

# ual:

## Equal Parental Leave Policy: Maternity

PEOPLE

POLICIES AND PROCEDURES

## 1. Purpose

This policy sets out UAL's approach to maternity leave and pay, to support staff in prior planning and during their maternity leave and when returning to work. This policy uses the term "maternity" throughout to reflect UK law. However, this policy applies to people of all genders at UAL.

UAL is committed to enabling staff to balance work and family life and providing equal parental leave for staff who are having a baby or adopting.

The policy outlines UAL staff occupational entitlements, statutory rights and procedures in relation to maternity leave and pay in line with employment legislation and the University's commitment to good employment practice.

## 2. Scope

This policy applies to all employees at UAL including hourly paid lecturers. It does not apply to:

- Workers who are not directly employed by UAL including: agency workers, self-employed consultants and anyone working for a third party supplier, UALSC, ArtsTemps and any other UAL subsidiaries

Maternity leave applications are open to all eligible employees within UAL's diverse community, including all the protected characteristics under the Equality Act 2010 (age, disability, race, ethnicity, religion or belief, sex, gender reassignment (gender identity), sexual orientation). This Policy applies to LGBTQ+ people, same sex couples, same gender couples and those involved in surrogacy arrangements.

## 3. Definitions

The main terms used in this document:

**AML** – Additional Maternity Leave

**EWC** - Expected Week of Childbirth: the week beginning on the Sunday in which it is expected that your baby will be born. For example, if the baby is due on Tuesday 5 May, the EWC starts on Sunday 3 May.

**Expectant parent** - the expectant biological (birth) parent of a child. Expectant parents may be of any gender (including trans, non-binary, agender, gender nonconforming, genderqueer and gender fluid individuals).

**Nursing** - the process of feeding a child by breastfeeding/chestfeeding or bottle feeding a baby.

**OML** – Ordinary Maternity Leave

**Parent** - a person who will have or share the main responsibility for the child's care at the time of the birth/adoption and therefore can be defined as a primary care giver. This is inclusive of cases of adoption and surrogacy arrangements.

**Partner** - spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, or any other form of extended family member. Partners may be of any gender (including trans, non-binary, agender, gender nonconforming, genderqueer and gender fluid individuals).

**Qualifying week** - the 15th week before the expected week of childbirth

**SMP** – statutory maternity pay, maternity benefit provided in law

#### 4. Principles

- Regardless of length of service or hours of work, expectant parents are entitled to up to 52 weeks maternity leave. This comprises 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML).
- All expectant parents, regardless of length of service or hours worked, must take a minimum of 2 weeks maternity leave immediately after the birth of their child.
- UAL is committed to be an inclusive workplace, where employees are treated fairly and with respect.
- All matters relating to the application of this policy will be confidential in line with UAL Data Protection Policy, General Data Protection Regulation (GDPR) and Data Protection Act 2018.
- UAL is a member of the [Disability Confident scheme](#), committed to creating a supportive environment to encourage employees to tell the University if they are disabled, thereby enabling managers to provide appropriate support and reasonable workplace adjustments. See [Guidance on requesting workplace adjustments](#) on the UAL intranet for further information.

#### Eligibility

##### 5. Eligibility for maternity leave

All expectant parents have the right to take up to 26 weeks' ordinary maternity leave (OML) and up to a further 26 weeks' additional maternity leave (AML) and to resume work afterwards. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave. Employees can decide how much maternity leave they wish to take. However, they must take at least two weeks of compulsory maternity leave immediately after the child is born.

## 6. Eligibility for maternity pay

Qualifying criteria	Pay entitlement
<p><b>Salaried staff and HPLs</b></p> <p>Have at least 26 weeks of continuous service (including continuous service with other higher and further education establishments) by the end of the 15<sup>th</sup> week before the EWC)</p> <p>Average weekly earnings of not less than the lower earnings limit for NI contributions (average weekly earnings calculated on the eight weeks immediately preceding the 15<sup>th</sup> week before the EWC)</p>	<p><b>Enhanced occupational maternity pay:</b></p> <p>26 weeks *normal pay inclusive of SMP 13 weeks SMP 13 weeks unpaid</p> <p>Maternity pay is subject to PAYE and national insurance deductions.</p> <p>*HPLs – normal pay based on average pay for the last 12 weeks actually worked at UAL before the start of maternity leave (or SMP if this is higher).</p>
<p>Have less than 26 weeks service at the end of the 15<sup>th</sup> week before EWC</p> <p>And/or:</p> <p>Average weekly earnings are below the lower earnings limit</p>	<p>No entitlement to UAL enhanced maternity pay or SMP.</p> <p>Maternity Allowance (MA) may be payable (see below).</p>

## Maternity Allowance

Employees who do not qualify for SMP, may be entitled to Maternity Allowance. Payroll will provide the employee with a SMP1 form which they will need to take to the local Job Centre Plus office, who will be able to advise them on their entitlements. Further information on Statutory Maternity Pay and Maternity Allowance is available on the [Government](#) website.

