



# Maternity/Pregnancy Policy

Effective from October 2021

## About to have a baby? Congratulations!

We can't tell you everything you'll need to know about parenthood but here are the main things in relation to work.

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## 1. Purpose of this Policy

You are probably awash with information at the moment and so the purpose of this Policy is to hopefully provide a helpful guide to what support we provide to you as you prepare for a new arrival. Before you read this policy, you might want to have a look at the pregnancy/ maternity FAQs which provide brief answers to key questions that colleagues often have pertaining to maternity leave and pay.

Nothing can fully prepare you for welcoming a baby, but this document will guide you through the things you should consider so you can get the absolute most out of your leave and focus on the new addition to your family. In sharing news about your pregnancy we encourage colleagues to be sensitive to everyone irrespective of their parenting status and choices. We also recognize that not all pregnancies are welcomed and that perinatal depression is experienced by many. Some of us would have also experienced postpartum psychosis<sup>1</sup> and/or postnatal depression following a previous birth and thus might be anxious about having another child. There are resources in Section 10: Associated documents to support you.

Our Maternity/Pregnancy policy applies to all colleagues and includes co-parents irrespective of their sex/gender.

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<sup>1</sup> [Postpartum Psychosis](#) is an illness which effects 1 in 500 mothers following childbirth. Symptoms include hallucinations, delusions, mania and low mood among others and may be the result of sleep deprivation and hormone imbalances.

## 2. Time off work

Everyone is different in terms of how much time they want away from work after having a baby – these are your options regardless of how long you have worked with us:

- In total, you can take up to 52 weeks of maternity leave. Of course, it is up to you how much time off to take, although, at the very least you need to take two weeks off after your baby is born. (Maternity leave is broken into 2 parts: 26 weeks of ordinary maternity leave and 26 weeks of additional maternity leave).
- When you start your maternity leave is up to you, as long as it's no earlier than the start of the 11<sup>th</sup> week before your due date – you can also take annual leave before your maternity leave starts.
- The latest you can start your maternity leave is the day your baby is born. If your baby is early (after 37 weeks gestation), your maternity leave will start the day after their birth. Your maternity leave will also automatically start if you are off work for a pregnancy-related illness in the 4 weeks before the week that your baby is due.
- You will need to complete your Maternity Leave Request Form at least 15 weeks before your due date and will require a copy of your MAT B1 form from your midwife in order to do so. You will need to give an indicative date of when you will be starting your maternity leave in the form. If you are hoping to work right till the day you give birth, then please put down the indicative date as your due date.
- If you want more time with your baby (or babies) you can take annual leave at the end of your maternity leave and up to 4 weeks' parental leave.
- If you still want more time off, you may be able to take a career break – you would need to agree this with your line manager.

You are also entitled to take compassionate leave should your baby arrive prematurely (born before 37 weeks gestation). This leave is paid and will cover the time between your baby's birthday and the date they would have reached 40 weeks gestation. You will find more information about this in section 6 'Dealing with the unexpected'.

## 3. Pay whilst you are off

We are delighted to say that regardless of your length of service, you will receive occupational maternity pay (OMP) for the first 18 weeks of your maternity leave. We are one of the few universities that pay no attention to how long you have worked for us when accessing these benefits.

Maternity pay is broken down as follows:

- As above, for the first 18 weeks of your maternity leave, you will receive occupational maternity pay (OMP) which is the **greater** of full basic pay (not including premium payments) or 90% of your average earnings
- For the next 21 weeks maternity leave, you will receive **statutory maternity pay** (SMP). This will be either 90% of your average earnings or the weekly flat rate generated annually by HMRC (Section 10: Associated documents). You will receive whichever of these is the lower amount.
- The remaining 13 weeks leave would then be unpaid.

To be able to claim SMP for the period after your initial 18 weeks of OMP, you must:

- Earn on average an amount at least equal to the **Lower Earnings Limit**. The Lower Earnings Limit is an amount set by the Inland Revenue to determine whether someone has enough National Insurance contributions to be eligible for statutory pay (Section 10: Associated documents)
- Give the **correct notice** (see Section 10: Associated documents)
- Confirm your pregnancy by providing your MATB1 form or a letter from your doctor/midwife
- Have worked for the University continuously for at least 26 weeks continuing into the 15<sup>th</sup> week before your baby is due.

