

Maternity Leave and Pay Policy

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<i>Note: All policies must be read in conjunction with all other SOAS policy, procedure and guidance documents. Printed copies of policies may not be the most up to date, therefore please refer to the policy pages on the SOAS external website or intranet for the latest version.</i>			

1. Introduction

- 1.1. SOAS is committed to supporting good practice in relation to parental rights. In support of this, we provide parental benefits for our staff, including enhanced maternity pay that is above the statutory minimum.
- 1.2. This policy is designed to ensure that all employees of SOAS are aware of the maternity provisions at SOAS, and that they are treated fairly and consistently.
- 1.3. SOAS will ensure that employees are not treated less favourably or dismiss them because they are pregnant, absent on maternity leave; and will not tolerate discrimination, victimisation or harassment on the basis of a person's caring responsibilities or connected with pregnancy or maternity (including breastfeeding).

2. Scope

- 2.1. This policy applies to all directly employed pregnant staff (including surrogates who are not the intended parents) regardless of hours worked, length of service, role or employment contract type.
- 2.2. It also covers where pregnancy ends (after 24 weeks) in a stillbirth and where there is a neonatal death (within 28 days of being born).
- 2.3. There are separate associated policies for Paternity/Partner Leave and Pay, Shared Parental Leave and Pay, Adoption/Surrogacy Leave and Pay and Parental Leave, all of which are available on the [SOAS intranet](#).

3. Definitions

Maternity Leave	The entitlement for 52 weeks of leave for all pregnant employees for the purpose of giving birth and caring for newborn children.
Ordinary Maternity Leave	The first 26 weeks of maternity leave.
Additional Maternity Leave	The further 26 weeks of maternity leave, immediately following the period of ordinary maternity leave.
Statutory Maternity Pay (SMP)	The legal minimum weekly pay while an eligible employee is on maternity leave.
Occupational Maternity Pay (OMP)	An enhancement on top of Statutory Maternity Pay paid to eligible employees while on maternity leave.
Maternity Allowance	The allowance that a person can claim from the government if they are not eligible for Statutory Maternity Pay.
MATB1 Form	The form given to a pregnant person by a doctor or registered midwife.
Expected Week of Childbirth	The date given on the MATB1 form confirming which week (commencing on a Sunday) that the baby is expected to be born.
Qualifying Week	The 15 th week before the expected week of childbirth.
Keeping in Touch (KIT) Day	Up to 10 days where an employee on maternity leave can, with prior management approval, attend work, undertake training or keep in touch with work developments through other means, without bringing the maternity leave period to an end.
Surrogate	Where a person is pregnant and gives birth but is not an intended parent.
Parental Bereavement Leave and Pay	The entitlement for 2 weeks of leave if an employee's child dies before they turn 18, or there is a stillbirth/termination after 24 weeks of pregnancy.
Neonatal Care Leave and Pay	The entitlement for up to 12 weeks of leave for employees whose babies need neonatal care after birth.
Returner's Bonus	An enhanced financial benefit paid to SOAS employees on their return from maternity leave.

4. Roles and Responsibilities

4.1. Managers

- 4.1.1. Should ensure that employees are aware of this policy and understand their own responsibilities.
- 4.1.2. Should encourage and foster a team culture where expectant employees feel safe and supported in sharing an upcoming maternity leave and discussing their needs and adjustments.
- 4.1.3. Support options should be proactively discussed with employees, and HR advice sought when needed.

- 4.1.4. Employees on maternity leave should be kept informed (and consulted with, where appropriate) regarding any important business changes or announcements that may affect them.
- 4.1.5. Requests for support and adjustments should be considered sympathetically and should be vigilant in ensuring there is no discrimination against pregnant employees or employees recently returned from maternity leave.
- 4.1.6. Be mindful of an employee's personal sense of confidentiality, as well as the General Data Protection Principles (GDPR) when processing information related to pregnancy or maternity leave. It is good practice to seek the employee's view and gain consent on how and when their news is communicated.
- 4.1.7. The health and safety of employees and workers is very important. Managers must ensure that a New and Expectant Mothers Risk Assessment (available on the [SOAS intranet](#)) is undertaken as soon as they are notified that an employee is pregnant, breastfeeding or has given birth in the last 6 months. Further risk assessment will be undertaken as the pregnancy progresses, and the employee returns after maternity leave.
- 4.1.8. Are responsible for confirming to the HR department key dates related to maternity leave, including a change of return date, KIT days or resignations. These should be completed through [UniDesk](#).

4.2. [Employees](#)

- 4.2.1. Are encouraged to inform their manager once they are aware of their pregnancy so that the university can take steps to protect their health and safety, and that of their unborn child.
- 4.2.2. Must complete the Maternity Leave Notification Form (available on the [SOAS intranet](#)) and submit their MATB1 form no later than the 15th week (known as the qualifying week) before the expectant week of childbirth. This should be completed through [UniDesk](#).
- 4.2.3. Should engage with the risk assessment process and make their manager aware of any changes that could affect their health and safety at work.
- 4.2.4. Need to notify the HR Operations team if their baby is born before the planned start date of their maternity leave.
- 4.2.5. Must inform their manager as soon as possible if there are any changes related to their maternity leave.

