

Maternity Policy & Procedure

 **Mae’r ddogfen hon hefyd ar gael yn Gymraeg / This document is also available in Welsh**

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**CARDIFF METROPOLITAN UNIVERSITY**

**MATERNITY POLICY**

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**CARDIFF METROPOLITAN UNIVERSITY**

## MATERNITY POLICY

**1. Introduction**

* 1. The University recognises the demands and importance of family life. It is therefore committed to supporting employees through a range of family friendly procedures to achieve a balance between work and home life wherever possible.

1.2 This policy and procedure reflects the statutory and occupational rights of eligible employees to take leave and receive pay in relation to the birth of a child

**2. Scope of Policy**

2.1 This policy applies to all pregnant employees, regardless of gender identity.

2.2 For the avoidance of doubt, the terms “partner” or “spouse” are inclusive of same-sex partnerships.

**3. Statutory Maternity Leave**

3.1 All pregnant employees are entitled to take up to 52 weeks maternity leave, regardless of length of service with the University.

3.2 To qualify for maternity leave the employee must notify the University by the end of the 15th week before the Expected Week of Childbirth (referred to hereafter as EWC).

3.3 While it is up to employees to decide how much maternity leave they wish to take, up to a maximum of 52 weeks, the law requires that a minimum of two weeks’ compulsory maternity leave must be taken immediately after the birth of the child. The University may require the employee to take a minimum of 4 weeks compulsory maternity leave where the employee works in an environment which has been determined as “high risk”. For those in this position, a full risk assessment will be undertaken in order to determine a safe date for the employee to return to work.

3.4 Maternity leave is a single continuous period and is made up of:

* 26 weeks’ ordinary maternity leave; and
* 26 weeks’ additional maternity leave which follows ordinary maternity leave without a gap.

3.5 The earliest date the employee can begin their maternity leave is the 11th week prior to the EWC.

**4. Statutory Maternity Pay**

4.1 Employees with less than 26 weeks’ continuous service at the 15th week prior to the EWC are not entitled to statutory maternity pay. The employee may be entitled to claim maternity allowance from the Department for Work and Pensions.

4.2 Employees with at least 26 weeks’ continuous service (or more) at the 15th week prior to the EWC are entitled to statutory maternity pay for 39 weeks. Statutory maternity pay will be paid at 90% of the employee’s average weekly earnings for the first 6 weeks followed by the current rate per week for statutory maternity pay, or 90% of the employee’s average weekly earnings if this is less than the weekly statutory maternity pay rate for the remaining 33 weeks.

4.3 If the employee earns less than the National Insurance lower earnings limit, they will not be entitled to statutory maternity pay but they may be able to claim maternity allowance from the Department for Work and Pensions.

**5. Cardiff Metropolitan University’s Occupational Maternity Pay**

5.1 The employee will be eligible to receive occupational maternity pay if they have been continuously employed by the University during the 12 month period ending with the 11th week prior to EWC.

5.2 Where employees meet the criteria set in section 5.1, they will be in receipt of occupational maternity pay as follows:

|  |
| --- |
| **Pay** |
| 13 weeks at normal contractual weekly earnings |
| 26 weeks at 50% of normal contractual weekly earnings plus Statutory Maternity Pay. Normal contractual weekly earnings cannot be exceeded.  |

**6. Wellbeing and Health and Safety at Work**

6.1 The University is fully committed to the wellbeing of its employees and it endeavours to foster a safe working environment.

6.2 For the University to ensure that it meets its statutory obligations under the Health and Safety at Work Act, the line manager will ensure that an initial workplace risk assessments is carried out as soon as they have been notified that the employee is pregnant. The initial risk assessment will determine the frequency of subsequent risk assessments, which should continue throughout the pregnancy.

6.3 Risk assessments will be necessary to ensure that the type of work including any chemical, physical and biological agents that the employee may have contact with are assessed in the interests of the employee’s health and safety and that of the unborn child.

6.4 Employees should notify their manager using the Maternity Notification Form as early in to the pregnancy as possible to ensure that the associated risk assessments and any relevant occupational health assessments can be carried out.

6.5 The University will support the wellbeing of all employees and it will ensure that any necessary adjustments to the working environment are robustly considered and, where practical to do so, implemented to ensure that employees work in a safe environment.

6.6 Employees are responsible for informing their line manager of any changes to their circumstances which may have an impact upon safety in the workplace.