Should you not be entitled to SMP, our Payroll team will provide you with a SMP1 form once you have submitted your MATB1 form. The MATB1 form will be given to you by your midwife. The SMP1 form explains the reasons for ineligibility and provides instructions on how to apply for **maternity allowance** (Section 10: Associated documents).

### **Pay: the details**

Maternity pay starts from the date you start your leave. As you will see above there are two elements of maternity pay:

Occupational maternity pay (OMP) – As part of our commitment to be a leading family-friendly institution and to support colleagues during this crucial time in their family life, we choose to pay all our colleagues (regardless of your length of service) more than the statutory amount during the first 18 weeks of maternity leave, even though there is no legal requirement for the University to do so. OMP is inclusive of SMP. For colleagues who are not eligible for SMP, their OMP will be reduced by the maternity allowance amount (Maternity allowance is paid direct to you).

Statutory maternity pay (SMP) – Once the first 18 weeks of your leave is over, the rate of pay and the length of time for which this is paid is determined by the government. SMP is paid for 21 weeks at either 90% of your average earnings or the weekly flat rate generated annually by HMRC, whichever is the lower (see Section 10: Associated Documents).

You'll continue to pay tax and National Insurance contributions on both OMP and SMP.

To receive OMP you must agree to return to work for at least one month following the end of your leave and you will be asked to confirm this on your leave request form. If your contract of employment comes to an end during your leave, you will receive OMP up until your leave date. Any SMP you are entitled to following your leave date will continue to be paid via the University Payroll.

Any enhancements or awards due whilst you are on maternity leave will be considered in the usual way and pro-rated appropriately based on the time you were at work.

### **How average earnings are calculated**

To calculate your average weekly earnings, we will average your gross earnings over the eight weeks up to and including the last payday before the 15<sup>th</sup> week before your baby is due. For working out SMP purposes, 'gross pay' means pay that is due to you before any deductions. We will take into account your gross pay that you received in the set period, as long as it counts for National Insurance contributions (or would count if earnings were high enough).

## **4. Before your baby is born**

## Appointments

We know you will have lots of important appointments to go to during your pregnancy and you can take this as paid time off. This includes:

- Hospital appointments, doctor and midwife appointments, health visitor clinics
- Relaxation and parenting classes (if your doctor, midwife or health visitor recommends that you need them)

As with all medical appointments, such appointments often do not take an entire day and we would encourage colleagues to be reasonable in the amount of time they take off and, where possible, to arrange these appointments at times which would cause least disruption to your work.

## Health & Wellbeing

You should inform your manager as soon as possible after your pregnancy has been confirmed to ensure we provide you with any additional health and safety advice to keep you and your baby safe. Your pregnancy will be kept confidential if that is what you want – please inform your line manager of this.

When you have informed your line manager of your pregnancy, they are responsible for completing a risk assessment with you. A checklist to help complete this can be found in [Appendix 2 of the Health of the New or Expectant Mother Management Standard](#) (Section 10: Associated documents). The Occupational Health & Safety Service can provide further advice/guidance on the completion of the risk assessment. There is also information available via the [Government's guidelines for new and expectant mothers](#) (Section 10: Associated documents).

## 5. Once your baby has arrived

All you need to do is let us know the date that your baby has arrived – as soon as you practically can around everything else you need to do at such a busy time. Let your line manager know and they will pass the news on to People Solutions, so our records are up to date.

If your baby is born *before* 37 weeks gestation, People Solutions will process your paid compassionate leave (shown on your payslip as 'occupational maternity leave') to cover the period from your baby's birthday until the date at which your baby would reach 40 weeks gestation. Please refer to Section 6 'Dealing with the unexpected' for more information.

## Annual Leave

You will continue to accumulate annual leave days during your maternity leave. You may take annual leave immediately prior to, or immediately following, your maternity leave with agreement from your line manager. Remember you are still expected to take all your holiday entitlement during the holiday year in which it accrues, so don't miss out! However, if it is not possible for you to take your leave, it can be carried forward into the next holiday year (following discussion with your line manager) but this must still be taken at the end of the leave period, immediately before your return to work.

