

All pregnant members of staff have certain entitlements before and after the birth of their baby. Some of the entitlements depend on length of service, others are a statutory right which are not dependent on how long you have been employed. This guide is divided into three sections and you will need to refer to the glossary of terms at the end.

- 1 During your Pregnancy**, which covers time off for antenatal visits and health and safety.
- 2 Maternity Leave and Maternity Pay**, which explains the University scheme and statutory maternity pay, amounts and regulations together with some general points.
- 3 The Return to Work**, which provides you with some of the options available to you when you return to work

This Guide may answer some of your queries but cannot hope to cover everything. Please seek advice and further details from your Personnel Manager.

Adoption: If you are adopting a child, you will be entitled to adoption leave. For further details, you should refer to the University's 'Guide to Adoption Leave and Pay' on the Personnel and Staff Development web pages or contact your Personnel Manager.

<http://www.admin.ex.ac.uk/personnel/~docs/guidetoadooption.pdf>

1 During Your Pregnancy

- 1.1 **Health and Safety:** You are advised to contact your Personnel Manager/Officer initially, who will notify the Occupational Health Service regarding a Risk Assessment. It is important that your area and type of work, contacts that you have, or chemicals with which you may be working are assessed in the interests of your health and safety and that of your unborn child.
- 1.2 **Antenatal Classes:** You are entitled to have paid time off to keep appointments for antenatal care, including reasonable time for relaxation or parentcraft classes. Please try, whenever possible, to arrange appointments at times which cause the minimum disruption to work or other work colleagues. If your manager or supervisor requests it, you should provide a certificate confirming your pregnancy, your appointment card, or some other documentary evidence, other than for your first appointment.
- 1.3 If you are currently participating in any of the following University salary sacrifice schemes, please advise your Personnel Manager/Officer as soon as possible:-
 - Childcare vouchers
 - Car scheme
 - Cyclescheme
 - Stagecoach bus passes

You may continue your existing salary sacrifice arrangements during any period of your maternity leave that you are entitled to receive UMP. Only the amount of your salary above SMP can be sacrificed. At the point that there is not enough salary to sacrifice, the University will pay the difference between what you can sacrifice and the normal salary sacrifice amount. This includes any period for which you receive SMP only during which the University will meet the full cost. Should you elect to defer payment of UMP until you return to work, the above will still apply, but on receipt of your UMP you will be required to pay back the amount paid by the University.

(This commitment to continue to provide benefits via salary sacrifice arrangements only applies to those benefits which you are in receipt of at the start of your maternity leave).

With regards Childcare vouchers, you have the choice not to receive childcare vouchers whilst you are on maternity leave and to restart on your return to work after maternity leave. If you do choose to withdraw from the scheme you will need to complete a 'Request to withdraw from the

- 1.4 Pension Salary Exchange: If you are entitled to receive SMP only - or if you elect to receive SMP only (ie you defer payment of UMP) you should note that your SMP payments will be based on your Adjusted Salary in accordance with statutory requirements. Your SMP will therefore be reduced for the first 6 weeks of maternity leave when SMP is based on 90% of average weekly earnings for the 8 weeks prior to the 15th week before the EWC. To prevent any reduction in the higher rate of SMP you are able to opt out of Pension Salary Exchange under the 'notification of pregnancy' Lifestyle Change. You will need to complete and return an opt-out form to the Pensions Office in Personnel and Staff Development at least 23 weeks before your new baby is due. The opt-out form can be obtained from the Pensions Office. If you are entitled to UMP and you elect to receive this while you are on maternity leave then you will continue to participate in Pension Salary Exchange until you are receiving SMP only, when you will be withdrawn from the scheme.

