

## Maternity Leave and Pay Policy

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### 1. Summary

- You can take up to 52 weeks maternity leave;
- If you have 52 weeks or more continuous service you will receive Occupational Maternity Pay of 18 weeks full pay, 8 weeks half pay and 13 weeks at the Statutory rate. You can choose to take the remaining 13 weeks of your maternity leave without pay;
- If you have 38 to 52 weeks continuous service you will receive Enhanced Maternity Pay of 12 weeks full pay, 4 weeks half pay and 23 weeks at the Statutory rate. You can choose to take the remaining 13 weeks of your maternity leave without pay;
- Any statutory pay you are due will be included in your full and half pay;
- On return from maternity leave, employees who had 52 weeks continuous service at the time they applied for maternity leave will

receive an additional 8 weeks full pay payable over 8 months (i.e. 1 additional week's full pay per month);

- If you don't qualify for Occupational Maternity Pay or Enhanced Maternity Pay you will receive Statutory Maternity Pay or Maternity Allowance depending on your earnings. You can choose to take the remaining 13 weeks of your maternity leave without pay;
- If you want to end your maternity leave early, you can choose to opt into Shared Parental Leave with your partner and share the remaining weeks' leave and pay;
- A health and safety risk assessment will be carried out by you and your manager to make sure that your working environment is safe for you and your unborn child.

## **2. Definitions**

The following definitions are used in this policy:

"Expected week of childbirth": The week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

"Qualifying week": The 15<sup>th</sup> week before the expected week of childbirth.

"Ordinary" and "additional maternity leave": All pregnant employees (regardless of length of service) have the right in law to take up to 26 weeks' ordinary maternity leave and up to a further 26 weeks' additional maternity leave and to resume work afterwards. The employee is therefore entitled to a total period of 52 weeks' maternity leave. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave.

## **3. Eligibility for maternity leave**

Pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave and up to a further 26 weeks' additional maternity leave and to resume work afterwards.

The employee is therefore entitled to a total period of 52 weeks' maternity leave.

The entitlement to maternity leave applies from day one of employment.

All employees who take maternity leave have the right to return to work at any time during either ordinary or additional maternity leave (after the two week compulsory leave period), subject to their following the correct notification procedures as set out in section 5 of this policy.

## **4. Eligibility for maternity pay**

### **4.1 Option 1 (Occupational Maternity Pay) – *employees with 52 weeks' service at the 15th week before the expected week of childbirth***

The School offers employees with 52 weeks' service generous maternity pay.

Employees who have been continuously employed by SOAS for at least 52 weeks at the end of their qualifying week and are still employed during that week, will be eligible for Occupational Maternity Pay, providing that:

- they are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- they have provided a MAT B1 form stating their expected week of childbirth; and
- they intend to return to work with the School at the end of their maternity leave.

Occupational Maternity Pay is due for 39 weeks, at the following rates:

- 18 weeks' full pay;
- 8 weeks' half pay;
- 13 weeks Statutory Maternity Pay/Maternity Allowance;
- (Followed by 13 weeks unpaid maternity leave).

Occupational and Statutory Maternity Pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

On return from maternity leave, an employee will receive an additional 8 weeks full pay payable over 8 months (i.e. 1 additional week's full pay per month).

If the employee resigns and leaves the School's employment before the end of the 8-month period, or their employment ends, the additional payment will cease on the last day of service with the School.

If an employee who has received Occupational Maternity Pay does not return to the work for a period of at least 3 months, she will be required to repay to the School the difference between the Occupational Maternity Pay and Statutory Maternity Pay.

#### **4.2 Option 2 (Enhanced Maternity Pay) – employees with 38 to 52 weeks' service at the 15<sup>th</sup> week before the expected week of childbirth**

The School offers employees with between 38 and 52 weeks' service enhanced maternity pay

Employees who have been continuously employed by SOAS for at least 38 weeks at the end of their qualifying week and are still employed during that week, will be eligible for Enhanced Maternity Pay, providing that:

- they are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- they have provided a MAT B1 form stating their expected week of childbirth; and
- they intend to return to work with the School at the end of their maternity

leave.