## 7. Starting maternity leave

The earliest a member of staff can start their maternity leave is the beginning of the 11<sup>th</sup> week before the EWC.

The exceptions to this are:

- If the child is born before the 11<sup>th</sup> week, then the maternity leave will start from the day after the baby is born; or

- If the employee is absent from work with a pregnancy related illness during the 4 weeks immediately preceding their EWC, this will automatically trigger the start of maternity leave.

**Have the baby early** - if the baby is born before their maternity leave was due to start, they must notify AskHR in writing of the date of the birth as soon as reasonably practicable.

**Having the baby late** - if the notified start date of their maternity leave is the date on which the baby is due and the baby is late, the member of staff will not be able to postpone their start date. It must still begin on the date notified.

## 8. Notification requirements

On becoming pregnant, the member of staff should notify their line manager as early as they feel comfortable. This is important, so that a health & safety risk assessment can be completed at the earliest opportunity to protect their health and safety. (See [s.9.1 on risk assessment](#))

### 8.1 Notice to take leave

It is a legal requirement that a member of staff expecting a baby informs their line manager and Human Resources of the date on which they wish to start their maternity leave by completing the [‘Notification of maternity leave form’](#).

This form should be sent to AskHR ([askhr@arts.ac.uk](mailto:askhr@arts.ac.uk)) along with their MATB1, no later than the end of the 15th week before the Expected Week of Childbirth (EWC) or as soon as reasonably practicable.

On receipt of the Maternity Leave Form and MATB1, HR will respond to the employee in writing within 28 days, confirming:

- details of maternity rights,
- expected date of return and;
- state that it is the duty of the employee to inform their line manager and AskHR of any changes to the return to work date.

### 8.2 Changing maternity leave date start date

If a member of staff wishes to change their original maternity leave start date, they must inform their line manager and AskHR in writing of the revised dates, at least 28 days before the start of the maternity leave. HR will respond in writing, acknowledging receipt of the variation of the date of commencement.

## 9. Health and wellbeing

The University acknowledges the importance of protecting staff who are pregnant, have recently given birth or nursing from avoidable risk to them and their child.

### 9.1 Risk assessment

Once a member of staff has confirmed they are pregnant, have recently given birth or nursing, their line manager should initiate the risk assessment process with them:

- Advising the person that a risk assessment will need to be completed and schedule the carrying of the assessment; and
- recommending that HR be advised, if they haven't been notified already.

The risk assessment form should be completed jointly by the member of staff and the line manager. The Health and Safety Team have produced guidance and a specific risk assessment template that will support line managers and staff through this process. [This guidance](#) should be read by both parties.

In circumstances where the member of staff has a role which may involve activities or processes that present a risk to them as a person who is pregnant, recently given birth or nursing e.g., the use of chemicals, then the involvement of the local Health and Safety Advisor is recommended. Or, if there is a medical consideration, then an occupational health referral may be required through HR.

The line manager is responsible for ensuring:

- the remedial action raised in the risk assessment is implemented - this may include changing working hours, seating arrangements or the suggestion for alternative work
- reviewing the risk assessment at appropriate regular intervals including after the pregnant person returns to work.

If it is not possible to alter the staff member's working conditions to remove the risks to their health and there is no suitable alternative work available to offer them on a temporary basis, the University may decide it is in their best interests to suspend them from work on maternity grounds until such time as there are no longer any risks to their health. This may be until the commencement of their maternity leave. If a member of staff is suspended in these circumstances, their employment will continue during the period of the 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.

## **9.2 Quiet spaces**

UAL is dedicated to providing all reasonable support and facilities to staff who are pregnant, recently given birth or nursing to assist their transition back to work. Each UAL site has [quiet spaces](#) which staff can use for nursing or rest during pregnancy. The local [Health and Safety Advisor](#) may also be contacted to support with gaining access to a fridge to store nursing milk.

## **9.3 Other support**

The University acknowledges that having a child is a big life event and it is natural to feel a lot of different emotions. Staff that feel they need additional support can access the various resources:

- [the Staff Wellbeing Hub](#)

- [free confidential counselling through the Employee Assistance Programme \(EAP\)](#)
- [UAL Parents and Carers Network](#)
- [Tax Free Childcare](#)

## **10. Time off for antenatal appointments**

A member of staff who is pregnant, has the right to reasonable paid time off on full pay for ante-natal care. They will be required to produce evidence of their appointments and give their line manager as much notice as reasonably possible.

Academic staff should try to arrange their appointments so that they do not conflict with time tabled teaching duties whenever possible.

