

UNIVERSITY OF ABERDEEN
MATERNITY/BIRTH PARENT PROCEDURE

1. INTRODUCTION

The University of Aberdeen is committed to fully supporting you if are pregnant or have just given birth. The Maternity/Birth Parent Procedure outlines your rights and responsibilities and the maternity/birth parent leave and pay benefits you can expect to receive.

The following definitions are used throughout this Procedure. (please note that it has not been possible to use inclusive terminology when referring to statutory payments e.g. Statutory Maternity Pay):

- **Expected Week of Childbirth (EWC)** – the week, starting on a Sunday, in which your doctor or midwife expects you to give birth.
- **Qualifying Week** – the 15th week before the EWC i.e. your 26th week of pregnancy.
- **Statutory Maternity Pay (SMP)** – a payment made to you by the University from the Government, if you meet certain qualifying criteria. Further information can be found in Section 3.4.
- **MATB1 Form** - To receive Statutory Maternity Pay, you are required to provide us with a doctor's or midwife's certificate (MATB1 form) stating your EWC or that you have already given birth.
- **Maternity Allowance** – a payment made to you by the Benefits Agency if you do not qualify for SMP. Further information can be found in Section 3.4.
- **Occupational Maternity/Birth Parent Pay (OMP/OBP)** – The amount of maternity/birth parent pay you will receive if you have been continuously employed by the University for 52 weeks prior to the end of your EWC. Further information can be found in Section 3.3.
- **Ordinary Maternity/Birth Parent Leave (OML/OBL)** – The first 26 weeks of maternity leave.
- **Additional Maternity/Birth Parent Leave (AML/ABL)** – A further period of 26 weeks maternity leave in addition to Ordinary Maternity Leave.

2. HEALTH AND SAFETY

The University has a general duty to take care of the health and safety of all employees. In some workplaces there may be risks which can affect the health and safety of new and expectant mothers/birth parents and that of their children. Working conditions generally considered acceptable may no longer be so during pregnancy and while breastfeeding. The University is required to carry out a risk assessment to assess the workplace risks to women/birth parents who are pregnant, have given birth within the last six months or are breastfeeding. It is, therefore, important (for you and your child's health and safety protection) that you provide us with notification of your pregnancy or intention to continue breastfeeding whilst at work as early as possible. In this connection, you are encouraged to inform your line manager, or arrange to meet your Human Resources Adviser if you prefer, at as early a stage in your pregnancy as you feel able to. As your employer, we will then reassess any risks to your health and safety and take appropriate action.

If it is not possible to mitigate risks, you will be offered a temporary variation to working hours, duties or working conditions on terms and conditions not substantially different from those on

which you are normally employed. If no suitable alternative working arrangements are available, you will be allowed leave on full pay for as long as the risk remains.

3. MATERNITY/BIRTH PARENT LEAVE AND PAY ENTITLEMENTS

3.1 Maternity/Birth Parent Leave

You are entitled to receive 52 weeks' Maternity/ Birth Parent Leave, irrespective of your length of service with the University. This is made up of 26 weeks' Ordinary Maternity Leave (OML) and 26 weeks' Additional Maternity Leave (AML). Your overall maximum entitlement to maternity/birth parent leave will be 52 weeks from the date your maternity/birth parent leave started.

The earliest you may commence maternity/ birth parent leave is your 29th week of pregnancy. If you give birth before your maternity/ birth parent leave was due to start, you must advise your HR Adviser of the date of the birth in writing as soon as possible.

Once your maternity/birth parent leave dates have been agreed, you can postpone or bring forward your chosen start date by informing your HR Adviser at least 28 days (or as soon as possible thereafter) before your leave was due to start.

In line with current legislation, you must take a period of two weeks compulsory maternity/birth parent leave directly following childbirth and cannot return to work during that period.

Further information about returning to work following your maternity/birth parent leave is available in Section 4.4.

