



# Procedures

## **Applying for Maternity Leave**

Part of Supporting Family Life Overarching Policy  
(UK Campuses only)

October 2019

**HERIOT-WATT UNIVERSITY**  
**MATERNITY LEAVE PROCEDURES –**  
**PART OF SUPPORTING FAMILY LIFE OVERARCHING POLICY**

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1.	<b>INTRODUCTION</b>
	As part of the Supporting Family Life Overarching Policy and suite of linked procedures, this Procedure sets out guidance for those based in the University's UK campuses 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.	<b>PROCEDURES</b>
	<p><b>Notification of Pregnancy</b> 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.</p> <p>By the end of the Qualifying Week (i.e. the 15<sup>th</sup> week before the Expected Week of Childbirth), or as soon as reasonably practicable afterwards, you are required to inform Human Resources, in writing, of:</p> <ul style="list-style-type: none"> <li>• the fact that you are pregnant;</li> <li>• the Expected Week of Childbirth;</li> <li>• the date on which you intend to start your maternity leave, and</li> <li>• where applicable, that you wish to return to work with the University after your maternity leave.</li> </ul> <p>This information can be provided by completing the Maternity Statement contained at Appendix 1.</p> <p>You must also provide a MAT B1 certificate, which is a medical form completed by 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.</p> <p>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 of your leave, or, as soon as is reasonably practicable.</p> <p>Human Resources will formally respond, in writing, to your notification of maternity 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.</p> <p><b>Health and Safety</b> The University has a duty to take care of the health and safety of its employees. We are also required to carry out a risk assessment to identify the workplace risks to women who are pregnant, have recently given birth or who are breastfeeding. The University will provide you with information as to any risks identified in the risk assessment and how these will be managed. 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 any is available) on terms and conditions that are not substantially less favourable.</p> <p>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 times 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</p>

continue during the suspension period 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 work on health and safety grounds after the beginning of the fourth week before your Expected Week of Childbirth, the University will automatically start your maternity leave.

### **Sickness Absence**

If you are absent from work due to sickness during your pregnancy, you will receive normal statutory or contractual sick pay in the same way 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, the University will automatically start your maternity leave.

### **Ordinary Maternity Leave**

Ordinary maternity leave can start at any time after the beginning of the 11<sup>th</sup> 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 University's Shared Parental Leave Procedures on the [HR Policy Web Page](#) under Family Friendly Policies.

For health and safety reasons, all maternal employees must take a minimum of two weeks' 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 period of maternity leave, unless you advise them otherwise. This may be to discuss your plans for returning 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 and agree what reasonably regular contact will mean in practice in advance of you going on maternity leave.

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

With the exception of the first two weeks after you have given birth, you can agree to work for the University (or to attend training) for up to 10 days' during your maternity leave without that work bringing your maternity leave or pay to an end. These are known as 'Keeping in Touch' (or KIT) days. Any work carried out during a KIT day is classed as 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 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 your period of maternity leave.

Note: you will be paid at 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, for example, that would count as one KIT day, however, you would receive payment only for the 2 hours worked during any period of unpaid leave.

### **Returning to Work**

The University expects that you will return to work 52 weeks' after you commence 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 a late return from maternity leave, without prior authorisation, will be treated as an 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 8 weeks' notice of your date of early return, preferably in writing. If you fail to do so, the University may postpone your return to work until such a date as will give the University 8 weeks' notice, provided that this is not later than the original expected return date.

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

### **Becoming Pregnant again during Maternity Leave**

If you become pregnant again during your maternity leave, you should contact the HR Services Admin Team as soon as is 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 as 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 11<sup>th</sup> week before the Expected Week of Childbirth, SMP will start on the first day of the 11<sup>th</sup> week before the Expected Week of Childbirth (unless childbirth occurs earlier).
- If you leave between the 11<sup>th</sup> week before the EWC and the EWC, you will start SMP on the day after the day your employment ends.

