



## **MAGDALEN COLLEGE MATERNITY LEAVE AND PAY POLICY FOR STAFF**

Congratulations, you have informed the College that you wish to take Ordinary Maternity Leave/Additional Maternity Leave. It is the College's intention to comply with both the letter and spirit of the law on maternity rights. To this end its aim is to inform all employees of their rights and to ensure that those rights are understood by employees who qualify. Neither this policy nor any part of it is intended to have contractual effect. For Adoption, please contact Human Resources for further information.

The purpose of this policy is:

- To ensure fair and consistent treatment of all employees.
- To encourage employees to return to work after the birth of a child, enabling them to continue with their career and for the College to retain staff.

### **Work arrangements prior to and during maternity leave**

The statutory requirements for notifying the College about your pregnancy to enable you to take maternity leave are set out below. However, the College encourages all employees who have become pregnant to inform their Line Manager as soon as they feel able, so that the College can be aware of any health and safety issues and/or difficulties which might arise for pregnant employees. When notifying the College of your pregnancy you should do so in writing, confirming the fact that you are pregnant and stating your Expected Week of Childbirth (EWC).

As soon as practicable after the notification of your pregnancy, arrangements will be made for you to meet with your Line Manager. This will be an informal meeting to ensure that you are aware of your right to Ordinary Maternity Leave and Additional Maternity Leave, and to payments during maternity leave as well as the requirement for you to give appropriate notices. This is also an opportunity for any possible health and safety concerns to be raised.

Prior to commencement of maternity leave you will be informed of the arrangements for covering your work and also for providing you with opportunities to remain in contact whilst you are on leave. As far as possible, such arrangements will be finalised in consultation with you.

In addition, employees on maternity leave will usually remain on circulation lists for relevant internal communications and will be included in invitations to work-related social events as though they were still at work. You are encouraged to maintain your input where you wish to, for example in relation to key meetings. However, you are not required or expected to attend. Regulations provide for "Keeping in Touch" days (KIT days), information on KIT days is set out below.

At least 2 weeks before you are due to return to work, you will be invited for an informal meeting with your Line Manager in order to provide an opportunity for discussion of any material points concerning your return to work. For many reasons retraining needs may arise, and you are encouraged to draw these to your Line Manager's attention so that they may be addressed. It is our aim to ensure that an employee's maternity leave does not put her at a disadvantage in relation to skills or other training needs. The meeting will also provide an opportunity to discuss and explain any necessary and unavoidable changes to your work.

---

## **Maternity Leave**

### **Ordinary Maternity Leave (OML) - 26 Weeks**

All new mothers have the right to take up to **26 weeks** OML regardless of their length of service or contracted hours, provided the College has been properly notified (*see Notification Requirements below*).

Maternity leave cannot begin before the 11th week before the Expected Week of Childbirth (EWC) and the latest it may begin is the date of childbirth itself. The EWC is the week beginning with Sunday during which you expect your baby to be born.

Maternity leave is triggered automatically if you are absent from work because of the pregnancy after the beginning of the fourth week before the EWC, or if the baby is born.

### **Additional Maternity Leave (AML) - 26 Weeks**

In addition, all new mothers are entitled to take 26 weeks AML immediately following OML. The 26 weeks runs from the day after the last day of OML.

Therefore, the total maternity leave allowance is a maximum of 52 weeks.

## **Maternity Pay**

Payments under the College's Maternity Policy consist of two elements, additional College pay and Statutory Maternity Pay (SMP).

SMP is a weekly government benefit that is paid by the employer to women who meet the qualifying criteria.

Additional College pay is paid by the College and is over and above the statutory minimum.

### ***Additional College Pay***

You will be entitled to additional College pay if:

1. You have completed 26 weeks continuous employment with the College at the end of the 15<sup>th</sup> week before your EWC; and
2. you hold a current contract of employment with the College; and
3. you have notified the College of your intentions to take leave (*see notification requirements below*); and
4. you intend to return to work following the birth of your baby.

If you meet these requirements and decide to take 52 weeks maternity leave, you will be eligible to receive the following maternity benefits:

- 26 weeks' full pay (inclusive of any SMP which is due; followed by
- 13 weeks' SMP; followed by
- 13 weeks' unpaid leave

Total maternity leave = 52 weeks

### ***Statutory Maternity Pay (SMP)***

You will be entitled to SMP if:

1. You have completed 26 weeks continuous employment with the College at the end of the 15<sup>th</sup> week before your EWC; and
2. you have average weekly earnings of £116 (figure as at April 2018) for the period of 8 weeks ending with the 14<sup>th</sup> week before the EWC; and
3. you have notified the College of your intentions to take leave (*see notification requirements below*).

