

Maternity Leave and Pay Policy

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1 Scope

- 1.1. This policy only applies to employees of the university who are pregnant, including those on fixed term contracts, regardless of their or their partner's sexual orientation, gender identity or gender reassignment. It does not apply to agency workers or self-employed contractors.
- 1.2. UK law (Human Fertilisation and Embryology Act 2008 and the Gender Recognition Act 2004) determines that the person who gives birth to a child in England and Wales should be recorded as the child's 'mother' regardless of whether the person's gender identity is male or non-binary and whether or not they have a gender recognition certificate confirming they are legally male. However, the University recognises that whilst the majority of pregnant employees will identify as a woman and female, we acknowledge that employees who identify as a trans man or a non-binary person may also carry a pregnancy and give birth.
- 1.3. This policy does not form part of an employee's contract of employment.

2 The Public Sector Equality Duty

- 2.1. The Equality Act (2010) requires public bodies such as the University of Greenwich to consider how their decisions and policies affect people with different protected characteristics (or a intersection~~combination~~ of these).
- 2.2. The university is committed to promoting equality of access and outcome for all, celebrating diversity, and providing an inclusive learning and work environment for all students, staff, and visitors. The university will ensure they pay 'due regard' to the need to:
 - a) eliminate discrimination, harassment, and victimisation.
 - b) advance equality of opportunity.
 - c) foster good relations between people, irrespective of their age, disability, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation¹.
- 2.3. Paying 'due regard' means the university will consciously consider or think about the need to do the above.

3 Aims

- 3.1. The policy outlines the statutory rights and responsibilities of employees who are pregnant or have recently given birth and sets out the arrangements for pregnancy-related sickness, health and safety, and maternity leave.
- 3.2. The policy outlines neonatal care (leave and pay) provisions for employee's (see Neonatal Care Leave and Neonatal Care Pay).
- 3.3. The policy also outlines the arrangements that apply in unfortunate circumstances where an employee suffers a miscarriage or stillbirth.
- 3.4. The policy aims to build on the University's commitment to good employment practice and equality and diversity in the workplace.

4 Policy

- 4.1. A maximum of 52 weeks' maternity leave is available, irrespective of length of service or hours worked, made up as follows, subject to the notification requirements set out below under Procedure, section 5 below:
- a) 26 weeks' ordinary maternity leave; followed immediately by
 - b) 26 weeks' additional maternity leave
- 4.2. The University will pay enhanced maternity pay to qualifying staff who have at least 26 weeks' continuous service as at the 15th week before the expected week of childbirth ("EWC"), as set out under section 11 below.

5 Procedure

5.1. Notification

- 5.1.1. The employee must notify their line manager of their pregnancy no later than the end of the 15th week before the EWC or as soon as is reasonably practicable. Notification must be in writing and state:
- a) the expected week of childbirth (EWC)
 - b) the date maternity leave will start (the intended start date); this cannot be earlier than the 11th week before the EWC unless the child is born prematurely before that date.

The employee should then submit a request through Horizon by completing all of the required details and attaching the MATB1 certificate (provided by a medical professional on or after the 20th week before the EWC). The request submitted in Horizon is automatically sent to the People Directorate. The request form is found in Horizon by selecting:

Time and Absences > Add Absence > Type > Maternity Leave

- 5.1.2. Following receipt of the request in Horizon, the People Directorate will write to the employee (no later than 28 days later) to confirm details of the employee's maternity leave and pay arrangements including the date on which maternity leave will end.
- 5.1.3. The employee should also inform their line manager for Health and Safety purposes (see section 9 below).

5.2. Beginning maternity leave

- 5.2.1. Maternity leave can begin at any time from the 11th week before the expected week of childbirth. Employees may if they wish, continue to work until the last week before their expected week of childbirth.
- 5.2.2. Maternity leave will start automatically before the employee's chosen start date in two situations:
- a) if the employee gives birth before their ordinary maternity leave has started. Their maternity leave will begin on the day after the date of the birth. The

employee must inform the University as soon as possible in writing, the date of the birth, or

- b) if the employee is absent from work “wholly or partly because of pregnancy” after the beginning of the 4th week before the EWC. The employee must inform the University without delay in these circumstances. The employee’s maternity leave will begin automatically on the day after the first day of their absence.

5.2.3. The employee can postpone their intended start date by informing the University in writing at least 28 days before the original intended start date, or if that is not possible, as soon as reasonably practicable.

5.2.4. The employee can bring forward the intended start date by informing the University at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.

