Procedures

Applying for Maternity Leave
Part of Supporting Family Life Overarching Policy
(UK Campuses only)

October 2015
# HERIOT-WATT UNIVERSITY

## MATERNITY LEAVE PROCEDURES TO SUPPORT SUPPORTING FAMILY LIFE OVERARCHING POLICY

**CONTENT**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Introduction</td>
<td>2</td>
</tr>
<tr>
<td>2 Procedures for applying for and taking Maternity Leave</td>
<td>2</td>
</tr>
<tr>
<td>3 Procedures Version and History</td>
<td>5</td>
</tr>
<tr>
<td>Appendix Maternity Statement</td>
<td>6</td>
</tr>
</tbody>
</table>
1. **INTRODUCTION**

This Procedure, which is part of the proposed Supporting Family Life suite of procedures, which only applies to UK Campuses, sets out guidance on how to request and notify the University of your maternity leave; the time off; keeping in touch; and returning to or leaving the University at the end of your maternity leave.

2. **PROCEDURES**

**Notification of pregnancy**

On becoming pregnant, you should notify your manager as soon as possible. This is important as there are health and safety considerations for the University.

By the end of the Qualifying Week, or as soon as reasonably practicable afterwards, you are required to inform Human Resources in writing:

- the fact that you are pregnant;
- the Expected Week of Childbirth;
- the date on which you intend to start your maternity leave, and
- where applicable, that you wish to return to work with the University after your maternity leave

by completing the Maternity Statement contained at the end of this Appendix 1.

You must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the Expected Week of Childbirth. The form must have either the doctor’s name and address or the midwife’s name and registration number on it.

Following initial notification, you may change your maternity leave start date, provided that you advise the University in writing at least 28 days before the new start date or as soon as reasonably practicable.

Human Resources will formally respond in writing to your notification of your leave plans within 28 days, confirming the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave.

**Health and safety**

The University has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding. The University will provide you with information as to any risks identified in the risk assessment. If the risk assessment reveals that you would be exposed to health hazards in carrying out your normal duties, the University will take such steps as are reasonably necessary to avoid those risks, such as altering your working conditions.

In some cases, this may mean offering you suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for the University to alter your working conditions to remove the risks to your health and there is no suitable alternative work available to offer you on a temporary basis, the University may suspend you from work on maternity grounds until such time as there are no longer any risks to your health. This may be for the remainder of your pregnancy until the commencement of your maternity leave. If you are suspended in these circumstances, your employment will continue during the period of the suspension and it does not in any way affect your statutory or contractual
employment and maternity rights. You will be entitled to your normal salary and contractual benefits during the period of your suspension, unless you have unreasonably refused an offer of suitable alternative employment. If, however, you remain suspended from on health and safety grounds after the beginning of the fourth week before your Expected Week of Childbirth, your maternity leave will start automatically on the day after the first day of such absence.

Sickness absence
If you are absent from work during pregnancy owing to sickness, you will receive normal statutory or contractual sick pay in the same manner as you would during any other sickness absence provided that you have not yet commenced your maternity leave. If, however, you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your Expected Week of Childbirth, your maternity leave will start automatically on the day after the first day of such absence.

Ordinary Maternity leave
Ordinary maternity leave can start at any time after the beginning of the 11th week before your Expected Week of Childbirth. Maternity leave will start on whichever date is the earlier of:
- your chosen start date;
- the day after you give birth; or
- the day after any day on which you are absent for a pregnancy-related reason in the four weeks before the Expected Week of Childbirth.

If you give birth before your maternity leave was due to start, you must notify the University in writing of the date of the birth as soon as reasonably practicable.

If you wish to consider Shared Parental Leave as an option instead of or as well as maternity leave, please see the Shared Parental Leave Procedures [insert link].

All maternal employees must take a minimum of two weeks of maternity leave immediately after the birth of the child.

Contact during maternity leave
The University recommends that your line manager maintains reasonably regular contact with you during your maternity leave, unless you advise them otherwise. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence. You and your manager should discuss in advance of you going on maternity leave what reasonably regular contact will mean in practice.

Keeping-in-touch days
Except during the first two weeks after childbirth, you can agree to work for the University (or to attend training) for up to 10 days during maternity leave without that work bringing the period of your maternity leave to an end and without loss of a week's enhanced maternity pay or SMP. These are known as ‘keeping-in-touch’ days. Any work carried out on a day is classed a day's work for these purposes.

The University has no obligation to require you to carry out any work, and you have no obligation to undertake any work, during your maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the University and you. Any keeping-in-touch days worked do not extend the period of maternity leave.
Note: we will pay you your usual contractual rate of pay for the hours you work on any KIT day. Any day on which work is done during maternity leave will count as a whole KIT day; so if you came in for a 2-hour meeting or half-day training session, for example, that would still count as one KIT day.

Returning to work
The University expects you to return to work 52 weeks after you commenced maternity leave unless you notify the University otherwise. You will be formally advised in writing by the University of the date on which you are expected to return to work. If you are unable to attend work at the end of your maternity leave due to sickness or injury, the University’s normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While you are under no obligation to do so, it would assist the University if you confirm as soon as convenient during your maternity leave that you will be returning to work as expected.

