Pension contributions from you and the University will continue to be paid whilst you are receiving maternity pay. When your pay stops pension contributions will automatically cease for the remainder of your maternity leave. For further information, you should contact the Maternity Administrator, as options will vary depending on the pension scheme you are in.

### **12.3 Car parking and bus passes**

You can continue with deductions for your car park during maternity leave if you wish to retain your parking space, or bus pass, and you will need to make up any balance when you return to work after any unpaid maternity leave. Alternatively, you can opt to give up your space or bus pass if you do not wish to continue to pay for this during your maternity leave.

### **12.4 Childcare vouchers**

Childcare vouchers will continue as normal throughout paid maternity leave. The University will continue to make payments into your childcare voucher account during your unpaid maternity leave.

### **12.5 Cycle to work**

If you have a bicycle under the University's Cycle to Work Scheme, the University will continue to make payments into the finance company on your behalf, and accrued until you return to work, at which point you will need to repay the balance.

## **13 Return to work**

You are entitled to return to work at any time within 52 weeks of your maternity leave. If you would like to return at an earlier date, you will need to give 8 weeks' notice. If you return during a period of SMP and/or OMP this may impact on your payments due and you should take advice from Maternity Administrator.

If you decide not to return to work during your maternity leave, you will need to give notice as outlined in your contract.

You are entitled to return to the same job if you have taken OML (26 weeks) when you return to work. If you have taken AML (27 - 52 weeks) following OML, you have the right to return to either the same job, or a similar job with comparable terms and conditions if it is not practicable for you to return to your job. In other words, the University does not have to guarantee your return to the same job if you take more than the OML.

If you would like to apply for parental leave immediately after maternity leave, please refer to the [parental leave policy](#).

If you would like to vary your hours of work following maternity leave, you should discuss this with your manager. Please refer to the [Flexible Working Policy](#) on the HR Community. Your manager will consider any request that you make against the business needs of your area.

#### **14. Paternity Leave**

Your partner may be entitled to up to two weeks' paternity leave subject to eligibility. Paternity leave can be taken within the first eight weeks following the baby's birth. Please refer to the [Paternity Policy](#).

#### **15. Nursing Mothers**

If you would like to continue breastfeeding on your return to work, the University offers a private room, with access to a fridge and washing facilities, in our occupational health facilities. For more information, please refer to the [Nursing Mothers' Policy](#).

#### **16. Responsibilities**

##### **16.1 What your manager must do**

- Make sure they are familiar with the maternity policy and procedure.
- Arrange to carry out a risk assessment, and where your working environment may be hazardous, make an occupational health referral.
- Discuss what contact you would find useful during maternity leave.
- Calculate accrued annual leave that you have not taken at the point of your maternity leave, and discuss and agree with you when you will take this.
- Update you on any changes to your job that you would have otherwise been advised of if you were at work.
- Discuss, arrange and agree any keeping in touch days proposed.

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- Discuss your return to work and what support you might need to ensure you have the time and resources to effectively return to your role.
- Discuss any options available to you if you have indicated an interest in varying your hours or working part-time working when you return from leave.
- Ensure you have time to access the nursing mother's room as appropriate.
- Ensure that you are not treated any less fairly or reasonably than others who have not been on maternity leave.

### 16.2 What you must do

- Read guidance found in (link)
- Provide the correct documentation to confirm your pregnancy and notify your manager of your intention to take maternity leave.
- Provide any evidence of antenatal appointments when asked.
- Discuss any proposals for keeping in touch days with your manager.
- Provide 8 weeks' notice of your date of return to work if this is earlier than the date given by the Maternity Administrator (52 weeks).
- Discuss options in terms of any request you make to vary your working hours with your manager.

### 16.3 What TOD must do

- Provide clear policy, procedure and other supporting information in an accessible form for employees and managers.
- Provide advice and guidance for employees and managers in supporting a return to work, including information about flexible working.
- Calculate and process statutory and occupational maternity pay in accordance with the criteria and guidance.
- Advise on queries that are not covered by the guidance.
- Review, monitor and update the maternity policy and procedure and accompanying documentation to make sure it is in line with relevant legislation.

