

## Swansea University – Maternity Procedure

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Owner:	Head of Equality, Human Resources		
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### Policy Statement

#### 1. Introduction

Swansea University is committed to ensuring equality and diversity across the organisation and the purpose of this Maternity Procedure is to provide an opportunity for employees to integrate the development of a career with family responsibilities.

This document sets out the maternity provisions to which employees are entitled, both before and after the birth of their child.

Maternity leave and pay applications are open to all eligible employees regardless of age, disability, race, ethnicity, religion or belief, sex, gender identity or gender expression, sexual orientation, marriage or civil partnership, pregnancy or maternity or any other equality characteristic.

This procedure applies to all pregnant staff. It is inclusive of pregnant trans and non-binary staff.

Any reference to 'partner' should be read as including same-sex partners and same-sex spouses or same-gender or non-heterosexual couples.

#### 2. Entitlement

All pregnant employees are entitled to a period of 52 weeks maternity leave, regardless of their length of continuous service. The amount of pay received does however differ depending on an employee's length of service with the University and whether or not they return to work following maternity leave.

Although it is up to an employee to decide how much of the 52 weeks' maternity leave they intend to take, in accordance with legislation, they must take a minimum of two weeks from the date of birth.

An employee can choose to stay on maternity leave for the full 52 weeks or end it early and share the remaining weeks with their partner by opting in to Shared Parental Leave. Further details about the University's Shared Parental Leave procedure can be found on the Equality Team / HR intranet page.

## 2.1 Swansea University Occupational Maternity Pay

To be eligible to receive Swansea University Occupational Maternity Pay (OMP), which is inclusive of Statutory Maternity Pay, employees must:

- ◆ Have completed at least 52 weeks' continuous service with the University by the Expected Date of Childbirth (EDC)
- ◆ Notify Human Resources by submitting the maternity leave application form no later than 28 days before the date of maternity leave is due to commence
- ◆ Return to work in either a full or part time capacity for at least 13 weeks following maternity leave. It should be noted that annual leave accrued during maternity leave and subsequently taken on return will not count towards those 13 weeks i.e. the 13 week period will start after the accrued annual leave has been taken. The University reserves the right to reclaim all the Non-Statutory elements of pay if an employee fails to return for this period of time. Eligibility to Statutory Maternity Pay remains unaffected, regardless of whether the employee returns to work.

Members of staff who comply with the above criteria will be entitled to the following:

Weeks	Pay
1-8	Full pay
9-26	Half pay + SMP
27-39	SMP only
40-52	Unpaid

The 8 weeks full pay includes 6 weeks at the higher rate SMP and 2 weeks at the lower rate SMP.

Employees who comply with the above service criteria but who indicate before commencement of maternity leave that they do not wish to return to work, will receive 39 weeks Statutory Maternity Pay only.

## 2.2 Statutory Maternity Pay

Employees with less than 52 weeks' continuous service by the EDC are not eligible for Occupational Maternity pay but may be entitled to Statutory Maternity Pay (SMP). To qualify, employees must have worked continuously for 26 weeks by the 15<sup>th</sup> week before the expected date of child birth and have average weekly earnings not less than the lower earnings limit for National Insurance contributions. SMP can be paid for up to 39 weeks.

Statutory Maternity Pay is determined by the government as follows:

- ◆ 6 weeks x Higher Rate SMP (9/10 of average weekly earnings); followed by
- ◆ 33 weeks x Lower Rate SMP (a flat payment determined by the government in April each year, or 90% of earnings, whichever is lower).

This standard rate of SMP is reviewed every April. You can check up the latest rate for SMP and calculate your SMP entitlements on the following web site:

If an employee is not eligible for SMP the Human Resources Department will notify the employee within 7 days of making the decision, giving the reasons why. In these circumstances they may be eligible for Maternity Allowance and a SMP 1 form will be issued to them by the Finance Department in order for them to claim this.

Entitlement to SMP can be checked on the following web site:

<https://www.gov.uk/maternity-paternity-calculator/y/maternity>

### 2.3 Maternity Allowance

Employees who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, paid by the Benefits Agency, for up to 39 weeks. To qualify, they must have been:

- ◆ employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth
- ◆ earning at least £30 a week over any 13-week period

More information on how to apply for a maternity allowance can be found at:

<https://www.gov.uk/maternity-allowance/how-to-claim>

### 3 Antenatal Care

All pregnant employees regardless of length of service or hours of work have a statutory right to paid reasonable time off work for antenatal care, which may include relaxation classes and parental craft classes. The University reserves the right to request evidence of appointments.

