

This policy applies to employees whose expected date of confinement is on or after 1 April 2019.

1. Maternity benefits

Some requirements and benefits of the University's occupational maternity leave scheme vary from the statutory requirements and benefits of Statutory Maternity Pay (SMP). Care should be taken to distinguish between the respective requirements and benefits of the two schemes. Maternity leave with full pay as mentioned in this scheme includes any relevant Statutory Maternity Pay. Statutory Maternity Pay at the lower rate will be paid to eligible members of staff in addition to half-pay for a maximum period of 16 weeks. No combination of payments should exceed full pay.

2. Ante-natal care

Any pregnant employee has the right to paid time off to attend for antenatal care, but must produce evidence of appointments if requested to do so by the University.

3. Qualifying Period of Service for Maternity Leave

3.1 An employee needs to be continuously employed in the University's service for a minimum period of twelve months before the expected week of confinement (EWC) to qualify for the University's occupational scheme

3.2 Employees who are not entitled to the occupational scheme, are entitled to Maternity Leave in the form of 26 weeks' ordinary maternity leave, and 26 weeks' additional maternity leave regardless of length of service. Additional maternity leave begins at the end of ordinary maternity leave. All employees must take at least two weeks' compulsory maternity leave immediately after the birth before returning to work.

4. Notification for start of Maternity Leave

To take advantage of the right to maternity leave an employee must notify the University:

- that they are pregnant;
- when the expected week of confinement will be, by means of a maternity certificate (MAT B1);
- when they intend their maternity leave to start.

The notification must:

- be received by HR no later than the end of the 15th week before the week the baby is due
- or as soon as is reasonably practicable.
- be provided in Welsh or English

However, in order to assist the University to discharge its responsibilities towards the health and safety of the pregnant employee and their unborn child, it is advisable that written notification should be given at an early stage in the pregnancy so that a risk assessment can be undertaken.

5. Commencement of Maternity Leave

The employee may commence maternity leave at any time from the 11th week before the expected week of confinement up to the day of the birth, and notice should be given in writing of the intended start date of the leave, 28 days before the leave is due to start, or as soon as reasonably practical. Entitlement to maternity leave will be calculated from the agreed date of cessation of work, or from the actual date of cessation of work, if earlier.

6. To qualify for Occupational Maternity Pay (OMP)

To qualify for **OMP** an employee must:

- Have been employed by Aberystwyth University for a minimum period of 12 months before the expected week of confinement;
- Contact Aberystwyth University no later than the 'qualifying week', which is the 15th week before the expected week of confinement, or as soon as reasonably practicable, to provide the following:
 - Confirmation of the pregnancy
 - The MATB1 form confirming the expected week of confinement
 - Confirmation of the date at which the employee intends to begin maternity leave

Maternity leave may commence at any time from the 11th week before the expected week of confinement up to the day of the birth.

7. Period of Maternity Pay under the University's Occupational Scheme

7.1 Employees that qualify for the University's occupational scheme (as per Section 6) shall be entitled to receive:

- 8 weeks on full pay }
- 16 weeks on half pay } *together ordinary maternity leave*
- 15 weeks Statutory Maternity Pay }
- 13 weeks unpaid leave }. *additional maternity leave*

If the employee does not qualify for Occupational Maternity Pay, they may qualify for Statutory Maternity Pay.

8. To qualify for Statutory Maternity Pay (SMP)

To qualify for **SMP** you must:

- Earn on average at least the Lower Earnings Limit (£118 per week) in your last 8 weeks of earnings
- Have worked for Aberystwyth University continuously for at least 26 weeks up to, and including, the 'qualifying week'.
- Contact Aberystwyth University no later than the 'qualifying week', which is the 15th week before the expected week of confinement, or as soon as reasonably practicable, to provide the following:
 - Confirmation of the pregnancy
 - The MATB1 form confirming the expected week of confinement
 - Confirmation of the date at which the employee intends to begin maternity leave

Maternity leave may commence at any time from the 11th week before the expected week of confinement up to the day of the birth.

9. Statutory Maternity Pay

9.1 Employees that qualify for Statutory Maternity Pay shall be entitled to receive:

- 90% of average weekly earnings for the first six weeks;
- £148.68, or 90% of average weekly earnings, whichever is lower, for the next 33 weeks. (see <https://www.gov.uk/maternity-pay-leave>)

If the employee does not qualify for either Occupational Maternity Pay, or Statutory Maternity Pay, Payroll will send a Statutory Maternity Pay 1 (SMP1) Form. This form can be used to apply for Maternity Allowance. More information on Maternity Allowance can be found here: <https://www.gov.uk/maternity-allowance>

10. For employees who do not return to work following maternity leave

Nothing in this agreement shall prejudice the right of the University to reclaim the whole or part of the occupational element of maternity pay if the employee fails to return to work after maternity leave and continue in employment for at least three months.

11. Keeping in Touch Days

An employee can agree to work for the University for up to 10 days during the maternity leave period, without bringing their maternity leave to an end. However, the University is not obliged to offer, nor the employee to accept, such work. Any days worked for the University during the maternity leave period in accordance with this section will be paid at the contractual rate of pay for the duration of the hours worked. The days are paid in addition to any of their maternity pay.

