

Working Time and Leave Framework Element 5: Maternity Leave

1 Introduction

This Policy is part of the Working Time and Leave Framework which is made up of a number of elements which together encompass all formal policy, procedure and statement documents, including associated forms, relating to Working Time and Leave Framework in Abertay University.

If you would like this document in a different format (e.g. large print, braille) or need any assistance to access or understand the policy/procedure please contact your School/Service designated HR Partner.

2 Purpose and Scope

This policy applies to all employees of Abertay University.

The Working Time & Leave Framework is made up of a number of elements which together encompass all formal policy, procedure and statement documents, including associated forms, relating to working time and leave of Abertay UniversityDundee, this includes:

- Element 1 Flexi Time Scheme
- Element 2 TOIL (Time off in Lieu)
- Element 3 Adverse Weather Policy
- Element 4 Special Leave
- Element 5 Maternity Leave
- Element 6 Paternity Leave
- Element 7 Adoption Leave
- Element 8 Parental Leave
- Element 9 Flexible Working Policy

If you have difficulty at any stage of this Role and Grading Framework because of a disability and/or because English is not your first language, you should discuss your situation with the School/Service designated HR Partner as soon as possible.

3 Background

The University is committed to comply with current maternity pay and leave legislation and also to establish a “best practice” culture which supports pregnant employees through the maternity process.

All employees are entitled to receive 52 weeks Statutory Maternity Leave (SML), irrespective of their length of service with the University.

The SML period is made up of 26 weeks' ordinary maternity leave (OML) followed immediately by 26 weeks' additional maternity leave (AML).

Employees who have worked for the University continuously for 26 weeks by the beginning of the 15th week before the **expected week of childbirth (EWC)** will be entitled to the University's enhanced package.

3.1 Maternity Pay

Depending on length of service, there are two options available to pregnant employees, these are detailed below:

Option A

I will have been employed by the University continuously for 26 weeks by the 15th week before the **EWC**. The 15th week before the week the baby is due is known as the qualifying week.

You are entitled to the University's enhanced package which is:

- 13 weeks at full pay
- 13 weeks at half pay
- 13 weeks SMP
- remaining 13 weeks are unpaid

Option B

I have less than 26 week's continuous service with the University by the 15th week before the **EWC**.

- You may be eligible for maternity allowance which is paid by JobCentre Plus. You will need to complete the form, SMP1, which the HR/Payroll Department will forward to you.

Note: If you are eligible and receive the University's enhanced package, then you will be required to return to work after your maternity leave for a minimum period of 3 months. If you do not return to work then you will normally be required to repay the enhanced element of the maternity pay received. Please contact the Payroll Supervisor for further details.

3.2 Health and Safety

The University has a duty to protect the health and safety of a pregnant employee and her unborn child in the same way as any other employee, so risk assessments should be carried out for each job. The risk assessment will be carried out by the line manager or Occupational Health Advisor (or in case of absence, the Health & Safety Officer) and a copy of the form will then be forwarded to HR to be retained in the personal file. If any significant risk is found, all reasonable steps should be taken to remove the risk, and this may include changing working conditions or hours where required. In some circumstances, the employee may be offered suitable alternative work, or in extreme cases, offered paid leave for as long as is necessary to avoid the risk.

Similar provisions will apply to protect the employee's health and safety when she returns to work within six months of giving birth, and particularly if she is breastfeeding.

3.3 Next Steps and Other Entitlements

Once you have discovered you are pregnant there are various steps which must be followed. These can be found detailed at Appendix 1 in the form of a flow chart.

Employees should notify their line manager and Human Resources as soon as possible for health and safety reasons. In legal terms this should be done no later than the 15th week before the **EWC**.

Maternity Leave Application Forms are available from Human Resources or via the website. The form should be completed and returned to Human Resources confirming the dates to be taken and that a risk assessment has been undertaken where appropriate. The form should be accompanied by the MAT B1 certificate given by the midwife or doctor.