### 4 Health and Wellbeing

Under the Health & Safety at Work Act the University is required to carry out a workplace Risk Assessment on all new and expectant birth parents/bearing parents. This will be carried out by our Occupational Health Department. It is important that employees' work area, type of work and any chemical, physical and biological agents that they may have contact with are assessed in the interests of their health and safety and that of their unborn child.

In order for the University to meet these obligations it is essential that staff inform the Human Resources Department in writing by no later than the 15th week before the expected week of childbirth.

#### 4.1 Working in high risk areas

Employees who work in a laboratory or other high risk areas should notify the Human Resources Department as early in the pregnancy as possible to allow Occupational Health to complete a Risk Assessment of the working environment at an earlier stage. It is recognised that the employee may wish this information to be treated in confidence and this will be respected, except where it may be judged necessary to take expert advice for health and safety reasons.

If it is not possible to take action to ensure that the employee is not exposed to the identifiable risks, consideration must be given to altering the working conditions. In the unlikely event of suitable alternative work not being available the employee will be asked not to attend work for a period of time on medical grounds (on full pay) until such time as there is no longer a risk to the health and safety of the birth parent / bearing parent and unborn child.

## 5 Commencement of Maternity Leave

Maternity Leave can commence at any time from the 11th week before the expected week of childbirth. Employees can opt to commence maternity leave on any date within the 11 week period up to the expected week of childbirth.

Employees should give 28 days' notice if they wish to change the start date of their maternity leave. Depending on circumstances, shorter periods may be possible with agreement by the Head of College/Directorate.

If the employee is absent from work due to a pregnancy related illness during the four weeks before the expected week of childbirth, maternity leave will automatically commence regardless of the date the leave was actually due to start.

If an employee gives birth before the maternity leave was due to commence they should notify the Head of College/Directorate and/or the Human Resources Department as soon as is reasonably practicable. In these circumstances, maternity leave will begin on the day after the birth.

## 6 Applying for Maternity Leave

In order to qualify for maternity leave and pay and to safeguard the right to return to work the employee must:

- ◆ Notify the College/Directorate of the pregnancy in writing no later than the end of the 15<sup>th</sup> week before the expected date of birth.
- ◆ Inform Human Resources by completing the maternity leave application form, attached to this procedure. The completed form should then be returned to HR together with the maternity certificate MAT B1, which provides evidence of when the baby is due. The earliest a MAT B1 can be issued by the doctor or midwife is 20 weeks before the expected week of childbirth

A letter will be sent from HR within 28 days' of receiving this form confirming the maternity pay entitlements and expected start and return to work date.

## 7 General Terms of Employment

Whilst on maternity leave all Terms and Conditions, except as varied in this procedure, will continue to apply as though the employee had not been absent

No combination of payments shall exceed full pay.

All maternity pay is subject to tax and national insurance, and where appropriate pension contributions.

Employees will not qualify for sick pay whilst they are on Maternity Leave.

Continuity of service will not have been broken by an unpaid period of absence under the maternity provision, therefore entitlement to periods of notice, holidays and sick leave which accrued at the beginning of maternity leave will not be lost.

## **8 Staff on Fixed term Contracts**

Employees whose contracts of employment expire during the maternity leave period or prior to the completion of 3 months return to work should consult with a member of the HR Department at the earliest opportunity. Where no extension is possible because there is no further funding available Statutory Maternity Pay will continue for the full 39 weeks for eligible staff. This may be paid in a lump sum as will any unpaid Occupational Maternity pay on the termination of the contract of employment.

## **9 Grant Funded Staff**

Employees who are funded by external income should consult with the grant holder and Human Resources at the earliest possible opportunity. Some funding bodies have a procedure to extend grants to cover maternity periods. This will not affect the employee's right to maternity leave and pay.

## **10 Term-Time Only Staff (working less than 52 weeks per year)**

Employees who work less than a full year will receive a pro rata entitlement to Occupational Maternity Pay and leave, which will coincide with the periods that the employee would normally work and will be suspended during vacation periods. Statutory Maternity Pay will be continuous from the start of Maternity Leave. The total period of Maternity Leave will not exceed one year.

