



Maternity Policy

1. Policy Statement

As an employer of choice, the University provides additional benefits for pregnant employees, and is committed to supporting employees throughout their pregnancy and return to work.

In addition to the statutory provision for maternity benefits, the University provides additional contractual benefits and will always ensure that an employee's pregnancy is taken into account when decisions about her role, work and health and safety need to be made.

2. Scope and Purpose

This policy applies to all employees of the University.

The purpose of this policy and associated procedures is to:

- Outline the statutory entitlements for Maternity Leave and Pay
- Outline the University's additional provisions for Maternity Pay
- Highlight the provision for entitlement to Shared Parental Leave and Pay
- Highlight the provision for Paternity Leave and Pay
- Ensure managers¹ are aware of their responsibilities to employees who are covered by this policy
- Provide clear guidance on employee rights and responsibilities prior to, during and after Maternity Leave.

3. Employee's Responsibilities including Early Notification Requirements

In order to access the benefits outlined in this policy, employees must meet the formal requirements set out below including the various notification procedures. Employees are therefore encouraged to inform their managers of their pregnancy at an early stage, in part to allow the University to meet its health and safety responsibilities, but also to facilitate making arrangements to cover their absence.

¹ For the purposes of this policy the term 'manager' will be defined so as to include the nominated or line manager or another designated person of suitable seniority and responsibility within the relevant work unit or group

4. Maternity Leave and Pay

4.1 Compulsory Maternity Leave

In line with employment legislation, employees must take a minimum of two weeks Maternity Leave after the birth of their child.

4.2 Entitlement to Statutory Maternity Leave and Pay

All pregnant employees have the right to 12 months Maternity Leave, irrespective of their length of service or hours worked. This is made up of 26 weeks of 'Ordinary Maternity Leave' (OML) and 26 weeks of 'Additional Maternity Leave' (AML).

Employees who have 26 weeks service at the Notification week (the 15th week before the expected week of childbirth), and have average earnings over that period which are above the Lower Earnings Limit for National Insurance Contributions, will also be entitled to Statutory Maternity Pay (SMP).

SMP is payable for 39 weeks, as follows:

Weeks 1 to 6: 90% of the employee's average weekly earnings

Weeks 7 to 39: the lower of either 90% of the employee's average weekly earnings, or the standard rate of SMP set by the Government.

If an employee does not qualify for SMP, she may be entitled to claim Maternity Allowance. In these circumstances, the Payroll Section of the University's Finance Department will forward the relevant paperwork to the employee for completion.

If the employee is entitled to Maternity Allowance, she will receive her benefit payments directly from the Department for Work and Pensions (DWP), and the University will deduct the equivalent payment from any University of Edinburgh Maternity Pay (UEMP) that she is entitled to receive.

In the event that the employee is not entitled to Maternity Allowance and provides the University with evidence to confirm this, then any UEMP she is entitled to will be paid without such deductions.

4.3 Entitlement to 'University of Edinburgh Maternity Pay'

Employees are entitled to UEMP provided that they:

- are employees of the University at the Expected Week of Childbirth (EWC), and
- return to work for a minimum period of three months after the end of their Maternity Leave.

Employees will also be entitled to UEMP if they would have met the above conditions, but were prevented from doing so by reason of redundancy taking effect at a time when they would be eligible for paid

maternity leave, or where redundancy prevents them from returning to work for the full three month period (see 4.4).

The return to work period begins from the point the employee physically returns to the workplace and starts work after Maternity Leave. Periods of paid or unpaid absence prior to a return to work, immediately following Maternity Leave or in the initial return to work period e.g. annual leave or sickness absence, do not count towards the three month period.

Should an employee curtail her maternity leave in order to take Shared Parental Leave (SPL), she will be required to return to work for a minimum of three months following her final period of SPL.

If the employee curtails her maternity leave in anticipation of taking SPL at a future date and does not actually take any SPL, the three month return period will start from the point she starts work after maternity leave.

Employees are entitled to up to 24 weeks of UEMP (supplemented by SMP where applicable) and have a choice of options as outlined below.