The earliest the maternity leave can start is 11 weeks before the **EWC** onwards, but no earlier than this. Employees will continue to accrue annual leave on a contractual basis during OML and on statutory regulations during AML.

Further guidance regarding leave entitlement and maternity provision can be provided by Human Resources.

3.3.1 Sickness absence

If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must notify the organisation in writing of this as soon as reasonably practicable.

3.3.2 Keeping in touch days

Any corporate newsletters or events will be forwarded by normal mail, otherwise the line manager will be responsible for keeping employees up to date either during maternity leave or immediately prior to the return to work should this be agreeable.

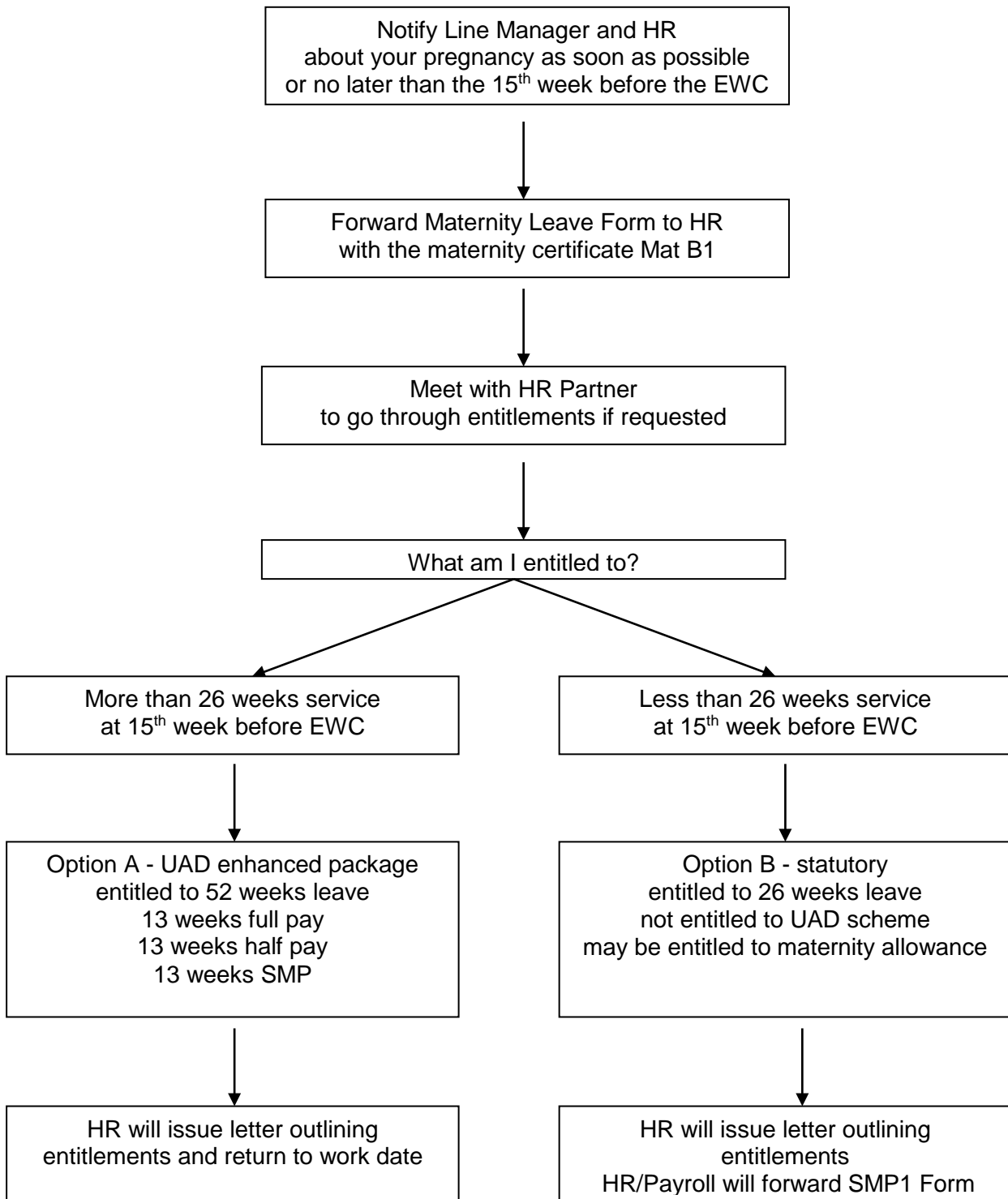
Keeping In Touch days will allow the University to make reasonable contact to discuss return to work dates, hours of work or any developments within the workplace as above. Employees on maternity leave will also be able to come in to work for up a maximum of ten days without losing any statutory maternity pay and without bringing the leave to an end to attend meetings, training events or any other mutually agreed workplace development events. Actual work undertaken on these days should be agreed between the line manager and employee and any payment or compensation subsequently agreed prior to the work being carried out.