You are also entitled to take back any Bank Holidays and University Closure Days that fell on your normal days of work during your paid maternity leave. Bank Holidays and Closure Days that fall during your paid maternity leave must be taken at the end of your leave period before you return to work.

To determine what annual leave, Bank Holiday and Closure Days you should be credited, you should refer to the [annual leave calculator](#) (Section 10: Associated documents) which can calculate your

entitlements on a full-time or part-time basis.

### **Keeping in Touch (KIT) Days**

You can work up to 10 KIT days whilst on maternity leave. You're not obliged to work any days at all but, if you would like to, speak to your line manager to agree when would be a good time to come in and what you could do e.g. work, training or attend a work event. Please complete a [KIT form](#) every time you work a KIT day and, upon approval by your line manager, you will be paid for this within the relevant pay reference period. If you are unable to log into the system to complete this form, your line manager can complete a hard copy KIT form and send that across to People Solutions.

Please note that if you were to do more than the 10 days (and that even one hour KIT is classed as one day), your statutory maternity pay wouldn't be paid for the full week in which you worked the extra days regardless of how long you actually worked. It is therefore your responsibility to ensure that you only work a maximum of 10 KIT days.

### **Shared Parental Leave**

You may be eligible to take shared parental leave and share your time off and pay with your partner. Please see the [shared parental leave policy](#) (Section 10: Associated documents) for more details.

## **6. Dealing with the unexpected**

### ***Prematurity***

We are here to offer you support at all stages of your pregnancy and we are extremely proud to have signed up to the [Employer with Heart Charter](#) to support parents of premature babies. If your baby is born before 37 weeks gestation, based on your due date, you are entitled to paid compassionate leave (shown on your payslip as 'occupational maternity leave') to cover the period from your baby's birthday until the date at which your baby would reach 40 weeks gestation. This will be paid to you on completion of your statutory maternity pay/maternity allowance. This will automatically be processed by People Solutions when you inform them/your line manager of the birth of your baby.

If you have returned to work, we will also allow you paid time off to attend relevant medical appointments as a result of your baby's early arrival during their first year.

### ***Pregnancy loss***

Sadly, not all pregnancies end in a live birth. We want to support you if this happens to you and to give you time needed to grieve and recover. Here, we are referring to a miscarriage, ectopic pregnancy, molar pregnancy, stillbirth or death following a birth.

In the sad circumstance where you experience pregnancy loss at any point during the first 24 weeks of pregnancy, you are entitled to up to two weeks bereavement leave on full pay. You may find it most useful to speak to someone who is specially trained and there is a list of specialist organisations listed in Section 10: Associated documents. You may also access our confidential counselling service via the [Employee Assistance Programme \(EAP\)](#). EAP is free and easy to access and is available online or on the telephone 24 hours a day, seven days a week. If you need more time beyond the two weeks bereavement leave, we encourage you to speak with your GP and to obtain a fit note. Rest assured this will be recorded as pregnancy-related sickness and will not count towards your sickness triggers.

If your pregnancy ends after the first 24 weeks or if your baby dies following birth, you will still be entitled to the same maternity leave and pay. You are also entitled to parental bereavement leave of

up to 2 weeks during the year following the death of your baby. The weeks can be taken in 2 blocks of 1 week taken at different times or in a single block of 2 weeks. Please refer to our [special leave policy](#) for details.

## **7. What will happen to my benefits while I am off?**

### **Salary Exchange**

If you participate in a salary sacrifice scheme e.g. Pensions+, Cycle to Work etc. you may receive less statutory pay. However, we are committed to ensuring that there is no detriment to you while you are on maternity leave.

By participating in salary sacrifice there is a reduction of salary for national insurance purposes during this period which can then reduce entitlement. In these circumstances, we will ensure there is no detriment to any colleague with salary sacrifice arrangements by paying a “top-up” payment, equal to the amount you would have received if you were not participating in salary sacrifice.

