



Queen Margaret University
EDINBURGH

Maternity Policy

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1.0 Aims and Objectives

The aim of this policy is to provide Managers and staff with guidance on maternity leave and pay arrangements to ensure that this is undertaken fairly and consistently across Queen Margaret University in accordance with equality and diversity principles.

2.0 Scope of the Policy

This policy applies to all employees taking maternity leave or pay within Queen Margaret University.

3.0 Monitor and Review

Human Resources are responsible for monitoring the effectiveness of this policy and supporting procedures and will conduct reviews at appropriate intervals.

Anyone who feels they have been unfairly treated or discriminated against should contact Human Resources.

4.0 Equal Opportunities

Queen Margaret University is committed to equality of opportunity for all staff and it is the responsibility of all QMU employees to promote “equality and diversity” in the application of this policy ensuring that there is no discrimination on the grounds of disability, race/ethnic origin, sex/gender, age, religion, marital/family status, dependency, sexual orientation, political opinion, and economic or social status.

5.0 Responsibility for this Policy

Human Resources.

Any changes to this policy and supporting procedures will be made in consultation with appropriate bodies.

QMU reserves the right to update HR Policies in line with new or updated Employment Legislation.

6.0 Maternity Leave

All employees are entitled to at least 26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave.

The earliest date an employee may commence maternity leave is 11 weeks before the expected week of childbirth.

The latest date an employee may commence maternity leave is the actual date of the birth.

The earliest date an employee may return from maternity leave is 2 weeks after the childbirth.

Additional Maternity Leave starts from week 27 and may continue for up to a further 26 weeks. If eligible as noted in this policy, the employee may be entitled to SMP (and OMP if eligible) for the first 13 weeks of Additional Maternity Leave. The remaining 13 weeks of Additional Maternity Leave are unpaid.

7.0 Maternity Pay

The level of maternity pay is determined by the employee's length of service at the end of the qualifying week (**the 15th week before the expected week of childbirth**) and is calculated as follows:

If the employee has worked at QMU for less than 26 weeks at the end of the qualifying week:

Entitled to: Maternity Allowance

Employees who have not been employed by QMU for at least 26 weeks at the end of the qualifying week do not meet the conditions for Statutory Maternity Pay (SMP).

These employees may claim up to 39 weeks of Maternity Allowance from their JobCentre Plus Office if they meet the qualifying conditions based on their recent employment and earnings records.

More information on Maternity Allowance arrangements and qualifying conditions can be found on the JobCentre Plus website at:

http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Expectingorbringingupchildren/DG_10018869

If the employee has worked at QMU for at least 26 weeks but for less than one year by the end of the qualifying week:

Entitled to: Statutory Maternity Pay (SMP)

Employees are entitled to SMP if they have worked for the same employer for at least 26 weeks by the end of the qualifying week and their earnings have reached the minimum amount stipulated by the Lower Earnings Limit (currently an average of £107 per week).

SMP is paid for a maximum of 39 weeks. The first 6 weeks is paid at 90% of normal pay. The following 33 weeks is paid at £148.68 per week, from April 2017, (or 90% of normal pay if this is less than £148.68 per week).

If the employee is on a fixed term contract which comes to an end after the start of the qualifying week then they will still be entitled to receive 39 weeks of SMP from QMU.

If the employee resigns after the start of the qualifying week they will still be entitled to receive 39 weeks of SMP from QMU. If the employee has not yet commenced maternity leave then entitlement to SMP will begin either in the week after the employee leaves QMU or the 11th week before the EWC, whichever is latest.

If the employee has worked at QMU for at least one year by the end of the qualifying week:

**Entitled to: Occupational Maternity Pay (OMP)
and
Statutory Maternity Pay (SMP)**

OMP is an additional payment made to the eligible employee during the period of maternity leave. To be eligible for OMP the employee must have one year's service with QMU at the end of the 15th week before the EWC.

OMP is paid from week 7 to week 39 inclusive (or until the employee returns to work if this is earlier than week 39). It is calculated at 50% of normal pay, where average weekly earnings are based on the two salary payments prior to the qualifying week. OMP is adjusted to take into account any cost of living uplift to the salary scale, which is applied in August of each year. OMP is paid in addition to SMP of £148.68 per week.

If the employee does not return to work for a period of at least three months after maternity leave then they will be required to repay all OMP.