3.2 Shared Parental Leave

If you decide to return to work early (and without using your full 52 week entitlement to maternity/birth parent leave) you may be eligible for Shared Parental Leave (SPL) which enables eligible parents to choose how to share the care of their child during the first year of birth.

The earliest SPL may commence is 2 weeks after the birth of your child. The minimum period of SPL is one week, and the maximum period is 50 weeks. SPL must be taken during the 12 months after your child's birth. Further information is available in the Shared Parental Leave Policy which is accessible from the Policy Zone at:

<http://www.abdn.ac.uk/staffnet/governance/policies-procedures-plans-and-guidlines-399.php>

3.3 Maternity/Birth Parent Pay

You are entitled to receive 39 weeks of paid maternity/birth parent leave. You will also be entitled to take 13 weeks of unpaid maternity/birth parent leave following on from your 39 week period of paid maternity/birth parent leave.

The University provides several options in relation to maternity/birth parent pay benefits. Your entitlement to maternity/birth parent pay is based on:

- your earnings during a specific time period before your maternity/birth parent leave
- your length of service with the University of Aberdeen
- whether or not you intend to return to work following the birth of your baby.

The University provides 5 options for maternity/birth parent leave and pay entitlements, with varying levels of benefits. The options available to you are outlined below and summarised in Appendix 1. Please note that no combination of payments (OMP and SMP) can exceed your normal contractual full pay, regardless of which option you choose.

3.4 Occupational Maternity/Birth Parent Benefits (Option 1)

If you have been continuously employed by the University for 52 weeks prior to the end of your EWC and you indicate that you intend to return to work following your maternity/birth parent leave, any statutory entitlements may be supplemented by the University's Occupational Maternity/Birth Parent Benefits.

The pay which you will receive during this period will include any statutory entitlement to Statutory Maternity Pay (SMP) from the Government. Where you agree that you will return to post for a minimum of 6 months following your period of maternity/birth parent leave, you are entitled to choose either of the following Occupational Maternity/Birth Parent Pay options:

Option 1a 18 weeks of full pay (inclusive of Statutory Maternity Pay (SMP)), followed by 21 weeks at the appropriate rate of SMP

Option 1b 9 weeks of full pay (inclusive of Statutory Maternity Pay), followed by 18 weeks of half pay (inclusive of any SMP you are entitled to), followed by 12 weeks at the appropriate rate of SMP

You will also be entitled to take 13 weeks of unpaid maternity/birth parent leave following on from this 39 week period of paid maternity/birth parent leave.

You should note that if you qualify to receive Occupational Maternity/Birth Parent Pay and decide that you do not wish to return to work after your maternity/birth parent leave or if you leave the University before the end of 6 months, you will only be eligible to receive Statutory Maternity Pay. Therefore, you will be required to repay the occupational element of your maternity/birth parent pay, pro-rated to the amount of time (if any) you returned to work.

Please note that no combination of payments (OMP and SMP) can exceed your normal contractual full pay, regardless of which option you choose.

3.5 Statutory Maternity Benefits

3.5.1 Statutory Maternity Pay (Option 2)

To qualify for SMP, you must have been continuously employed by the University for at least 26 weeks at the end of the 26th week of your pregnancy and be earning a minimum amount set by the Government. The weekly rate of SMP and the minimum rate of earning required to qualify for it, are set by the Government and reviewed annually. Information about the current rate of SMP is available online at <http://www.dwp.gov.uk/publications/specialist-guides/technical-guidance/ni17a-a-guide-to-maternity/statutory-maternity-pay-smp/smp-amount/>

If you qualify for SMP, you will be entitled to receive it for a maximum period of 39 weeks and the amount you receive will depend on your earnings. SMP is paid as follows:

Weeks 1 to 6 - 90% of your average weekly pay

Weeks 7 to 39 - 90% of your average weekly pay or the standard rate of SMP set by the Government (whichever is lower)

You will also be entitled to take 13 weeks of unpaid maternity/birth parent leave following on from this 39 week period of paid maternity/birth parent leave.