If you commence leave and your fixed term contract ends within the first 6 weeks, and you have been a member of any of the salary sacrifice schemes, the University will ensure there is no detriment by paying a ‘top-up’ payment equal to the amount you would have received if they were not participating in salary sacrifice.

### **Pension**

#### Universities Superannuation Scheme (USS)/Retirement Benefits Plan (RBP)/National Health Service (NHS) Pensions Scheme on contributory basis

If you are a member of USS/RBP/NHS Pensions Scheme on contributory basis, or if you are a member of Nest Pensions, contributions to the fund will be made by both you and the University throughout the paid period of maternity leave.

Your contributions are based on your actual pay received for the pay period (including SMP); the University will contribute the balance required to ensure you continue to accrue pension benefits as though you were working at your normal rate of pay. For example, if you are entitled to 39 weeks paid leave (OMP and/or SMP) you will accrue normal pension benefits throughout this period.

The first 39 weeks of maternity leave will be regarded as normal pensionable service regardless of whether it is paid or unpaid so the University may meet the whole cost of providing accrual of your pension benefits if you are not entitled to receive any pay during part of this period.

If you are taking unpaid leave beyond this period, you will be contacted by the Payroll and Pensions Section to discuss whether you wish to maintain contributions during the period of unpaid leave. If you wish to maintain your contributions, the University will also maintain its contributions, ensuring that you continue to accrue pension benefits. If you choose not to maintain your own pension contributions, your membership of the scheme will continue, in that you will continue to be covered by the death in service provisions, but you will not accrue any pension benefits during this period. However, if your employment comes to an end your membership of the pension scheme will end with it unless you transfer to another employer linked to the same scheme.

#### Universities Superannuation Scheme (USS)/Retirement Benefits Plan (RBP) Pensions+

If you are an RBP/USS Pensions+ member you will continue with your pensions salary sacrifice during paid periods of maternity leave, providing your salary less any salary sacrifices is not reduced below

**National Minimum/Living Wage** (Section 10: Associated documents). Salary sacrifices cannot be made against any statutory payments including SMP, so the sacrifice will only apply to OMP. If you choose to take a period of unpaid leave you will be contacted by the Payroll and Pensions Section to discuss whether you wish to increase your salary sacrifice on your return to work to maintain your pensionable service during the unpaid period. If you do KIT days during the unpaid period of your maternity leave, no pension contributions will be due.

If you choose not to increase your salary sacrifice to cover this period of unpaid leave, your membership of the scheme will continue in that you will continue to be covered by the death in service provisions, but you will not accrue any pension benefits during this period. However, if your employment comes to an end your membership of the pension scheme will end with it unless you transfer to another employer linked to the same scheme

Further information is available from the appropriate **Payroll and Pensions colleagues** (Section 10: Associated documents).

## **8. When you are coming back**

We will assume that you are returning to work on the date you have told us before you start your maternity leave. If you want to change this date, that's fine – you will just need to let your line manager know in writing at least 8 weeks before you are due back. Your line manager will forward this onto People Solutions who will then write back to you to confirm your new dates. If you are unable to give 8 weeks' notice of a change and we need more time to prepare for your return, your line manager can postpone your return until we have had enough notice. In any event, your line manager can't postpone your return past the end of the 52-week period of maternity leave.

### **Role on return**

We hope that you will be coming back to work after your baby has arrived safely. Assuming you do, if you have taken 26 weeks or less maternity leave, you are entitled to return to the same job that you left on terms just as favourable as when you went on maternity leave.

If you have taken more than 26 weeks of maternity leave and we are not able, for good business reasons, to offer you the same job you had before your maternity leave, we will offer you a similar job. A similar job means one at the same level with terms and conditions just as favourable as those for the job you had before maternity leave. Naturally, we will talk to you about this in good time before your return and will do our best to confirm all this with you 8 weeks before you come back to work. This is unless you have agreed with your line manager that you are happy we confirm this with you closer to your return.

If you are considering returning on a different work pattern to when you left, please talk to your line manager about this as soon as you can whilst you are off. The earlier you talk to us about it the easier it will be to try to accommodate your request. Please think realistically about your request and consider both the impact on you and the University. We would like to reach a happy compromise for both you and the University. You might find it useful to review the **flexible working policy** (Section 10: Associated documents).

