



WARWICK

# Policy and procedure

## Maternity leave and pay



WARWICK

## In Summary

In line with UK legislation, employees are eligible for 52 weeks of maternity leave from the first day of their employment.

All employees who are pregnant or who have given birth have the option to take statutory maternity leave. The policy applies to all employees regardless of the gender identity of the employee or the employee's partner.

Pregnant employees may begin maternity leave at any time from the 11<sup>th</sup> week prior to the week the baby is due.

Pregnant employees have a right to reasonable paid time off to attend antenatal appointments. Employees are requested to provide Heads of Department/managers with reasonable notice of the appointments.

Eligible employees have the option to end their maternity leave early and to convert the balance of this leave into shared parental leave with the other parent or their partner.

Statutory and University enhanced payment during maternity leave are available, subject to a range of eligibility requirements relating to length of service and level of earnings.

Up to a maximum of ten Keeping in Touch Days (KIT days) may be worked during maternity leave, in agreement with the manager/Head of Department. Employees will receive a normal day's full pay when working on a KIT day.

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## 1. Purpose

1.1. The University is fully committed to promoting equality of opportunity and to enabling working parents to balance work and family responsibilities.

1.2. In accordance with UK legislation, employees who are pregnant or who have given birth have the option to take statutory maternity leave and to be paid statutory maternity pay.

## 2. Scope

2.1 All employees are eligible for maternity leave from the first day of their employment at the University. The policy applies to all employees regardless of the gender identity of the employee or the employee's partner.

## 3. Maternity leave

3.1. All pregnant employees are entitled to 52 weeks of maternity leave which is made up of 26 weeks of ordinary maternity leave, immediately followed by 26 weeks of additional maternity leave.

3.2. Individuals<sup>1</sup> should inform their Head of Department/manager of their intention to take maternity leave no later than the end of the 15<sup>th</sup> week before their expected week of childbirth. Notification should be made via completion of the University's maternity leave plan on the HR webpages.

3.3. Any changes to the start date of maternity leave should be notified in writing, with at least 28 days' notice to the Head of Department/manager and the HR Adviser.

3.4. Pregnant employees may begin maternity leave at any time from the 11<sup>th</sup> week prior to the week the baby is due.

3.5. If an individual is absent with pregnancy related illness starting from the Sunday of the fourth week before the baby is due, then the maternity leave will automatically start on the day after the first complete day of absence from work.

3.6. If the baby is born early and before maternity leave has started, the maternity leave will automatically begin the day after the baby is born.

3.7. The employee must take the two weeks immediately following the birth as maternity leave.

3.8. The duration of maternity leave is not extended for multiple births from the same pregnancy.

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<sup>1</sup> The word 'individual(s)' refers to employee(s).

3.9. The employee may choose a start date for their maternity leave which is later than the expected week of childbirth. Where this happens, maternity leave will automatically start the day after the baby is born.

## 4. Health and safety during pregnancy

4.1. Pregnant employees should contact their departmental safety representative to arrange a risk assessment so any necessary adjustments can be made.

4.2. Pregnant employees have a right to reasonable paid time off to attend antenatal appointments. Employees are asked to provide their Heads of Department/manager with reasonable notice of these appointments.

4.3. Pregnant employees will be given a medical certificate, MAT B1, by their midwife or doctor, normally after the twentieth week of pregnancy. A copy of the MAT B1 certificate should be submitted to the HR Adviser as soon as possible.

## 5. Eligibility

### 5.1. Statutory maternity pay

5.1.1. To qualify for statutory maternity pay the employee must have 26 weeks of continuous service by the end of the 15<sup>th</sup> week before the expected week of childbirth, and earn above the lower earnings limit (£118 per week).

5.1.2. A maximum of 39 weeks of statutory maternity pay is payable. For the first six weeks of maternity leave the payment is 90% of the individual's average weekly payment. For the next 33 weeks the payment will be £148.68 or 90% of average weekly earnings (whichever is lower).

5.1.3. Part weeks of employment count as full weeks in line with Her Majesty's Revenue and Custom guidelines.

### 5.2. University maternity pay

5.2.1. To qualify for University maternity pay the employee must have completed one year's service with the University by the expected week of childbirth and earn above the lower earnings limit (£118 per week).