You may still be eligible to receive Statutory Maternity Pay if you leave the University after the start of your Qualifying Week e.g. if you resign or if your fixed term contract ends. In this situation, your entitlement to receive SMP begins either in the week after you leave the University or the eleventh week before your EWC, whichever is the later.

3.5.2 Maternity Allowance (Option 3)

If you do not qualify for SMP (i.e. you have less than 26 weeks' service at the end of the 26th week of your pregnancy and/or your earnings are below the minimum level set by the Government), you may be eligible to receive a Maternity Allowance from your local Jobcentre Plus Office. The Payroll Office will return your MATB1 form to you, along with an application form MA1, to allow you to submit a claim to your local Jobcentre Plus Office.

If you are entitled to a Maternity Allowance, you will receive your benefit payments directly from the Department for Work and Pensions (DWP). You must advise the Payroll Office of the outcome of your claim as it may affect other payments made to you by the University.

3.6 Undecided about Returning to Work (Option 4)

Prior to commencing maternity/birth parent leave you may be undecided about whether you will return to work following the birth of your baby. The University will allow you to postpone your decision until 6 weeks after your EWC. In this case, where originally you would have been entitled to receive the University's Occupational Maternity/Birth Parent Leave benefits, you will initially receive any appropriate statutory payment due to you.

Your HR Adviser will contact you 6 weeks after your EWC and request confirmation of your decision. You will be required to confirm your decision within 2 weeks of the request being made. If you decide to return to work, you will receive retrospective payment of the University's Occupational Maternity/Birth Parent Pay entitlement, if eligible.

If you decide not to return, and so resign from your post, you will continue to accrue contractual benefits (excluding normal pay) until the end of your notice period. Upon the expiry of your notice period, you will continue to receive SMP only until your entitlement to receive this payment ends. You will be asked to give the University notice of your resignation as per your contract of employment. Your last day of employment will then be notified to you, in writing, by your HR Adviser. If you have given notice that you will not be returning to work, you cannot reverse this decision without the University's agreement. This does not affect your right to receive SMP.

3.7 Not Returning to Post (Option 5)

If you do not intend to return to work following your maternity/birth parent leave, you must give the University notice of your resignation as stated in your contract of employment. Even if you choose not to return to your post, you still have the right to receive 26 weeks of Ordinary Maternity/Birth Parent Leave and 26 weeks Additional Maternity/Birth Parent Leave. However, you will be required to repay any University Occupational Maternity/Birth Parent Pay received over and above any SMP to which you are entitled prior to your last date of employment.

The normal qualifying criteria for SMP or a Maternity Allowance (as outlined in Section 3.4) will still apply.

The University is committed to seeking to avoid staff redundancies and the procedure that will be followed to underpin the principles and processes for carrying out collective and individual consultation is outlined in the Avoidance of Redundancy Policy. A joint management/Trade Union statement regarding the procedure to be followed in redundancy situations for members of staff who are on maternity/birth parent leave is contained within this document at Appendix B. The full Policy is accessible from the Policy Zone at <http://www.abdn.ac.uk/staffnet/governance/policies-proceedures-plans-and-guidlines-399.php>

4. MATERNITY/BIRTH PARENT PROCEDURE

4.1 Prior to Commencing Maternity/Birth Parent Leave

Notification of Pregnancy

In order for the University to assist you in making appropriate arrangements to support you during your pregnancy, you should discuss your forthcoming maternity/birth parent leave with your Line Manager and arrange to meet your HR Adviser to discuss your maternity/birth parent entitlements as early as possible.

Risk Assessment

Your Line Manager will arrange to have your workplace reassessed with a view to ensuring the continued safety of yourself and your unborn child by identifying risks and mitigating them as necessary.

Maternity/Birth Parent Leave Application Form

You should confirm your Expected Week of Childbirth (EWC) and the date on which you would like to start your maternity/birth parent leave to your HR Adviser not later than the 15th week before the date on which your baby is due (your 26th week of pregnancy) by completing a Maternity/Birth Parent Leave Application form (Appendix 2).

