

Wellbeing and Health & Safety are at the heart of the Being Me, Being Westminster experience and all colleagues are encouraged to take responsibility for their own wellbeing and that of others. The University aims to support colleagues in achieving a healthy work/life balance, believing that it ensures a more effective and efficient workforce and enables each of us to bring our whole and best self to work. The University is committed to providing support for colleagues and in many cases provides benefits over and above the statutory provisions for family-related leave.

Maternity Policy and Procedure

Policy Statement

The University encourages colleagues to have a healthy balance between their work and family commitments. The University as a compassionate and supportive employer is committed to family friendly policies. The University is committed to embracing diversity and promoting equality and this policy applies to all pregnant colleagues that are employed by the University.

This Maternity Policy has been developed to provide pregnant colleagues with guidance as to their entitlements and the procedure to follow for maternity leave.

The pregnant colleague and their line manager must regularly assess the risks to the pregnant colleague and their baby and agree reasonable steps to remove any risks.

Pregnant colleagues have a responsibility to:

- Inform the line manager and Human Resources that they are pregnant as soon as practicable, but no later than 15 weeks before the expected week of childbirth (EWC)
- Complete a 'Maternity Leave and Pay - Application Form' and supply the original MATB1 to Human Resources within the timescales laid down
- Maintain a reasonable amount of contact with the line manager during the maternity leave period
- Follow the guidance provided

Line Managers have a responsibility to:

- Undertake a risk assessment for pregnant colleagues
- Support the pregnant colleague and ensure fairness and consistency in the application of the policy
- Follow the guidance provided

Procedure

1. Eligibility for Statutory Maternity Leave (SML)

All colleagues are automatically entitled to 52 weeks of SML, regardless of their length of service, subject to certain procedural steps being followed. SML consists of 26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave.

Pregnant colleagues do not have to take 52 weeks of Maternity Leave, but it is compulsory for a pregnant colleague to take 2 weeks of Maternity Leave immediately after the date of childbirth (Compulsory Maternity Leave).

2. Eligibility for Occupational Maternity Pay (OMP)

To be eligible for OMP, which includes Statutory Maternity Pay, a colleague must:

- a. Have been employed by the University continuously for at least 26 weeks by the qualifying week (the 15th week before the EWC).
- b. Earn at least the lower earnings limit for paying National Insurance contributions.
- c. Give the University at least 28 days' notice of the date the colleague wants SMP or OMP to start by completing the 'Maternity Leave and Pay - Application Form'.
- d. Provide the original MATB1 certificate, which a doctor or midwife usually issue 20 weeks before the due date.

If the colleague is eligible for OMP, they will be paid for up to 39 weeks, of which:

- 6 weeks will be paid at full pay;
- 18 weeks will be paid at half pay plus SMP or 90% of their normal weekly earnings (whichever is lower);
- 15 weeks at the SMP rate or 90% of their normal weekly earnings (whichever is lower).

The University's Payroll Department will calculate 'normal weekly earnings' using the average of the last 2 months salary before the end of the qualifying week.

A colleague who is not entitled to SMP will be sent form SMP1 explaining why they are not eligible. They may be eligible for Maternity Allowance instead.

Only colleagues who are employed by the University qualify for SML and OMP; if a contract of employment ends during the period of maternity leave and a colleague, who was eligible for maternity pay, has not yet received all 39 weeks maternity pay when their contract ends, they will still be entitled to the remainder of SMP. If the colleague begins work for another organisation during this period, they must inform the University as this will affect their SMP payments.

3. Notification

At least 15 weeks before the baby is due, the colleague must notify their line manager and the HR Department in writing when the baby is due and when they want to start their maternity leave, by completing the Maternity Leave and Pay - Application Form.

The colleague must provide the University with documentary evidence of the pregnancy in the form of a MATB1.

The earliest SML can start is 11 weeks before the EWC; the latest SML can start is the day the baby is due, as notified on the MatB1. A pregnant colleague must take at least 2 weeks of Maternity Leave immediately after the baby is born (Compulsory Maternity Leave). The colleague can start their leave on any day of the week.

SML and SMP/OML will start automatically if the colleague is off work for a pregnancy-related illness in the 4 weeks before the baby is due. SML and SMP/OML will also start automatically the day after the birth if the baby is born earlier than the notified start date. In such circumstances, the colleague must advise the University of the earlier birth date.

