

Maternity Policy

Introduction

The following provisions shall apply to any member of staff who wishes to take maternity leave subject to the general condition that no provision contained herein shall apply if it is less generous than the statutory provisions made under the law.

Section A – Maternity Provisions

1. Entitlement to Maternity Leave

All employees, regardless of their length of service or hours of work are entitled to 52 weeks leave. Maternity leave period must include the 2 weeks immediately after childbirth. This is known as the compulsory maternity leave period. The first 26 weeks is known as the Ordinary Maternity Leave Period (OML) and the following 26 weeks is known as the Additional Maternity Leave Period (APL).

2. Notification

A member of staff must notify the College in writing by at least the 15th week before Expected week of confinement (EWC) of the following:

- that they are is pregnant;
- the expected week of childbirth;
- the date on which they wish to start her maternity leave;
- if the member of staff wishes to claim occupational maternity pay, they should also confirm that they intend to return to work at the end of the maternity leave period.

If it is not reasonably practicable for the member of staff to give this notice by the 15th week, then they must provide the information as soon as reasonably practicable and submit a medical certificate if they are medically unfit to work.

Note: If a member of staff is absent from work with a pregnancy-related illness during the four weeks before the start of the EWC, her maternity leave will start automatically.

The employee will need to produce a certificate from a registered medical practitioner or a certified midwife stating the expected week of confinement (MATB1).

A member of staff may change their mind about when they want to start their leave providing they write to the College at least 28 days in advance of the intended leave. If it is not reasonably practicable to give such notice of change of intention, the member of staff must provide the information as soon as reasonably practicable

Section B – Rights of the Employee to Time Off from Work to attend Ante Natal Care

Any pregnant employee has the right to paid time off to attend for antenatal care and must produce evidence of appointments if requested to do so.

Section C – Entitlement to Maternity Pay

1. Occupational Maternity Pay

Members of staff who have completed not less than one year's continuous service at the beginning of the 15th week before the expected week of confinement (EWC) will be entitled to occupational maternity pay. (Members of staff who do not meet this qualification will be entitled to the statutory benefits in relation to periods of absence and pay).

The member of staff must: continue to be employed by the College (whether or not she is at work) until immediately before the beginning of the 15th week before the EWC.

2. Statutory Maternity Pay

A member of staff will be eligible to receive statutory maternity pay (SMP) if they satisfy the following criteria:

- 2.1 have completed 26 weeks' continuous service at the 15th week before the expected week of childbirth; and
- 2.2 be earning an amount equivalent to at least the lower earnings limit for National Insurance contributions; and
- 2.3 still be pregnant at the 11th week before the expected week of childbirth; and
- 2.4 have stopped work wholly or partly because of their pregnancy, or their confinement.

For the first 6 weeks of maternity leave, SMP is payable at the rate of 90% of the employee's average weekly earnings. The remaining 33 weeks will be paid at the current SMP rate, or else 90% of the member of staff's average weekly earnings if this is less than the lower SMP rate. Rates are revised by the Government in April of each year.

Not all employees will be eligible for SMP, in which case they should apply to the Benefits Agency, to see whether they may be entitled to maternity allowance. An application form (SMP1) will be provided to the College.

3. Occupational Maternity Pay and Ordinary Maternity Pay (OMP)

An employee who has one year's service by the 15th week before the EWC shall be entitled to occupational pay during the period of absence for maternity as follows:

- 3.1 For the first four weeks of absence - full pay with the deduction of any statutory benefits to which the employee is entitled.
- 3.2 For each of the next two weeks of absence – 90% of a week's salary reduced by any statutory benefits to which the employee is entitled.

- 3.3 For the next 12 weeks of absence - half pay without deductions except where combined pay and SMP (or maternity allowance and any dependants' allowances if the employee is not eligible for SMP) exceeds full pay;
- 3.4 For the remaining 21 weeks of absence – lower rate SMP.
- 3.5 For any remaining period of absence up to date of return notified by the employee absence without pay.
- 3.6 In the event of the employee not returning to employment by the college for a period of at least three months the member of staff shall refund the 12 weeks half pay under (iii) above (but not the SMP element), or such part thereof if any as the college in its discretion may decide.