## 17. Review

We are committed to improving the way we lead and develop people. This includes making sure all procedures are fit for purpose at individual, team and organisational level. If you have any feedback or comments that could improve the procedure, please email [hr@plymouth.ac.uk](mailto:hr@plymouth.ac.uk).



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**Annex one - Summary of maternity entitlements**

	<b>Less than 26 weeks' continuous service at the Qualifying Week</b>	<b>More than 26 weeks' but less than 1 years' continuous service at the Qualifying Week</b>	<b>1 years' continuous service at the Qualifying Week</b>
<b>Maternity Leave</b>	26 weeks Ordinary Maternity Leave 26 weeks Additional Maternity Leave	26 weeks Ordinary Maternity Leave 26 weeks Additional Maternity Leave	26 weeks Ordinary Maternity Leave 26 weeks Additional Maternity Leave
<b>Maternity Pay</b>	No entitlement to statutory maternity pay. Payroll will issue form SMP1.  The employee may apply to Job Centre Plus for maternity allowance and notify the University in writing of the amount received in the first 6 weeks.	SMP is payable: <ul style="list-style-type: none"> <li>• 6 weeks at 90% of average weekly earnings</li> <li>• 33 weeks at standard rate SMP or 90% of average weekly earnings (whichever is lower)</li> </ul> (NI contributions must have been paid with this University for eight weeks before the Qualifying Week)	OMP is payable: <ul style="list-style-type: none"> <li>• 1<sup>st</sup> 12 weeks at full pay</li> <li>• Next 12 weeks at ½ pay PLUS standard rate SMP.</li> </ul>
<b>Amount repayable</b>	None	None	Repayable in full if employee does not return to work for 13 weeks after maternity leave. This applies to both permanent and fixed term staff.

## MATERNITY NOTIFICATION FORM (MN1)

This form is important and should be completed and sent to the Maternity Administrator, Human Resources, 17 Portland Villas, with your **MATB1 form** at least 15 weeks before the expected week of confinement. You can later change the date that you wish to commence maternity leave, however, you must provide at least 28 days' written notice otherwise you lose your right to Statutory Maternity Pay and you may lose other contractual benefits.

Name	
Employee number	
Expected date of confinement (due date)	
Line Manager	
Date you informed your Line Manager of your pregnancy	
Risk assessment completed	
Intended start date of maternity leave <i>Please note that maternity leave can commence on any day of the week</i>	
You have read the "Quick walk-through all the things you need to know" documents - see <a href="https://intranet.plymouth.ac.uk/perdev/maternity/">https://intranet.plymouth.ac.uk/perdev/maternity/</a>	
<p>Do you intend to return to work after your confinement? <b>Yes / No</b>                      If yes, do you wish to receive your full contractual maternity pay entitlement during your absence? (if applicable) <b>Yes / No</b>                      Please note:                      If you answer <u>YES</u> to this question, please refer to section 7 Occupational maternity pay in the Maternity Policy  <b>Please refer to the maternity policy for details regarding the required period of time to have returned to work in order to maintain full contractual maternity pay entitlement.</b></p>	

Your signature: ..... Date: .....

CSD	SMP Ent	OMP Ent	FTC date	FTE	SMP1 req	LDR and CC

**Keeping in touch (KIT) days confirmation form**

You must discuss and agree any proposed KIT days with your manager before working the KIT days. Please check with the Maternity Administrator if you are unsure about the effect working a KIT day will have on your maternity pay.

After you have worked a KIT day(s), you need to complete this form, and your manager to add their comments and authorisation, and return to the Maternity Administrator, in HR.

Your name	
Your employee number	
Faculty / Directorate	
Date(s) of KIT days previously worked	
Date of KIT days	
Total number of hours worked	
Brief description of activities	
Your manager's comments	

Your signature:

Date:

Your manager:

Manager Signature:

Date:

(note - this should be a budget holder)