6.7 Any sickness absence in relation to pregnancy will be disregarded for absence management purposes.

7. **Welsh Language Standards**

7.1 The University has considered what effects this policy has on opportunities to use the Welsh language and has considered its duty in treating the Welsh language no less favourably than the English language.

7.2 This policy and associated documents are available in both the Welsh language and the English language.

7.3 Any paper correspondence in relation to this policy will be provided in Welsh, should the employee have chosen to receive any correspondence in relation to their employment, in Welsh.

**CARDIFF METROPOLITAN UNIVERSITY**

## MATERNITY PROCEDURE

1. **Notification by the Employee**

1.1 In the interests of safety, it is advisable that you inform the University about your pregnancy by using the Maternity Notification Form and submitting it to your line manager as soon as possible, and in any event, no later than the end of the 15th week before the EWC.

1.2 If you change your mind about your start date, you must give your line manager at least 10 working days’ notice of the revised start date of your maternity leave, where reasonably practicable.

1.3 In order to receive statutory maternity pay, you must provide a Human Resources Representative with your MATB1 form which will be given to you by your healthcare provider at approximately 26 weeks of pregnancy.

1.4 The earliest date you can begin your maternity leave is the 11th week prior to your EWC, unless your child is born prematurely before that date in which case Maternity leave will start on the following day.

1.5 If you become ill with a pregnancy related illness during the 4 week period before the EWC your maternity leave and maternity pay will automatically commence regardless of the date the leave was originally due to start.

**2. Cardiff Metropolitan University’s Responsibilities**

## 2.1 Upon receiving confirmation of your pregnancy and intention to take maternity leave, your manager, in discussion with a Human Resources Representative, will respond to you in writing within 28 days, setting out the date that you will commence the maternity leave and confirming your expected to return to work date. The return to work date will be 52 weeks after the start of the maternity leave or sooner if you have opted to take less of the maternity leave entitlement.

2.2 When informed of your pregnancy, your manager will carry out an initial risk assessment which inform the frequency of subsequent risk assessments which will take place at regular intervals throughout your pregnancy.

2.3 Employees on maternity leave currently must be given priority for suitable alternative employment in a redundancy situation.

2.4 This also applies from the date an expectant mother, or those adopting a child or taking shared parental leave, notifies their employer of their pregnancy, match for adoption, intention to take shared parental leave; and extends for 18 months from the birth date.

**3. Time Off for Antenatal Care**

3.1 You are entitled to paid time off to attend appointments for all antenatal care.

3.2 Antenatal care includes medical examinations and other appointments, such as, relaxation

 classes and parent craft classes.

3.3 With the exception of your first appointment, if requested, you must be prepared to show your

 manager an appointment card or other documentation to show that an appointment has been

 made.

**4. The Right to Time Off to Accompany the Person giving Birth to Antenatal Appointments**

4.1 Eligible employees are entitled to paid time off work to accompany the pregnant employee for up to a maximum of two antenatal appointments. Any additional appointments will need to be taken as annual leave or unpaid leave.

4.2 This entitlement to paid time off applies to the non-pregnant biological parent, or the person giving birth’s spouse, partner, or the intended parents of a child in a surrogacy arrangement who are expected to obtain a Parental Order to care for the child.

4.3 You should provide your manager with as much notice as possible of the appointment.

**5. Keeping In Touch Days during Maternity Leave**

5.1 You may, by advance agreement with your line manager, undertake up to ten days’ work, which are known as KIT (Keeping in Touch) days, during your maternity leave aside from the compulsory maternity leave period.

5.2 KIT days enable the employee to keep up to date with developments in the workplace, retain knowledge, maintain relationships with colleagues and other stakeholders, take advantage of training and development activities and may help to ease the employee’s transition back into the workplace at the end of their maternity leave.

5.3 KIT days may include any activity which would normally be classed as work under their contract of employment, for example attending a meeting, attending a conference, attending a training and development activity or any other activity in accordance with their job description.

5.4 KIT days should be taken intermittently throughout the maternity leave period by advance agreement and not taken as a block of one or two consecutive weeks. Any work that is undertaken as a KIT day will be counted as one whole KIT day’ and even as little as half an hour will be counted as one whole day and will be paid.

**6. Fertility Treatment**

6.1 Under the Leave of Absence Policy and Procedure the University provides for personal attendance to all types of medical appointments, which will include time off to undergo IVF treatment.

6.2 If the employee requires time off over the allowance provided, they will usually be able to take time out of their annual leave entitlement, or unpaid leave where necessary. Alternatively, flexibility in working hours will be allowed where this is practicable.