Upon request, payment of OMP may be deferred until the employee has resumed work for three months or until they decide they will definitely be returning for at least three months. The balance of any outstanding OMP will be paid to the employee in the next available payroll after they have informed us of their decision to definitely return for at least three months. This is often practical for those employees who do not wish to make a decision on returning to work until after their baby is born.

If the employee is on a fixed term contract which comes to an end after the start of the qualifying week then they will be entitled to receive OMP until their contract end date.

Where an employee has already had a period of maternity leave during the course of their employment at QMU, at least one year must have elapsed between their return to work after maternity leave and the qualifying week of the subsequent pregnancy in order for them to be eligible for automatic occupational maternity pay. If one year has not elapsed between their return to work and the subsequent qualifying week then occupational maternity pay will automatically be deferred until the employee has returned to work for three months after their maternity leave. The balance of outstanding OMP will be paid to the employee in the next available payroll. QMU will continue to pay statutory maternity pay for the duration of the maternity leave.

8.0 Notice of Intention to take Maternity Leave

The employee must inform their line manager of their intention to take maternity leave as early as reasonably practicable.

The employee should discuss with their line manager:

- The date they wish to commence maternity leave.
- How any outstanding annual leave will be dealt with.
- The date the employee expects, at this stage, to return to work.

Maternity leave and pay can only be taken upon completion and submission of the Maternity Notification Form. Once completed and signed by the line manager it must be given to HR along with the MatB1 form (provided by the GP or Midwife) no later than the Qualifying Week.

Upon receipt of the Maternity Notification Form and MatB1 form, HR will write to the employee confirming arrangements for maternity leave and pay. Should any of the dates change the employee should inform HR as soon as possible.

9.0 Time off for Antenatal Care

Employees are entitled to take reasonable paid time off work to attend antenatal appointments, as advised by their GP or Midwife. Evidence of appointments must be provided if requested by the line manager. The employee should arrange appointments to minimise disruption to their work.

10.0 Sickness Absence

If an employee is absent from work during pregnancy owing to sickness they will receive normal occupational sick pay as detailed in the Sickness Absence Policy.

If the employee is absent from work due to a pregnancy related illness after the beginning of the 4th week before her expected week of confinement then maternity leave will start automatically.

11.0 Annual Leave

Employees who are on maternity leave continue to accrue annual leave at their normal rate. This can often lead to a build up of accrued annual leave.

The line manager may wish to agree with the employee that they may carry forward annual leave in these circumstances, however, HR recommend that the employee takes at least the minimum holiday entitlement, as noted in the Working Time Directive (28 days per year for full time staff), in each holiday year.

Many employees use their accrued annual leave to extend their maternity leave on a paid basis or to facilitate a phased return to work, enabling them to return to being paid at their normal rate.

HR recommends that use of accrued annual leave is discussed and agreed between the line manager and the employee as early as possible to enable them to plan for cover of the employee's workload while she is on maternity leave.

12.0 Miscarriage and Stillbirths

In the unfortunate event that the baby is stillborn (born dead after 24 weeks of pregnancy), all the maternity rights stated in this policy will apply in the same way as with a live birth.

If the employee has a miscarriage prior to the start of the 25th week of pregnancy they will not be entitled to maternity leave or pay. Absence from work in this instance would be arranged under the Sickness Absence Policy, Compassionate Leave or Annual Leave.

13.0 Health and Safety

QMU aims to provide a safe working environment, taking any necessary precautions. As soon as an employee notifies their line manager that they are pregnant a workstation assessment should be carried out. The employee should discuss this with their line manager. Further advice can be sought from the Health and Safety Adviser.

It is important to let the HR Adviser or the Health and Safety Adviser know of any special needs or concerns.

Particularly during pregnancy and returning to work after giving birth, the following guidelines should be considered:

- Avoid manual handling.
- Do not lift heavy loads.
- Try to avoid either sitting or standing for long periods.
- Vary routine.
- Ensure workstation is adjusted correctly.
- Avoid unnecessary exertion.
- If feeling faint or tired have a rest.

14.0 Payment of Pension Contributions

Employees will continue to contribute to their pension scheme while on maternity leave.