On receipt of your Maternity/Birth Parent Leave Application Form you will receive a letter confirming your entitlements.

MATB1

You will normally receive a certificate from your GP or midwife called a MATB1 form around the 24th week of your pregnancy. It is important that you forward this directly to your HR Adviser as it is essential for maternity/birth parent pay purposes.

4.2 During your Pregnancy

Ante-Natal Care

If you are pregnant, you may take reasonable time off with pay during working hours for ante-natal care. This may include any relaxation or parentcraft classes that your GP, midwife or health visitor has advised you to attend. You should give your Line Manager as much notice as possible of the appointment.

Unless it is your first appointment, you may be asked by your Line Manager to provide an appointment card.

Sickness

During your pregnancy, if you are unable to attend work due to illness, you should follow the normal procedures for sickness absence reporting as outlined in the Sickness and Attendance Management Procedure, which is accessible from the Policy Zone at <http://www.abdn.ac.uk/staffnet/governance/policies-proceedures-plans-and-guidlines-399.php>

Periods of pregnancy-related sickness absence shall be paid in the same manner as any other sickness absence. However, your maternity/birth parent leave starts automatically if you are off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that your baby is due. The University may require confirmation from your GP that you are fit to return to work.

Miscarriage and Stillbirth

If your pregnancy ends in miscarriage before the start of the 25th week of pregnancy, please talk to your line manager and contact your HR Partner who will be able to advise and support you.

If your baby is stillborn after 24 weeks of pregnancy, or doesn't survive after birth, you are still entitled to take all the maternity/birth parent rights as stated in this policy.

4.3 During your Maternity/Birth Parent Leave

Keeping In Touch ("KIT" Days)

We may make reasonable contact with you from time to time during your maternity/birth parent leave e.g. to make arrangements for your return to work or to notify you of developments in your School/Section etc.

You can work (including attending training or conferences) for up to 10 days during your maternity/birth parent leave without bringing your maternity/birth parent leave or Statutory Maternity Pay (SMP) to an end

These days are called 'keeping in touch days' as the purpose of them is to allow you to keep up to date with changes in the workplace/participate in important meetings/attend training/conferences etc.

KIT days are optional, you are not obliged to undertake any such work during your maternity/birth parent leave. Both you and your line manager need to agree a 'keeping in touch' day. Please note you must not work in the 2 weeks immediately following the birth of your child.

Your right to maternity/birth parent leave and pay is not affected by taking KIT days however there are some things that you should consider before you opt to take a KIT day. Please refer to the HR Handbook for further guidance: <https://www.abdn.ac.uk/staffnet/working-here/leave-6719.php#panel5490>

If you wish to utilise "KIT" days, you should contact your Line Manager in the first instance.

4.4 Returning to Work

You do not need to give notice of your return to work date unless you wish to return **before** the date stated on your Maternity/Birth Parent Leave Application Form.

If you wish to return to work earlier than had been agreed prior to the start of your maternity/birth parent leave, you should advise your HR Adviser, in writing, giving at least 8 weeks' notice of the date you intend to return. If you wish to return to work later than had previously been agreed, you should either request paid annual leave or unpaid Parental Leave. Further information is accessible from the Policy Zone.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence in line with the University's Sickness and Attendance Management Procedure

In accordance with HMRC Regulations, SMP is payable in blocks of complete weeks. If you choose to return to work early and only utilise part of a week of SMP entitlement, you will not receive any SMP in that week (although you will receive your normal pay in respect of any hours worked).

If you wish to return to work on alternative working arrangements, you should refer to the Flexible Working Procedure, which is accessible from the Policy Zone and discuss your request with your Line Manager and/or HR Adviser. You should raise this as early as possible to allow full consideration to be given to your request. If you do return to reduced, part-time hours, your maternity/birth parent pay will not be affected as your maternity/birth parent pay is based on your earnings prior to your maternity/birth parent leave period.