Enhanced Maternity Pay is due for 39 weeks, at the following rates:

- 12 weeks' full pay;
- 4 weeks' half pay;
- 23 weeks Statutory Maternity Pay/Maternity Allowance;
- (Followed by 13 weeks unpaid maternity leave).

Enhanced and Statutory Maternity Pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

If an employee who has received Enhanced Maternity Pay does not return to the work for a period of at least 3 months, she will be required to repay to the School the difference between the Enhanced Maternity Pay and Statutory Maternity Pay.

#### **4.3 Option 3 (Statutory Maternity Pay) - employees with 26 weeks' service at the 15th week before the expected week of childbirth**

Employees who have been continuously employed by SOAS for at least 26 weeks at the end of their qualifying week and are still employed during that week, will qualify for Statutory Maternity Pay, providing that:

- they are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- they have provided a MAT B1 form stating their expected week of childbirth; and
- their average weekly earnings are not less than the lower earnings limit for national insurance contributions.

Statutory maternity pay is payable for up to 39 weeks, at the following rates:

- 6 weeks at 90% of the employee's average weekly earnings
- 33 weeks at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate
- (Followed by 13 weeks unpaid maternity leave)

Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Annual incremental increases due and any agreed cost of living awards will be applied to contractual salary during any period of maternity leave.

Payment of statutory maternity pay cannot start prior to the 11<sup>th</sup> week before the employee's expected week of childbirth. It can start from any day of the week in accordance with the date the employee starts her maternity leave.

Statutory maternity pay is payable whether or not the employee intends to return to work after her maternity leave.

#### **4.4 Option 4 (Maternity Allowance) - employees with less than 26 weeks' service at the 15th week before the expected week of childbirth**

Employees who are not entitled to statutory maternity pay may be entitled to receive maternity allowance payable directly by the Government. If an employee is not entitled to statutory maternity pay, the School will provide the employee with an SMP1 form to allow her to pursue a claim for maternity allowance.

### **5. Timing of maternity leave**

Ordinary maternity leave can start at any time after the beginning of the 11<sup>th</sup> week before the employee's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before her maternity leave was due to start, she must notify the School in writing of the date of the birth as soon as reasonably practicable.

The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child.

### **6. Notice requirements**

On becoming pregnant, an employee should notify her line manager and the HR Recruitment and Operations Team ([HR-Operations@soas.ac.uk](mailto:HR-Operations@soas.ac.uk)) as soon as possible. This is important as there are health and safety considerations for the School.

By the end of the qualifying week (the 15<sup>th</sup> week before the expected week of childbirth), the employee is required to inform her line and the HR Recruitment and Operations Team ([HR-Operations@soas.ac.uk](mailto:HR-Operations@soas.ac.uk)) in writing (using the Maternity Leave Notification form) of:

- the fact that she is pregnant;
- her expected week of childbirth;
- the date on which she intends to start her maternity leave
- whether she intends to return to work following maternity leave.

The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it.

The employee is permitted to bring forward her maternity leave start date, provided that she advises her line manager and the HR Recruitment and Operations Team ([HR-Operations@soas.ac.uk](mailto:HR-Operations@soas.ac.uk)) in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

Failure to give the required notice and produce the MATB1 form may affect entitlement to maternity leave and/or pay.

The employee may also postpone her maternity leave start date, provided that she advises her line manager and the HR Recruitment and Operations Team ([HR-Operations@soas.ac.uk](mailto:HR-Operations@soas.ac.uk)) in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The HR Recruitment and Operations Team will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

The employee is required to give at least 28 days' notice of the date that she wants her statutory maternity pay to begin. If it is not possible for the employee to give 28 days' notice, for example if the baby arrives early, she should tell her line manager and the HR Recruitment and Operations Team as soon as reasonably practicable.

## **7. Time off for antenatal care**

Once an employee has advised her line manager and the HR Recruitment and Operations Team that she is pregnant, she will be entitled to paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor, subject to following the below procedure.

To be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.

The employee should endeavor to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them

as near to the start or end of the working day as possible. Where practical, at least one week's notice should be given.