5.2.5. The law prohibits the employee from working during the first two weeks following childbirth.

6 Support for employees

- 6.1. Staff who are pregnant may at any time meet with a member of the People Directorate in confidence, to discuss their entitlement and receive advice on planning their maternity leave.
- 6.2. Staff who are planning to undergo fertility treatment may wish to contact The People Directorate to discuss what support can be provided. Managers should contact the People Directorate for guidance when an employee has notified that they are planning to undergo fertility treatment.

7 Time off for antenatal care

- 7.1. Pregnant employees are entitled to reasonable time off with full pay for pregnancy related appointments and will not be required to make up time lost or take annual leave for such appointments.
- 7.2. An employee whose partner is pregnant, can take unpaid time off to attend up to two pregnancy-related (‘antenatal’) appointments with their partner. The employee should provide as much notice as possible and the employee may be asked for evidence of the appointment.

8 Sickness during pregnancy

- 8.1. Periods of pregnancy-related sickness absence will be disregarded in consideration of sickness “triggers” under the Sickness Absence Policy.
- 8.2. Also see 5.2.2(b) above regarding sickness wholly or partly because of pregnancy after the beginning of the 4th week before the EWC.
- 8.3. During maternity leave employees are not entitled to receive sick pay and cannot be classed as “off sick”.

9 Health and safety

- 9.1. The University has an obligation to ensure that the health, safety and welfare of pregnant employees and new and breast-feeding employees are protected whilst they are working. A risk assessment must be undertaken to identify any hazards in the workplace which may be a risk to any expectant, new or breast-feeding employees or their baby. The University will take any necessary preventative and protective measures that it considers necessary. A risk assessment form is available on the University's web pages.
- 9.2. Once an employee has advised their manager of their pregnancy, arrangements should be made to carry out a specific risk assessment of the job. Risk assessments are normally carried out by the line manager with the employee although another nominated individual can conduct the assessment on behalf of the line manager if necessary. Assistance can be requested from the People Directorate or the Safety Unit. Discussion should take place with regard to any concerns and actions which may be required. Those actions may include:
- a) Changing the employee's working conditions or hours of work
 - b) Offering suitable alternative work on terms and conditions that are the same or not substantially less favourable.
 - c) Suspending the employee from duties, which will be on full pay unless they have unreasonably refused suitable alternative work
- 9.3. Also see section 18 below, Miscarriage and Stillbirth.

10 Annual leave

- 10.1. During maternity leave, holiday entitlement, including public holidays, will accrue at the rate provided under the employee's contract of employment. Please note that accrual applies throughout maternity leave, including during the period of unpaid maternity leave.
- 10.2. Significant amounts of annual leave entitlement can build up during an employee's absence on maternity leave. Before commencing maternity leave, individuals are advised to discuss and agree in writing with their Pro Vice-Chancellor, Director, or other appropriate manager, how any accrued leave allowance will be taken.
- 10.3. Annual leave will accrue:
- 10.3.1. during the leave year in which the employee's maternity leave is due to begin before the start of maternity leave. All of this entitlement should be taken prior to the commencement of maternity leave. Employees are reminded that holiday should be taken in the leave year in which it is earned. Any unused entitlement can only be carried forward with prior written permission from the University. If prior written permission is provided, then this leave should be taken immediately before returning to work at the end of the maternity leave period.
 - 10.3.2. during the leave year which commences *after* the maternity leave period has begun. Holidays accrued during this leave year will be honoured by the University and available to the employee following return from maternity leave. The employee should ensure that they plan and agree with their Pro Vice Chancellor, Director or other appropriate manager, when this accrued leave will be taken following their return to work, having regard to the needs and resources of the University
 - 10.3.3. during the leave year which commences *following* the employee's *return* from maternity leave. Again, these holidays will of course be honoured and must be

included in the planning of, and agreement about, when holidays should be taken (see 10.3.2 above).

11 Enhanced Occupational Maternity Pay - Employees with at least 26 weeks' continuous service at the 15th week before the EWC

11.1. Staff with 26 or more weeks' service at the 15th week before the EWC are entitled to the following:

- a) the first 20 weeks of Maternity Leave paid at normal pay rate (this includes Statutory Maternity Pay (SMP) entitlement).
- b) the following 19 weeks paid at the **lower** of Statutory Maternity Pay (SMP) or 90% of weekly earnings.
- c) 13 weeks' unpaid leave.