Employees who do not meet the eligibility criteria for maternity pay may be entitled to Maternity Allowance benefit and should contact their local Benefits Agency office for further advice.

Section D - Pensions Contributions

A member of staff in receipt of remuneration, whether salary, or SMP, or both, will be treated as though they are working normally for the purposes of access to occupational pension scheme membership and benefits. The College will pay the normal contribution towards the pension scheme for the period of ordinary maternity leave. The employee is only required to pay contributions on the amount of actual remuneration, or SMP they are in receipt of.

Employees who wish to continue contributions during this period of unpaid maternity leave should contact the pension authority to obtain the appropriate advice on how to do so.

Section E – Keeping in touch days

An employee may wish to take up the opportunity to come into the workplace for up to 10 'keeping in touch' days without losing maternity pay entitlements. The KiT days will be paid at full pay for the hours worked.

Section F – Shared Parental Leave

Shared Parental Leave and ordinary Parental Leave is also available to apply for and the College has policies for this too.

Section G - The Right to Return to Work

1. A member of staff who wishes to return to work at the end of 26 weeks ordinary maternity leave period is entitled to return to the same job that they left. In this case, the member of staff does not have to give the College any notice of their return, unless they wish to return to work before the end of the 26 weeks, in which case 8 weeks notice is required. The employee's notice does not have to be in writing so if notice is given orally, the HR Team shall make a note of this. If the employee attempts return to work earlier, without having given the 28 days notice, the College is entitled to postpone her return but not beyond the end of the ordinary maternity leave period.
2. A member of staff who wishes to return to work following AML has the right to return to the same job, with the same terms and conditions if this is reasonably practicable. However, if this is not reasonably practicable, they have the right to be offered an alternative job that is suitable and appropriate and on the same terms. The employee shall not be obliged to give any notice of her intention to return. A member of staff not indicating a return to work date

shall be assumed as taking 52 weeks leave unless the member of service gives notice of an earlier return as per above.

- 2.1 If a member of staff wishes to return to work before the end of AML, they must give the College at least 8 weeks notice of the day on which they wish to return to work. This notice does not have to be in writing so if notice is given orally to the HR Department shall make a note of this. If the employee attempts to return to work earlier, without having given the required notice the College is entitled to postpone their return but not beyond the end of the additional leave period.
- 2.2 A member of staff who is unable to return to work at the end of their maternity leave due to illness, will be subject to the normal sick leave and pay policy, and will receive sick pay according to her contract.
- 2.3 Where it is not practicable by reason of redundancy for the College to permit a member of staff to return to work in their job as defined in (a) above the employee shall be entitled to be offered a suitable alternative vacancy where one exists.

Section H - Circumstances in which SMP is lost

An employee will lose her right to receive SMP if they:

- (a) are abroad outside of the European Community.
- (b) are taken into legal custody.
- (c) starts work for another employer.
- (d) return to work, except for keeping in touch days.

Section I – Early Births

If the baby is born early but after the employee has started to receive SMP, SMP will continue to be paid. If the employee has not yet started to receive SMP, it will be triggered. The return to work date will be recalculated from the actual week of birth.

Section J – Stillbirths

In the unfortunate event of a stillbirth, the employee continues to be entitled to SMP, if the child is born after the 24th week of pregnancy. The member of staff will also be entitled to the maternity leave period. In the event of a miscarriage during or before the 24th week of pregnancy, sick pay provisions and regulations will apply.

Section K - Rubella

If, in the early months of pregnancy, an employee is advised by the approved medical practitioner to absent herself from the establishment because of the risk of rubella, they shall be granted leave with full pay, provided that they do not unreasonably refuse to serve in another area of the College, or undertake other duties, where there is no such risk.