Option 1	Weeks 1 - 16:	Full Pay (inclusive of SMP, where applicable)
	Weeks 17 - 39:	SMP only (where applicable)
	Weeks 40 - 52:	Unpaid
Option 2	Weeks 1 - 8:	Full Pay (inclusive of SMP, where applicable)
	Weeks 9 - 24:	Half pay, plus SMP where applicable (capped at normal full pay)
	Weeks 25 - 39:	SMP Only
	Weeks 40 - 52:	Unpaid
Option 3	Taking SMP only, with the right to UEMP as above if she subsequently decides to return. <i>(This option is generally used where the employee is undecided about returning to work after Maternity Leave)</i>	

Under any of the above options, no combination of payments (UEMP and SMP) is permitted to exceed normal full pay, where normal full pay is classed as the salary payment employees usually receive for their contractual working hours.

Employees are entitled to a maximum of 52 weeks of Maternity Leave, but may return to work, giving due notice, at any time after two weeks following childbirth. In order to qualify for UEMP, the employee must return to work for at least three months (unless prevented from doing so by reason of redundancy) following the end of her Maternity Leave. If an employee selects either of Options 1 or 2 above and

subsequently does not return for the stipulated 3 months, the University will reclaim those payments made to the employee which are over and above her statutory entitlement.

As per option 3 above, if an employee is undecided about returning to work after her Maternity Leave, she may opt to receive SMP only (Option 3) but retains her statutory right to return. If she subsequently returns to work for a period of three months, she will then qualify for the balance of payment due under Option 1. If the employee does not return to work, she will not owe the University any money and therefore no recovery of payment will be required.

4.3.1 Maternity Pay for Employees on Guaranteed Hours (GH) Contracts

Calculation of UEMP for employees with GH contracts will be based on whichever is more beneficial to the employee of either the statutory calculation or the University agreed calculation.

The statutory calculation is based on the average weekly wage over the 8 week period prior to the qualifying week (15th week before the EWC). Where the employee gives birth prior to the qualifying week, the relevant period will be the 8 week period up to the date of birth.

The University agreed calculation is based on calculating a week's pay by averaging out the GH Contract hours over the 52 weeks of employment prior to the qualifying period (15 weeks before the EWC), or contract period and pay will be the weekly rate appropriate to that calculation. If the employee has less than 52 weeks service, then this calculation will be from the employee's start date.

4.4 Redundancy whilst on Maternity Leave

There may be exceptional occasions where an employee is made redundant prior to or during Maternity Leave. In these circumstances, if the redundancy takes effect at a date where the employee could be on maternity leave, (i.e. where the employment end date is between 11 weeks before the EWC and what would otherwise have been the end of the maternity leave period), the employee will be entitled to receive her UEMP in full, and no repayment of monies received for UEMP will be required provided that:

- she complies with the formal notification procedures for UEMP
- she has 52 weeks' service with the University at her EWC, or would have had 52 weeks' service had it not been for her contract being ended early due to redundancy

Payment of any outstanding UEMP and/or SMP will be made by lump sum at the end of employment. The sum payable is calculated based on the UEMP option chosen by the employee.

Any employee who does not have 52 weeks' University service at her EWC and is made redundant at a date when she could be on maternity leave will be entitled to receive UEMP until the end of employment.

Further information about redundancy can be found in the University's Redundancy Avoidance Policy: http://www.docs.csg.ed.ac.uk/HumanResources/Policies/Redundancy_Avoidance-Policy.pdf.

5. Notification

5.1 Early Notification of Pregnancy including Risk Assessment Information

Heads of School or Support Departments, or their nominated deputies, have responsibilities for protecting the health and safety of their employees, including those who are pregnant, those who have given birth within the previous six months and those who are breastfeeding.

Once a line manager has been informed that one of their employees is pregnant, they should arrange for a 'Pregnant Worker Risk Assessment'² to be undertaken, and also for any reasonable adjustments to be made as appropriate. This is particularly important where there are known personal or work area risks. The process for carrying out these assessments, together with the appropriate form, can be found on the University's Health & Safety website at: www.ed.ac.uk/schools-departments/health-safety/occupational-health/staff/general-health/pregnancy-staff

The Occupational Health Unit (OHU) can provide advice and guidance on health and safety implications relating to the employee and her job.

5.2 Formal Notification of Pregnancy

In order to qualify for Maternity Leave and pay (either under the statutory scheme or the University's scheme), and time off for antenatal care, the employee must notify the University in writing (to her local HR Team and line manager) of the fact that she is pregnant, her EWC and the date on which she would like her Maternity Leave to start. She should do so no later than 15 weeks prior to her EWC.

To comply with University procedures, the employee should forward her original Maternity Certificate (MATB1) to her local HR Team as soon as possible (this is normally obtained by the employee from her GP from 20 weeks prior to the EWC). Employees must ensure that the name on the MATB1 is the name by which they are officially known in the University.³

She should also notify her local HR Team and line manager in writing of her chosen maternity pay option, no later than eight weeks prior to her EWC.