11.2. The rate of SMP is available [here](#). Further information on SMP is available at [Appendix A](#).

12 Exclusions from maternity pay (statutory and enhanced)

12.1. The circumstances under which the employee is not entitled to receive maternity pay are as follows:

- a) they have less than 26 weeks' continuous service at 15 weeks before the EWC
- b) their average earnings are below the [National Insurance Lower Earnings Limit](#).
- c) they go to work for another employer.
- d) they undertake any work (other than KIT referred to below) during the maternity pay period.
- e) they do not provide form MATB1.
- f) the employee gives less than 28 days' notice (or as much notice as is reasonable) of their intention to take maternity leave.
- g) the employee is no longer pregnant 11 weeks before the start of the EWC.
- h) the employee suffers a loss of pregnancy *prior to* 24 weeks into the pregnancy (the employee is also excluded from taking maternity leave). The exception to this is set out at 18.6.

12.2. If the employee is not entitled to Statutory Maternity Pay or enhanced occupational maternity pay, they may be entitled to Maternity Allowance.

13 Salary and pension implications

13.1. Where there is an increase in pay during the maternity pay period, SMP and enhanced occupational maternity pay will be recalculated to take into account any increment or pay award applied during that period.

13.2. The University continues to pay the appropriate employer's pension contributions during the paid period of maternity leave. The employee contributions will be based on the actual amount of pay received.

13.3. When the employee is on unpaid maternity leave on zero pay they will not be building up any pension benefits, i.e. any unpaid period does not count towards service for pension purposes.

- 13.4. The employee may wish to contact their pension provider to explore whether they may buy back lost service (make up for missed contributions), for example through an additional pension contribution option. Whether this is possible depends on the particular pension scheme. Contact details for University pension providers are given at the end of this policy.

14 Keeping in Touch (KIT) Days

- 14.1. With the agreement of their line manager, the employee may work for up to 10 days during the maternity leave period without bringing maternity leave to an end or losing Statutory Maternity Pay or Maternity Allowance. These are called keeping in touch (KIT) days.
- 14.2. KIT days enable the employee to keep in touch during maternity leave and help facilitate a smooth return to work, if they wish to. KIT days are optional and should not be used to cover annual leave, sickness or staff shortages.
- 14.3. The employee can take a keeping-in-touch day during ordinary or additional maternity leave but not during the two weeks of compulsory maternity leave immediately after the birth.
- 14.4. KIT days do not have to be consecutive. They can be used for any work-related activity including training, conferences or meetings, as agreed between the employee and line manager. The line manager must keep a record of the employee's KIT days and notify payroll.
- 14.5. Working for part of a day during the maternity leave period (even a half day) will count as a full KIT day. If the employee works for more than 10 keeping in touch days, maternity leave and pay automatically come to an end by law. Where KIT days are not taken, they will be lost. KIT days cannot be carried forward and are not additional to annual leave.
- 14.6. Employees may visit colleagues with their new baby; however, babies must not be brought into the office on any days that will be considered as KIT days. Employees are responsible for meeting childcare costs on KIT days.
- 14.7. If a KIT day occurs during a period of full maternity pay the employee will receive full pay for the half day or full day they have worked with no additional pay. If a KIT day occurs during a period of SMP only, this will be topped up, so the employee receives full pay for the half day or full day they have worked. Pay for a KIT day during an unpaid period of maternity leave will be paid at the employee's normal hourly rate of pay for the half day or full day they have worked.
- 14.8. KIT days are optional and any work during maternity leave must be by agreement. Neither the employee nor the university can insist on taking them. KIT days of work will not extend the maternity leave period. Where KIT days are not taken, they will be lost, i.e. they cannot be carried forward. They are not additional to annual leave.

15 Maintaining reasonable contact

- 15.1. Reasonable contact during a period of maternity leave is encouraged. This contact may be used for example to discuss arrangements for the employee's return to work or to inform the employee of important workplace developments.
- 15.2. The manager should also ensure the employee is able to access details of any promotion opportunities or vacancies which arise during maternity leave. The manager

must ensure the employee is consulted when organisational restructures are being contemplated.

- 15.3. Prior to the commencement of maternity leave, the employee and their manager should discuss the extent to which the employee wishes the University to maintain contact with them and their preferred arrangements for keeping in touch.

16 Not returning to work

- 16.1. If the employee does not intend to return to work from maternity leave, or is unsure, they should discuss this with their line manager as early as possible. If the employee decides they will not return, they must give the appropriate notice period of their resignation during their maternity leave, in accordance with their contract.