2 Maternity Leave and Maternity Pay (see table at end of this document)

- 2.1 This section is about the amount of time off that you may take before and after the birth of your baby and how much of the leave will be paid or unpaid. Irrespective of how long you have worked for the University you may take a maximum of 52 weeks' leave¹ although payment will only be made for a part of that time.
- 2.2 To qualify for the leave and the pay you must remain in employment until the 11th week before the week in which your baby is due.
- 2.3 Notification: in order to qualify for maternity leave and pay, you must formally notify Personnel and Staff Development in writing, no later than the end of the 15th week before EWC:
- to confirm that you are pregnant, advising the week your baby is due; and
 - when you want your Maternity Leave to start (this can be any time from 11 weeks before EWC).

You must also provide Personnel with a maternity certificate MATB1 (usually issued by your midwife 14 weeks before the EWC²) stating the expected date of childbirth.

Your Personnel Manager/Officer will meet with you to discuss your maternity leave and pay entitlement and will provide an Application for Maternity Leave form which must be completed.

You will be able to change your mind about the date you want your leave to start providing you inform Personnel, in writing, at least 28 days in advance of the revised date.

- 2.4 Personnel and Staff Development will respond within 28 days of receipt of your notification of your leave plans and confirm the date you are expecting to return.
- 2.5 If your baby is born before the date of your intended start of maternity leave, you must inform Personnel. Your period of actual maternity leave will automatically start on the date of the birth, as will your maternity pay. Likewise if you are off sick with a pregnancy related illness your maternity leave period starts automatically on the first day of absence following the beginning of the fourth week before EWC.
- 2.6 If you are employed on a fixed term contract, your employment and payment of UMP will end on the expiry date of the fixed term contract, although SMP will continue to be paid if eligible.
- 2.7 If your hours of work changed in the 52 weeks prior to the start of your maternity leave, UMP will be calculated on your average weekly hours during the 52 weeks (see examples in Appendix 1).
- 2.8 Pension: If you are a member of one of the University's Pension Schemes you will pay pension contributions on actual earnings during any period of **paid** maternity leave. During any period of **unpaid** maternity leave, membership is suspended and no pension contributions are paid; there will still be life insurance cover but you will not accrue pensionable service during this period. When you return to work after your maternity leave, you can choose to pay your contributions for all or part of this period, in which case the University would pay its contributions.

- 2.9 Annual Leave: You are advised to take as much outstanding leave as possible before the start of your maternity leave, however you should discuss your leave arrangements with your line manager and clarify and record the agreement made with them.

As a minimum, you are required to take the annual leave you have accrued up to the date you commence your maternity leave, e.g. if you wish to commence your maternity leave on 1 February, you should have taken 1/12th of your leave entitlement. However, your manager may agree to allow you to take more than the period accrued up to the start of your maternity leave.

You will continue to accrue annual leave during the period of maternity leave which can be taken when your maternity leave finishes and you return to work. Leave should be taken within the year in which it is accrued, except in those circumstances where your period of maternity leave continues into the next calendar year (and, therefore, a new annual leave year). In such cases, any outstanding leave may be carried forward to the following year providing it is taken in full immediately following the period of maternity leave. Payment in lieu of annual leave cannot be made.

During your maternity leave, a normal day's salary in respect of statutory holidays and closure days which you would normally work will be paid to you by adjustment to salary on your return to work.

Annual leave for academic staff is based on a full-time entitlement of 27 days. The contractual requirement for academic staff that leave must be taken during vacation periods will be waived where outstanding leave is taken either immediately before or after your period of maternity leave.

- 2.10 Term Time staff: An adjustment to pay is necessary to take into account the fact that payments made to you since the beginning of the year (ie averaged over 12 months) may not be the same as the actual hours worked. Any underpayment will be paid as a cash sum with your salary in the month that maternity leave commences. If there has been an overpayment, you will be given the choice between this being deducted immediately or by adjusting pay after you have returned to work.

Payment during maternity leave will be based on 'average pay' per week i.e. annual salary divided by 52 weeks.

- 2.11 In addition to discussing your plans to return to work before you commence your maternity leave, it may be necessary for the University to contact you during your maternity leave. Maintaining contact during maternity leave can make it easier when you return to work.