### **Phased return to work**

For some parents, returning to work on their usual working hours whilst settling a child into new childcare arrangements can be quite a stressful thought, particularly after a considerable period of

time off work. In order to help you manage the transition, we offer a phased return to work over a period of up to 4 weeks. This could mean starting a bit later to allow more time with your child in the morning or maybe working shorter days, meaning you and your child have more time to adjust to you being back at work. You will be paid for the hours you work. This can be a real support at the beginning, so talk to your line manager about setting this up if you think it would be useful for you.

### **Returners Support Programme (RSP)**

This Programme offers funded support (of up to £10k) to eligible colleagues who are returning to work following extended leave in order to maintain career development. Areas of support that can be accessed include the appointment of a fixed term technician, a phased return to work at full pay, returners' coaching or enabling attendance at a training course/conference. However, this is a flexible policy which, within reason, can be tailored to individual circumstances. You can find out more through our [Returners support programme policy](#) (Section 10: Associated documents) or by speaking to your RSP Co-ordinator or Faculty EDI Officer.

## **9. Resignation and Redundancy**

If you resign from university employment and do not return to work for at least one month at the end of your leave, the University has the right to reclaim all or part of the non-statutory element of your OMP.

Should you wish to resign while you are on leave, you should give the University notice as outlined in your conditions of service. Any remaining SMP will continue to be paid via the University payroll for a period of up to 39 weeks.

Should a redundancy situation arise when you are on maternity leave that may affect you, the University will consult with you in accordance with the arrangements that are put in place for all affected colleagues. For further information see the [redundancy procedure](#) (Section 10: Associated documents).

## **10. Associated documents**

- [Support for pregnancy and maternity related mental health concerns](#)
- [Support for Post-partum psychosis](#)
- [Statutory maternity pay](#)
- [Lower earnings limit](#)
- [Correct notice](#)
- [Maternity allowance](#)
- [Risk Assessment](#) and [Health of the New or Expectant Mother Management Standard](#)
- [Government's guidelines for new and expectant mothers](#)
- [Annual leave calculator](#)
- [Keeping in touch \(KIT\) days](#)
- [Keeping in touch \(KIT\) online form](#)
- [Shared parental leave policy](#)
- [Employer with Heart](#)
- [Employee Assistance Programme](#)
- [Special leave policy](#)
- [National Minimum/Living Wage](#)

- [Payroll and Pensions](#)
- [Flexible working policy](#)
- [Returners support programme](#)
- [Redundancy procedure](#)
- [Maternity Toolkit](#) (includes information on KIT days)
- [The Miscarriage Association](#) offers support and information to anyone affected by the loss of a baby in pregnancy, and works to raise awareness and promote good practice in medical care.
- [SANDS](#) offers support if your baby dies during pregnancy or after birth, and also run a helpline.
- [Tommy's](#) is a charity that funds research into pregnancy problems but also provides information for parents-to-be.

<b>Document Control Information</b>		
Does this replace another policy? Yes		
<b>Approval</b>		
Approved by: People Matters Group		Date: 8.7.21
Effective from: October 2021		
Review date: October 2023		
<b>Responsibilities</b>		
Executive Sponsor: Adrienne McFarland, Executive Director of People Services		
Policy Owner: Kate Smith, People Relations and Policy Manager		
Person(s) responsible for compliance:		
<b>Consultation</b>		
Version	Body consulted	Date
1	EDI Leads Forum	May 2021
2	People Policy Forum	June 2021
<b>Equality, Diversity and Inclusion Analysis:</b>		
Does the policy have the potential to impact on people in a different way because of their protected characteristics?		
Initial assessment by: Renita Barbour		Date: May 2021
Key changes as a result of Equality, Diversity and Inclusion Analysis		
<b>Document location</b>		
<a href="https://newcastle.sharepoint.com/docs/HR%20Policies/Forms/Policies.aspx">https://newcastle.sharepoint.com/docs/HR%20Policies/Forms/Policies.aspx</a>		