² It should be noted that employees undergoing IVF may be pregnant for short periods of time and managers may wish to consider undertaking a risk assessment at the commencement of IVF.

³ Employees should provide supporting documentary evidence of identification if their MATB1 shows a name other than their University known name.

Once the employee has formally notified the University of her pregnancy, the University will respond in writing, within four weeks, to acknowledge her intentions.

5.3 Notification of Change to Start Date

An employee may change the start date of her Maternity Leave by advising her local HR Team and line manager in writing, as soon as is reasonably practicable and normally with at least four weeks' notice. In some cases, for example, where the baby is born early, the University recognises that this may not be possible.

5.4 Notification of Early Conclusion of Maternity Leave (Curtailment)

The University will assume that the employee will take her full 52 weeks' entitlement unless she informs her manager otherwise. An employee may bring forward her return to work date following Maternity Leave by advising her local HR Team and line manager in writing as soon as is reasonably practicable. If an employee wished to return to work before the expiry of 52 weeks, she should give a minimum of eight weeks' notice. If an employee asks to return early without giving the required notice, consideration will be given to her request, but, depending on business needs, her return may be postponed.

Where the early return is prompted by a wish to take Shared Parental Leave (SPL) and pay, the employee must provide at least eight weeks' notice in writing, using the Maternity/Adoption Leave Curtailment Notice: http://www.docs.csg.ed.ac.uk/HumanResources/Forms/SPL_Form1_Curtailment_.doc.

For full information regarding shared parental leave and pay please refer to the Shared Parental Leave Policy: http://www.docs.csg.ed.ac.uk/HumanResources/Policies/Shared_Parental_Leave_Policy_.pdf.

5.5 Notification of Late Return to Work

At the end of her chosen period of Maternity Leave, an employee may wish to delay her date of return. In such cases, she should either:

- Request further Maternity Leave if she has not already used her maximum 52 weeks entitlement
- Request Parental Leave, or
- Request paid annual leave in accordance with the terms of her employment contract, which will be granted at the line manager's discretion.

If an employee is unable to return to work on her specified date due to illness, she should notify her line manager immediately. This absence will be treated as sickness absence and the University's Absence Management Policy will apply.

If the employee's new baby is ill at the end of the employee's Maternity Leave, time off may be arranged through the other types of leave provided by the University, the details of which can be found at:

5.6 Resignation whilst on Maternity Leave

If an employee does not intend to return to work following Maternity Leave, she should discuss the matter with her line manager as early as possible. If the employee decides not to return, she should give notice of resignation in accordance with the terms of her employment contract.

If an employee has chosen to take Option 1 or Option 2 and subsequently decides not to return to work, HR will ask the Payroll section of the Finance Department to calculate the amount of UEMP to be repaid and notify the employee as soon as possible in order that she can make arrangements to repay the monies owing prior to her employment ending.

The amount of Maternity Leave left to run when the employee gives notice must be at least equal to her contractual notice period; otherwise the University may require the employee to return to work for the remainder of her notice period.

If the employee changes her mind after submitting her resignation, she has no right to return to work without the University's agreement.

The employee's decision to resign does not affect her right to receive SMP.

5.7 Shared Parental Leave and Pay

Employees can opt to curtail their maternity leave and pay in order to share the remaining leave and pay with their partner (including same-sex relationships) as Shared Parental Leave and Pay. Details of Shared Parental leave can be found at <http://www.ed.ac.uk/human-resources/policies-guidance/leave-absence/shared-parental-leave>.

6. Rights during Maternity Leave

6.1 Continuity of Employment

Continuity of employment is maintained during Maternity Leave, which means there is no break in service during the employee's absence from work.

The employee is entitled to return to work, normally to the same job, after her Maternity Leave. However, in exceptional cases where it may not be feasible to return to her original role for reasons other than redundancy, she will be offered a suitable alternative post.

Any specific queries should be directed to the employee's local HR Team.

6.2 Salary and Pension Arrangements

All terms and conditions of employment remain in force during an employee's period of Maternity Leave except for those terms relating to pay.

Employees will receive all pay awards and increments that apply during their Maternity Leave and those on lower rate SMP or unpaid leave when such awards are due will have their salary adjusted when they return to work.

Employees are entitled to continue to receive all non-cash benefits applicable to them during their Maternity Leave, such as childcare vouchers and accrual of annual leave.