---

If you meet these requirements, you will be eligible to receive the following SMP benefits:

- For the first 6 weeks of maternity leave, you will be paid 90% of your average earnings in the 8 weeks ending with the 14<sup>th</sup> week before the EWC.
- For up to the following 33 weeks of maternity leave, you will be paid 90% of your average earnings (as above) or £145.18 per week (figure correct as at 6 April 2018), whichever is the lower.
- You cannot receive SMP for any week or part of a week in which you do any work, except where you are using KIT days as described below.

If you are not entitled to maternity pay from the College, you may be entitled to SMP from a previous employer or Maternity Allowance from the Department for Work and Pensions, for information about this, please speak to Human Resources.

### ***Important points to notes***

- You must earn above the minimum wage limit for SMP and any College payment.
- All earnings are subject to statutory deductions (for income tax and national insurance) if they apply.
- If you return to work before the end of your leave entitlement, any entitlement to maternity pay ends. However, if the child's father or your partner takes Additional Paternity Leave (APL), they may be entitled to Additional Statutory Paternity Pay (ASPP) from their employer for the unexpired period of your SMP, if they fulfill certain requirements (*see Paternity Leave and Pay Policy*)
- Your maternity pay will be paid in the same way on the same day as your normal salary or pay.

### **Start of Additional College Pay**

Your College maternity pay will automatically be triggered if you are absent from work because of the pregnancy after the beginning of the fourth week before the EWC, or if the baby is born.

### **Notification Requirements**

Your rights to OML and AML and to return to work depend on you complying with the College's notification requirements. These are as follows:

**Prior to taking maternity leave** you must notify your Line Manager as soon as you feel able of your pregnancy, and inform them in writing in or before the 15th week before your EWC (or if that is not reasonably practicable as much notice as is reasonably practicable) of:

- The fact that you are pregnant, by producing a MAT B1 Certificate from a registered medical practitioner, or a registered midwife stating the EWC or, if childbirth has already occurred, the date of birth.
- The date on which you intend your OML to begin. (This date cannot be earlier than the 11th week before the EWC).
- Whether or not you believe you are entitled to SMP and Additional College Pay.

You can notify the College of all these matters using the attached 'Notification of Maternity Leave Form' and submitting it to your Line Manager.

Your Line Manager will forward the information to Human Resources who will respond to you in writing within 28 days of receiving your notification form. This response will state your expected date of return to work, and will assume that you intend to take the maximum amount of leave (OML and AML) to which you are entitled.

### **Return to Work**

If you want to return to work before the end of your AML period or change your planned date

---

of return from maternity leave, you must give the College at least 2 months (8 weeks) notice of the date you intend to return to work. If you do not give such written notice, the College is entitled to postpone your return until the expiry of 8 weeks after you notified your Line Manager of your intention to return early (or the original end date of your maternity leave if that is sooner). You are not permitted to return to work until at least two weeks after the date of childbirth.

**Ordinary Maternity Leave (OML):** An employee returning after 26 weeks OML normally has the right to return to the same job that she left.

**Additional Maternity Leave (AML):** When returning from AML you have the right to return to the same job, if not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favorable than those which would have applied had you not been absent from work.

### **Terms and Conditions during Ordinary and Additional Maternity Leave**

Your contract of employment continues during OML and AML, and you will be treated in all respects as if you had not been absent, both in terms of the benefits to which you are entitled and the obligations you owe the College. The only exception is that you are not entitled to receive remuneration (other than SMP and additional College pay). For details on pension contributions whilst on maternity leave (see Pension below).

### **Additional Paternity leave**

For babies with an EWC on or after 3rd April 2011, there is a new right for fathers or eligible partners (but not both) to take Additional Paternity Leave (APL) if the mother returns to work before exhausting their full entitlement to SMP. The father or partner may also be entitled to Additional Statutory Paternity Pay (ASPP) from their employer.

There are a number of conditions that the father or partner must comply with and they will need to consult their employer's Paternity Policy. One of the conditions is that as the child's mother, you must be entitled to one or more of; Maternity Leave, SMP, or Maternity Allowance and have returned, or be treated as having returned to work. You will also be required to complete a Mother's Declaration Form, details of which should be requested from the employer of the father/partner.

If the father or partner fulfils the requirements for APL, he will be entitled to a minimum of 2 weeks and a maximum of 26 weeks' APL. Provided at least 8 weeks notice is given, it can be taken at any time, in one continuous block of complete weeks, within the period which begins at least 20 weeks after the child's date of birth and ends no later than 12 months after the child's date of birth.

Any entitlement the father or partner may have to ASPP is also dependant, amongst other criteria, on you having at least two weeks left of your entitlement to SMP, or Maternity Allowance when you return to work, and you completing a Mother's Declaration Form for the father or partner's employer. For further information on the statutory provisions, please speak to Human Resources.

