

## Maternity Leave Provisions – effective from 2 April 2023

### Maternity Rights – A guide for employees of The University of Bolton

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The following maternity leave rights will benefit women whose expected week of childbirth (EWC) begins on or after the 2 April 2023.

#### Length of Maternity Leave

The length of **ordinary** maternity leave is 26 weeks entitlement, regardless of the length of service with the University of Bolton.

The length of **additional** maternity leave is 26 weeks entitlement, regardless of the length of service with the University of Bolton

**Compulsory** maternity leave is the two weeks period immediately after the birth of the child, during which a return to work is forbidden. **Compulsory** maternity leave forms part of the **ordinary** maternity leave period.

#### Paid Maternity Leave

**Ordinary** maternity leave is normally paid leave, as detailed below.

The first 13 weeks of **additional** maternity leave is paid as detailed below. The remaining 13 weeks additional leave is unpaid.

You are entitled to the benefit of all terms and conditions of employment, except remuneration, during the period of your maternity leave.

#### Notice of intention to take maternity leave

A pregnant employee is required to notify Human Resources of her intention to take maternity leave **by the 15<sup>th</sup> week before the expected week of childbirth**, unless this is not reasonably practicable.

Notification requirements are confirmation of –

- the expected week of the baby's birth,
- the date the employee wants to commence maternity leave.

Human Resources must respond to this notification **within 28 days**, setting out the date on which the employee is expected to return to work, assuming that the employee takes the full entitlement to **ordinary** and **additional** maternity leave.

The earliest date that an employee is able to start maternity leave is the beginning of the 11<sup>th</sup> week before the EWC. Once you have notified us of your intention to start maternity leave, you can change the date but must give 28 days' notice of the change.

## Providing Medical Evidence

You must give the University medical evidence of the date your baby is due. This will normally be on the maternity certificate (form MATB1) that you can get from your doctor or midwife.

You cannot get this certificate until you reach the 20th week before the week in which your baby is due (generally the 21st week of pregnancy).

You should give the University this evidence as soon as you can and no later than three weeks after the date your statutory maternity pay (SMP) is due to start. The University cannot pay you SMP without this evidence.

Even if your baby is born prematurely, before the maternity certificate is issued to you, the University will still need:

- evidence of the date your baby was actually due
- the date your baby was actually born

## Ante-Natal Appointments

You are entitled to reasonable paid time off to attend ante-natal appointments and classes which are advised by your midwife or medical practitioner. Your line manager can ask for evidence of your appointments if required.

## Sickness Trigger

Maternity leave will start automatically if an employee is absent from work because of a **pregnancy-related illness** during the four weeks before the start of the EWC, as well as by the birth of the baby. In these circumstances maternity leave will start on the day after the first day of absence, or after the day of the birth.

## Statutory Maternity Pay (SMP)/Maternity Allowance (MA)/Occupational Maternity Pay (OMP) Entitlements

To be entitled to Statutory and Occupational maternity pay you must be employed by the University continuously for at least 26 weeks up to and into the 15<sup>th</sup> week before your baby is due. Your average weekly earnings must also be above the lower earnings limit (LEL) (currently £120) **during the 'relevant period'** for the payment of National Insurance contributions.

Average weekly earnings are calculated using the qualifying week, which is the start of the 15<sup>th</sup> week before the EWC.

An employee whose average weekly earnings at the qualifying week are less than the lower earnings limit, or does not have the required continuous service, will not fulfil the criteria for the payment of SMP or OMP, but may be entitled to MA payable from the JobCentre Plus.

An employee not eligible for SMP must be notified on form SMP1 so that she can claim any MA to which she may be entitled from the JobCentre Plus (DWP).

From the 5 April 2021, the standard basic rate of SMP and MA is £172.48 a week, or 90% of the employee's **average weekly earnings** if earnings are less than £172.48, whichever is the lowest per week.

SMP is based on 90% of earnings for 6 weeks, followed by 33 weeks at basic rate statutory maternity pay (or 90% of earnings for 39 weeks if this is less than the basic rate.)

| Entitlements                   | Statutory Maternity Pay (SMP)                      | Occupational Maternity Pay (OMP)  |
|--------------------------------|--|---|
| Academic Staff                 | 6 weeks @ 9/10ths<br>33 weeks @ basic rate         | 12 weeks @ half pay<br>plus 4 weeks @ 1/10 <sup>th</sup>  |
| Professional Services Staff    | 6 weeks @ 9/10ths<br>33 weeks @ basic rate         | 12 weeks @ half pay   |
| Basis on which payment is made | <b>Average weekly earnings at qualifying week.</b> | <b>Employee returning to work for at least 3 months at the end of the maternity leave period.</b> |

If an employee does not return to work, the University has the right to re-claim the whole (or part if applicable) of the 12 weeks occupational maternity pay. An employee can decide to suspend the payment of the 12 weeks @ half pay until their return to work.