17 Returning to work

- 17.1. The employee will be notified in writing by the People Directorate of the latest date on which they are expected to return to work following maternity leave.
- 17.2. The employee must take no less than two weeks' maternity leave immediately following the birth. There is no need for the employee to notify the University of their return if they plan to return on the date confirmed to them by the People Directorate.
- 17.3. An employee who returns to work after the period of ordinary maternity leave has the right to return to work in the same post, on the same terms and conditions which applied before maternity leave. That right is unaffected even if they take up to four weeks' parental leave immediately after their ordinary maternity leave.
- 17.4. If the employee returns after the period of additional maternity leave, they also have a right to return to the same post, or if it is not reasonably practical to permit them to do so, they have a right to return to a suitable alternative post, on terms and conditions that are not less favourable to those which applied before their maternity leave. This also applies where an employee takes four weeks' parental leave immediately after their ordinary maternity leave, or a period of additional maternity leave followed by a period of parental leave or shared parental leave. Managers must seek advice from the People Directorate in circumstances where they are contemplating offering an alternative post.
- 17.5. If an employee is on a fixed term contract, they will not be entitled to work beyond the expiry of their fixed term contract. They will however be consulted about the renewal or non-renewal of the fixed term contract. The People Directorate guidance must be sought in such cases, particularly where the employee has two years' service or more.
- 17.6. Managers should discuss with the employee on or before their return to work, any particular arrangements to apply on their return, including any risk assessment or working arrangements. Managers are responsible for liaising with Estates and Facilities regarding a suitable location for use by breast-feeding employees, if required.

18 Pregnancy loss and stillbirth

- 18.1. Sadly, there will be occasions when an employee suffers a pregnancy loss or a stillbirth. Employment rights differ depending on when this occurs. Once 24 weeks of pregnancy have passed, an employee suffering a stillbirth or the loss of a young baby shortly after it is born alive, is covered by normal maternity rights as set out above. In effect, either event is regarded as a birth. The EWC on the MatB1 form is used to

calculate the 24th week. Where maternity leave has not yet begun, an employee's maternity leave is deemed to have started on the day after the day of the birth and they retain their right to maternity leave and any maternity pay, subject to eligibility (see sections 11 and 12 above).

- 18.2. The employee must take the first two weeks of compulsory maternity leave.
- 18.3. There is no obligation for the employee to return to work early from maternity leave. However, if they wish to do so, they will be required to give 8 weeks' notice. The employee retains the same rights on return to work as set out at section 17.
- 18.4. Where the loss of a pregnancy occurs before 24 weeks of pregnancy, the employee is not entitled to maternity leave or pay (see also 18.6 below). See also the university's Special Leave guidance for details of bereavement leave.
- 18.5. If the employee takes sickness absence their medical adviser may certify the absence as pregnancy related (see 8.1 above). The manager should discuss with the employee whether an OH referral would be appropriate, particularly if the employee is likely to be on sickness absence for four weeks or more.
- 18.6. In the event of a live birth occurring before a pregnancy reaches 24 weeks, the employee will be entitled to normal maternity rights, including maternity leave and pay (subject to eligibility set out in sections 11 and 12 above) even if the baby lives for only a short time.
- 18.7. Prior to returning to work the manager and employee should discuss any support which may be appropriate, including with regard to their preferences about any communications with colleagues. The employee should be encouraged to use the services of the Employee Assistance Provider if this would be helpful.
- 18.8. On return to work, the line manager or another nominated individual is encouraged to discuss with the member of staff whether a Health and Safety risk assessment is appropriate. The Safety Unit is available to advise the manager and member of staff.

19 Neonatal care leave

- 19.1. Neonatal care leave provides parents with additional time off with their newborn baby when they require medical care, without using their maternity leave.
- 19.2. Employees will be eligible for neonatal care leave when their newborn baby is admitted to hospital up to 28 days after birth, for an uninterrupted hospital stay of seven days or more. Eligible employees will be entitled to take a minimum of one week and up to a maximum of twelve weeks of neonatal care leave, regardless of the number of times the baby is admitted to hospital. Neonatal leave must be taken in complete weeks which can be taken consecutively or non-consecutively. A complete week of leave is defined as the same number of hours that an employee normally works in a week.
- 19.3. Neonatal leave is applicable to each individually affected employee, whether they are the birth parent or partner/father. Each parent is entitled to neonatal care leave.
- 19.4. Eligible employees have the right to neonatal care leave from the first day of employment.
- 19.5. Maternity leave cannot be curtailed to take neonatal care leave and restarted again, rather neonatal leave must be taken at the end of the employee's maternity leave or after they have returned to work, provided it is taken within 68 weeks of the birth.
- 19.6. Where the employee is eligible for neonatal leave and planning to take shared parental leave, they should also refer to the Shared Parental Leave Policy and Procedure.