Where an employee elects to take a period of unpaid additional maternity leave both they and QMU will cease to pay contributions. This period of time will not count as pensionable service. The employee must decide when returning to work if they wish to make up the difference and pay back their unpaid contributions so that this period will count as pensionable service again. These additional contributions will be calculated based on the employee's last payment before commencing maternity leave. This may be paid in instalments in agreement with Payroll. If the employee wishes to pay back these contributions then they must notify HR and Payroll upon their return to work, otherwise, they will be deemed by the pension fund to have a break in service which will effect their final pension calculation.

Further details on pension contributions while on maternity leave can be found in the guidance document at the end of this policy. Further information can also be obtained from your pension provider, contact details of which are provided below:

Lothian Pension Fund: <http://www.lpf.org.uk/>
STSS: http://www.sppa.gov.uk/scot_teachers/home.htm
USS: <http://www.usshq.co.uk/>

15.0 Childcare Vouchers

QMU are able to offer employees who have childcare costs the benefit of the Sodexo Childcare Vouchers scheme which is run through salary sacrifice so that employees can benefit financially from the Income Tax and National Insurance Contribution exemptions available. These exemptions allow parents to save on the cost of childcare (depending on the level of Income Tax and National Insurance Contributions paid). Further information can be found on the intranet at: <http://intranet.qmu.ac.uk/sites/humresources/ChiVou/default.aspx>

Some employees who intend to take maternity leave may already be enrolled in the QMU childcare vouchers scheme because they are already paying for childcare for existing children. If such an employee wishes to continue paying into the childcare vouchers scheme while they are on maternity leave then Payroll will continue to deduct the payments from their Occupational Maternity Pay. In instances where the employee is not entitled to Occupational Maternity Pay, QMU will continue to fund the provision of childcare vouchers to the same level that the employee paid before commencing maternity leave. QMU will not deduct childcare vouchers from SMP.

Where existing members of the QMU childcare vouchers scheme decide to take additional unpaid maternity leave, QMU will continue to fund the provision of childcare vouchers to the equivalent level that the employee sacrificed prior to commencement of additional unpaid maternity leave.

In cases where QMU continues to fund childcare vouchers because the employee is entitled to only SMP or is taking additional unpaid maternity leave, this provision will cease at the end of the period of maternity leave.

16.0 Keeping in Touch

16.1 General Contact

HR encourages the line manager and employee to keep in touch during the maternity leave period. Employees and line managers may find it helpful to discuss the amount of contact they wish with each other prior to the employee commencing maternity leave. Suitable methods of contact, e.g. telephone, email, etc, should be confirmed. They should also discuss reasons for making contact, e.g. to keep the employee informed of team developments, and care should be taken to ensure that contact is not forced. If it is felt necessary, contact arrangements could be recorded in writing, however, there should be flexibility to alter this if required for good reason.

16.2 Keeping in Touch Days

In addition to general contact, the employee is able to attend work for up to 10 days during their maternity leave without bringing their maternity leave to an end.

These days should normally be used for the employee to keep up to date with developments in their role and their team such as attending training and development, conferences, team away days, etc, but can be used for other aspects of work if desired by both parties.

The reason for attendance should be agreed between the employee and their line manager prior to the keeping in touch day.

Any work carried out in a day constitutes one day of keeping in touch, i.e. if an employee attended work for a team meeting which lasted two hours only, this would count as one day of keeping in touch.

Where an employee attends work for a keeping in touch day, they should complete the "Keeping in Touch Days Payment Form" and submit this to Payroll. Submission of this form will enable the employee to be paid for the hours worked on the keeping in touch day. This payment is calculated on their normal hourly rate. OMP will not be paid in addition to any hours being paid at normal rate, however, QMU will continue to pay SMP on these days.

Keeping in touch days are not compulsory and are in agreement between the employee and their line manager.

Keeping in touch days must not be undertaken within first two weeks immediately following the birth of the child.

Keeping in touch days should not replace a return to work induction but should be used in conjunction with this.

17.0 Return to Work

HR will write to the employee one month prior to their proposed date of return requesting that the employee completes the "Return to Work after Maternity Leave Form". This will enable HR and Payroll to make any necessary adjustments to the employee's salary should they decide to amend their return date while on maternity leave.

Planning for the employee's return to work should ideally commence no later than four weeks before the date of return. If the employee has been absent for a significant period of time then re-induction and re-training may need to be considered, especially if significant changes have occurred within the School/Department in their absence.

