

# UNIVERSITY OF ABERDEEN

## MATERNITY PROCEDURE

### 1 INTRODUCTION

The University of Aberdeen is committed to fully supporting you if are pregnant or have just given birth. The Maternity Procedure outlines your rights and responsibilities and also sets out the arrangements for health and safety issues, ante-natal care, pregnancy-related sickness and maternity leave and pay.

The following definitions are used throughout this Procedure:

- 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 to you by the University from the Government. To qualify for SMP, you must have been continuously employed by the University for at least 26 weeks at the end of your Qualifying Week. You must also be earning a minimum amount (which is specified by the Government each year) – this is called the Lower Earnings Limit. You are also required to provide us with a doctor's or midwife's certificate (MATB1 form) stating your EWC or have already given birth. You are entitled to 39 weeks SMP, comprising 6 weeks at 90% of your normal pay followed by 33 weeks at the weekly rate specified annually by the Government or 90% of your earnings, whichever is less. Your entitlement to receive Statutory Maternity Pay commences on the first day of your maternity leave and continues until the full 39 weeks of SMP expire or you return to work.
- Maternity Allowance – a payment made to you by the Benefits Agency if you do not qualify for SMP. You should contact the local Benefits Agency to find out if you qualify for a Maternity Allowance.
- Ordinary Maternity Leave – a period of 26 weeks paid maternity leave
- Additional Maternity Leave – a period of 26 weeks unpaid 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 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 who are pregnant, have given birth within the last six months or are still breastfeeding. It is, therefore important (for you and your child's health and safety protection) that you provide us with notification of your status as early as possible and you are encouraged to inform your line manager or, if you prefer, arrange to meet your Human Resources Adviser. As your employer, we will then reassess any risks to your health and safety and any possible adverse effects on new mothers, pregnant or breastfeeding employees and their children, including the unborn and take appropriate action. If the risk remains, 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 so long as the risk remains.

### **3 PRIOR TO COMMENCING MATERNITY LEAVE**

#### **3.1 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 leave with your Line Manager and arrange to meet your Human Resources Adviser to discuss your maternity entitlements as early as possible.

You should confirm your Expected Week of Childbirth (EWC) and the date on which you would like to start your maternity leave to your Human Resources 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 Leave Application Form.

You must also provide your Human Resources Adviser with a certificate from a doctor or midwife (usually this is provided on a MATB1 form, issued around the 26th week of your pregnancy) confirming your EWC.

The earliest you may commence maternity leave is your 29th week of pregnancy, although you can work beyond this date provided that your GP/midwife confirms your fitness to continue working. If you give birth before your maternity leave was due to start, you must advise your Human Resources Adviser of the date of the birth in writing as soon as possible.

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

#### **3.2 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 doctor, 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.

#### **3.3 Sickness**

During your pregnancy, if you are unable to attend work due to illness, you should follow the normal procedures for sickness absence reporting. Periods of pregnancy related sickness absence shall be paid in the same manner as any other sickness absence. However, any period of pregnancy related sick leave beyond your 36th week of pregnancy may automatically trigger commencement of your maternity leave. The University may require confirmation from your Doctor that you are fit to return to work.

In the unfortunate event of a still birth during or after the 25th week of pregnancy, all the maternity rights stated in this policy will apply in the same way as with a live birth. If you have a miscarriage before the start of the 25th week of pregnancy, you will not be entitled to statutory maternity leave or pay. Absence from work in this instance would be dealt with under the normal sick pay and/or Special Leave arrangements.

## **4 MATERNITY LEAVE AND PAY**

All members of staff are entitled to receive 52 weeks Maternity Leave, irrespective of their length of service with the University. This is made up of 26 weeks OML and 26 weeks AML. Your entitlement to maternity pay is based on your earnings during a specific time period before your maternity leave; and your length of service with the University of Aberdeen. It is also based on whether or not you intend to return to work following the birth of your baby. The University provides 5 options with varying levels of benefits.

*You should note that if you qualify to receive Occupational Maternity Pay and decide that you do not wish to return to work after your maternity 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 pay.*

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.

You will be entitled to receive the same maternity leave and pay provisions, irrespective of whether your post is funded by the University or from an external source. However, your Line Manager may wish to request additional funding assistance from the funding body, therefore, early discussion with your Line Manager is advisable.