4.3. [The University](#)

- 4.3.1. Will ensure that the benefits, facilities and services for staff meet the needs of employees who are pregnant, are on or have recently returned from maternity leave.
- 4.3.2. Will ensure that the workplace risk assessment considers the risks to pregnant employees or employees who have recently given birth or are expectant mothers.
- 4.3.3. Will respond quickly and fully to any reports or concerns of harassment, victimisation or discrimination related to an employee's maternity status.

- 4.3.4. Will review this policy regularly, to ensure consistency, fairness and effectiveness, and to reflect any changes in employment legislation.
- 4.3.5. Will monitor and report on the outcomes and impact of this policy annually and in line with the Equality Act 2010.

5. Eligibility for Maternity Leave

- 5.1. All pregnant employees are entitled to take up to 52 weeks' maternity leave. There is no minimum period of employment required.
- 5.2. Employees can decide on how much maternity leave they wish to take; for health and safety reasons, they must take a minimum of 2 weeks of 'compulsory leave' from the date of childbirth.

6. Eligibility for Maternity Pay

6.1. Statutory Maternity Pay (26 to 37 weeks' service)

- 6.1.1. Employees with 26 weeks' service continuing into the "Qualifying Week" and whose average earnings are above the "lower earnings limit" [set by the Government](#) for the relevant tax year are entitled to SMP for 39 weeks at the following rates:
 - 6 weeks at 90% of the employee's average weekly earnings
 - 33 weeks at the SMP 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
 - Remaining 13 weeks' unpaid leave

6.2. Occupational Maternity Pay (38 to 51 weeks' service)

- 6.3. Employees with 38 to 51 weeks' service at the end of the "Qualifying Week" are entitled to OMP (inclusive of SMP) for 39 weeks at the following rates:
 - 12 weeks at full pay
 - 4 weeks at half pay
 - 23 weeks at the SMP 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
 - Remaining 13 weeks' unpaid leave

6.4. Occupational Maternity Pay (52 weeks' service)

- 6.4.1. Employees with 52 weeks' service at the end of the "Qualifying Week" are entitled to OMP (inclusive of SMP) for 39 weeks at the following rates:
 - 18 weeks at full pay
 - 8 weeks at half pay

- 13 weeks at the SMP 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
- Remaining 13 weeks' unpaid leave

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

6.5. [Maternity Allowance \(less than 26 weeks' service\)](#)

6.5.1. Employees who are not entitled to Statutory Maternity Pay may be entitled to receive Maternity Allowance. If an employee is not entitled to statutory maternity pay, the university will issue them with an SMP1 form so that a [claim for Maternity Allowance](#) can be pursued.

7. [Starting Maternity Leave](#)

7.1. The earliest date maternity leave can start is 11 weeks before the expected week of childbirth (unless the 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.

8. [Notification Requirements](#)

8.1. An employee should notify their line manager as soon as possible to talk about plans/benefits/entitlements and to enable support from the university.

8.2. By the end of the "Qualifying Week" (the employee must have completed the Maternity Leave Notification Form and submitted this with their MATB1 form to HR through [UniDesk](#)).

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

8.4. The HR Recruitment and Operations Team will formally respond in writing to the employee's notification of their leave plans within 28 calendar days, confirming the maternity pay entitlement and the date on which they are expected to return to work as advised on the Maternity Leave Notification form, or if not advised, using the full 52-week entitlement to maternity leave.

8.5. The employee may also postpone or bring forward their maternity leave start date, provided that the manager and the HR Recruitment and Operations Team are informed in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

9. Miscarriage, Stillbirth or Termination

- 9.1. In the unfortunate event of a miscarriage, stillbirth or where a termination is required after the 24th week of pregnancy, the pregnant employee will still be entitled to the same maternity rights.
- 9.2. Further details on Parental Bereavement Leave can be found in the Leave Policy (available on the [SOAS intranet](#)).
- 9.3. Staff and their family members have access to a free, external, confidential employee wellbeing service. The service offers support information, expert advice and specialist counselling to help you prepare for life's milestones and cope with its unexpected events. Details on how to access this service can be found on the [SOAS intranet](#).

10. Neonatal Care Leave and Pay

- 10.1. Where a baby requires neonatal care for at least 7 continuous days within 28 days of birth, employees have the right to take up to 12 weeks leave in addition to maternity or paternity leave. There is no minimum period of employment required.
- 10.2. The leave is in addition to other parental leave entitlements, such as maternity and paternity leave, and must be taken within 68 weeks of the baby's birth.
- 10.3. Eligible employees who meet the below criteria will receive pay at the rate [set by the Government](#) for the relevant tax year during any neonatal care leave.
- They have 26 weeks' service continuing into the "qualifying week" –the 15th week before the expected week of childbirth.
 - Have average earnings are above the "lower earnings limit" set by the Government for the relevant tax year.
- 10.4. Employees who are eligible to take neonatal leave should notify their line manager as soon as possible after the birth of the baby and subsequently confirm how many days their baby was in hospital using the Neonatal Care Form available on the [SOAS intranet](#).

