

MATERNITY POLICY

PURPOSE

This policy aims to promote a consistent and supportive approach to maternity. It sets out the entitlements and provisions for pregnant women, in compliance with legal requirements, and to protect the health and well-being of the mother and child.

The policy is part of our strong commitment to creating a supportive and inclusive workplace for all. We want to enable everyone to contribute fully and develop professionally at work, whilst also managing their wider family needs and responsibilities effectively.

POLICY

Introduction

The policy outlines the statutory rights and responsibilities of staff that are pregnant or have recently given birth. It describes how we will manage the period of Maternity Leave and pay with you, and sets out the arrangements for ante-natal care, pregnancy-related sickness and health and safety. It also covers requests for time off to accompany your partner at ante-natal appointments.

There are a number of terms which are used throughout this policy. These are the terms used in UK legislation and across all organisations in relation to maternity policy.

OML – Ordinary Maternity Leave (26 weeks)

AML – Additional Maternity Leave (26 weeks)

SML – Statutory Maternity Leave (52 weeks in total, consisting of OML plus AML)

EWC – Expected week of childbirth

The 'Qualifying Week' – the 15th week before the EWC

SMP – Statutory Maternity Pay

OMP – Occupational Maternity Pay

Key Points

- We're committed to supporting you during your pregnancy, whilst on Maternity Leave and on your return to work. Some of the regulations and procedures around Maternity Leave and pay can be quite complicated, and we recognise that you will need time to think about them and to understand their implications. Your line manager and HR will help to clarify these issues with you, provide you with the necessary forms and paperwork, and will try to make the process as smooth and positive as possible.

- All pregnant employees are entitled to up to 52 weeks' Maternity Leave (SML), which is divided into 26 weeks of OML immediately followed by up to 26 weeks of AML. By law, you must take a minimum of two weeks Maternity Leave immediately after the birth of your child - this is included in the 26 weeks of OML allowed. The Maternity Leave period must be continuous and unbroken.
- The amount of Maternity Pay depends on the amount of time you've been employed at UoNSU. The minimum is 39 weeks SMP for eligible staff (see page 5 for more details).
- You have the right to return to the same job and the same terms and conditions after OML. If this is not reasonably practical following AML, you are entitled to return to a suitable job with similar terms and conditions.
- During Maternity Leave all contractual rights, except pay, will continue as if you were still at work. This includes employment benefits, annual leave entitlement and pension. Your period of continuous employment is not affected by being on Maternity Leave.
- You are protected in law against any detriment, disadvantage, unfair treatment or dismissal arising from your pregnancy or Maternity Leave.
- If your partner is expecting a child, you have the right to request paid time off work to accompany her in to up to 2 ante-natal appointments.

Notification of your Pregnancy and Maternity Leave

Please tell us as soon as possible that you are pregnant. This is important as we need to know if there are any health and safety implications for your work. We also want to support you, and to plan for the time when you'll be on Maternity Leave.

You are asked to tell us in writing of your pregnancy and the date you intend to go on Maternity Leave. This must happen before the Qualifying Week. You must provide a certificate from your doctor or midwife confirming your EWC – this is usually a MAT B1 form. You should provide this to us as soon as it has been issued to you.

You can start your Maternity Leave at any time after the 11th week before the EWC.

You may change the date you intend to go on Maternity Leave. If you want to do this, tell us in writing with at least 28 days' notice of the new date.

Within 28 days of receiving your written notice about when you want to start your Maternity Leave, we will write to you confirming the expected date of your return from Maternity Leave.

If the date you start Maternity Leave changes (either because you gave us written notice to change it, or because your Maternity Leave started early due to illness or premature childbirth) we will write to you again within 28 days of the start of Maternity Leave with a revised return date.

Health and Safety

We are committed to ensuring the health, safety and welfare of all employees and this includes pregnant women, those who've given birth in the last six months and those still breastfeeding. As part of our duty of care to you, your manager will carry out a risk assessment when you tell us about your pregnancy. A second risk assessment maybe carried out after your Maternity Leave, as part of your return to work meeting.

We will talk to you about any risks that have been identified as part of these assessments. If we feel that you would be exposed to health hazards in carrying out your normal work, we will take any preventative steps required to avoid you facing those risks. If necessary, this may include temporarily changing your working conditions or hours, or offering you appropriate alternative work on similar terms and conditions.