Keeping in Touch (KIT) Days: These are optional and intended to give the opportunity for a woman to work or undertake training for a maximum of 10 days during her maternity leave period without losing her maternity pay / leave rights. For further information please refer to the University's 'Guide to Keeping In Touch Days' on the Personnel and Staff Development web pages.

<http://www.admin.ex.ac.uk/personnel/~docs/kitdays.pdf>

- 2.12 Still Births: There is no distinction between still births after a pregnancy lasting into the 25th week and live births.

3 Return to Work

- 3.1 You may not return to work within two weeks of the birth of child.
- 3.2 If you wish to return at a date other than that already notified, then you must give your Personnel Manager 8 weeks' notice in writing of your date of return.
- 3.3 If you change your mind and you decide you are not going to return to work, you should give the amount of notice contained in your contract of employment (eg if your notice period is three months and you were due to return at the end of October you should give your notice no later than 1 August).
- 3.4 If you received UMP you are required to return to work for three months (or an equivalent period of time if you reduce your hours). Any periods of unpaid leave following the end of maternity leave will not count towards this three month period.

- 3.5 If you are eligible for UMP but you are undecided about whether you wish to return to work you may request that the UMP element of your maternity pay to be deferred. If you decide to return to work then payment can be made as a lump sum.
- 3.6 If you have received UMP but decide not to return the University reserves the right to reclaim the UMP element of your maternity pay.
- 3.7 The University will, wherever possible, give favourable consideration to requests for a return to work on reduced hours and you should discuss the options as soon as possible with your Personnel Manager and your Head of School/Service in accordance with the procedure for the right for parents and carers to request adjustments to working patterns. For further information please refer to the University's 'Guide to Parents' & Carers' Right to Request Adjustments to Working Patterns' on the Personnel and Staff Development web pages or contact your Personnel Manager. http://www.admin.ex.ac.uk/personnel/~docs/parents_and_carers_right_to_request.pdf
- 3.8 After ordinary maternity leave (OML) you are entitled to return to work to the same job on the same terms and conditions. The same applies after additional maternity leave (AML), however if this is not reasonably practicable you may be offered a similar job on terms and conditions other than on your original job.
- 3.9 You may also be eligible for Parental Leave during your child's first eight years (or eighteen years if your child has disabilities), for further information please refer to the University's 'Guide to Parental Leave' on the Personnel and Staff Development web pages or contact your Personnel Manager.) http://www.exeter.ac.uk/admin/personnel/~docs/parentalleave_sept03
- 3.10 Childcare Vouchers are available for employees to purchase via a salary sacrifice arrangement of up to £55 a week (£243 per calendar month) as at tax year 2009/10 without paying tax or NI Contributions on this sum. For further information please go to http://www.admin.ex.ac.uk/personnel/childcare_vouchers.shtml or contact your Personnel Manager.
- 3.11 If you are planning to breastfeed when you return to work, you should inform the Occupational Health Service (see www.admin.ex.ac.uk/personnel/occ_health/contacts.shtml for contact details for Occupational Health) so that any health and safety risks are managed effectively.

CONTRACTUAL AND STATUTORY ENTITLEMENT		
Length of Service required to qualify:	Maternity Leave up to:	Maternity Pay during the maternity leave period:
Less than 26 weeks <i>ending with the QW</i> ³	OML ⁴ + AML ^{5*}	You should contact the Department of Work and Pensions (DWP) as soon as possible. You may be eligible for MA ⁶
More than 26 weeks <i>ending with the QW</i> but less than 52 weeks <i>ending with EWC</i>	OML + AML*	Below LEL ⁷ : You should contact the DWP as soon as possible. You may be eligible for MA.
	OML + AML*	Above LEL: You will be entitled to Statutory Maternity Pay (SMP): 6 weeks at 90% of average weekly earnings then 33 weeks at the lower of "standard rate" ⁸ or a rate equal to 90% of your average weekly earnings.
52 weeks <i>ending with EWC</i> and earnings above LEL	OML + AML*	You will be eligible for University Maternity Pay (UMP ⁹) 8 weeks at full pay inclusive of Statutory Maternity Pay (SMP) then 16 weeks at half pay plus SMP (unless in any week half pay + SMP exceeds full pay, in which case you will continue to receive UMP at full pay including SMP). Plus 15 weeks at the lower of "standard rate" ¹⁰ or a rate equal to 90% of your average weekly earnings Plus 13 weeks unpaid leave.
52 weeks <i>ending with EWC</i> and earnings below LEL	OML + AML*	You will be eligible for UMP 8 weeks at full pay (less deductions for benefits paid by DWP. Please note you are required to notify Personnel of any payments you receive from DWP) then 16 weeks at half pay (subject to maximum of full pay when combined with payments from DWP) + 2 weeks benefits from DWP if eligible.