## **11 Annual leave**

Employees will continue to accrue annual leave (pro rata for part time staff) during paid and unpaid maternity leave. They will also accrue University Days that occur during maternity leave. Bank Holidays do not accrue during Maternity Leave.

If a period of maternity leave falls in two annual leave years, then annual leave may be carried over as long as this is taken immediately after the period of maternity leave.

If an employee returns to work on reduced hours, normally the employee will need to take the full time carried over leave entitlement before commencing their reduced hours.

## **12 Pension Arrangements**

Employees on maternity leave will continue to be members of the relevant pension scheme.

The period of paid maternity leave will count in full as pensionable service. Whilst in receipt of full pay, employees will continue to pay contributions at their normal rate and the University will continue to pay at its normal rate. Whilst in receipt of half pay and/or Statutory Maternity Pay, employees will pay contributions based on the pay they receive, and the University will pay the remainder of the employee contributions and the full employer contributions based on the full salary (except for the NHS Scheme

where employees pay contributions based on the pay they receive and the University pays contributions on the normal full salary).

During a period of any unpaid maternity leave, membership of the relevant pension scheme will be suspended. However, employees will not be treated as having left the scheme unless they fail to resume employment after the unpaid maternity leave. It is possible for employees with the consent of the University to make up their contributions for all or part of the period of suspended membership, and the University will continue to pay its contributions.

If contributions are not maintained during a period of suspended membership, a USS member is able to pay a special contribution directly to USS to cover the death-in-service/incapacity retirement benefits. If a special contribution is not paid and a USS member dies or becomes incapacitated during that time, they will be treated as a deferred member (i.e. the death-in-service payment of 3 x salary and incapacity retirement benefits as an active member will not apply).

If an employee is a member of SUPS/NEST, membership of the relevant scheme may continue for up to 3 years at the University's discretion. In this case, death benefits will continue to be payable and members will be given the opportunity to buy back lost service on their return to work.

### **13 Probation**

If an employee is on probation at the start of their maternity leave then the probationary period will be extended by the length of their maternity leave.

### **14 Research Excellence Framework (REF)**

If employees are eligible to be included in REF and, as a result of their maternity leave their research productivity is significantly affected then the number of outputs required for submission may be reduced. For further information please refer to the REF Individual Circumstances Guidelines.

### **15 Communication**

It is good practice for the University and employees to keep in touch during the maternity leave period. It is recommended that staff discuss arrangements with their line manager on how to be kept informed of any promotion opportunities, restructuring or any other information related to their post before they commence leave. This practice of reasonable contact is distinct from keeping in touch days.

### **16 Keeping in Touch Days**

Employees may, by agreement with their Head of College/Directorate, undertake up to 10 days paid work, referred to as 'keeping in touch days', during their maternity leave. Such days may be undertaken at any stage during the maternity period except during the first two weeks after the baby is born.

The type of work undertaken is a matter for agreement between the employee and the Head of College/Directorate. The days may be used for any activity that would ordinarily be classed as work under the employee's contract, and could be particularly useful in enabling an employee to attend a conference, undertake a training activity or

attend a team meeting.

Keeping in touch days are optional and can only take place by agreement between both parties.

Payment for keeping in touch days' will be at the employee's normal daily rate of pay. While an employee is on full pay, no additional payment will be made. While an employee is receiving SMP/MA or no pay then they will be paid the difference between what they are receiving under their maternity pay and their normal rate of pay. Where a full day is not worked the employee will only receive payment for the actual hours worked, based on their normal hourly rate. The total payment will not exceed their normal daily rate. If agreed by employee and manager any time used for keeping in touch purposes may be taken as paid time in lieu at the end of the maternity leave period.

Employees wishing to undertake a keeping in touch day should in the first instance complete the Keeping in Touch form attached to this document and forward this to their line manager.

### **17 Still Births or Miscarriages**

If an employee has a miscarriage before the 25<sup>th</sup> week of pregnancy they will not qualify for maternity leave, OMP, SMP or MA. Any period of absence from work will be dealt with under the normal sick pay scheme.

