



**RADLEY**

## **Maternity Leave & Pay Policy**

**April 2023**

# Maternity leave and pay policy

## 1. Antenatal care

- 1.1 The correct care for a pregnant employee and her unborn child is very important. An employee is entitled to take reasonable paid time off during normal working hours to attend appointments for antenatal care. However, in order to minimise any disruption to the working routine the employee should try to arrange her appointments as far in advance and as close the start or the end of her working day as she can.

## 2. Sickness during pregnancy

- 2.1 If the employee is ill before she starts maternity leave, the College's Sickness Management policy should be adhered to.
- 2.2 If a pregnant employee is absent from work as a result of a pregnancy related illness at any time after the start of the 4<sup>th</sup> week before her child is due, her maternity leave will be triggered automatically. The employee will be deemed to have started her maternity leave on the first day of her pregnancy related sickness absence. Any entitlement to sick pay will cease and she will receive maternity pay as detailed below.

## 3. Maternity leave

- 3.1 Maternity leave lasting 52 weeks is available to all pregnant employees, irrespective of length of service, number of hours worked, age or marital status. The first 26 weeks is known as Ordinary Maternity Leave ("OML"), the second as Additional Maternity Leave ("AML"). There are different terms and conditions surrounding the two periods of leave. During OML the employee continues to benefit from all terms and conditions of employment except remuneration. During AML the terms relating to notice of termination, redundancy and disciplinary and grievance procedures apply.
- 3.2 It is assumed that a woman will take her full 52 weeks leave. If she intends to return to work before she has taken her full leave entitlement she must give 8 weeks' notice to the HR department.
- 3.3 To qualify for maternity leave, an employee must tell the College by the end of the 15<sup>th</sup> week before the expected week of childbirth that she is pregnant, the expected week of childbirth (by supplying form MATB1) and the date she intends to start her maternity leave. This can normally be any date which is no earlier than the beginning of the 11<sup>th</sup> week before the expected week of childbirth up to the actual birth date.

3.4 On receiving the above notification the College will write to the employee within 28 days setting out the date upon which she is expected to return to work should she take her full maternity leave entitlement.

#### **4. Maternity pay**

4.1 To qualify for College maternity pay (“CMP”) the employee must have been employed for a continuous period of at least 26 weeks ending with the 15<sup>th</sup> week before the expected week of childbirth, and have average weekly earnings at least equal to the lower earnings limit for National insurance contributions (currently £123 pw). CMP can be paid for up to 39 weeks. The first three weeks is paid at the employee’s normal rate of pay, the second three weeks at the rate of 90% of average weekly earnings (with no maximum limit), the following 33 weeks is paid at the current rate of £172.48 per week (as at 2 April 2023), or 90% of average weekly earnings, whichever is the lower. The standard rate of Statutory Maternity Pay (“SMP”) is reviewed every April. CMP is paid regardless of whether the employee intends to return to work or not.

4.2 Women who do not qualify for CMP may be entitled to receive Maternity Allowance (“MA”) from the Government for up to 39 weeks. To qualify they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth and have average weekly earnings of least £30.

#### **5. Terms and conditions of employment during maternity leave**

5.1 During OML the employee continues to benefit from all terms and conditions of employment except remuneration. During AML the terms relating to notice of termination, redundancy and disciplinary and grievance procedures apply.

#### **6. Keeping in Touch days (“KIT” days)**

6.1 Employees may, in agreement with their employer, do up to 10 days’ work (known as KIT days) under their contract of employment during their SML. This does not affect their right to SML or SMP.

#### **7. Returning to work**

7.1 A period of compulsory maternity leave is required immediately after the baby’s birth. A woman cannot return to work until two weeks has elapsed since the birth of the baby.

7.2 Unless the employee has notified you otherwise, the date she returns to work will normally be the first working day 52 weeks after her SML began.

7.3 If an employee wishes to return to work early, she must give the HR department at least 8 weeks’ notice before her new return date.

- 7.4 If an employee decides not to return to work following SML she must give the College the same period notice stated in her contract of employment. Notice should be given to either her Head of Department or the Warden.
- 7.5 An employee who returns to work at the end of her OML is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent. An employee returning during or at the end of her AML is entitled to return to the same type of job on the same terms and conditions of employment as if she had not been absent.
- 7.6 An employee returning to work may make a request to work flexibly, eg to change their start or finish times, work from home or do part-time hours. Refer to the College's Flexible Working Policy for further details.