## **11. Sickness absence**

If a member of staff is absent from work during pregnancy owing to sickness which is not pregnancy-related, this will be treated as sickness absence in line with the UAL Health and Sickness Absence Policy, provided that they have not yet started their ordinary maternity leave.

Where sickness absence is pregnancy related, this will be treated separately from other forms of illness and will not count towards the employee's total sickness record. Where appropriate or if it is unclear whether the sickness is pregnancy related, it may be necessary to seek additional medical information or advice from Occupational Health. Managers should be sensitive when asking about the reasons for sickness.

If the employee is absent from work due to a pregnancy-related illness in the four weeks immediately before their EWC, their maternity leave is automatically triggered and will start on the day following the first day of their absence in this four-week period.

## **12. Stillbirths and miscarriages**

If an employee's child is stillborn 24 weeks or more into the pregnancy or the baby only survives for a short period of time after birth, they will retain their entitlement to maternity leave and pay irrespective of the timing of the birth. They will also be entitled to 2 weeks' statutory parental bereavement leave, outlined in the guidance on taking statutory parental bereavement leave (link to be added).

A miscarriage before 24 weeks into the pregnancy will mean that the employee will not have the right to maternity leave or SMP. However, they may be entitled to contractual and/or statutory sick pay in accordance with [Health and Sickness Absence Policy](#) assuming they are absent from work for a period of time following the miscarriage.

Employees can access confidential support and counselling via the [Employee Assistance Programme – PAM Assist](#).

There are also a range of [organisations](#) that offer support to parents that have experienced pregnancy or baby loss.

### **13. Rights during maternity leave**

During ordinary maternity leave and additional maternity leave, all the terms and conditions of employment except normal pay will continue. Pay will be replaced with statutory maternity/enhanced maternity pay if the member of staff is eligible for it. However, other benefits such as holiday entitlement and pension contributions will continue as set out below.

#### **13.1 Annual leave**

During OML and AML members of staff will continue to accrue annual leave, in the same way and at the same rate as if they were at work.

Annual leave should be used during the leave year in which the leave has been earned. Therefore, subject to the operational requirements of the department/service, annual leave should be taken immediately before the OML period providing that this is within the year in which the leave has been earned. Remaining leave accrued during maternity leave, should ideally be taken at the end of the maternity leave period before returning to work or as agreed with your line manager.

Subject to line manager agreement, up to 10 days from one leave year may be carried forward into the first six months of the following leave year. The University does not pay for untaken annual leave.

Bank holidays that fall during maternity leave will be paid at the individual's normal contractual pay rate, at the end of the maternity leave period (less any payment already received). Bank holiday entitlement for days which have occurred during the maternity leave period may not be accrued or carried forward. For further information or clarification on your specific leave or bank holiday entitlements, please contact ASKHR.

#### **13.2 Pension contributions**

##### **Local Government Pension Scheme (LGPS)**

A member of staff who is a member of the Local Government Pension Scheme (LGPS) during any period of paid maternity absence including any period when they are only receiving Statutory Maternity Pay, must continue to pay the pension contributions. The contributions are payable on the actual pay the employee is entitled to receive. UAL will also continue to pay the Employer's contributions. Although the contributions are paid on the actual pay received, benefits accrue as if the member of staff is working normally.

During the period of unpaid maternity absence, the member of staff may choose to pay contributions. A member of staff wishing to exercise this right must inform the University within 30 days of returning to work or within 30 days of their last day of service if they are not returning to work or, if not reasonably practicable, as soon as reasonably practicable. UAL will pay the Employer's contribution if the employee has elected to pay their contributions. The contributions can be paid either in a lump-sum payment or over a period of 2 or 3 months.



## **Teachers' Pension Scheme**

Members of staff who are members of the Teacher Pension Scheme during the period of paid maternity absence must continue to pay their pension contributions.

During the period of unpaid maternity absence, the member goes into "Non Reckonable Service". During this period the member has full "In Service" death cover benefits. Once the member returns to work they can if they wish apply to purchase the period of "Non reckonable Service" using the Additional Pension benefits option.

## **University Superannuation Scheme (USS)**

Members of staff who are members of the USS during the period of paid maternity absence will continue to pay their pension contributions. Contributions will be based on the pay that they actually receive. The period of paid maternity will count in full as pensionable service. The member may elect to confirm in writing before the commencement of maternity leave that they will pay no contributions to USS for the whole of their maternity leave.

If the member ceases to pay contributions at the end of the paid maternity period, their membership will be suspended and will be treated as having left the scheme if they fail to resume employment with the same employer. Any period of suspended membership will not count as pensionable service.

For further information on any of the above schemes, please contact the [HR Pensions Team](#).

## **14. Contact during maternity leave**

UAL will maintain reasonable contact 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.