The days can be used for any form of keeping in touch, including activities such as training or departmental meetings. Any part of a day worked will count as one 'Keep in Touch' day. Any work done on any day during the maternity pay or maternity leave period will count as a whole 'Keep in Touch' day, up to the 10-day maximum. In other words, if an employee comes in for a one hour training session and does no other work that day, they will have used one of their 'Keep in Touch' days.

If the work carried out during one shift straddles midnight it may be counted as one day for the purposes of 'Keep in Touch' days, if the employee's normal working pattern is such that this would fall within a normal working day.

No 'Keep in Touch' days may be worked during the two weeks following birth.

In order to process the payment for any 'Keep in Touch' days worked, please complete the 'Keep in Touch' request form. This must be signed by both the employee and the Head of Department confirming agreement by both parties to the 'Keep in Touch' day. This form must be forwarded to the Department of Human Resources as soon as possible in order to ensure prompt payment.

12. Sick Leave Arrangements

A pregnant employee who is absent from work due to illness will normally be able to take sick leave until they start their maternity leave on the date notified to the University. If the illness is unrelated to the employee's pregnancy they can remain on sick leave and

will be subject to the University's sickness absence policy up to the date of the baby's birth, or until the date they have notified as the date on which they intend their maternity leave to start.

However, if the illness is pregnancy related the maternity leave period starts automatically on the day after the first day of absence following the beginning of the fourth week before the expected week of confinement. This applies even if the day of absence is before the date the employee has notified as the date on which they intend their leave to start. Odd days of pregnancy related illness may be disregarded at the University's discretion if the employee wishes to defer the start of their maternity leave period.

13. Arrangements for returning to work

An employee who has opted to return to work may exercise this right at any time within 52 weeks of the commencement of the maternity leave period (or 26 weeks if the employee is only taking ordinary maternity leave), except that they may not return within two weeks of the birth of their child. After ordinary maternity leave an employee will be entitled to return to their previous job. After additional maternity leave they will normally return to the job in which they were employed under the original contract of employment and on terms applicable to them had they not been absent. Where this is not possible, alternative employment, on similar (no less favourable) terms and conditions, will be offered. Notification of return to work, if earlier than the end of maternity leave entitlement, should be given in writing in Welsh or English at least 8 weeks before the intended date of return.

The employee continues to be employed during the unpaid maternity leave period, which counts towards their period of continuous employment for the purposes of seniority, pension rights, redundancy rights and other similar rights. Therefore, it has been agreed that:

- Pension rights and contributions shall be dealt with in accordance with the provisions of the relevant superannuation scheme, provided that these provisions do not conflict with any relevant statutory requirements that may at the time apply;
- The employee shall be entitled to receive the normal annual increment on their scale in accordance with their contract of employment to take effect from the normal incremental date;
- Periods of ordinary and additional maternity leave shall count towards the calculation of annual leave entitlement. (For further information staff are advised to contact the Human Resources Department).

14. Live and still births

There shall be no distinction between live and still births in the granting of maternity leave.

15. Health and Safety at Work

The University acknowledges the importance of protecting from avoidable risk pregnant and breastfeeding employees and their children, including the unborn. In the event of the employee being employed on work which could involve risk to the health and safety of a new or expectant birth parent, or to that of their baby, arrangements will be made to protect both the birth parent and the child, having regard to the statutory health and safety provisions that may at the time apply.

All pregnant employees and their line-managers are required to undertake a "Risk Assessment for Expectant Persons" which can be found [here](#), to identify any potential hazards within the workplace and appropriate arrangements / adjustments to mitigate

such hazards. The risk assessment should be completed and returned to the HR department following the employee's notification of pregnancy.

16. Staff not Returning to Work

An employee who satisfies the conditions of paragraph 3.1 above, but who has given notice to the University of their intention to leave employment at the end of their maternity leave, shall receive the benefits set out in paragraphs 3.2 and 9.

17. Explanatory Notes on the Provisions of the Scheme

Amendment of employment contract on return to work after maternity leave

While return to part-time work is not a right, the University will give sympathetic consideration to a request from an employee who wishes to reduce their hours upon return to work or apply for job-sharing. The employee should submit their request in writing in Welsh or English as early as practicable but in any event not later than eight weeks before the notified date of return to work.

Accrual of annual leave during maternity leave

Annual leave accrues during paid periods of maternity leave. Therefore, the employee should make every effort to take annual leave either before, or after, their maternity absence. Where possible, all leave should be taken within the leave year, i.e. between January and December.

18. Policy Review

Human Resources will co-ordinate a review of this policy in order to maintain compliance with legislation and good practice. The review will be undertaken in liaison with the recognised trade unions and any proposed amendments will be submitted to the appropriate relevant committee, University Executive and Council if required.

19. Welsh Language – Employee Rights

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation
and employees also have the right to use the Welsh language in meetings where they are the subject of
- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.