An individual who has a qualifying relationship with the employee, which includes the employee's husband or civil partner, the father of the expected child, or the intended parent in a surrogacy arrangement, is eligible to take unpaid time off to accompany the employee at up to two antenatal appointments<sup>1</sup>. The individual with the qualifying relationship should ask his/her employer for more details of the right.

## **8. Health and safety**

The School has a duty to take care of the health and safety of all employees.

The employee should complete the Risk Assessment Form for New and Expectant Mothers in collaboration with their line manager. Any risks identified should be drawn to the attention of the Health and Safety Manager by the employee or line manager.

If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal job duties, the School will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable. In such circumstances, the employee or their line manager should liaise with the respective HR Business Partner to discuss the options available.

If it is not possible for the School to alter the employee's working conditions to remove the risks to her health and there is no suitable alternative work available to offer her on a temporary basis, the School may suspend her from work on maternity grounds until such time as there are no longer any risks to her health. This may be for the remainder of her pregnancy until the commencement of her maternity leave. If an employee is suspended in these circumstances, her employment will continue during the period of the suspension and it does not in any way affect her statutory or contractual employment and maternity rights. The employee will be entitled to her normal salary and contractual benefits during the period of her suspension, unless she has unreasonably refused an offer of suitable alternative employment.

## **9. Sickness absence**

If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun

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<sup>1</sup> Note that SOAS offers its employees paid time off for attendance in such circumstances. Please refer to the Paternity Leave policy.

ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically.

All other sickness will be dealt with under the School's attendance and sickness management policy.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must notify her line manager and the HR Recruitment and Operations Team ([HR-Operations@soas.ac.uk](mailto:HR-Operations@soas.ac.uk)) in writing of this as soon as reasonably practicable, in addition to following normal absence reporting practice on MyView.

## **10. Rights during maternity leave**

During ordinary maternity leave and additional maternity leave, all terms and conditions of the employee's contract, except normal pay will continue. Salary will be replaced by statutory maternity pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of maternity leave or immediately following the end of their maternity leave and before they return to work. Annual leave that is accrued during maternity leave can be brought forward to the next annual leave year.

## **11. Contact during maternity leave**

The School reserves the right to maintain reasonable contact with employees during maternity leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

## **12. Keeping-in-touch days**

Employees can agree to work for the School (or to attend training) for up to 10 days during their maternity leave without that work bringing their maternity leave to an end and without loss of a week's statutory maternity pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The School has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave.

Any days worked, should be mutually agreed by the employee and their line

manager.

If the employee works any keeping-in-touch days during the period she is receiving Occupational or Enhanced half pay, Statutory Maternity Pay or are in the unpaid period of maternity leave, she will be paid at her normal contractual rate.

Any work carried out on a day will count as a whole working day e.g. if the employee attends work for a one hour meeting, this will count as one of the 10 days available.

It is the line manager's responsibility to advise the HR Recruitment and Operations Team ([HR-Operations@soas.ac.uk](mailto:HR-Operations@soas.ac.uk)) of worked KIT days so that arrangements can be made to make the appropriate adjustments to the employee's pay.

### **13. Returning to work after maternity leave**

The employee may return to work at any time during ordinary maternity leave or additional maternity leave, provided that she gives the appropriate notification, this should be sent to the employee's line manager and the HR Recruitment and Operations Team ([HR-Operations@soas.ac.uk](mailto:HR-Operations@soas.ac.uk)). Alternatively, the employee may take her full period of maternity leave entitlement and return to work at the end of this period.

If the employee wishes to return before the full period of maternity leave has elapsed, she must give at least eight weeks' notice in writing to the School of the date on which she intends to return, this should be sent to the employee's line manager and the HR Recruitment and Operations Team ([HR-Operations@soas.ac.uk](mailto:HR-Operations@soas.ac.uk)).

If the employee does not give eight weeks' notice of her intention to return to work, the School is entitled to postpone the employee's return to work until the eight weeks' notice has elapsed from the time notice was given (or the date the employee attempted to return if no notice was given), or until the date on which the employee is otherwise due to return, whichever is the sooner.

On resuming contractual duties following a period of Occupational Maternity Leave, employee's with 52 weeks' service at the time the leave was agreed will receive an additional 8 weeks full pay payable over 8 months (i.e. one additional week's full pay per month).