Section L - Protection of New and Expectant Mothers

The College is committed to creating and maintaining a healthy and safe working environment. This is particularly important in relation to the safety of new and expectant mothers. As part of normal health and safety practices the College will risk assess work areas. In addition, the College will undertake the following in order to create a healthy workplace for new and expectant mothers:

- Work areas will be risk assessed to take account of particular risks to new and expectant mothers. This will be carried out as soon as possible after notification of pregnancy.
- Employees will have the right to transfer from hazardous work areas, or hazardous work, without loss of pay or status, to suitable alternative work and/or alter hours/work conditions, if suitable actions cannot be identified to avoid an assessed risk.
- An employee may be temporarily suspended, on full contractual pay, from the site in order to maintain an appropriate leave of safety if suitable temporary alternative employment cannot be found and/or the expectant mother is a night worker who has a medical certificate which recommends restricting her work schedule/times.
- Suitable accommodation will be provided for new and expectant mothers to allow for appropriate rest periods, or to express milk.
- Health and Safety management will be undertaken in accordance with The Management of Health and Safety at Work Regulations 1999.

Expectant mothers will be expected to adhere to the risk assessments and alert their line manager of any changes.

Section M – Right to Request Flexible Working

If a member of staff who is returning from maternity leave wishes to return on a part time basis, the College will give consideration to any such request. The employee should give as much notice as possible to the College.

Such arrangements could be either:

- a short-term arrangement; or
- a permanent reduction.

It could also be for a set period of time, leading to a return to full hours. Such arrangements will be on a fractional basis.

Where changes to working are not possible, the reasons will be fully discussed and put in writing to the employee concerned.

Section N – Annual Leave/Holiday Entitlements

During maternity leave the contractual entitlements continue to apply and the employee continues to accrue annual leave. If an employee is on maternity leave for a substantial part or even the whole of the holiday year arrangements will be discussed when employees get in touch prior to their return about what annual leave is owing. The Working Time Regulations all employees are entitled to a minimum of 28 days holiday (includes Bank Holidays) a year.

Annual leave (and time off in lieu) cannot normally be carried over into a new year.

Section O – General Issues

Maternity leave is not sick leave and will not be taken into account when calculating any period of sick leave entitlement.

During the 26 weeks ordinary maternity leave period, the contract continues to apply and an employee is entitled to benefit from all the terms of the contract, with one exception any terms and conditions about 'remuneration' which do not apply during OML. This means that the member of staff is not entitled to the normal salary specified in her contract during OML. However, any salary increases awarded to other staff during maternity leave will apply.

Any employee who is unable to return to work at the end of their maternity leave period due to illness, will be treated as if they were on sick leave from the return date and will therefore be entitled to sick pay.

Periods of maternity leave and maternity absence are regarded as continuous service for the purpose of calculating entitlements to employment benefits.

Women are protected from unfair treatment due to pregnancy, childbirth or taking maternity leave.

This scheme will be reviewed on a regular basis in accordance with legislative developments and the need for good practice within the College.

Section P - Definitions

A week's pay for employees, whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the College to the employee under the current contract of employment if the employee works throughout her normal working hours in a week. Where there are no normal working hours, a week's pay is the employee's average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

Confinement means the birth of a living child, or the birth of a child whether living or dead after 24 weeks of pregnancy. An employee who suffers a stillbirth after 24 weeks automatically has the right to the full maternity leave period.

Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.

Section Q - Equal Opportunities Considerations

This policy applies to all female staff who work for the College, whether they work full-time, part-time or on a casual basis as the law stipulates.

Section R - Data Protection

When managing an employee's maternity leave and pay, the College processes personal data collected in accordance with its Data Protection Policy. Data collected from the point at which an employee informs the College that they are pregnant is held securely and accessed by, and disclosed to, individuals only for the purposes of managing her maternity leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the College's Data Protection Policy immediately.

| Reviewed / Approved | By | Date |
|---------------------|--------------------------------------------|--------------|
| Updated by | Rachael Charles (included Data Protection) | January 2020 |
| Approved | CLT | 28.1.15 |
| Next Review | | January 2022 |