11. Time Off for Antenatal Care

- 11.1. Pregnant employees are entitled to reasonable paid time off during working hours for antenatal care, including travelling time. This includes medical appointments, as well as relaxation and parenting classes on the recommendation of a doctor, registered health visitor or registered midwife.

12. Health and Safety

- 12.1. The university has a duty to take care of the health and safety of all employees.
- 12.2. The Risk Assessment Form for New and Expectant Mothers (available on the [SOAS intranet](#)) must be completed, by the manager in collaboration with the employee. Where further

advice around the identified risks is required, this should be drawn to the attention of the Health and Safety Manager by the manager.

- 12.3. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out their normal job duties, the university will take such steps as are reasonably necessary to avoid those risks. If it is not possible for the university to alter the employee's working conditions to remove the risks to their health and there is no suitable alternative work available to offer on a temporary basis, the university may suspend the employee from work on maternity grounds until such time as there are no longer any risks to their health.
- 12.4. Employment will continue during the period of paid suspension and it does not in any way affect their statutory or contractual employment and maternity rights. They will be entitled to their normal salary and contractual benefits during the period of their suspension, unless they have unreasonably refused an offer of suitable alternative employment.

13. Rights During Maternity Leave

- 13.1. During both ordinary and additional maternity leave, all terms and conditions of the employee's contract, except normal pay will continue. This includes the accrual of annual leave, any pay rises and the right to return to work. Salary will be replaced by maternity pay if the employee is eligible for it.
- 13.2. Where maternity leave prevents employees from being able to use their annual leave entitlement within the year, these hours can be carried forward into the next annual leave year.

14. Keeping in Touch (KIT) days

- 14.1. Reasonable contact should be maintained with employees during their maternity leave. This may be to discuss their plans for returning 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.
- 14.2. Employees can also request, entirely at their own discretion but with the agreement of their manager, to carry out up to 10 days' work or attendance at meetings or training during their maternity leave without bringing it to an end. These are known as 'Keeping in Touch Days'.
- 14.3. Employees will be paid for the number of hours worked as part of their KIT Day offset against any statutory or occupational maternity pay made for the same day.

15. Returning to Work

- 15.1. Employees returning from maternity leave will receive a returner's bonus, equivalent to 8 weeks' full pay, which will be paid over an 8 month period (in other words, an additional weeks' pay over 8 months), provided the employee receiving this payment has 52 weeks' continuous service with SOAS at the 15th week before the expected week of childbirth and has taken maternity leave in accordance with this policy.

- 15.2. If the employee wishes to return to work earlier or later than the planned date, they must give their manager 8 weeks' written notice in advance.
- 15.3. If the employee does not give 8 weeks' notice of the change of the intended return to work date, the university is entitled to postpone the employee's return to work until the 8 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.
- 15.4. Where an employee returns to work after ordinary maternity leave (the first 26 weeks); they will return to the same job with the same terms and conditions as before, subject to any increases in salary.
- 15.5. Where an employee returns after additional maternity leave (the second 26 weeks); they may either return to their original role or, if there are exceptional reasons as to why that is not reasonably possible, they will return to another suitable job that is on terms and conditions not less favourable.

16. Shared Parental Leave

- 16.1. Shared parental leave enables employees to commit to ending their maternity leave and pay and to share the untaken balance of leave and pay as shared parental leave and pay with their partner. There is also the option for the employee to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. More details to be found in the Shared Parental Leave and Pay Policy, available on the [SOAS intranet](#).

17. Pension

- 17.1. Employees eligible for SMP will continue to make contributions, but based on the rate of maternity pay being received. SOAS' employer contributions will be based on the normal salary, and also pay the shortfall in the employee's contributions.
- 17.2. After this, during any unpaid periods of maternity leave, membership will be paused until employee contributions resume. Employees can choose to build benefits during this period and repay SOAS should they want to.
- 17.3. If an employee is not eligible for Statutory Maternity Pay, they will still be able to build some benefits. SOAS will pay the employee contributions plus the employer contributions for the first 26 weeks of the maternity leave. This will be based on normal salary from before the maternity leave started. The benefits built up will be at the same as before the maternity leave started.
- 17.4. Further information can be found on the USS website [Becoming a parent](#) and on the SAUL website [Life changes | SAUL](#).

18. Redundancy or Reorganisation

- 18.1. If the college or directorate undergoes any reorganisation while an employee is on maternity leave, they will be fully involved and consulted during the process.
- 18.2. No employee will be selected for redundancy for a reason related to their pregnancy, maternity leave or childbirth. Any dismissal on these grounds would be automatically unfair and regarded as unlawful discrimination. This protection begins as soon as an employee informs the university of their pregnancy and ends 18 months after the expected week of childbirth.
- 18.3. More details to be found in Management of Reorganisation and Change Policy, available on the [SOAS intranet](#).