

Maternity Leave for Staff with At Least One Year's Continuous Service

- Notes:** This applies to those members of staff for whom the Expected Week of Childbirth is on or after 5 October 2008 and who:
- have at least one year's continuous service with the Institute before the week in which the baby is due; **and**
 - intend to return to work at the Institute after maternity leave and continue in employment for at least three months.

If you do not have the required length of service, please refer to the procedure on Statutory Maternity Leave.

If you do not intend to return to work, you may be entitled to Statutory Maternity Pay (90% of your average weekly earnings for six weeks and the standard rate for a further thirty-three weeks). Please contact the relevant Faculty Human Resources Manager or Human Resources Administrator, who will be able to advise you.

If you are pregnant and would like to apply for maternity leave, or if you just wish to have an initial discussion, please contact the relevant Faculty Human Resources Manager or Human Resources Administrator. She/he will be happy to talk with you about it and answer any questions you may have, including clarifying the relevant dates and any action you need to take.

Definition of Childbirth	1	Childbirth means the live birth of a child or a still birth after a pregnancy lasting at least 24 weeks.
	2	There is no distinction between live and still births in the granting of maternity leave.
	3	A woman who suffers a miscarriage before the end of the 24 th week of pregnancy and is absent from work will not be absent because of childbirth.
Qualifying Condition		At least one year's service before the Expected Week of Childbirth (EWC), which begins on the Sunday on/before which the baby is due.
Leave Entitlement		52 weeks [this incorporates Statutory Maternity Leave, which consists of 26 weeks' Ordinary Maternity Leave (OML) and 26 weeks' Additional Maternity Leave (AML)].

Start Date	1	The earliest start date is the beginning of the 11 th week before the EWC (but see 3 below).
	2	If the member of staff wishes to work beyond the 4 th week before the EWC, she must provide a certificate from her doctor or midwife confirming that she is able to do so.
	3	The actual start date will be the earliest of: <ul style="list-style-type: none"> • the date which the member of staff has notified as the start date; • the day following the 1st day after the beginning of the 4th week before the EWC on which the member of staff is absent from work for a pregnancy related reason; or • the day after the day on which the member of staff gives birth.
Notice of Leave	1	Notice must be given in writing by the end of the 15 th week before the EWC, or as soon as is reasonably practicable. Such notice must be addressed to the relevant Faculty Human Resources Manager or Human Resources Administrator and copied to the member of staff's Dean of Faculty/Head of Support Department.
	2	The written notice, which should be given using the Application for Maternity Leave form, must specify: <ul style="list-style-type: none"> • that the member of staff is pregnant; • that the EWC (the MAT B1 issued by the registered medical practitioner or registered midwife about 3 months before the EWC) is either attached or will be provided as soon as it is available; • that the member of staff intends to return to work at the Institute after the period of maternity leave and continue in employment for at least three months; and • the date on which the member of staff intends to start maternity leave.

	3	<p>The member of staff may change her mind about the start date of her maternity leave provided she informs the relevant Faculty Human Resources Manager or Human Resources Administrator and her Dean of Faculty/Head of Support Department in writing either</p> <ul style="list-style-type: none"> • 28 days before the date she originally intended to start her leave, or • 28 days before the new date she wants to start her leave, <p>whichever is the earlier, unless it is not reasonably practicable to do so, in which case she must do so as soon as it is reasonably practicable.</p>
	4	<p>Notice is not necessary if:</p> <ul style="list-style-type: none"> • the member of staff gives birth before the date she has notified, or before she has notified a date (she must notify the relevant Faculty Human Resources Manager or Human Resources Administrator and her Dean of Faculty/Head of Support Department in writing of the date of birth as soon as is reasonably practicable and, in the latter case, provide her certificate of expected childbirth); or • the member of staff is absent wholly or partly because of pregnancy after the beginning of the 4th week before the EWC (she must notify the relevant Faculty Human Resources Manager or Human Resources Administrator and her Dean of Faculty/Head of Support Department in writing of her absence and the date on which that absence began as soon as is reasonably practicable).
	5	<p>If the employee has correctly notified the date on which she intends to begin her maternity leave, Human Resources will write within 28 days of receipt of the notification, confirming the date on which her maternity leave (her AML) will end.</p>
Notice of Return	1	<p>No notice is required if the member of staff wishes to return to work on the first working day after the date on which her AML ends.</p>
	2	<p>At least eight weeks' written notice is required if the member of staff wishes to return to work before the end of the AML period. Such notice must be addressed to the relevant Faculty Human Resources Manager or Human Resources Administrator and copied to the member of staff's Dean of Faculty/Head of Support Department.</p>

	3	If less than eight weeks' notice is given, the Institute may delay the return until eight weeks have elapsed from the time notice was given (or the date on which the member of staff attempted to return if no notice was given) or until the date on which the member of staff is otherwise due to return, whichever occurs sooner.
	4	If, having been notified of this postponement in writing, a member of staff returns to work before that date, the Institute will be under no contractual obligation to pay the member of staff until the date to which her return is postponed.
	5	A member of staff can change her mind about her return date provided she gives at least eight weeks' notice before whichever is earlier of the date on which she now intends to return or the date on which she had intended to return.
Notice of Non-return		This will be in accordance with the contractual notice requirements.
Work during the maternity leave period	1	A member of staff may carry out up to ten days' work for the Institute during maternity leave without bringing her maternity leave to an end. The purpose of this provision is to allow the member of staff to 'keep in touch' with the workplace.
	2	Work includes any work done under the contract of employment and may include training or any activity aimed at keeping in touch.
	3	Any work carried out on a day constitutes one day's work for the purposes of this provision (eg if the member of staff comes in for a one-hour team meeting, this will count as one of the ten days available).
	4	Payment at the appropriate hourly rate (based on the member of staff's normal pay) will be made for hours worked during a keeping in touch day, provided that the total day's pay, including any SMP due, does not exceed the sum that normally would have been paid for a full day's work.
	5	Reasonable contact from time to time during maternity leave, which the member of staff and the Institute are both entitled to make, for example to discuss the member of staff's return to work, does not count as one of the ten days.
	6	A keeping-in-touch day under this provision must not take place during the two-week period of compulsory maternity leave, which begins on the date of childbirth.

