

Statutory Maternity Leave

Note: This scheme applies to those members of staff for whom the Expected Week of Childbirth (EWC) is on or after 5 October 2008 and who have less than one year's continuous service with the Institute before the week in which the baby is due.

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.

There are two periods of Statutory Maternity Leave: Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML).

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 Conditions	1	There is no qualifying condition for OML or AML, both of which are for up to 26 weeks (52 weeks in total).
Entitlement	1	Up to 52 weeks in total, comprising: <ul style="list-style-type: none"> • up to 26 weeks OML; and • up to 26 weeks AML.
	2	AML will start immediately after OML.
Start Date	1	The earliest start date is the beginning of the 11th 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; and • the date on which the member of staff intends to start maternity leave.
	3	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 <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, 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.

	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 member of staff 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 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	<p>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.</p>

	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 her 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 may be entitled to Statutory Maternity Pay (SMP) for up to 39 weeks (90% of average weekly earnings for 6 weeks and then a prescribed weekly rate for up to 33 weeks).
	2	If a member of staff does not qualify for SMP, she may be entitled to Maternity Allowance, payable direct from the Benefits Agency.
	3	Where applicable, any pay awards and annual increments awarded while the member of staff is on unpaid maternity leave will be implemented on her return.
	4	If a backdated pay award is implemented after the member of staff begins maternity leave, arrears due will be paid at the same time as for other members of staff.
Occupational Pension (USS or SAUL)	1	If the member of staff is entitled to SMP, pension contributions will be paid while she is receiving SMP, as follows: <ul style="list-style-type: none"> the employer's contributions will be based on the member of staff's normal pay; and the member of staff's contributions will be based on her actual pensionable pay.
	2	If the member of staff is entitled to SMP, pension rights will continue to accrue during the first 39 weeks of maternity leave (the SMP period). Otherwise, pension rights will continue to accrue during OML.
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.
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 member of staff 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 the period of maternity leave to which she is entitled, 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 member of staffs who are pregnant, have given birth within the previous six months or are breastfeeding.
	2	Where a risk to an member of staff 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 AML, 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

20 October 2008

<http://www.ioe.ac.uk/personnl/policiesandprocedures/maternityleavestatutory081020.doc>