4. Time off to attend Antenatal care appointments

A pregnant colleague is entitled to reasonable paid time off to keep appointments for antenatal care prescribed by a registered medical practitioner. The line manager should be notified by the colleague as soon as the appointment is arranged. The partner of the pregnant colleague has the right to take unpaid time off to accompany them to 2 antenatal appointments.

5. Stillbirth and miscarriage

If a colleague has a stillbirth that occurs after the 24th week of pregnancy the colleague will be entitled to maternity leave and pay.

If a colleague has a miscarriage before the 24th week of pregnancy, and there is no entitlement to maternity pay or leave, the University as a compassionate and supportive employer recognises that colleagues will still need support in these sad and difficult situations. Depending on the individual circumstances and the support required by colleagues, it may be appropriate to consider compassionate leave or sickness absence leave.

6. Surrogacy

Surrogacy is when another person carries and gives birth to a baby for the intended parents. The person who gives birth to the child will be treated as the birth mother, however, parental responsibility can be transferred by either an adoption or parental order.

Birth Mother

If a colleague is a birth mother in a surrogacy arrangement, they will have the same maternity rights as any other pregnant colleague, irrespective of what happens after the child is born and colleagues in this situation should follow the guidance outlined in the maternity policy.

Surrogate Parents

If a colleague is adopting a baby through a surrogacy arrangement, they should follow the guidance outlined in the adoption policy.

7. Contact during the Maternity Leave Period

Before a colleague's SML begins, the line manager should discuss the arrangements for them to keep in touch during their leave. The University reserves the right in any event to maintain reasonable contact with the colleague from time to time during their SML. This may be to discuss the colleague's plans to return to work, to ensure the colleague is aware of any possible development and promotion opportunities, to discuss any special arrangements to be made or available training to ease their return to work or simply to update them on developments at work during their absence.

The colleague is encouraged to make reasonable contact with their line manager during their Maternity leave, e.g. to discuss any flexible working considerations.

8. 'Keeping in Touch' Days/Working During the Maternity Leave Period

A colleague and their line manager can mutually agree that the colleague comes in to work for the University (or attend training) for up to 10 days during SML without bringing their period of SML to an end or impacting on their right to claim OMP for that week. These are known as "Keeping in Touch" or "KIT" days. Any work carried out on a day or part of a day shall constitute one KIT day.

The University has no right to require the colleague to carry out any work, and is under no obligation to offer the colleague any work, during the colleague's SML. Any work undertaken is a matter for agreement between the line manager and the colleague. A colleague taking a KIT day will be paid their normal rate of pay. Any KIT days worked do not extend the period of SML.

9. Terms and Conditions during Maternity leave

During the period of SML, the colleague is entitled to receive all their contractual benefits, except for remuneration, and the SML does not affect the colleague's continuous service.

Contractual annual leave entitlement will continue to accrue. Colleagues are reminded that annual leave should wherever possible be taken in the year that it is accrued; if this is operationally not possible, any untaken annual leave from the previous leave year must be taken immediately after the end of the SML period, before returning to work.

Pension contributions will continue to be made during any period when the colleague is receiving OMP but not during any period of unpaid SML. Colleague contributions will be based on actual pay, while the University's contributions will be based on the salary that the colleague would have received had they not been taking SML.

10. Returning to Work

A colleague is expected to return to work on the next working day after the end of SML. If they are unable to attend work due to sickness or injury, the University's normal arrangements for reporting and recording sickness absence will apply.

If the colleague wishes to return to work earlier than the expected return date, they must give at least eight weeks' notice in writing by completing the Notification to Return to Work Early. A colleague returning from a total of 26 weeks or less (Ordinary Maternity Leave) has the right to return to their old job; a colleague returning from a total of more than 26 weeks (Additional Maternity Leave) has the right to return to their old job or, if this is not possible, to a job of the same status and with the same terms and conditions of employment as their old job.

If the colleague decides not to return to work at all at the end of their SML, they must tender their resignation in writing giving their usual period of contractual notice.

11. Shared Parental Leave

A colleague with a new baby and their partner may decide to take Shared Parental Leave and Pay instead of SML and OMP. For full details, please see the Shared Parental Leave Policy.

12. Further Information

On www.gov.uk, you will find maternity leave and pay guides and calculators.

Date created: 5 February 2015

Last reviewed and updated: May 2020

Next review date: May 2023