Maternity/Birth Parent Leave is structured so that it does not adversely affect your position at work. When you return from Maternity/Birth Parent Leave, you will normally return to your original job. In some cases, a return to your original job may not be possible e.g. as a result of restructuring within your School/Section. In such circumstances, you will be guaranteed to return to a post with no less favourable terms and conditions. In all cases your return to work will be without loss of seniority or status.

It is recognised by the University that when you return from maternity/birth parent leave, it is important that reasonable steps are taken to facilitate a smooth re-integration to your workplace. In this connection, your Line Manager will provide you with appropriate support to ensure that you become familiar with any changes which have taken place in your absence and, where appropriate, to re-focus your research and/or teaching profile.

5. TERMS AND CONDITIONS OF EMPLOYMENT DURING MATERNITY/ BIRTH PARENT LEAVE

All the terms and conditions of your employment remain in force during your maternity/birth parent leave, with the exception of those relating to normal pay and pension benefits.

5.1 Continuity of Service

The date of your continuous service with the University is not affected by any period(s) of maternity/birth parent leave which you take. This means that there will be no break in service during your absence on maternity/birth parent leave.

5.2 Pay

You will continue to receive all pay awards and any increments which are due to you during your maternity/birth parent leave. If you are on a period of unpaid leave when such awards become due, your salary will be adjusted upon your return to work.

5.3 Annual Leave

Your contractual annual leave entitlement shall continue to accrue throughout the period of your maternity/birth parent leave. You can, with your Line Manager's agreement, add your annual leave entitlement onto the beginning or end of your maternity/birth parent leave. Arrangements for carrying over annual leave entitlement should be discussed and agreed with your Line Manager.

Where you do not return to work following your maternity/birth parent leave, you will be paid for your accrued holidays.

5.4 Pensions

During any paid period of maternity/birth parent leave, the University will continue to pay employer's contributions to your pension scheme for as long as you continue to make contributions. The percentage paid will be based on what your earnings would have been if you had not been on maternity/birth parent leave. The period during which you receive paid maternity/birth parent leave also counts towards your pensionable service.

During unpaid maternity/birth parent leave, the University will not make employer's contributions into your pension scheme. You do not have to make any contributions, but you may do so if you wish. It should be noted that if you choose to make these contributions, you would be required to pay both employer and employee contributions to the scheme. If you

choose not to make such contributions, your membership of the pension scheme will be suspended, and the period of unpaid maternity/birth parent leave does not count as pensionable service.

Further information about your pension benefits and how they will be affected by your maternity/birth parent leave is available from the Pensions Office (pensions@abdn.ac.uk).

5.5 Resignation

If you choose to resign from your post, you will continue to accrue contractual benefits (excluding normal pay), until the end of your notice period. Upon the expiry of your notice period, you will continue to receive SMP only until your entitlement to receive this payment ends.