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

<p>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.</p> <p><b>Recording Maternity Leave on ERP</b> The HR Team will record your maternity leave absence on ERP.</p> <p><b>Coaching</b> The People and Organisational Development Team within HR offers coaching to staff who are about to go on, or who are returning from, maternity leave.</p> <p>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.</p> <p>If you would like to find out more about coaching or meet with one of our experienced coaches from across the University, please contact <a href="mailto:pod@hw.ac.uk">pod@hw.ac.uk</a> or visit the <a href="#">Coaching</a> page on the HR Hub. Further information about Maternity and Paternity Coaching is available here <a href="#">MaternityPaternityCoaching</a></p> <p><b>Breastfeeding</b> If you wish to breastfeed or express during working hours, please see the Guidance at this link: <a href="https://www.hw.ac.uk/services/equality-diversity/athena-swan/policies-guidance-and-useful-links.htm">https://www.hw.ac.uk/services/equality-diversity/athena-swan/policies-guidance-and-useful-links.htm</a></p> <p><b>Flexible Working</b> If you wish to change or reduce your current working pattern or hours, you may apply to do so under the University's Flexible Working Policy, available on the <a href="#">HR Policy Web Page</a> under Flexible Working .</p>				
<b>3. PROCEDURES VERSION AND HISTORY</b>				
	<b>Version No</b>	<b>Date of Approval</b>	<b>Approving Authority</b>	<b>Brief Description of Amendment</b>
	V. 1.4	22.11.2017 updated Oct 2019	UE	Updated Procedure to reflect legislation and changes to enhanced maternity pay



## MATERNITY STATEMENT - CONFIDENTIAL

**THIS STATEMENT MUST BE LODGED WITH THE HR OFFICE NO LATER THAN 15 WEEKS BEFORE THE EXPECTED WEEK OF CHILDBIRTH; THIS IS WHAT IS KNOWN AS THE “QUALIFYING WEEK”.**

*You should refer to the Supporting Family Life Policy and Maternity Procedures before completing this form.*

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.

\* Delete as appropriate

**Please note that we require your original MAT B1; a photocopy is not sufficient.**

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Please accept this notification as an application for maternity leave. I will commence my maternity leave on

..... / ..... / ....., as agreed with my Head of School/Service.

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### **Maternity Pay Entitlement**

*Please tick your entitlement level:*

1. **Enhanced Maternity Pay**

*You have been continuously employed by the University for a minimum period of 12 months before the Qualifying Week and have indicated an intention to return to work.*

Please select your pay option:

**a) \*pay over twenty six weeks**

*(that is, 8 weeks leave on full pay and 18 weeks on half pay plus SMP, followed by 13 weeks of SMP only, followed by additional 13\* weeks unpaid leave)*

**OR**

**b) \*pay over seventeen weeks**

*(that is, 17 weeks leave on full pay followed by 22 weeks on SMP followed by additional 13 weeks unpaid leave)*

***I understand that the the University has the right 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 Maternity Policy, and I understand that I will be required to refund that amount if such a situation arises.***

**2. Statutory Maternity Pay Only**

*or 90% of your average weekly earnings (whichever is lower)*

*You have been continuously employed by the University for more than 26 weeks but less than 12 months before the Qualifying Week*

**Current statutory rates may be found here:** <https://www.gov.uk/maternity-pay-leave/pay>.

**3. Not Eligible for SMP**

*You have been continually employed by the University for less than 26 weeks before your Qualifying Week. You may however, be eligible for a **Government Maternity Allowance** – HR will provide more details*

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**Please complete only if you intend to return to work:**

I intend to return to work on ...../...../.....

*If left blank, it is assumed that maternity leave will be 52 weeks in total [26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave].*

*If you wish to change your return date, 8 weeks notice is required.*

Print Name ..... Signed .....

Date ..... School/Directorate  
.....

Please contact HR if you have any questions or concerns.