18.0 Contractual Rights

Normal employment terms and conditions continue throughout the period of maternity leave, with the exception of salary, which is modified, as explained above. The employee is entitled to return to the same role following an absence due to maternity leave.

<p>Should you have any outstanding queries following review of this policy please do not hesitate to contact a member of the HR Team to discuss.</p>
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Maternity Timeline

Week	Action
-15	<p>This is your qualifying week. You must have informed your Line Manager and HR of your intention to take maternity leave.</p> <p>Your length of service at this date gives you the following pay entitlement:</p> <ul style="list-style-type: none"> ▪ Less than 26 weeks = Maternity Allowance. ▪ 26 weeks or more but less than 52 weeks = SMP. ▪ 52 weeks or more = OMP + SMP. <p>(If you resign from QMU from this week onwards you will still be entitled to SMP if you have sufficient service as stated above).</p>
-14	
-13	
-12	
-11	This is the earliest week in which you can commence maternity leave.
-10	
-9	
-8	
-7	
-6	
-5	
-4	If you are absent from work with a pregnancy related illness from this week onwards then your maternity leave will automatically commence. You must keep HR informed of your reason for absence.
-3	
-2	
-1	
EWC	This is the week in which your baby is due to be born. The latest date you can start maternity leave is the day your labour begins.
+1	
+2	This is the earliest week in which you may return to work if your baby was born in the EWC.
+3	
+4	
+5	
+6	
+7	
+8	
+9	
+10	
+11	
+12	
+13	
+14	
+15	
+16	
+17	
+18	
+19	
+20	
+21	
+22	
+23	
+24	
+25	
+26	
+27	
+28	
+29	
+30	
+31	
+32	
+33	
+34	
+35	
+36	
+37	
+38	
+39	Depending on your date of commencement of maternity leave, this is the latest date that you will continue to receive maternity payment.
+52	If you have opted for additional unpaid maternity leave, this is the latest week that you can continue to be on leave. Any further leave would be taken on an annual leave basis.

GLOSSARY OF TERMS

Expected Week of Confinement (EWC)

(Also known as the Expected Week of Childbirth).

This is the week in which your GP or Midwife expects the employee to give birth.

This week is documented on the MatB1 form.

Qualifying Week

This is the 15th week before the Expected Week of Confinement.

MatB1 Form

This is a certificate from the employee's GP or Midwife confirming the expected week of childbirth. The form should have the GP's name and address or the Midwife's name and registration number on it.

Statutory Maternity Pay (SMP)

This is a payment made to the employee by QMU which is from the Government.

To qualify for SMP the employee must have been employed by QMU for at least 26 weeks prior to the Qualifying Week and earnings must have reached a minimum amount (Lower Earnings Limit) by the end of the Qualifying Week.

Entitlement to SMP commences on the first day of maternity leave and comprises of 6 weeks at 90% of normal weekly pay, followed by 33 weeks at a weekly rate which is specified by the Government each year.

Occupational Maternity Pay (OMP)

This is a payment made to the employee by QMU from week 7 to week 39 (or until the employee returns to work) which is in addition to SMP. It is calculated at 50% of normal salary.

If the employee does not return to work for a period of at least three months after maternity leave then they will be required to repay all OMP.

Maternity Allowance (MA)

This is a payment made to the employee by JobCentre Plus if they do not qualify for SMP. HR will provide the employee with a SMP1 form which should be completed and forwarded to their nearest JobCentre Plus office.



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Maternity Notification Form

Employee Details		Additional Notes
Employee Name		
Line Manager Name		
Department/School		
QMU Start Date		
Maternity Leave		
Expected Week of Childbirth		(The proposed return date is not binding at this stage).
Proposed date of commencement of maternity leave		
I expect to return to work at the end of my Ordinary Maternity Leave (26 weeks)	Yes/No	
I intend to take Additional Maternity Leave (up to 26 weeks)	Yes/No	
Proposed date of return after Additional Maternity leave		
I would like to have my OMP payment deferred until I have returned to work for three months after my maternity leave	Yes/No/Not applicable	

Declaration	
I declare I am expecting the birth of a child and I want to claim maternity leave and pay as detailed in this application form.	
Employee signature	
Date	

I have discussed and agreed the dates as provided in this application form.	
Line Manager signature	
Date	