The employee has the right to resume working in the same job if returning to work from ordinary maternity leave. If the employee returns to work after a period of additional maternity leave, she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of maternity leave will be treated as an

unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the maternity leave period.

If the employee decides during maternity leave that she does not wish to return to work, she should give written notice of resignation to the School as soon as possible and in accordance with the terms of her contract of employment, this should be sent to the employee's line manager and the HR Recruitment and Operations Team ([HR-Operations@soas.ac.uk](mailto:HR-Operations@soas.ac.uk)).

#### **14. Flexible working**

An employee who wishes to vary her working pattern on returning from maternity leave may request flexible working. The School will consider, and where possible accommodate, all requests. Please refer to the Flexible working Policy for more information.

#### **15. Fractional and casual employees**

Fractional and hourly paid employees have the same entitlements as are outlined in this policy.

For those employees eligible for Occupational Maternity Pay, payments will be based on a calculation of the pay they would have received, had they not been on maternity leave during the 39 week period that Occupational Maternity Pay is payable. The calculation will be based on the schedule of hours provided by the employing department/directorate.

Fractional or hourly paid employees have the same rights as other staff to return to the same work that they were performing prior to taking maternity leave, provided that the work is still available.

#### **16. Miscarriage or stillbirth**

In the unfortunate event of miscarriage before the 25<sup>th</sup> week of pregnancy, Occupational and Statutory Maternity Pay and leave will not be available.

In the case of stillbirth after the start of the 25<sup>th</sup> week, Statutory and Occupational Maternity Pay and leave will be available. The HR Directorate should be informed as soon as is reasonably practicable and the affect on pay and leave will be discussed with the employee.

#### **17. Premature birth**

If your baby is born prematurely but after maternity pay has started, maternity payments will not be affected.

If your baby is born before maternity pay and leave have started, but after the qualifying week, you must inform the School of the birth within three weeks or

as soon as is reasonably practicable thereafter. The pay period will commence from the day following the birth of your baby.

If your baby is born before the qualifying week, you must provide written evidence of the baby's birth. You must also still provide medical evidence of the date that the baby was originally due. Evidence of both the expected date and the actual date can be provided together on part B of the MATB1 maternity certificate issued by your doctor or midwife. You must provide this evidence within three weeks' of the birth. The pay period will commence from the day following the birth of your baby.

## **18. Probation**

If an employee commences maternity leave before satisfactorily completing her probationary period, probation will continue after her return to work in order that the full probationary period can be completed.

## **19. Pension**

If an employee is a member of one of the School's pension schemes, pension contributions will continue to be deducted during the paid period of maternity leave (subject to scheme rules in force at the time of maternity pay).

Contributions will be made on pay received.

During unpaid maternity leave, employees are not required to pay contributions, although an employee may wish to continue contributions in order to avoid a suspension of their service.

Death in service benefit will continue during the period of unpaid leave.

If the employee does not return to work after a period of maternity leave, they will be treated as leaving the scheme on the last day contributions were paid.

Should the employee elect to pay the employee contributions during the period of unpaid leave, the School will pay the employer contributions.

Employees are encouraged to contact the Payroll and Pensions Manager if they are considering making contributions during the unpaid period. Contributions during the unpaid period must be arranged in advance.

## **20. Annual leave entitlement**

Annual leave continues to accrue at your contractual rate during your paid maternity period i.e. 39 weeks. Bank holidays and closure days are also accrue during this period.

During the 13 weeks unpaid period, you will accrue leave at the Working Time Directive rate (*pro rata* if you work part-time or take less than 13 weeks additional unpaid maternity leave).

It may be advantageous for the employee to take most of her annual leave entitlement in one of the following ways:

- Take her accrued leave at the end of the maternity leave period but before returning to work. The employee will therefore return to their contractual salary before actually returning to work. If the employee intends to do this she must agree it with her line manager and HR at least 8 weeks before the end of her Maternity Leave period.
- Elect to be paid for all or part of this leave on return to work.

## **21. Transfer of maternity leave (shared parental leave)**

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

Employees can refer to the School's policy on shared parental leave.

The mother and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.