During the paid period of Maternity Leave a member of either the USS or SBS scheme is fully covered for pension benefits, based on the pensionable salary she would have been paid had she not been on Maternity Leave, provided that she continues to make contributions based on the maternity pay she is receiving.

During unpaid Maternity Leave, neither the employee nor the University makes pension contributions. Her membership of the pension scheme is suspended and the period of unpaid Maternity Leave does not count as pensionable service. Upon returning to work, the employee will have the opportunity to pay additional contributions to make up the difference so that the period of suspended membership can then count as pensionable service.

Further details about all pension schemes and their rules can be obtained from the University's Pensions Office, Charles Stewart House, 9-16 Chambers Street, Edinburgh, or by email to Pensions@ed.ac.uk.

6.3 Annual Leave and Public Holidays

An employee accrues contractual annual leave throughout paid and unpaid Maternity Leave. She can, with her line manager's agreement, add her annual leave entitlement onto the beginning or end of her Maternity Leave. Arrangements for carrying over annual leave should be discussed and agreed with the employee's line manager.

Where an employee's Maternity Leave period covers public holidays which are recognised by the University (i.e. closure days), then the employee will be entitled to take the appropriate amount of time off for those days following her return to work. The time off granted should be in line with the number of days / part-days she would have been granted had she been at work (e.g. if the employee worked part-time hours at the commencement of her Maternity Leave, then this calculation should reflect that).

6.4 Keeping in Touch Days

The University is entitled to make 'reasonable contact' with an employee whilst she is on maternity leave, to keep her up to date with developments at work.

Additionally, an employee can agree, with her line manager, up to 10 'keeping in touch' (KIT) days during her Maternity Leave without bringing her Maternity Leave or Pay to an end. There is no obligation on the employee to do this, and as such making use of KIT days should be seen as entirely voluntary.

Keeping in Touch days should be agreed with managers in advance, and may only be used after the first two weeks following the birth of the child. The manager and employee should agree the date and hours to be worked on each KIT day, as well as the specific purpose and work to be carried out. The purpose for the KIT day must be one, or a combination of, the following:

- Job related training or development activities
- Update meetings with the manager
- Carrying out work as agreed by the employee's manager

Informal visits to the workplace should not be treated as KIT days.

Paid time off in lieu (TOIL) will be granted for the hours the employee has attended work for the purposes outlined above. Agreement should be reached between the employee and manager about how the TOIL is subsequently taken, e.g. it could be added on to the end of the maternity leave period, or taken after the employee has physically returned to work.

6.5 Parental Leave following Maternity Leave

If an employee requires additional time off to look after her child, she may be able to take some parental leave as outlined in the University's Parental Leave Policy. Subject to agreement with her line manager the employee may be able to take up to four weeks unpaid Parental Leave, at the end of Maternity Leave, without affecting her right to return.

7. Commencement of Maternity Leave

7.1 Maternity Leave Start Date

Maternity Leave and Pay can commence on any day from the start of the 11th week before the EWC. The latest time an employee can start her Maternity Leave is the baby's due date.

7.2 Childbirth before the Intended Start Date

If the baby is born before the intended start date, the employee's Maternity Leave will automatically commence from the day after the date on which she gives birth.

7.3 Pregnancy Related Illness

An employee who is absent from work due to a pregnancy related illness during the last four weeks before the EWC automatically starts her Maternity Leave at this point.

Any pregnancy related illness prior to the four weeks before the EWC will be managed under the University's Absence Management Policy.

8. Antenatal Appointments

An employee is entitled to reasonable paid time off during working hours for antenatal appointments, provided she submits evidence of her appointments, although evidence is not needed for the first appointment. Employees are encouraged to arrange medical appointments at suitable times to minimise disruption to their work.

9. Miscarriage and Stillbirth

If an employee suffers a miscarriage prior to 24 weeks of pregnancy and is therefore unable to attend work, the University's Absence Management Policy will apply.

In the event that an employee has a stillbirth at 24 weeks or more of pregnancy, she will be entitled to the same amount of Maternity Leave and pay as she would have received had the baby been born alive.

10. General Maternity Information

10.1 Cover Arrangements during Maternity Leave

If there is a requirement for cover during an employee's absence on Maternity Leave, the line manager has a responsibility to obtain the relevant approval through agreed local processes and thereafter make appropriate arrangements. The employee is not responsible for making these arrangements.