5.2.2. Employees are required to return to work for at least three months after the end of maternity leave. If the employee does not return to work for this period the University will reclaim the non-statutory elements of maternity pay.

5.2.3. There are two options for University maternity pay:

**Option A**

Eight weeks of normal full pay followed by;

Sixteen weeks of normal half pay plus statutory maternity pay (where this does not exceed normal full pay) followed by;

Fifteen weeks of statutory maternity pay (£148.68) followed by;

Up to thirteen weeks of unpaid maternity leave.

**Option B**

Sixteen weeks of normal full pay followed by;

Twenty three weeks of statutory maternity pay (£148.68) followed by;

Up to thirteen weeks of unpaid maternity leave.

## 6. Maternity allowance

6.1. Where an employee does not qualify for University or statutory maternity pay, the University Payroll team will provide a SMP1 form, which will confirm the reasons for non-qualification, and the employee may be eligible for maternity allowance.

6.2. Employees who wish to claim maternity allowance will need to complete form MA1 and contact their local Job Centre Plus.

## 7. Shared parental leave

7.1. Employees may give notice to end their maternity leave early and to book shared parental leave instead of maternity leave. Full information regarding shared parental leave can be found on the HR section of the intranet.

7.2. Parents are able to share up to 50 weeks of shared parental leave and may decide to be off work at the same time and/or to take it in turns to take leave to care for their child.

## 8. Contact during maternity leave

8.1. Employees may be contacted during maternity leave by the University or department to ensure they are kept up to date with relevant information.

8.2. A maximum of ten Keeping in Touch (KIT) days may be worked during maternity leave, in agreement with a manager/Head of Department. These days provide a means for employees to be further updated on relevant work/job related matters. There is, however, no requirement for individuals to carry out KIT days, nor for

departments to agree to them. The type of work undertaken will be agreed between individuals and their department.

8.3. Employees will receive a normal day's full pay when undertaking any work on a KIT day. Payment for KIT days will amount to a normal day's full pay inclusive of any current maternity payments. For example, during the period of maternity leave if the individual is receiving full pay, no further payment would be due. If an employee works their KIT day(s) during a period of SMP, their statutory pay will be enhanced to full pay, and if work takes place during a period of unpaid maternity leave, they should be paid the equivalent of their normal daily rate. Any number of hours worked in a day constitutes one KIT day.

## 9. Pension membership

9.1. Members remain in their existing pension scheme during maternity leave. Subject to scheme rules for USS, NHS or UPS contributions will be as follows:

- During any normal full pay period, contributions will be deducted and made as usual
- During any periods of reduced pay or maternity pay, employee contributions will be deducted based on the level of actual pay or maternity pay. The University will make up normal member contributions and pay employer's contributions as if the employee was being paid normal full pay.
- In some circumstances during any periods of unpaid leave, pension membership can be suspended.

9.2 Colleagues<sup>2</sup> participating in salary sacrifice for their pension immediately prior to maternity leave should contact the Pensions team for guidance on any potential impact.

9.3 Further enquiries on the implications of maternity leave on pension membership, including whether it would be possible to make good any periods of suspended pension scheme membership should be directed to the Pensions team.

9.4 Employees are strongly advised to contact the Pensions Team ([HR.Pensions@warwick.ac.uk](mailto:HR.Pensions@warwick.ac.uk)) prior to maternity leave commencing in order to understand any specific pension implications relating to their individual circumstances.

## 10. Holiday entitlement

10.1. Individuals will accrue normal contractual annual leave during the full period of maternity leave. Statutory and customary days which fall during the period of maternity leave are accrued at the normal entitlement. In accordance with University policy, leave for the year to 30 September will be lost if not taken by 31 March in the calendar year following the leave year. However, if maternity leave prevents an individual from taking the accrued annual leave before 31 March the leave owing may be carried over into the new leave year.

10.2. Annual leave may only be taken before or after a period of maternity leave.

10.3. Academic colleagues often take annual leave during vacation to enable teaching commitments to be met. If, however, the majority of maternity leave falls across a vacation and it is not possible to take annual leave out of term time, consideration will be given to allowing annual leave to be taken in term time. As much notice as possible should be given in this situation so that departments have the chance to accommodate requests.

