



# Maternity

## Leave and Pay Policy

### 1. Introduction

This policy sets out the rights of employees to occupational and statutory maternity leave and pay.

Royal Holloway is committed to ensuring equality and diversity across the College and the purpose of this maternity policy is to provide an opportunity for our staff to integrate the development of a career with family responsibilities.

All rights described in this policy apply equally to both part-time and full-time employees, providing they meet the qualifying conditions.

This policy applies regardless of the employee's gender identity, or the employee's partner's gender identity.

### 2. Purpose

The purpose of this policy is to:

- Outline the statutory entitlements for Maternity Leave and Pay
- Outline the College's additional provisions for Maternity Pay
- Ensure managers are aware of their responsibilities to employees who are covered by this policy
- Ensure that employees are clear on their rights and responsibilities prior to, during and after their period of maternity leave.

### 3. Eligibility

All pregnant employees, regardless of length of service, have the right to take up to 26 weeks ordinary maternity leave and up to a further 26 weeks additional maternity leave and to resume work afterwards, a total of 52 weeks leave.

However, not all employees may be eligible to receive the College's occupational maternity pay and or statutory maternity pay. (See Maternity Leave and Pay)

## **4. Roles and Responsibilities**

### **Employees**

- In order to access the benefits outlined in this policy, employees must meet the formal requirements including the various notification procedures.
- Notify HR and line manager of pregnancy and submit maternity leave request.
- To engage and communicate with managers as requested
- To keep managers informed of plans before, during and about return at the end of such leave
- Discuss concerns and/or issues with HR, where appropriate.
- Forward MAT B1 to HR Operations.
- Raise health and safety concerns with line manager, where appropriate.
- Submit requests to line manager to attend ante natal appointments.
- Agree terms of 'Keeping in Touch Days' with line manager.
- Provide notification (8 weeks) of early return to work to line manager, where required.
- Submit request for flexible working, where required.
- Contact local Jobcentre Plus Office with completed SMP1 form, if not eligible for Statutory Maternity Pay.

### **Line Managers**

- Manage all cases in a timely and supportive manner
- Meet with employee to accept maternity leave request.
- Notify health and safety office of pregnancy and the need to initiate a health and safety risk assessment.
- Manage any health and safety concerns from staff member.
- Process requests to attend antenatal appointments.
- Communicate with employees, as appropriate, ensuring those on leave are kept informed of necessary communications
- Provide option to staff member to participate in 'Keeping in Touch Days' scheme.
- Initiate health and safety risk assessment and provide guidance where appropriate.
- Provide information on the College's rest facilities for pregnant and nursing employees
- Process any requests for flexible working following staff member's return to work.

### **Human Resources**

- Manage all cases in a timely and supportive manner.
- Confirm receipt of MAT B1 and return to work date.
- Ensure appropriate documentation is sent to employee - including letter, SMP1 form, where appropriate.
- Provide advice or guidance where requested.

## 5. Maternity Leave

During maternity leave employees are entitled to take 52 weeks leave, which is made up of 26 weeks **Ordinary Maternity Leave** (OML) and 26 weeks **Additional Maternity Leave** (AML).

Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave. The start date for maternity leave must be no earlier than the beginning of the 11th week before the Expected Week of Childbirth (EWC).

Any employee taking maternity leave has the right to return to work at any time during either ordinary maternity leave or additional maternity leave period, subject to following the correct notification procedure.

However, there is a period of compulsory maternity leave as, legally, an employee may not work for two weeks from the date the baby is born.

### 5.1 Ordinary Maternity Leave

An important difference between OML and AML is the extent of your right to return to work at the end of your maternity leave.

At the end of OML, you have the right to return to your old job.

### 5.2 Additional Maternity Leave

At the end of AML you have the right to return to your old job, but if it is not reasonably practicable for the College to offer you your old job back, you must be offered appropriate similar employment, on no less favourable terms, and with your seniority and pension conditions unaffected.

## 6. Maternity Pay

To qualify for **Occupational Maternity Pay** (OMP) and **Statutory Maternity Pay** (SMP) an employee must have been employed continuously for at least 26 weeks into the 15th week before the expected week of childbirth.

During the 52 weeks maternity leave eligible employees are entitled to receive:

- 18 weeks full pay (inclusive of SMP, where applicable)
- 21 weeks SMP (where applicable)
- 13 weeks unpaid leave

Maternity pay, both SMP and OMP, will be paid into the employee's bank account through payroll on the same date that their salary would have been payable, and will be subject to deductions for tax, National Insurance and pension contributions in the usual way.

### 6.1 Occupational Maternity Pay

The first 18 continuous weeks will be paid at full salary and will include any SMP due at the appropriate rate set by the government.

If a member of staff is employed on a variable hourly contract, and is entitled to OMP, this will be calculated based on the average hours worked in the 12 weeks prior to the date of commencing maternity leave.

## **6.2 Statutory Maternity Pay**

Statutory Maternity Pay is paid by employers on behalf of the Government for up to 39 weeks at the rate set by the Government. The first 18 weeks are paid as outlined above.

In addition to the qualifying criteria, employees will be entitled to receive statutory maternity pay during maternity leave provided that their average weekly earnings are not lower than the lower earnings limit for national insurance contributions. Statutory maternity pay is currently payable for up to 39 weeks; 6 weeks at the higher rate and up to 33 weeks at the standard rate. During the remaining 33 weeks, the employee will receive the lesser of:

- SMP at the current rate (this amount is set by the Government) or
- 90% of their average weekly earnings.

SMP is payable whether or not the employee intends to return to work and is payable for 39 weeks from the beginning of the employee's maternity leave

The remaining 13 weeks of the 52 weeks leave is unpaid

SMP is payable only when an employee is absent from work. It will cease when the employee returns to work unless the employee is returning to work on a Keep in Touch (KIT) day

## **7. Maternity Allowance**

Where an employee is not eligible for Statutory Maternity Pay (SMP) then they may be eligible to claim Maternity Allowance directly from the Department of Work and Pensions (DWP) if they have been either:

- Employed by the College for less than 26 weeks at the beginning of the 14th week before the EWC and in other paid employment in the 66 weeks preceding the EWC.
- Self-employed in the 66 weeks preceding the EWC.

Further guidance on Maternity Allowance can be found on the DWP website [http://www.dwp.gov.uk/advisers/claimforms/ma1\\_print.pdf](http://www.dwp.gov.uk/advisers/claimforms/ma1_print.pdf)