If, for some specific reason, we are unable to offer you suitable alternative work, we may need to suspend you from work. This decision would only be taken after full discussion with you, management and HR. Suspension would be on full pay, unless you have unreasonably refused our offer of alternative work.

Ante-natal Appointments/Classes

You may take reasonable paid time off during working hours for ante-natal care such as with a doctor, midwife or health visitor whilst you are pregnant. Please give your manager as much notice as possible about these appointments. We may ask for a certificate of pregnancy or proof of appointment.

Sickness

All sickness absence before starting Maternity Leave will be administered under the normal sickness absence procedure.

If you are absent from work due to a pregnancy-related illness after the start of the 4th week before EWC, you may automatically be transferred onto Maternity Leave.

If you are unable to return to work at the end of the Maternity Leave period due to sickness, this will be administered under the normal Sickness Absence Procedure. Similarly, any sickness including pregnancy-related, occurring after you return to work will be treated in the same way.

Contractual Rights during Maternity Leave

Whilst you are on Maternity Leave all your contractual rights, except pay, will continue as if you were still at work. When you return to work following Maternity Leave, you will be considered to have been continuously employed for the purposes of seniority, pension, redundancy and other similar rights.

- Pension rights and contributions will be dealt with in line with the rules of the Scheme.
- See the policy on eligibility for a pay award.
- Annual leave entitlement, as set out in your contract, accrues during Maternity Leave.
- However, any Public or UoNSU-declared holidays falling during the period of Maternity Leave will not be added as additional days of leave.

Childcare Vouchers are a non-cash benefit and will continue to be provided throughout the period of Maternity Leave. Once there is no contractual pay from which to deduct the cost of the vouchers, UoNSU will continue to provide them.

If it happens that your post is affected by a redundancy situation during your Maternity Leave, we will write to inform you of any proposals and invite you to a meeting before any final decision is reached about your continued employment. Employees on Maternity, Paternity and Adoption leave will be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

Keeping in Touch (KIT)

The regulations enable us to keep in reasonable contact with each other over the duration of your Maternity Leave, and this can be done through so-called KIT days. These are typically to cover a range of issues such as joining training courses or meetings, keeping you informed of important developments at work or discussing plans for your return after Maternity Leave. It is not intended that KIT days are used to continue your work during Maternity Leave. Note that a KIT 'day' can be anything from a 1-hour meeting to a 'full' day.

KIT days are by mutual agreement – we will agree between us if and when they will take place, what they will be used for, what work is to be done. You will be paid up to your normal wages for the hours worked and pay will be arranged by your line manager and HR. Note that we cannot require you to come into work for a KIT day, and neither are you entitled to KIT days. However we will encourage and support KIT days where possible, as a way of keeping you involved in what's happening at the workplace, showing our support for you and for smoothing the path of your return to work.

You may do up to 10 days' work (KIT days) under your contract of employment, without breaking the period of Maternity Leave or affecting your entitlement to Maternity Pay. These can be at any time during your Maternity Leave, apart from the 2 week period immediately after childbirth. The deduction will be in whole days only, irrespective of the hours worked.

Returning to Work

We will look forward to your return to work on the agreed date unless you tell us otherwise. To help us prepare for that, we ask that you confirm that you will be returning to work as expected.

If you wish to return to work before this date, you must tell us in writing giving at least 8 weeks' notice of the date you would like to return. If you don't give us enough notice of your wish to return earlier, we may need to postpone your return date until 8 weeks after you contact us, or the expected return date if this is sooner.

If you wish to return to work later than this date, you must contact us in writing to either request unpaid Parental Leave or to request paid annual leave in line with your contract of employment. Note that 21 days' notice must be given for a request for unpaid parental leave. Paid annual leave would be at our discretion.

If you decide not to return to work after Maternity Leave, you must give us notice in line with the resignation period in your contract of employment. Please note that the amount of Maternity Leave you have left must be at least equal to your contractual notice period, or we may require you to work the difference.

You may be considering returning to work part-time. We will consider requests to change working patterns (such as working part-time) after Maternity Leave on a case-by-case basis. It is helpful if requests are made as early as possible to help us review and plan things. We will always try to accommodate your wishes, but there is no absolute right to insist on working part-time. You do have a statutory right to ask for flexible working, but we may need to refuse if there is a justifiable reason based on the needs of our Union. The procedure for dealing with such requests is set out in our Flexible Working Policy.