## 11. Return to work

11.1. Individuals taking no more than 26 weeks' maternity leave in total are entitled to return to the same job. If the total absence period is more than 26 weeks, individuals are entitled to return to the same job, or if that is not practicable, to return to a suitable alternative job on no less favourable terms and conditions.

11.2. Individuals may return to work earlier or later than previously notified on their maternity form provided eight weeks' written notice has been given.

11.3. Return from maternity leave should be confirmed to Payroll via [payroll@warwick.ac.uk](mailto:payroll@warwick.ac.uk) as soon as possible by the manager/Head of Department.

11.4. Individuals who do not wish to return to work following maternity leave should inform their manager/Head of Department of this in writing, giving the notice required in their terms and conditions of employment.

## 12. Expiry of fixed term contracts

12.1. If the contract of employment expires during maternity leave, or within 52 weeks of the start of maternity leave, individuals should talk to their manager/Head of Department and their HR Adviser.

## 13. Organisational changes

13.1. If a post becomes at risk of redundancy whilst an employee is on maternity leave they will be contacted and consulted about the situation, which will be dealt with in accordance with the relevant University procedure. This will include the opportunity to attend a meeting or, depending on circumstances, the opportunity to discuss via telephone, or to present written questions.

13.2. In line with the University's redeployment guidelines employees on maternity leave will be considered for any vacancies which arise in the department and the wider University.

13.3. If an employee wishes to be considered for redeployment, they will normally need to provide a CV and a completed redeployment requirements form, which will facilitate the identification of whether a vacancy would be suitable alternative employment. If an individual identifies a potential redeployment opportunity or considers that

they meet the essential criteria of a post they must notify the relevant HR Adviser at the earliest opportunity with confirmation of the closing date for the post, so that this can be considered in line with the University's redeployment guidelines.

13.4. An employee on maternity leave whose post is made redundant has the right to be offered suitable alternative employment in preference to other employees, who may also be at risk. The post offered must be on terms and conditions which are not substantially less favourable than their original post.

## 14. Still birth or miscarriage

14.1. If an employee has a stillbirth and this occurs after the 24<sup>th</sup> week of pregnancy the employee will still be entitled to maternity leave and pay. If an individual has a miscarriage before the 24<sup>th</sup> week of pregnancy there is no entitlement to maternity pay or leave. However, it may be appropriate to consider compassionate leave or sickness absence leave. Further information is available from HR Advisers.

## 15. Responsibilities

### 15.1. Manager/Head of Department

15.1.1. Managers/Heads of Departments are responsible for ensuring colleagues are aware of the policy and procedures, and that any requests submitted are in line with the notice and information requirements detailed in this policy.

15.1.2. Managers/Heads of Departments are responsible for ensuring that HR receive adequate notice of any leave periods and return to work dates so that colleagues receive the correct pay.

### 15.2. Human Resources

15.2.1. HR Advisers will work with individuals and departments to provide guidance as required.

### 15.3. Individuals

15.3.1. Individuals are responsible for ensuring that they are familiar with the policy and procedures, and that they submit any requests for maternity leave in line with the notice and information requirements detailed in this guidance.

## 16. Breaches of the policy/procedure

16.1. All individuals are responsible for ensuring that University policies and procedures are adhered to and implemented in a consistent and fair way. Where queries or issues arise, the HR Adviser should be contacted for guidance.

## 17. Confidentiality

17.1. Information shared for the purposes of maternity leave will be classed as confidential information.

## 18. Further information

18.1. Increments and/or cost of living increases will continue during leave and will be taken into account when calculating pay and maternity pay.

18.2. If individuals are on maternity leave they will be contacted as appropriate regarding any merit pay or senior staff review scheme in operation during their maternity leave.

18.3. Eligibility for study leave will continue to accrue during maternity leave.

18.4. Employees on a career break will not be eligible for University maternity pay. Eligibility for statutory maternity pay may be affected during a career break and advice should be sought from the link HR Adviser.

18.5. The eligibility criteria are the same for term time only employees, although the pay calculations are more complex. Further information is available from HR Advisers.

18.6. Payslips will continue to be sent to departments during leave and individuals should make arrangements with their manager ahead of maternity leave as to where payslips should be sent.

18.7. Further information is available from HR Advisers, Payroll and from Job Centre Plus.