3.3.3 Transfer of maternity leave

If an employee proposes to return to work by giving proper notification in accordance with the rules set above, her spouse, civil partner or partner may be eligible to take up to 26 weeks' additional paternity leave (and additional statutory paternity pay) on her return to work.

The earliest that additional paternity leave may commence is 20 weeks after the date on which the employee's child is born and it must end no later than 12 months after the date of birth. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. The employee must therefore have at least two weeks of her maternity leave that remains unexpired. Further information can be found in the University's Paternity Leave Policy.

Summary Flowchart for Maternity Leave / Pay



To be completed by Employee

Name	
Job Title	
School/Service	
Expected week of childbirth (EWC)	
I would like my maternity leave to start on: (This is the day maternity pay will commence)	

I understand that if I do not return from maternity leave or fail to return to work for a period of 3 months and have received the University's enhanced package, that the University has the right to reclaim whole or part of the non-statutory element of maternity pay.

Employee Name

Date

Employee Signature

To be completed by Line Manager:

- I have referred the above person to Occupational Health in order that a risk assessment is carried out.

- I am intending to cover this period of maternity leave with (please tick):
 - Reorganisation or work within the department
 - Agency worker
 - External recruitment
 - Other

Line Manager Name

Date

Line Manager Signature

Annual Leave Summary

You should utilise, where possible, all annual leave entitlement prior to commencement of your maternity leave.

Ordinary Maternity Leave

You will accrue annual leave as per the terms of your contract

In addition to the leave indicated below all support staff will continue to receive the normal 8 days leave to be taken over the Christmas period.

- On joining the University – 28 days leave
- Between 5 and 10 years' service – 30 days
- 10 years' service and above – 31 days
- After 15 years' service – an additional one-off one-week paid leave
- After 25 years' service – an additional one-off one-week paid leave
- Any member of staff who is in the last five years of service and cannot take advantage of the sabbatical arrangements outlined above will be eligible for a one-off one-week paid leave to be taken during their remaining years of service with the University. (Based on the statutory retirement ages of men and women – details available)

Staff who have accrued 25 years or more service on 1st October 2005 will be entitled to both of the one-off one-week periods of paid leave.

Academic staff should refer to their contracts or contact your HR Partner if you are unsure as to your holiday entitlement.

Additional Maternity Leave

You will accrue annual leave in accordance with the statutory entitlement as outlined in the Working Time Regulations (this is currently 28 days per annum).

Options upon return to work

- You may use accrued annual leave to extend your maternity period.
- You may use your accrued annual leave to return to work over a phased period, thus being paid as full time but using holidays. This is only with the agreement of your line manager. Any permanent change to your working hours should be dealt with under the flexible working procedure.
- You may carry forward your accrued annual leave but you should use this by the end of the holiday year (unless under exceptional circumstances which should be agreed with your line manager).

Public Holidays

Should you be on maternity leave over the eight days that the University is closed over Christmas and New Year will, then you will be able to carry these days forward to the next holiday year in accordance with the guidance above.

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Version Control Table

Version No.	Purpose / Changes	Author	Date
	To collate documents into related framework of procedures and improvement of procedures.	Human Resources	Sept 2011