Your Rights on Return to Work

You will normally return to work into the same position as before you went on Maternity Leave. As mentioned above, your terms of employment will be the same as they were before you left.

If you have taken AML or more than 4 weeks Parental Leave, and it's not feasible for us to enable you to return to the same position, we may give you another suitable role with conditions which are not less favourable.

Maternity Pay

Provisions for Maternity Pay differ according to how long you've been employed at UONSU.

Employees with 26 weeks continuous service in the Qualifying Week

If you have at least 26 weeks continuous service in the Qualifying Week, you will qualify for up to 39 weeks Statutory Maternity Pay (SMP).

SMP is calculated as follows:

- First 6 weeks – the Earnings-Related Rate which is calculated at 90% of your average weekly earnings
- Remaining 33 weeks - the Prescribed Rate which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower.

This is conditional upon your average earnings being at or above the lower earnings limit set by the Government. If you don't qualify for SMP, you may be entitled to be paid Maternity Allowance via the Benefits Agency.

Please contact the HR Manager for details of SMP and earnings limits.

Employees with at least 1 year of service in the Qualifying Week

If you have at least 1 year of service in the Qualifying Week, you will be eligible to receive enhanced Maternity Pay which is set out below:

- 8 weeks leave on full pay (including SMP)
- Plus 16 weeks leave on half pay (plus any SMP due not exceeding normal weekly wages)
- Plus 15 weeks SMP (if due)
- Plus up to 13 weeks of unpaid leave.

In order to receive enhanced Maternity Pay, you must confirm in writing your intention to return to work following the Maternity Leave period. You will be requested to sign the appropriate UONSU form for this purpose. If you don't sign this form, you may receive SMP only.

UONSU reserves the right to reclaim all or part of the non-statutory element of Maternity Pay if you fail to return to work after Maternity Leave and continue in employment for at least 3 months.

If you choose to withhold the enhanced entitlement the whole amount will be paid upon completion of you physically returning to work and completing at least 3 months service.

Other Circumstances

If the baby dies

If your baby dies during the SMP pay period, maternity pay and leave will continue as normal.

Stillbirth

A stillbirth is when a baby is stillborn after the 24th week of pregnancy.

If your child is stillborn 24 weeks or more into the pregnancy, maternity pay and leave will continue as normal.

You should provide evidence of the stillbirth e.g. a stillbirth certificate issued by the registrar or certificate/notification for the registration of a stillbirth issued by the attending midwife/doctor.

If your baby is born alive but survives only for an instant, it is a live birth whenever it is born and your maternity pay and leave will continue as normal.

Miscarriage

If the miscarriage occurs any time up to 24 weeks of pregnancy there will be no entitlement to statutory maternity leave or pay. The Unions sickness absence procedure will be used in this circumstance.

Time Off to Accompany Your Partner at Ante-natal Appointments

We appreciate that fathers want the opportunity to be a part of the pregnancy as much as they can. Attending antenatal appointments to support your partner, to find out what is happening with the baby and to support your own transition to welcoming the child is something we will support you with.

To encourage parental support during pregnancy and to complement the time off mothers have to attend antenatal appointments, all employees who are the expectant father of the child or partner, civil partner (including same sex), spouse of the mother will have the right to paid time off work to accompany her to routine appointments which are connected with the pregnancy and ante-natal appointments.

The conditions are:

- The right to time off applies to whether the child is conceived naturally, by donor insemination and by the intended parents in a surrogacy situation.
- To attend up to 2 ante-natal appointments (or routine appointments connected with the pregnancy).
- Time off for each appointment is for a maximum of six hours and 30 minutes of working time, defined as when you would be required to work. The time for the appointment includes travel time, waiting time and attending the appointment.
- In cases where the father is expecting children with different women, the entitlement is based on each pregnancy. Whilst this may not be a frequent occurrence, we want to support the best interests of the children concerned.

How to Request Attendance at an Ante-natal Appointment

We want to support you taking time off and to help make the process easy for you. Please complete the 'Staff Absence Request Form' under 'Other Paid Absence' – in doing this you are declaring you meet the criteria as set out in this procedure for taking the time off.

Your manager may like to have a further discussion with you about when you would like to take the time off. This would typically be for work reasons. We will not unreasonably refuse a request for time off and we would always seek to achieve a mutually agreeable outcome to support you.

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