For an employee who is entitled to receive the 12 weeks occupational maternity pay, plus SMP at the appropriate rate, the combined amounts must not exceed normal weekly pay.

### Transfer of Maternity Leave

If an employee proposes to return to work early without using her full entitlement to maternity leave, (having given proper notification of an early return in accordance with the rules in section 'Returning to Work After Maternity Leave'), she may be entitled to transfer up to 26 weeks of her outstanding maternity leave (and any outstanding SMP) to her spouse, civil partner, or father of her child, to be taken as additional paternity leave (and additional statutory paternity pay if applicable) on her return to work.

The earliest that additional paternity leave (APL) may commence is 20 weeks after the date of birth. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. The employee must therefore have at least two weeks of her maternity leave remaining.

If the employee does wish to transfer part of her maternity leave entitlement in this way, she will be required to submit a written and signed declaration form to the employer.

More information on APL is available in the Paternity Leave Guidance.

### 'Keeping in Touch' days

Except during the first two weeks after childbirth, **an employee on maternity leave can agree to work for up to 10 days during the statutory maternity leave period without bringing that period to an end as a result of carrying out the work.**

Any such work must be by agreement between the parties and there is no right for an employer to demand that an employee undertakes any such work, or for an employee to do such work.

Any such work will not have the effect of extending the maternity leave period. For the purpose of the provision 'work' may include training, or any other activity undertaken to assist in keeping in touch with the workplace.

**Reasonable contact** which employers and employees are entitled to have with each other during the maternity leave period does not bring that period to an end.

### Superannuation Contributions during paid/additional unpaid maternity leave

| Academic Staff   | Support Staff   |
|--|---|
| During <b>paid leave</b> the employee is required to pay employee superannuation contributions based on actual salary.             | During <b>paid leave</b> the employee is required to pay employee superannuation contributions based on actual salary.  |
| During <b>unpaid additional leave</b> service with Teachers' Pension will be treated as excluded days for superannuation purposes. | During <b>unpaid additional leave</b> an employee can choose to pay employee superannuation contributions, based on the amount of salary being received immediately before the beginning of the unpaid additional leave period. An employee who chooses this option must notify Human Resources, in writing, <b>within 30 days</b> of –<br><br><ul style="list-style-type: none"> <li>(a) returning to work at the end of the maternity leave period,</li> </ul> or <ul style="list-style-type: none"> <li>(b) having chosen not to return to work at the end of the maternity leave period, the day the employee ceases to be employed by the University.</li> </ul> |

## Annual Leave Entitlements

Entitlement to annual leave will accrue during the period of absence on maternity leave.

Prior to commencing maternity leave, an employee can request to take their accrued leave. Outstanding annual leave entitlement can normally be taken either at the end of the **ordinary** maternity leave period or the end of the **additional** maternity leave period.

If an employee requests to take accrued annual leave at the end of the **ordinary** maternity leave period, they will be returned to payroll on their substantive salary and deemed as no longer being on maternity leave.

Any request for annual leave is to be taken immediately prior to/after a period of maternity leave must be with the approval of the Academic Group Leader/Head of Service/Line Manager.

## Returning to Work After Maternity Leave

Under the maternity leave provisions an employee who intends to return to work at the end of the full maternity leave period (52 weeks ordinary and additional maternity leave) will not be required to give any further notice to Human Resources (other than in the Notice of intention to take maternity leave).

An employee who wants to return to work **before** the end of her full maternity leave period will need to give **8 weeks' notice** of the date she wants to return to work. If, after notifying the date of return to work, an employee decides to change the return date she is required to give **8 weeks' notice** in writing to Human Resources of the new date.

An 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.

## Other Family Friendly Rights

Other rights include:-

- A right for parents of young, or disabled, children to request flexible working. Employees who are parents of children aged under 17, or of disabled children aged under 18, will be eligible to apply.
- A right for an employee to request flexible working for a person aged 18 or over if he/she has caring responsibilities for his/her spouse, partner or civil partner; a relative; or someone who lives at the same address.
- A right to adoption leave and pay.
- Parental leave (unpaid).
- Time off to deal with an emergency or unexpected situation involving a dependant (unpaid).