Approved by University Court on 30 June 2015

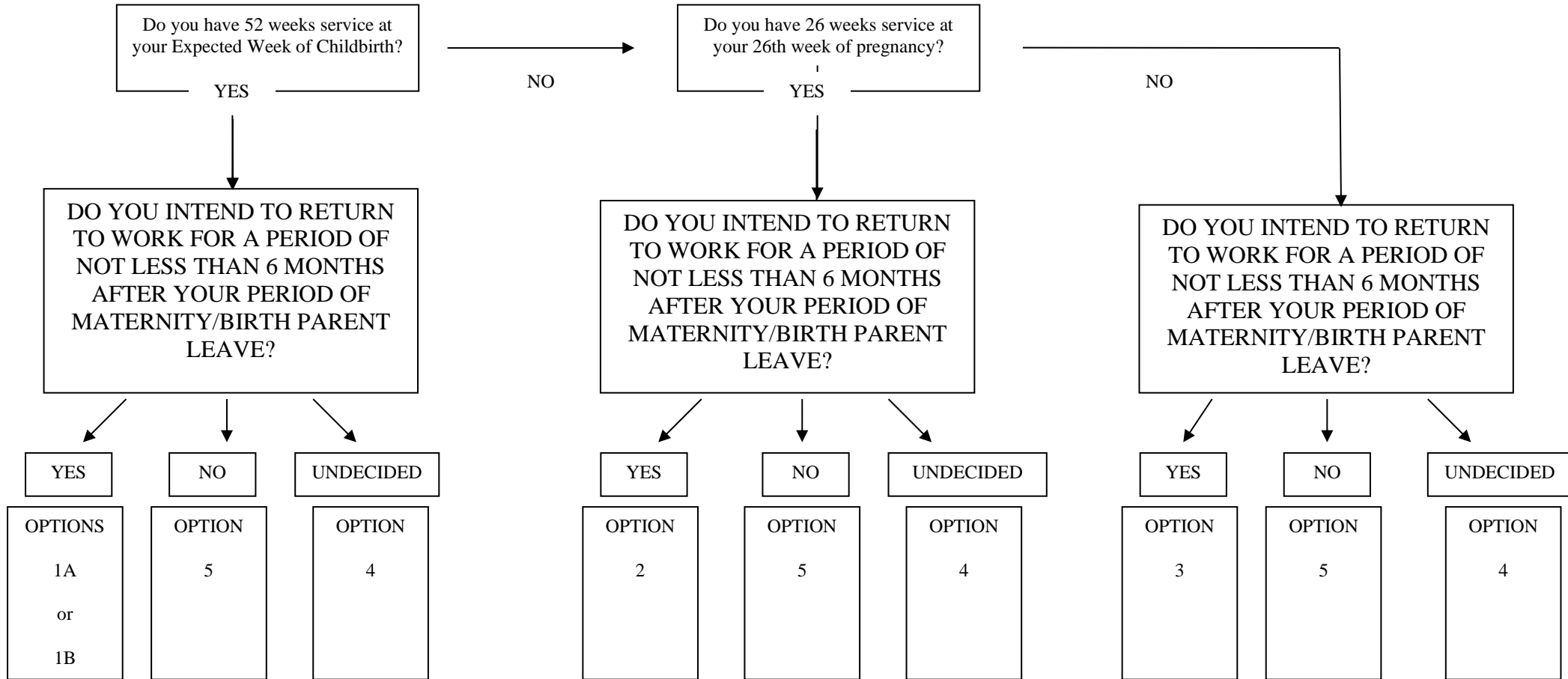
Revised version approved by Policy and Resources Committee March 2020

OPTION SUMMARY

The options for maternity/birth parent leave and pay which are available to you are summarised as follows:

Options	Criteria	Maternity/Birth Parent Leave Entitlement	Maternity/Birth Parent Pay Entitlement
Occupational Maternity/Birth Parent Leave Scheme (Options 1a and 1b)	<p>Minimum of 52 weeks' service at the date of your EWC</p> <p>Intention to return to work following Maternity/Birth Parent Leave for at least 6 months</p>	Up to 52 weeks	<p><u>Option 1a</u> 18 weeks of full pay; 21 weeks of SMP 13 weeks unpaid</p> <p><u>Option 1b</u> 9 weeks of full pay; 18 weeks of half pay 12 weeks of SMP 13 weeks unpaid</p>
Statutory Maternity/Birth Parent Leave Scheme (Option 2)	<p>Minimum of 26 weeks' (but less than 52 weeks') service at the 26th week of pregnancy</p> <p>Intention to return to work following Maternity/Birth Parent Leave (no minimum period required)</p> <p>Average weekly earnings above the minimum level set out by the Government</p>	Up to 52 weeks	<p><u>Option3</u> 6 weeks at 90% of your average weekly earnings (where applicable) pay 33 weeks of SMP 13 weeks unpaid</p>
Maternity Allowance (Option 3)	<p>Less than 26 weeks' service at the 26th week of pregnancy</p> <p>Intention to return to work following Maternity/Birth Parent Leave (no minimum period required)</p>	Up to 52 weeks	The University cannot pay you SMP, although you may be eligible to receive a Maternity Allowance from your local Jobcentre Plus Office. You will receive an application form from the Payroll Section which you should complete and take to your local Jobcentre Plus Office.
Undecided About Returning to Work (Option 4)	Undecided about whether to return to work or not following the birth of your baby	Up to 52 weeks	<p>Any minimum statutory entitlement (SMP or Maternity Allowance).</p> <p>However, if you qualify for the University's Occupational Maternity/Birth Parent Pay scheme and decide to return to work for a minimum period of 6 months, you will receive retrospective payment of OMP</p>
Not Returning to Post (Option 5)	Decided not to return to work following maternity/birth parent leave	Up to 52 weeks	Any minimum statutory entitlement (SMP or Maternity Allowance).