### **4.1 Occupational Maternity Benefits (Option 1)**

If you have been continuously employed by the University for 52 weeks at the date of your EWC and you indicate that you intend to return to work following your maternity leave, your statutory entitlements may be supplemented by the University's occupational maternity leave provision. Where you agree that you will return to post for a minimum of 6 months following your period of maternity leave, you are entitled to choose either of the following Occupational Maternity 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 SMP), followed by 18 weeks of half pay (inclusive of SMP), followed by 12 weeks at the appropriate rate of SMP

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

Your overall maximum entitlement to maternity leave will be 52 weeks from the date your maternity leave started.

## **4.2 Statutory Maternity Benefits**

### **4.2.1 26 weeks service at the 26th week of pregnancy, with the intention to return (Option 2)**

When you commence employment with the University of Aberdeen you have an automatic right to receive 26 weeks of Ordinary Maternity Leave (OML). You will also be entitled to take up to 26 weeks of Additional Maternity Leave (AML) following on from your OML.

If you have been continuously employed by the University for 26 weeks at the end of your 26th week of pregnancy, you will be entitled to receive 39 weeks of Statutory Maternity Pay (SMP\*). You will receive 6 weeks at 90% of your normal pay followed by 33 weeks at the SMP rate set annually by the Government. Any period of Additional Maternity Leave which you take beyond this 39 week period will be unpaid.

Your overall maximum entitlement to maternity leave will be 52 weeks from the date your maternity leave started

### **4.2.2 Less than 26 weeks service at the 26<sup>th</sup> week of pregnancy, with the intention to return (Option 3)**

When you commence employment with the University of Aberdeen you have an automatic right to receive 26 weeks of unpaid Ordinary Maternity Leave (OML). The University cannot pay you statutory maternity pay although you may be eligible to receive Maternity Allowance from the Benefits Agency. If this applies to you, you should contact the local Benefits Agency directly.

You will also be entitled to take 26 weeks of unpaid Additional Maternity Leave (AML) following on from your OML.

Your overall maximum entitlement to maternity leave will be 52 weeks from the date your maternity leave started

## **4.2 Undecided About Returning to Work (Option 4)**

Prior to commencing maternity leave you may be undecided about your 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 entitlement to the University's Occupational Maternity Leave benefits, you will initially receive the minimum statutory entitlement.

Your Human Resources 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 their request. If you decide to return to post, you will receive retrospective payment of the University's Occupational Maternity 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 Human Resources Adviser.

Once you have given notice that you will not be returning to work, you cannot change your mind without the University's agreement.

This does not affect your right to receive SMP. However, you will be required to pay back any University Occupational Maternity Pay received over and above any SMP to which you are entitled.

#### **4.4 Not Returning to Post (Option 5)**

If you do not intend to return to work following maternity 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 Leave and 26 weeks Additional Maternity Leave. Where you have 26 weeks continuous service at your 26<sup>th</sup> week of pregnancy you will qualify for SMP. Where you have less service or where you do not reach the Lower Earnings Limit, you may be entitled to receive Maternity Allowance from the Benefits Agency.

### **5 COMPULSORY LEAVE**

The law prohibits you from returning to work and working during the two weeks following childbirth.

### **6 ENTITLEMENTS IF YOU LEAVE THE UNIVERSITY BEFORE YOUR MATERNITY LEAVE STARTS**

You will 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.

### **7 TERMS AND CONDITIONS OF EMPLOYMENT DURING MATERNITY LEAVE**

All the terms and conditions of your employment remain in force during OML including any benefits in kind, but excluding terms relating to normal pay. You will be entitled to the same terms and conditions during AML as you receive during OML.

#### **7.1 Annual Leave**

Your contractual annual leave entitlement shall continue to accrue throughout the period of your OML and AML. Where you do not return to work following your maternity leave, you will be paid for your accrued holidays.

#### **7.2 Pensions**

During any paid period of maternity 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 leave. The period during which you receive paid maternity leave also counts towards your pensionable service.

During unpaid maternity 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.

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.

## **8 KEEPING IN TOUCH**

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

You are able to work (including attending training or conferences) for up to 10 days during your maternity leave without bringing your maternity leave or SMP to an end. If you undertake such work during your maternity leave, you will receive a full day's pay for each day worked. You are not obliged to undertake any such work during your maternity leave and you must not work in the two weeks immediately following the birth of your child.