10.2 Flexible Working Arrangements

The University recognises the benefits of supporting flexible working practices and assisting employees to achieve a balance in their working commitments and their life outside work.

An employee returning from maternity leave has a statutory right to make a request for flexible working. As such, if she wishes to return to work on a different basis from her current contractual arrangements, for

example part-time, she should put her request in writing to her Head of School or Support Department, or their nominated deputy, in good time.

In line with the University's Flexible Working Policy:

http://www.docs.csg.ed.ac.uk/HumanResources/Policies/Flexible_Working_Policy.pdf, every effort will be made to accommodate the employee's wishes and each case will be considered on its own merits, within the needs of the business.

10.3 Post Natal Arrangements

If an employee wishes to continue breastfeeding after returning to work, she should inform her line manager so that appropriate arrangements can be agreed and put in place regarding accommodation and regular breaks.

10.4 Paternity Leave

Employees, who are the father of the child, the partner of the mother, or primary carer in relation to adoption or surrogacy (including same-sex relationships), may be entitled to two weeks Paternity Leave, as outlined in the University's Paternity Leave and Pay Policy at:

www.ed.ac.uk/schools-departments/human-resources/policies-guidance/leave-absence/family-leave

11. Policy History and Review

This policy was approved by CJCNC on 28th April 2015. It was reviewed in October 2015 in light of the publication of the University's Shared Parental Leave Policy and the changes detailed in Section 8 of 11.1 below approved by the HR Policy Development Group (HRPDG). It was reviewed in April 2016 to remove reference to Additional Paternity Pay. This policy will cease to apply in the event of any significant change to the legal position on maternity, relevant statutory requirements or any other related matter. In the absence of such a change, the policy will be reviewed by 2019.

11.1. Change control record:

No.	Approval date:	Amendment made:	Approved by:
1.	28 March 12	Minor textual amendment at Section 4.3 to clarify entitlement on redundancy; at Section 5.1 to clarify the process for Risk Assessments; at Section 5.5 on the process to follow if the new the baby is ill at the end of the employee's maternity leave period.	HRPDG and CJCNC
2.	27 June 2012	Minor revision to fall in line with statutory provision at section 5.4 to reflect notification of early return to work during the first 26 weeks of ordinary maternity leave requires a minimum of 8 weeks' notice.	HRPDG
3.	13 Dec. 2012	Amendment to section 6.4 to clarify the process and arrangements for Keeping in Touch Days whilst on Maternity Leave.	HRPDG and CJCNC
4.	27 Sep. 2013	Amendment to section 4.4 removing the service requirement for UEMP, while retaining the requirement for 52 weeks' University service for the payment of UEMP on redundancy (beyond the end of employment). Effective for staff who begin Maternity Leave on or after 3rd June 2013.	Staff Committee, HRPDG and CJCNC
5.	12 Dec. 2013	Minor Amendment to Section 5.1 to with the inclusion of a footnote asking managers to risk assess employees undergoing IVF/fertility treatment.	HRPDG and CJCNC
6.	1 Oct. 2014	Legislative Amendment: Footnote added to Section 9 noting the right to unpaid time off to attend up to two antenatal appointments for the mother's 'partner' (or the father or parent of the child and intended parents under surrogacy arrangements).	HRPDG
7.	Apr. 2015	Legislative Changes: Section 2 and 5.4 to introduce Shared Parental Leave; and a footnote at Page 1 on the removal of Additional Paternity Leave for babies born on or after 5 April 2105. Amendments: Section 4.3.1. Removal of reference of HTBN statement in favour of Guaranteed Hours Contracts. Clarification at Section 6.3 by removing the statement that annual leave cannot straddle 2 years.	HRPDG and CJCNC
8.	26 Oct. 2015	Minor amendments Section 4.3: to clarify a) requirement to return to work for 3 months includes final period of shared parental leave and b) full pay option only applies in event of employee having been undecided about return to work; Section 5.7 to highlight the abolishment of additional paternity leave for babies due to be born on or after 5 April 2015	HRPDG
9.	10 Feb. 2016	Minor amendment to Section 4.3 to clarify payment information on Guaranteed Hours.	HRPDG
9.	April 2016	Legislative Changes: Minor amendments by removal of references to additional paternity leave and reference to Shared Parental Leave Policy	HRPDG
10.	August 2017	Minor amendment to section 5.7, added 'same-sex relationships' to the definition of partner.	HRPDG

12. Alternative Formats

If you require this document in an alternative format please contact UHRS@ed.ac.uk telephone 0131 650 8127.