- 19.7. Eligible employees must notify their line manager of their intention to take neonatal care leave as soon as is reasonably practicable.
- 19.8. Neonatal leave does not need to be approved by the line manager as it is a statutory entitlement providing the employee meets the eligibility requirements. However, the line manager must notify the People Directorate to ensure the leave is recorded correctly on Horizon.
- 19.9. With the employee's agreement, and considering the potential sensitivity of the situation, the line manager should maintain an appropriate level of contact with the employee during neonatal care leave. The line manager should also ensure the employee is aware of the Employee Assistance Programme provided by the university and how to access it. Further information can be found on the university staff portal
- 19.10. Employees should refer to the provisions elsewhere in this policy regarding Keeping in Touch (KIT) Days and their return to work following neonatal care leave.
- 19.11. During neonatal care leave, the employee's holiday entitlement, including public holidays, will accrue at the rate provided under their contract of employment.
- 19.12. Where there is an increase in pay during neonatal care leave, the employee's normal pay rate will be recalculated to reflect any increment or pay award applied during that period.
- 19.13. The university continues to pay the appropriate employer's pension contributions during neonatal care leave.
- 19.14. If the employee does not intend to return to work from neonatal care leave, or is unsure about returning, they should discuss this with their line manager as early as possible. If the employee decides they will not return, they must give the appropriate notice period of their resignation during their neonatal care leave, in accordance with their contract.

20 Neonatal care pay

- 20.1. Employees are entitled to a maximum of 12 weeks of neonatal leave at their normal pay rate (this includes Statutory Neonatal Care Pay (SNCP) entitlement).

21 Shared parental leave

- 21.1. Shared parental leave (SPL) is a statutory right that enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. An employee who has given birth to a child may reduce their maternity leave entitlement and then they and/or their partner may opt in to the SPL arrangements and take any remaining weeks as SPL up until their child's first birthday. See the *Shared Parental Leave Policy* for further details.

22 Other policies and guidance

All of the following policies and guidance can be found by searching the university staff portal.

22.1. Parental Leave Policy

Paternity/Partner's Leave and Pay Policy. This policy also includes neonatal care (leave and pay) provisions for employees.

22.2. Shared Parental Leave Policy and Procedure. This policy also includes neonatal care (leave and pay) provisions for employees.

22.3. Sickness Absence Policy and Procedure

22.4. Special Leave Guidance. Special Leave sets out staff eligibility for discretionary leave for purposes such as a bereavement, or a funeral, Time off to care for family and dependants in an emergency and Carer's Leave. Special Leave guidance can be found on the university staff portal.

23 Appendix A - Statutory Maternity Pay

Statutory maternity pay (SMP) is payable for up to 39 weeks. This amount is included in any occupational maternity pay that the University pays where the occupational maternity pay is higher.

SMP is calculated as follows:

- First six weeks: SMP is paid at the Earnings-Related Rate of 90% of the employee's average weekly earnings calculated over the Relevant Period.
- Remaining 33 weeks: SMP is paid at the Prescribed Rate which is set by the government for the relevant tax year, or the Earnings-Related Rate if this is lower.
- There is no statutory entitlement to pay for the final 13 weeks of Additional Maternity Leave.

SMP accrues from the day on which the employee commences their Ordinary Maternity Leave and thereafter at the end of each complete week of absence. Income tax, National Insurance and pension contributions are deducted as appropriate.

The employee is still eligible for SMP if they leave employment for any reason after the start of the Qualifying Week (for example, if they resign or are made redundant). In such cases, if maternity leave has not already begun, SMP starts to accrue in whichever is the later of:

- the week following the week in which employment ends; or
- the eleventh week before the Expected Week of Childbirth.

If the employee becomes eligible for a pay rise before the end of maternity leave, it will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period.

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Version No.	Purpose/Change	Author	Approved By	Date
1.0			Staffing Committee	2008 and Jan 2015
			VCG	April 2019
			JNC	February 2020
2.0	Updated to use gender neutral language		N/A	September 2020
3.0	Updated to include Neonatal Care (Leave and Pay)	Vanessa Roots Senior Workforce Policy Officer	VCE	22 July 2024
	Update to process: maternity leave requested via Horizon Clause 5.1	Vanessa Roots Senior Workforce Policy Officer	N/A	01/04/2025

This policy will be reviewed regularly.