	7	There is no obligation for a member of staff on maternity leave to take part in keeping-in-touch days, nor is there any obligation on the Institute to provide them.
Pay	1	The member of staff will receive full pay for the first sixteen weeks of maternity leave.
	2	She will also receive the standard rate of Statutory Maternity Pay for the following 23 weeks of maternity leave.
	3	Where applicable, any pay awards and annual increments awarded while the employee is on unpaid maternity leave will be implemented on her return.
	4	If a backdated pay award is implemented after the employee begins maternity leave, arrears due will be paid at the same time as for other members of staff.
	5	Where a member of staff fails to return to work at the Institute or fails to continue in the employment of the Institute for at least three months after her return to work, the Institute reserves the right to reclaim the whole or part of the non-statutory element of maternity pay.
Occupational Pension (USS or SAUL)	1	Pension contributions will be paid during the first 39 weeks of maternity leave, as follows: <ul style="list-style-type: none"> the employer's contributions will be based on the employee's normal pay; and the employee's contributions will be based on her actual pensionable pay.
	2	Pension rights will continue to accrue during the first 39 weeks of maternity leave.
Annual Leave	1	Annual leave will continue to accrue during the full 52 weeks of maternity leave (OML and AML).
	2	Where maternity leave is spread over two leave years, a separate calculation will be made for each leave year.
	3	Annual leave can be taken immediately before or immediately after, but not during, maternity leave (whether OML or AML). This is, of course, subject to the normal procedures within the Faculty/Support Department for approval of annual leave.
	4	Annual leave due but not taken in the leave year in which maternity leave begins can be carried over to the subsequent leave year.

Opportunities to apply for promotion and for vacancies		The member of staff will be asked if she wishes to be kept informed about vacancies in the Institute and/or about promotion exercises and, if so, will be sent such information during her absence on maternity leave.
Rights during leave		During maternity leave (OML and AML), a member of staff is entitled to the benefit of all the terms and conditions of employment that would have applied but for her absence (save for her right to be paid her normal wages or salary) and is bound by any obligations arising under those terms and conditions.
Right to Return to What - After OML	1	A member of staff returning from OML has the right to return to the job she occupied immediately before her maternity leave began.
	2	That right prevails even if the employee takes up to four weeks' parental leave immediately after her OML.
	3	If a member of staff takes more than four weeks' parental leave immediately after her OML, she also retains her right to return to work in her original job, unless it is not practicable for her to do so, in which case she has the right to be offered suitable alternative employment on terms no less favourable than the terms and conditions she enjoyed in her original job.
Right to Return to What - After AML	1	A member of staff returning from AML has the right to return to the same job in which she was employed before her absence began (with her seniority, pension and other rights intact) or, if that is not reasonably practicable, to another job which is both suitable and appropriate for her to do in the circumstances. The terms and conditions will be no less favourable than those that would have prevailed but for her absence from work on maternity leave.

	2	A member of staff who takes parental leave for a period of four weeks or less immediately after her AML, is entitled to return from leave to the job in which she was employed before her absence - unless it would not have been reasonably practicable for her to do so if she had returned at the end of her AML (for reasons other than redundancy) and it is still not reasonably practicable for her to do so at the end of that period of parental leave. Otherwise, she is entitled to return to another job that is both suitable and appropriate for her to do in the circumstances, with her seniority, pension and similar rights intact, and on terms and conditions no less favourable to her than those that would have been applicable had she not been absent from work at any time since the commencement of her OML.
	3	A member of staff who takes more than four weeks' parental leave immediately after her AML is entitled to return from leave to the job in which she was employed before her absence or, if it is not reasonably practicable for her to do so, to another job that is both suitable and appropriate for her to do in the circumstances.
Returning to Work Part-Time		A member of staff who wishes to vary her working pattern on her return from maternity leave has the right to request a flexible working pattern. The procedure for doing so is set out in the Flexible Working Procedure which is on the Human Resources website. Consideration of the request may involve meetings with the Dean of Faculty/Head of Support Department and it is strongly suggested that any application is made in good time and that, if possible, an interest in working flexibly is mentioned to the Dean of Faculty/Head of Support Department before the period of maternity leave.
Relationship to Sick Pay	1	If the member of staff is ill at the end of maternity leave, she will transfer on to sick pay.
	2	Absence on account of pregnancy prior to the beginning of the 4 th week before the EWC falls under the sick leave scheme.
Health and Safety	1	The Institute has specific duties in relation to employees who are pregnant, have given birth within the previous six months or are breastfeeding.

	2	Where a risk to an employee is identified, whatever arrangements are deemed necessary to protect the mother and child will be taken, having regard to statutory health and safety provisions that may apply at the time.
Staff on Temporary Contracts		If the member of staff is employed on a contract which is due to end before the end of her maternity leave, she should contact Human Resources for advice in relation to her entitlement under the Scheme.

Approved by the Finance and General Purposes Committee at its meeting on 27 February 2007

Amended in line with the new Faculty structure

Amended in line with changes to legislation with effect from 5 October 2008

4 September 2008