For HR use only		Additional Notes
MatB1 received	Yes/No	
Length of service at QMU		
Entitled to SMP	Yes/No	
Entitled to OMP	Yes/No	
Application for Maternity Allowance	Yes/No	



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**Return to Work after Maternity
Leave Form**

Employee Details	
Employee Name	
Department/School	

Return to Work Details	
I intend to return to work at the end of my Maternity Leave	Yes/No
Last day of Maternity Leave (This is the day before your full salary should be reinstated)	
I intend to use annual leave to delay my return to work or to facilitate a phased return to work	Yes/No
Details of use of accrued annual leave	
Return Date (This is the date you will be back "in the office")	
Details of return to work induction required	

Declaration			
Employee Signature		Date	
Head of Department/School Signature		Date	



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**Keeping In Touch Days
Payment Form**

Section A: Employee Details	
Employee Name	
Department/School	

Section B: Details of Work Carried Out	
Date(s) of Work	
Total Hours Worked	
Budget Code	

Section C: Authorisation			
Employee Signature		Date	
Head of Department/School Signature		Date	
You must now forward this form to Payroll.			

Section D: For Payroll Use Only	
Rate of Pay	
Amount Due	£

Pension Contributions – Additional Guidance

Universities Superannuation Scheme (USS)

If an employee is not entitled to any SMP or OMP payment

Where an employee is entitled to no pay the employer will pay the full employee contribution and the normal employee contribution during the 26 weeks of ordinary maternity leave. This period will count as pensionable service.

If an employee is receiving maternity/paternity/adoption pay (less than normal full pay)

Employee contributions will be based on the salary during the period of leave however the employer will be obliged to make this payment up to the normal full salary as well as continue to pay the employer contributions. Employers are obliged to do this for the full 39 weeks or when leave payments cease.

If an employee goes on to zero pay whilst on child related leave

When an employee goes into unpaid child related leave they will cease making contributions to the pension. Their membership will be suspended and the period will not count as pensionable service. When the employee returns they will have the option to pay additional contributions so that all or part of the suspended period can count as pensionable service, the employer would also have to pay the appropriate employer contributions in this case.

If an employee does not wish to make contributions during child related leave

An employee may elect not to contribute to the pension scheme whilst on child related leave, membership of the pension scheme will therefore be suspended and will not count as pensionable service. The employee will have the option on return from leave to pay additional contributions so that all or part of the suspended period can count as pensionable service, the employer would also have to pay the appropriate employer contributions in this case.

If an employee is paid for Keeping In Touch Days

The same rules will apply as above if an employee takes any KIT days during maternity leave. If the KIT day is taken during paid maternity leave the employer will be obliged to make up the shortfall in the employees contributions to the normal full salary. Where the employee takes a KIT day while on unpaid leave no pension deduction will be taken and the employee will have the option to make up the contributions when they return to work.

The Local Government Pension Scheme/Lothian Pension Fund (LGSS)

If an employee is receiving maternity/paternity/adoption pay (less than normal full pay)

The employee will pay pension contributions on the actual pay they are receiving (including statutory pay if applicable). Credit for the period will be given at full length. Employer continues to make contributions based on the employee's normal rate of pay.

If an employee enters an unpaid period whilst on child related leave

The employee can elect to pay the contributions over the period of unpaid leave. It is the responsibility of the employer to advise the employee of their right to do this within one month of their return from leave. The contributions must then be paid within 30 days of returning to work or a longer period upon agreement with the employer. The contributions can be paid either by lump sum or by instalments over a reasonable period of time, to be agreed with the employer. If an employee elects to re-pay the contributions the employer will be obliged to pay the employer contributions also. If the employee elects not to re-pay the contributions for the period of unpaid leave this will not count as pensionable service.

Scottish Public Pensions Agency (SPPA)/Scottish Teachers Superannuation Scheme (STSS)

If an employee is receiving maternity/paternity/adoption pay (less than normal full pay)

In this case the employee contributions should be calculated on the actual salary during the period of leave and not on the normal pensionable earnings. The employer contributions should be calculated based on the pensionable earnings immediately before the period of leave.

If an employee enters an unpaid period whilst on child related leave

The employee must have the opportunity to pay contributions whilst on unpaid child related leave. If the employee wishes the period of unpaid leave to count as service for pension purposes they must pay their pension contributions based on their normal earnings prior to the period of unpaid leave.