In the event of a stillbirth from the 25<sup>th</sup> week of pregnancy onwards, employees will be eligible for maternity leave, OMP, SMP or MA in the normal way.

### **18 Returning to Work**

Employees must take a minimum of two weeks maternity leave from the birth. The University must not allow new birth parents to return during this two week period as it is against the law to do so.

Employees wishing to return to work at the end of their confirmed maternity leave do not have to provide formal notification of their return. However, it would be helpful if

this date could be confirmed in writing at the earliest opportunity to ensure that arrangements are made with Payroll.

If the employee wishes to change the end date of their maternity leave then they should give at least 8 weeks' notice in writing to their Head of College/Directorate and Human Resources (failure to give this notice may lead to a postponement of return until 8 weeks have elapsed). Human Resources will respond to the amended leave plans within 28 days of receiving notification.

An employee returning from maternity leave will have the right to return to the same post on terms and conditions not less favourable than those that applied prior to their absence. If because the post has been made redundant this is not reasonably practicable, then the employee will be offered another post that is suitable and appropriate.

If an employee fails to return to work at the end of their maternity leave the University is entitled to take disciplinary action, and this may include dismissal.

An employee must return to work for at least 13 weeks in order to retain the additional occupational benefits. Employees are entitled to retain SMP even when they do not return to work.

### **18.1 Support for Returning to Work**

Employees have a right to request flexible working for their return to work and the University will give sympathetic consideration to such requests on either a temporary or permanent basis. Employees should initially discuss this with the Head of College/Directorate at the earliest convenience, ideally before the commencement of their leave but not later than 8 weeks before the notified return to work date. Any change must be agreed with the line manager in conjunction with Human Resources. Should the job content and responsibilities of a revised role differ significantly to those of a previous role, the grading of the post may be reviewed. For further details and how to apply for flexible working please see the University's Flexible Working Procedure which is available on the Equality Team / HR intranet.

It is recommended that employees and managers discuss and agree return to work plans e.g. re-induction, office arrangements, breastfeeding arrangements and risk assessments (if applicable). This can be discussed before the period of leave, but should be reconfirmed immediately prior to the return date. The University has designated Wellbeing Rooms/Quiet Rooms for breastfeeding arrangements and breastfeeding parents can obtain information about the location and access to these rooms from the Equality Team's intranet page.

Managers should be mindful that employees may need additional support after a prolonged period of leave, such as training and time to re-orientate themselves with the role.

Academic Staff with a research or innovation and engagement enhanced strand are eligible to six months relief from teaching duties on their return from maternity leave, to allow a period of time to concentrate on their research and hence minimise the impact of their maternity leave on research outputs. Academic staff with a teaching & scholarship enhanced strand are eligible for a 50% reduction in teaching load for their first semester. On return they will also be allocated the modules they have previously taught (unless requested by the member of staff to change).

Employees requesting flexible working or relief from teaching duties should initially discuss this with the Head of College/Director at the earliest convenience, ideally before the commencement of their leave but not later than 8 weeks before the notified return to work date.

Any change must be agreed with the line manager in conjunction with Human Resources.

### **18.2 Facilities for Nursing Birth Parents/Bearing Parents**

The University acknowledges the needs of nursing parents following their return from maternity leave and, in support of these needs, facilities have been made available.

Please see the Equality team / HR intranet for information regarding designated rooms and how to access these.

## Maternity Leave Application Form

Please refer to the Maternity Procedure before completing this form. Should you require assistance in completing this form, please contact Human Resources. Please retain a copy for your records.

Personal Details	
Full Name:	
Job Title:	
College/Department:	
Start date of employment:	
Employee Number:	

Dates of Maternity Leave	
Expected Date of Childbirth:	
Do you intend to return work after your Maternity Leave?*	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Undecided
Date you intend to commence Maternity Leave:	
Date you intend to return to work:	
Dates of Annual Leave to be taken: (to be taken before or after Maternity Leave within the current leave year)	

\*Please note you will not be entitled to the University's Enhanced Maternity Pay if you do not return to work for at least 13 weeks after your maternity leave.

Declaration	
MAT B1 attached (provided by midwife/GP)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Signed:	Date:
Please provide a contact phone number and email address should we need to contact you once you commence your maternity leave.	
Email:	Phone:
Head of College / Department	
Signed:	Date:
HR Department :	
Signed:	Date:

