



Shrewsbury College

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MATERNITY LEAVE POLICY

1. INTRODUCTION

- 1.1 Shrewsbury College of Arts and Technology (the College) recognises the need for effective policies that play a key part in supporting an appropriate home-work balance. Such policies are intended to: allow an effective combination of home and work responsibilities; enhance equality of opportunity at work; and enable the College to achieve its vision by retaining skilled and valued employees.
- 1.2 This document describes the right to maternity leave. Employees are also encouraged to refer to other related policies on parental leave, paternity leave, special leave, adoption leave and flexible working.
- 1.3 The College recognises that many women decide to combine working and having children. This policy provides maternity rights, entitlements and obligations and demonstrates the College's commitment to providing employees with appropriate support, assistance and positive encouragement to return to the College (either on a full-time or, where possible, on a part-time or job share basis) so that the skills and experience of valuable staff at every level are utilised effectively.
- 1.4 The College believes that the most effective approach is a personal one; taking into account, as far as is practicable, special needs associated with the time prior to the birth and subsequent to it. Close and regular communication between employees, managers and HR staff is vital in order to discuss and plan the time away from work, methods of continued communication during absence, and talk through other issues including settling back into work and access to information regarding statutory rights and the College policy.

By adopting this approach, potential concerns about the maternity absence which colleagues may have, can be allayed; it will also benefit the College as a whole because it works towards an early and effective renewal of the contribution made by experienced staff who wish to return to the College.

- 1.5 The College recognises its obligation to pay Statutory Maternity Pay (SMP) on behalf of the DWP to all employees who are eligible to receive it. This document explains entitlements to both statutory and contractual maternity benefits.

2. MATERNITY LEAVE

- 2.1 All female employees, regardless of length of service and number of hours worked, have the right to 52 weeks' maternity leave. The first 26 weeks is known as ordinary maternity leave (OML) and the second 26 weeks is known as additional maternity leave (AML).
- 2.2 The employee's maternity leave period must include the two weeks immediately after childbirth. This is the **compulsory** maternity leave period.

3. GIVING NOTICE TO START MATERNITY LEAVE

- 3.1 A woman who wishes to take maternity leave, must give the College notice, in writing, by the 15th week before the expected week of confinement, the notice should state:
 - that she is pregnant
 - the expected date of childbirth
 - the date on which she intends to start her maternity leave

If the employee wishes to claim contractual maternity pay (see paragraph 5.3 below), she should also confirm that she intends to return to work at the end of the maternity leave period.

- 3.2** She should also produce a maternity certificate (form MATB1) which can be issued by a midwife or GP from the beginning of the 20th week.
- 3.3** If it is not reasonably practicable for the woman to give this notice by the 15th week before the EWC, then she must provide the information as soon as reasonably practicable.
- 3.4** The College will respond to the notification of maternity leave within 28 days of receipt from the employee, confirming the arrangements and the date that the employee will return to work.
- 3.5** The employee may decide when she wishes to start her maternity leave, and she may start at any time after the beginning of the 11th week before the week in which childbirth is expected. However, if she is absent from work with a pregnancy-related illness during the last four weeks of her pregnancy, her maternity leave will start automatically. The employee can change her maternity leave start date provided the College receives at least eight weeks notice of the changed date.
- 3.6** Where childbirth occurs before the notified leave date or before she has notified such a date, she should notify the College that she has given birth as soon as is reasonably practicable after the birth.
- 3.7** Details of leave arrangements will be captured on the Maternity Leave Plan, and confirmed to the individual in writing by Human Resources. All annual leave accrued during a period of maternity leave should, where practical, be taken immediately after the end of the maternity leave period, before the actual return to work. For non-teaching staff, a maximum of five days may be carried forward into the next leave year to be taken in the first month of the holiday year.

4. THE RIGHT TO RETURN TO WORK

- 4.1** A woman who wishes to return to work at the end of the maternity leave period is entitled to return to the same job that she left or, if that is not reasonably practical, to an alternate job that is suitable and appropriate. She is requested to give the College eight weeks notice of her intended return date. It is advisable; however, that she make contact with her line manager to ensure preparations can be made, as soon as a return date is understood.

4.2 What happens if:

a) The woman is sick when due to return to work:

A woman who is unable to return to work at the end of 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.

b) The employee's job becomes redundant:

If the employee's job becomes redundant during the course of her maternity leave, the College will offer her any other suitable alternative work that becomes available. She will have the right to be considered for such work, even though she is on maternity leave. The offer will be made before her previous employment ends and the new employment will commence immediately although the return to work date will remain as planned. It must involve suitable work and the terms and conditions will not be less favourable than under the old contract. If there is no work available, then she may be made redundant, and receive redundancy pay in line with her statutory and contractual entitlements. This is in accord with the normal measures to avoid redundancy that are outlined in the redundancy policy.

c) *Industrial action or any interruption of work occurs:*
If industrial action or any other interruption of work makes it unreasonable for the employee to return to work on the date which she has specified, she may, instead, return when work resumes.

d) *The employee wishes to return to work on a part-time basis:*
If a woman returning from maternity leave wishes to return on a part-time basis, the College will give consideration to any such request. Returning to work on a part-time basis can be:

- either a phased return, or return to a reduced working day
- by job sharing

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. Reference to the College's Flexible Working policy should be made, and request made using this procedure

5. MATERNITY PAY

5.1 Statutory maternity pay (SMP) is set by the HMRC. A woman will be eligible to receive SMP if she satisfies the following criteria:

- she must have been employed by the College for at least 26 weeks continuing into the 15th week before the expected week of childbirth
- she must be earning an amount equivalent to at least the lower earnings limit (LEL) for National Insurance contributions
- she must still be pregnant at the 11th week before the expected week of childbirth (other than in the unfortunate case of a still birth when SMP is payable from 24 weeks: see 6.7)
- she must have stopped work wholly or partly because of her pregnancy or her confinement.

5.2 SMP is paid at the rate of 90% of the employee's average weekly earnings (calculated on earnings for the eight weeks prior to the 15th week before the EWC). This is payable for the first six weeks of maternity leave. The remaining 33 weeks will be paid at the current SMP lower rate.

Not all employees will be eligible for SMP (for example because earnings are below the LEL). In such cases the employee should apply to the Benefits Agency, to see whether they may be entitled to a separate maternity allowance.

5.3 Contractual Maternity Pay

In addition to the SMP Payable, the employee will be entitled to receive contractual maternity pay.

Contractual maternity pay is paid in addition to the SMP. The College's scheme provides for full pay to be paid for the first four weeks followed by 90% of the employee's average weekly earnings for the next two weeks. Contractual maternity pay is then paid at the rate of half-pay plus the SMP for the next 20 weeks of the maternity pay period. This is subject to the combined SMP and half pay not exceeding the normal full pay.

Any employee who does not return to work for a period of at least 13 weeks service following her maternity leave can be required to repay the 20 weeks' half pay, or lesser amount, if applicable, to be determined by the College. She will not be required to repay any of the SMP. An employee, who is uncertain about her return to work, may elect to have the 20 weeks' half pay paid on her return to work as a lump sum

5.4 Pension Contributions

A woman 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 she receives.

Employees, who wish to continue contributions during a period of unpaid maternity leave, should contact the relevant pension scheme to obtain the appropriate advice on how to buy back service.

5.5 Early Births

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

5.6 Late Births

If the baby is born after the EWC, SMP is not affected. For the purpose of calculating the return to work date, the College will calculate from the actual week of birth. This is particularly important when calculating the additional maternity leave period.

5.7 Still Births

In the unfortunate and tragic event of a stillbirth, the employee continues to be entitled to SMP, if the child is born after the 24th week of pregnancy. She will also be entitled to the maternity leave period as required up to 52 weeks

In the event of a miscarriage during or before the 24th week of pregnancy, provisions and regulations of the normal sick pay scheme will apply.