## **9 RETURNING TO WORK**

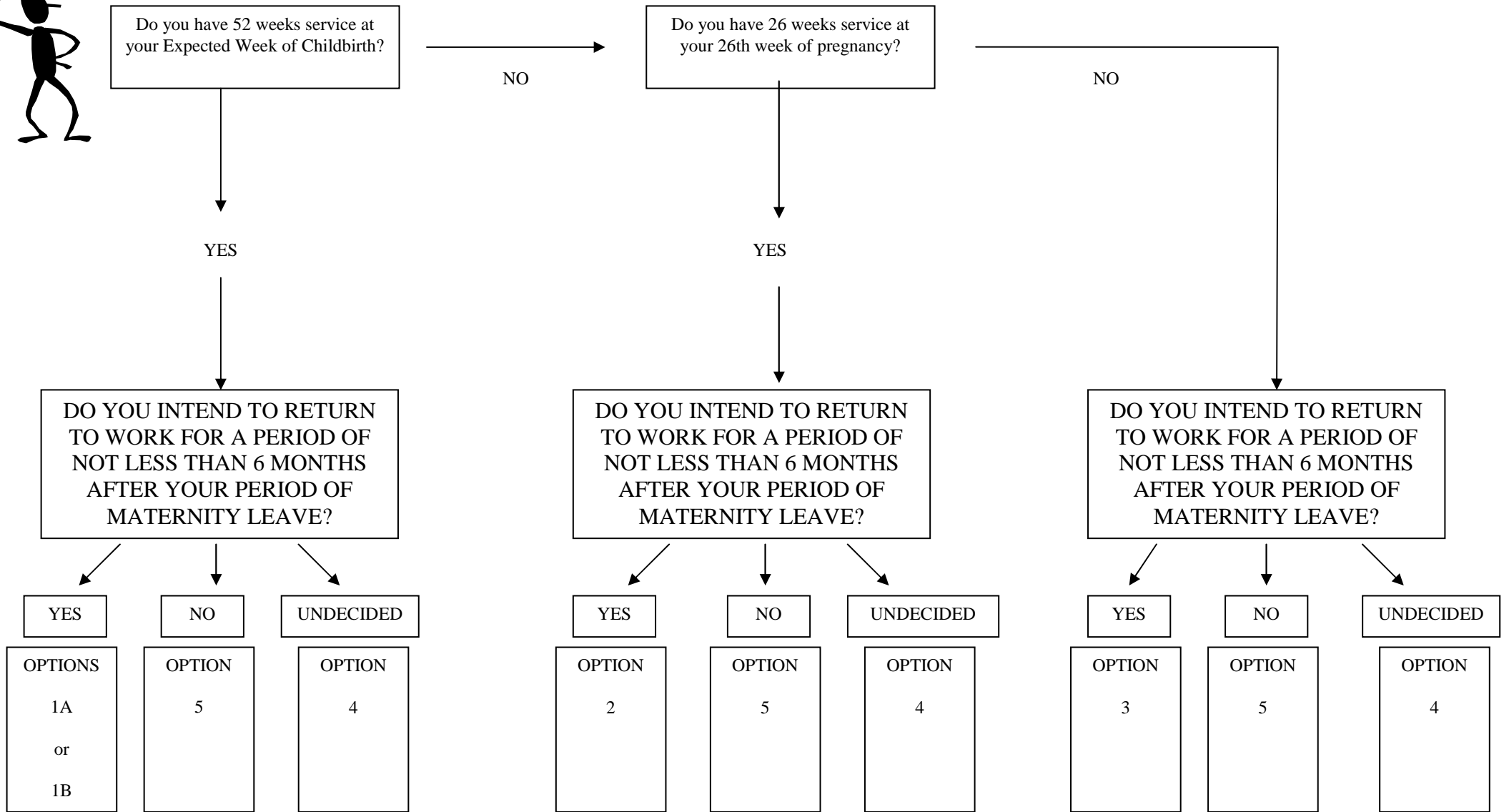
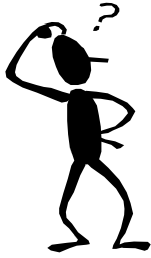
If you wish to return to work earlier than had been agreed prior to the start of your maternity leave, you should advise your Human Resources Adviser, in writing, giving at least 8 weeks' notice of the date you intend to return.

If you wish to return to work later than had previously been agreed, you should either request paid annual leave or unpaid parental leave. 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 Absence Policy.

"Please note, 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.

If you wish to return to work on alternative working arrangements, you should refer to the Statement of Flexible Working Procedures and discuss your request with your Line Manager and/or Human Resources 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 pay will not be affected as your maternity pay is based on your earnings prior to your maternity leave period.

# MATERNITY PAY/LEAVE ENTITLEMENT 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: ..... Contract End Date (if applicable): .....

School / Section: ..... College: .....

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 - Undecided**

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 d - Not Returning to Post**

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: .....