### **14.1 Keeping-in-touch days during maternity**

A member of staff can agree to undertake work or attend training for up to 10 days during their maternity leave without that work bringing their maternity leave or statutory maternity pay to an end. These are known as "keeping-in-touch" days. Any work carried out on a 'keeping in touch' day will be treated as one KIT day, for these purposes, irrespective of the number of hours worked. Payment is based on the actual time worked.

There is no obligation for the employee to work during their maternity leave period and UAL is under no obligation to offer work. Any work undertaken on keeping-in-touch days is entirely a matter for agreement between the employee and their line manager.

Once an employee has used up their 10 KIT days, any further work carried out during their maternity leave period would bring their maternity leave to an end and they would lose their SMP entitlement.

## **15. Returning to work**

### **15.1 Notice for ending maternity leave**

An employee may take their full period of maternity leave entitlement and return to work at the end of the additional leave period without having to provide notice.

If they wish to return to work earlier than the end of their additional maternity leave period, they must give at least eight weeks' notice in writing to their line manager and AskHR confirming the date on which they intend to return. If the required notice is not given, UAL may postpone the return to work by up to 8 weeks or until the original date of return if that is sooner.

UAL may allow term-time staff and lecturers, to defer their return to work until the start of the next term.

If the employee has notified UAL of an early return date, but subsequently changes their mind about returning to work on this date, they must give notice in writing to their line manager and AskHR at least eight weeks before the earlier of the date on which they intend to return and the date on which they have previously given notice to return.

### **15.2 Rights on return from maternity leave**

Members of staff returning from a period of ordinary maternity leave have the right to resume working in the same job and on the same terms and conditions if returning to work from a period of ordinary maternity leave, unless a redundancy situation has arisen. If they have taken a period of additional maternity leave, they have the right to return to the same job wherever possible, or if this is not reasonably practicable, then to a suitable alternative job on terms and conditions that are no less favourable.

If a fixed term contract expires during the maternity leave period, then this will automatically end the right to return to work. In this event, UAL is under a statutory obligation to offer the employee any suitable vacancy for alternative employment that may be available. It is important that the employee informs their line manager and Human Resources if they would like to be considered for any such vacancy.

If an employee decides that they do not wish to return to work, they should give written notice of resignation as soon as possible and in accordance with the terms of their contract of employment.

## **16. Other family leave**

### **16.1 Shared Parental Leave (SPL)**

SPL enables a parent on maternity leave to end their maternity leave and pay early (the minimum compulsory 2 weeks maternity leave after birth must be taken) and the remaining leave, up to 50 weeks, may be transferred or shared with their partner, subject to them meeting the eligibility and notice requirements. For full details, please refer to UAL's Shared Parental Leave Policy.

## **16.2 Statutory Parental Leave**

A member of staff with one year's continuous service has a statutory right to a further 18 weeks of unpaid statutory parental leave. For further details, please see the Statutory Parental Leave Policy.

## **17. Flexible working**

The right to request flexible working applies to all employees with a minimum of 26 weeks' continuous service.

Full consideration will be given to requests from members of staff who wish to change their working commitment and/or arrangements upon returning from maternity leave. Staff members should submit requests as far in advance of the return date as soon as reasonably practicable, to allow adequate time for the request to be fully considered and where appropriate, the necessary departmental arrangements to be put in place. A member of staff wishing to make a request, should refer to UAL's Flexible Working Policy.

### **Associated documents:**

- [Notification of intention to take maternity leave form](#)
- Maternity process flow
- [Guidance on risk assessment for staff who are pregnant, recently given birth or nursing](#)
- [Flexible working policy](#)
- [Shared Parental Leave Policy](#)
- [Statutory Parental Leave Policy](#)

Further information and guidance can also be found at the following websites:

[Maternity Leave and Pay](#)

[NHS – Pregnancy](#)

[Childcare Choices](#)

[Working Families](#)

## Appendix 1

### Notification of intention to take maternity leave form

Full Name:	
Job Title:	
Line Manager:	
College/Service:	
Date of commencement of employment:	
Employee Contact Number:	
Home Address:	

I wish to inform you that I am pregnant and that I intend to take maternity leave as follows:

I will start my maternity leave on:	
My expected date of childbirth is:	
My last day of work will be on: <i>(all pregnant employees are entitled to take 52 weeks maternity leave)</i>	
Planned dates of annual leave: <i>(accrued annual leave should be taken at the beginning and/or end of maternity leave, before returning to work)</i>	

#### Please delete as appropriate\*: -

\*I enclose my maternity certificate FORM MATB1 issued by my doctor / midwife / recognised medical practitioner confirming when my baby is due.

\*I will send my maternity certificate FORM MATB1 within 14 days of submitting this form.

Employee's Signature:	Date:
Line Manager's Signature:	Date:

Please return the completed form to [AskHR](#) no later than the end of the 15<sup>th</sup> week before the Expected Week of Childbirth