5.8 Multiple Births

No additional SMP is payable for multiple births.

5.9 Circumstances in which SMP is lost

An employee will lose her right to receive SMP if:

- She goes abroad outside of the European Community
- She is taken into legal custody
- She starts work for another employer
- She returns to work

6. TIME OFF FOR ANTE-NATAL CARE

- 6.1** A pregnant employee is entitled to take reasonable paid time off for antenatal care appointments. Evidence of appointments must be provided to the line manager upon request. Reasonable requests for time off for parent classes will be considered by the line manager.
- 6.2** An employee whose partner is expecting is entitled to attend to ante-natal appointments, however they are not entitled to receive payment for this time.

7 KEEP IN TOUCH DAYS

- 7.1** Employees are entitled to work for ten days during their leave by way of KIT days. KIT days may be useful so that employees can attend training sessions, or merely just to keep in touch and up to date with what is happening in college. They are mutually agreed in advance and cannot be foisted upon an employee. In the same way, an employee cannot force the College to allow them to come into work. Employees will be protected from suffering any detriment because they took, considered taking or did not take KIT days.

Employees are entitled to be paid for work done on KIT days, provided that significant hours are worked *for example more than 2 hours for a structured meeting or training event*

- authorisation has been gained via the normal resource request
- arrangements were made for the KIT day in advance. Thereby preventing requests for payments where employees simply call in on spec.

- 7.2** Payment during KIT days will be made as follows:

- The employee will have their pay made up to their normal full hourly rate of pay for the hours agreed for the KIT day. For example if an employee attends a three hour meeting and is in receipt of half pay they will receive a further half pay payment for three hours. If the employee is currently receiving no pay at this point in their leave they will receive full pay for the three hours.
- In each case they will continue to receive any remaining entitlement they have to SMP.

- 7.3** It is not anticipated that KIT days will be widely used although it is recognised that they have a place in keeping employees on maternity leave up to date.

8. PROTECTION OF NEW AND EXPECTANT MOTHERS

- 8.1** 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 conduct risk assessments. 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 can not 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 level of safety if suitable temporary alternative employment can not be found.
- 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

Workplace (Health, Safety and Welfare) Regulations 1992 (see the detailed guidance on risk assessment)

9. GENERAL GUIDANCE AND PRINCIPLES

- 9.1** Maternity leave is not sick leave, and will not be taken into account when calculating any period of sick leave entitlement.
- 9.2** During the maternity leave, the employee's contract continues to run and the employee continues to accrue annual leave. Any general salary increases awarded to other staff in the same bargaining groups will also apply; therefore salary increases applied after the maternity calculation has been made will be reflected in the SMP via a re-calculation.
- 9.3** 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, and will therefore be entitled to sick pay.
- 9.4** Periods of maternity leave and maternity absence are regarded as continuous service for the purpose of calculating entitlements to employment benefits.
- 9.5** If in the early months of pregnancy if an employee is advised by an approved medical practitioner to absent herself from work because of the risk of rubella she will be entitled to leave with full pay.
- 9.6** Employees are expected to notify the College when the baby is born, and will receive acknowledgement of this information using standard letter three.
- 9.7** Women are protected from unfair treatment due to pregnancy, childbirth or taking maternity leave.
- .8** Colleagues will have access to suitable learning opportunities during the period they are absent from work.
- 9.9** If an employee believes that they are not being treated fairly in relation to the right to take maternity leave the matter should be raised with the Assistant Principal: Human Resource Development who may arrange for this to be investigated in accord with the grievance procedure
- 9.10** If an employee acts dishonestly in respect of any element of the College's maternity policy this will be regarded as serious misconduct and will result in the employee being subject to the College's disciplinary procedure.

10.0 EQUALITY AND DIVERSITY POLICY OF THE COLLEGE

This Policy has been subject to an Equality and Diversity Impact Assessment. All individuals will be treated equally and fairly in the application of this Policy. All reasonable requests to accommodate requirements in terms race, age and disability will be accommodated, as long as it is practicable to do so.