If you wish to return to work earlier than the expected return date, you must give the University at least eight weeks’ notice of your date of early return, preferably in writing. If you fail to do so, the University may postpone your return to such a date as will give the University eight weeks' notice, provided that this is not later than the expected return date.

If you decide not to return to work after maternity leave, you must give notice of resignation as soon as possible in accordance with the notice period in your contract of employment. If the notice period would expire after maternity leave has ended, the University may require you to return to work for the remainder of the notice period.

Becoming Pregnant again during maternity leave
If you become pregnant again during your maternity leave, you should contact the HR team as soon as possible for advice about your entitlement to further maternity leave and pay, including any requirement for you to return to work between periods of leave.

Termination of Employment
If you have been employed for 26 weeks at the Qualifying Week, and your contract ends after this week but before you start your maternity leave, you will be entitled to Statutory Maternity Pay (SMP) for the full 39 week period as follows:

- If you leave employment between the Qualifying Week and the 11th week before the Expected Week of Childbirth, SMP will start on the first day of the 11th week before the Expected Week of Childbirth (unless childbirth occurs earlier).
- If you leave between the 11th week before the EWC and the EWC, you will start SMP on the day after the day your employment ends.

This will also apply if you start a new job with a new employer between the Qualifying Week and the date on which you actually give birth.

However, if you start working for a new employer after the birth (and you are carrying out duties in the new job, rather than being on maternity leave) you will no longer be entitled to any SMP, either from Heriot-Watt or from your new employer.

Recording Maternity Leave on iHR
The HR Team will record your maternity leave absence on iHR.

Coaching
The Organisational Development team within HRD offers coaching to staff who are about to go on or are returning from maternity leave.

The aim is to provide additional support to you through this important time; for example, you may have concerns about how you can juggle your career aspirations with your parental responsibility and coaching can help you work through some of these issues, ensuring your transition back to work is as smooth as possible.

If you would like to find out more about coaching or meet with one of our experienced coaches from across the University, please contact organisational.development@hw.ac.uk or call 0131 451 3491.

**Breastfeeding**
If you wish to breastfeed or express during working hours, please see the Nursing Mothers’ Policy [insert link for information (currently under development)].

**Flexible Working**
If you wish to change or reduce your current working pattern or hours, you may apply under the Flexible Working Policy which may be found here: Flexible Working Policy 2015.

## 3. PROCEDURES VERSION AND HISTORY

<table>
<thead>
<tr>
<th>Version No</th>
<th>Date of Approval</th>
<th>Approving Authority</th>
<th>Brief Description of Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>V. 1.3 for approval</td>
<td>07.12.2015</td>
<td>UE</td>
<td>Updated Procedure to reflect legislation and to link with new Supporting Family Life Overarching Policy</td>
</tr>
</tbody>
</table>
Maternity Statement - Confidential

THIS STATEMENT MUST BE LODGED WITH HUMAN RESOURCES NOT LATER THAN 15 WEEKS BEFORE THE EXPECTED WEEK OF CHILDBIRTH.

I enclose a Medical Certificate (MAT B1) confirming that I am pregnant and give notice that *I wish/do not wish to return to work with the University at the end of my maternity leave (including any period of shared parental leave).

Please accept this notification as an application for maternity leave. I will commence my maternity leave on ... / ... /...., as agreed with my Head of School/Director.

My attention has been drawn to the right of the University to reclaim the whole or part of the non-statutory element of maternity pay if I fail to return to work and continue in employment for at least three months, as defined in the Supporting Family Life Overarching Policy, and I hereby undertake to refund that amount if such a situation arises.

Please complete only if you intend to return to work:

I am entitled to contractual maternity pay and wish to receive payment over:
* 26 weeks
  (that is, eight weeks leave on full pay and 18 weeks on half pay followed by 13 weeks of SMP only, followed by additional 13* weeks unpaid leave)*
Or
* 17 weeks
  (that is, 17 weeks leave on full pay followed by 22 weeks on SMP followed by additional 13 weeks unpaid leave)

Please note that if you do not take 52 weeks’ leave, the above periods will be reduced accordingly e.g. an employee taking 26 weeks of leave would receive either (i) eight weeks’ full pay and 18 weeks’ half pay or (ii) 17 weeks on full pay followed by 9 weeks on SMP.

At the end of my maternity leave, I would:
* like to be paid for holiday accrued during maternity leave.
* not wish to be paid for holiday accrued during maternity leave (I will be taking the annual leave immediately before or after maternity leave in agreement with the Head of School/Director)
* I will confirm my intentions regarding accrued holidays at a later date.

I would like my maternity leave to end on …./…./..... (If left blank, it is assumed that maternity leave will be 52 weeks in total. If you wish to change your return date, 8 weeks’ notice is required. If you or your partner would like to take a period of SPL, you will need to submit the relevant forms set out in Appendix 5.)

Signed ............................................................. Date ..........

School/Directorate ..........................................................
* Delete as appropriate