MATERNITY/BIRTH PARENT BENEFITS FLOWCHART



UNIVERSITY OF ABERDEEN
MATERNITY LEAVE APPLICATION

You should submit your Maternity Leave Application before the end of your 26th week of pregnancy.

Name: Employee ID No:

Continuous Service Date:

School / Section: :

Ext No: E-mail:

Home Address:

Home Tel No: Expected Week of Childbirth:

I have read the University of Aberdeen's Maternity Leave Procedure and understand my entitlement. I accept the conditions under which these provisions are granted and now wish to apply for pay/leave in accordance with Option of the Procedure. I can confirm that my date of commencement of maternity leave and pay is

Please sign one of the declarations below.

Declaration a - Returning to Post (Occupational Maternity Benefits)

I confirm I will be returning to post and utilising Option 1a.

I confirm I will be returning to post and utilising Option 1b.

Employee Undertaking:

I undertake to return to the employment of the University of Aberdeen for a minimum period of 6 months after the expiry of all leave for maternity purposes. I understand that if I fail to comply with this undertaking I will be required to reimburse the University's Occupational Maternity Pay paid to me over and above Statutory Maternity Pay (SMP).

Signed: Date:

Declaration b – Returning to Post (Statutory Maternity Benefits)

I confirm I will be returning to post and utilising Option 2.

Signed: Date:

Declaration c – Maternity allowance (Option 3)

I confirm I am aware I do not qualify for SMP but that I may be eligible to receive Maternity Allowance directly from the Department of Work and Pensions (DWP).

I understand the Payroll office will send me an SMP1 form to allow me to submit a claim to my local Jobcentre Plus office. I am aware that I must advise the payroll office (payroll@abdn.ac.uk) of the outcome of my claim as it may affect other payments made to me by the University.

Declaration d – Undecided (Option 4)

I confirm I am undecided about returning to work after my period of maternity leave.

I understand that my Human Resources Adviser will contact me 6 weeks after my Expected Week of Confinement to request confirmation of my decision. I confirm that I will respond within 2 weeks of their request.

Signed: Date:

Declaration e - Not Returning to Post (Option 5)

I confirm I will not be returning to work.

I understand that I have the right to return to my post with the University of Aberdeen but have decided that I do not wish to return. I have enclosed a letter of resignation as per my contract of employment.

Signed: Date:

Title	Maternity/Birth Parent Procedure
Author / Creator	HR Revisions - Catherine Cook, HR Partner
Owner	Director of People
Date published / approved	Approved Court December 2013 Revised and approved Court June 2015 Revised and approved PARC March 2020
Version	3
Date for Next Review	March 2023
Audience	All Staff
Related	Adoption/Surrogacy Procedure, Shared Parental Leave, Parental (Unpaid) Leave, Paternity/Co-Maternity leave
Subject / Description	Details legislation and University procedure for Maternity/Birth Parent Pay and Leave
Equality Impact Assessment	TBC
Section	HR
Theme	Employment
Keywords	HR, Staff, Maternity/Birth Parent, Adoption/Surrogacy Procedure, Shared Parental Leave, Parental (Unpaid) Leave, Paternity/Co-Maternity leave