¹ Subject to the expiry date of a fixed term or temporary contract.

² EWC Expected week of childbirth - the week, starting from the Sunday in which your baby is due.

³ QW Qualifying Week - for statutory maternity pay purposes this week is the 15th week before EWC.

⁴ OML Ordinary Maternity Leave - all pregnant employees are entitled to 52 weeks statutory maternity leave (whether it is with pay depends upon service and National Insurance contributions). OML refers to the first 26 weeks of this 52 week period.

⁵ AML Additional Maternity Leave – refers to the 26 weeks after OML.

⁶ MA Maternity Allowance – payment made by the DWP if you are not eligible for SMP.

⁷ LEL Lower Earnings Level - the amount of pay below which you do not have to pay National Insurance Contributions which during the 2010/11 tax year will be £97 per week.

⁸ "Standard rate" of Statutory Maternity Pay is £124.88 as at 04/04/10.

⁹ UMP University Maternity Pay – maternity payments equivalent to full pay for 8 weeks inclusive of SMP THEN 16 weeks half pay plus SMP (unless in any week half pay + SMP exceeds full pay, in which case you will continue to receive UMP at full pay including SMP).

* ie 52 weeks or expiry date of contract if earlier.

¹⁰ "Standard rate" of Statutory Maternity Pay is £124.88 as at 04/04/10.

Appendix 1

If your hours of work changed in the 52 weeks prior to the start of your maternity leave period, UMP will be calculated on your average weekly hours during the 52 weeks (see examples below). Please seek advice and further details from your Personnel Manager/Officer.

Example A – reducing working hours during 52 weeks preceding maternity leave

Employee A is due to start maternity leave on 1 July. As at 1 July she is working part-time hours ie 18.25 hours per week. However, this was due to a change in her working hours which occurred 10 weeks prior to the start of her maternity leave. Before this change, she worked full-time ie 36.5 hours per week.

In summary, during the 52 weeks immediately preceding the start of her maternity leave, Employee A worked 42 weeks at 36.5 hours per week followed by 10 weeks at 18.25 hours per week.

Therefore, her UMP entitlement is calculated using her average weekly hours during that 52 week period ie 33 hours per week.

Her UMP is paid at the same rate as her current (part-time) salary, but will be paid over a longer period than the period stated in the table above ie instead of 8 weeks full pay followed by 16 weeks half pay (plus SMP), she will be entitled to 14.5 weeks full pay followed by 28.9 weeks half pay (plus SMP).

Example B – increasing working hours during 52 weeks preceding maternity leave

Employee B is due to start maternity leave on 1 August. As at 1 August she is working full-time ie 36.5 hours per week. However, 20 weeks before the start of her maternity leave her hours of work had changed. Before this change, she worked 25 hours per week.

In summary, during the 52 weeks immediately preceding the start of her maternity leave, Employee B worked 32 weeks at 25 hours per week followed by 20 weeks at 36.5 hours per week.

Therefore, her UMP entitlement is calculated using her average weekly hours during that 52 week period ie 29.4 hours per week.

Her UMP is paid at the same rate as her current (full-time) salary which means that it will be paid over a shorter period than the period stated in the table above ie instead of 8 weeks full pay followed by 16 weeks half pay (plus SMP), she will receive 6.4 weeks full pay followed by 12.9 weeks half pay (plus SMP).