### **Change of leave dates**

Once you have notified the College of the date you wish to start your OML, you can change this date as long as you notify your Line Manager, and Human Resources of the new start date by the earlier of 28 days before the date you originally intended to start your leave, or 28 days before the new date you want to start your leave (unless it is not reasonably practicable to do so, in which case you must notify the College as soon as is reasonably practicable). The notification should be in writing.

### **Holiday Entitlement**

During OML and AML, you will continue to accrue holiday entitlement as normal. You will

---

need to arrange to take any holiday which has accrued during your maternity leave in the same holiday year in which it is accrued, either before the start of or after the end of your maternity leave.

### **Time Off For Ante-Natal Care**

You have the right to paid time off to attend ante-natal appointments recommended by your medical practitioner, midwife or health visitor. A 'Record of Absence Form' should be completed for each ante-natal appointment lasting half a day and over, and an appointment card should be produced when presenting the form for authorisation. You must produce evidence of ante-natal appointments if requested by your Line Manager and you may be asked to rearrange any appointments which conflict with working arrangements. From 1 October 2014, fathers and partners of pregnant women are entitled to take unpaid time off to accompany their partners to up to two antenatal appointments (time off is capped at six and a half hours for each appointment). Adopters are allowed time off for adoption appointments. Surrogacy parents will be allowed unpaid time off for two antenatal visits.

### **Keeping In Touch (KIT)**

You will be allowed to work (or train, or to keep in touch) up to 10 days during your leave without losing SMP and without risking being deemed to have ended your leave and returned to work. There is no obligation on the College to allow you to take 10 KIT days, or on you to do it. The contractual rate of pay will be given (SMP will be counted towards this pay). A half day meeting, or less will be counted as one of the KIT days (2 half day meetings would count as 2 full KIT days). KIT days may be taken at any time during the leave, as long as they are taken more than 2 weeks after the birth.

### **Additional Statutory Paternity Pay (ASPP)**

For a father or partner who takes APL, any entitlement they may have to ASPP from their employer is dependant, amongst other criteria, on you having at least two weeks' left of your entitlement to SMP or Maternity Allowance when you return to work. You will also have to complete a Mother's Declaration Form, details of which should be requested from the father/partner's employer (see Additional Paternity Leave above).

### **Pension**

During paid maternity leave, you will continue to pay contributions but based on the maternity pay you receive, and your membership will continue unaffected whilst you are contributing. If any part of your maternity leave is unpaid, no contributions will be collected for this period, but your membership will continue. You will be contacted by OSPS on your return to work, and given the option to pay the contributions due for the period of your unpaid leave.

### **No Return**

The College reserves the right to reclaim the portion of pay enhancement over and above SMP if you do not return to your job for a period of 3 months or more. You will be asked to sign an agreement to these terms prior to your maternity leave.

### **Part-time Employees**

The rights described above apply to full-time and part-time employees, regardless of how many hours they work provided they satisfy the same qualifying conditions.

### **Premature Birth or Still Birth**

The full provisions of the maternity policy will apply if the baby is born before the 11<sup>th</sup> week before the EWC; or dies or is still born after 24 weeks of pregnancy. Where this occurs sympathetic consideration will be given to your circumstances by your Line Manager according to your needs and medical opinion.



**MAGDALEN COLLEGE  
NOTIFICATION OF MATERNITY LEAVE FORM**

**Name** .....

**Department** .....

**This is to notify the College that I am pregnant. Expected date of birth is**

.....

**I have enclosed a MATB1 Form, obtained from my GP/Midwife (Yes/No)**

**I would like to commence my maternity leave on** .....

This date must be no earlier than the 11<sup>th</sup> week before your expected week of childbirth.

**I have been employed by the College since**

.....

**I believe that I am entitled to SMP and College Maternity Pay (Yes/No)**

If you have been employed by the College for more than 26 weeks by the 15<sup>th</sup> week before your expected week of birth, you are entitled to Statutory Maternity Pay (SMP) and College Maternity Pay (26 weeks full pay plus 13 weeks Statutory Maternity Pay, the remaining 13 weeks is unpaid).

**I wish to take .....weeks leave**

Regardless of your service, you are entitled to a maximum of 52 weeks leave (made up of 26 weeks Ordinary Maternity Leave plus 26 weeks Additional Maternity Leave)

**I wish my leave to start on ..... To finish on .....**

**I expect to return to work on Day ..... Month ..... Year.....**

**Please note that this form must be submitted to the College no later than the 15<sup>th</sup> week before your expected week of childbirth, to ensure that you have the right to maternity leave. In particular, the College must be given 28 days' formal notification of the date on which you expect the College's liability to pay SMP to start, or if that is not reasonably practicable, as soon as is reasonably practicable. Failure to do this could mean that you forfeit any right you may have to SMP.**

**Signature** .....