6.3 Employees are encouraged to try to arrange appointments at times that cause the minimum amount of disruption to the University wherever possible.

6.4 During the implantation stage of an IVF process the employee undergoing the treatment will be entitled to time off for antenatal appointments. During this period, any sickness absence in relation to the IVF treatment will be disregarded for use in absence management. This protected period will continue should a pregnancy test prove positive, and will end in the event that a pregnancy test is negative.

6.5 For the avoidance of uncertainty, employees are encouraged to inform their line manager at the point that they reach the implantation stage of treatment.

6.6 The University recognises the emotional impact that IVF can have on employees due to the physical stress of treatment and the potential distress of the treatment being unsuccessful. Employees are encouraged to access the University’s counselling service during this difficult time.

**7. Returning to Work Following Maternity Leave**

7.1 You must give your manager at least 8 weeks’ notice if you intend to return to work earlier than the end of the agreed period of maternity leave.

## 7.2 If you have notified the University that you wish to return to work before the end of the full 52 weeks of maternity leave and subsequently change your mind, you must give your manager at least 8 weeks’ notice that you intend to return to work later than the end of the agreed period of maternity leave, provided the new date is within the full entitlement of 52 weeks of maternity leave.

## 7.3 If you do not wish to return to work after the maternity leave, you must provide your manager with notice in accordance with your contract of employment.

## 7.4 If you do not return to work for a minimum of 3 months following the maternity leave, the University reserves the right to reclaim all or part of the occupational entitlement of the occupational maternity pay, but not statutory maternity pay, which you have received.

## 7.5 The return to work period starts when you physically return to work. Periods of paid or unpaid absence before you return to work, e.g. annual leave or sickness absence, do not count towards the three month period.

## 7.6 If you return to work, having taken no more than 26 weeks’ leave and during your ordinary maternity leave period, you have the right to return to the job that you held before starting maternity leave.

## 7.7 If you return to work after taking more than 26 weeks leave and it is not reasonably practicable for you to return to the same job, you will be offered another suitable and appropriate job, on no less favourable terms and conditions.

7.8 Upon your return to work, you will have an initial meeting with your line manager in order to inform you of any workplace developments, agree objectives, organise handover arrangements, introduce you to new members of staff, and to assess if you have any training or development needs. At this initial meeting further review meetings will be scheduled between you and your line manager.

7.9 Should you wish to make a formal flexible working request in order to request changes to your working pattern, hours or place of work, you should do so using the University’s Flexible Working Guidance. Where possible, this request should be made no later than 8 weeks before your return from Maternity Leave to ensure that the University has time to consider your request and that both parties have time to make any necessary arrangements.

7.9 Should you require facilities to express breast milk upon your return from maternity leave, please inform your line manager or Human Resources Representative prior to your return. This is in order to give the University sufficient time to make necessary arrangements.

**8. Pension**

8.1 Whilst on paid maternity leave, your pensionable service will continue. Although your pension contributions will be based on your actual maternity pay, you will continue to accrue pension benefits in the normal way as if you had been in work.

8.2 During any unpaid period of maternity leave, no further pension contributions will be payable until you return to work. This period of leave will not be included as pensionable service and therefore will not accrue benefits.

8.3 You may be able to pay back contributions in order for any periods of unpaid leave to count as pensionable. However, there will be conditions on this subject to the rules of your particular pension scheme. Please contact the Payroll Office before you commence your leave to discuss your options.

**9. Annual Leave, Bank Holidays and Concessionary Days**

9.1 It is not possible for you to take annual leave at the same time as paid maternity leave.

9.2 Whilst on maternity leave you will accrue entitlement to annual leave, bank holiday and concessionary days. It will usually be possible for you to take any unused annual leave either before you start maternity leave or at the end of the maternity leave period. This should be by advance agreement with your manager as per the normal procedure.

**10. Pregnant Agency Workers**

10.1 If you are or become pregnant during an assignment with the University, please refer to the

 Agency Worker Regulations Guidance for Cardiff Metropolitan University Managers for further

 information.

**11. Employee Rights in the Event of a Stillbirth or Miscarriage**

11.1 The University is committed to supporting parents who experience a miscarriage or stillbirth and it will treat all cases with sensitivity and in confidence. The University, with your permission, will make any necessary support arrangements for example Occupational Health and/or counsellors who will be able to provide help, support and advice.

11.2 If your child is stillborn 24 weeks or more into the pregnancy, you will retain your entitlement for statutory maternity leave, statutory maternity pay, maternity allowance or occupational maternity pay.

11.3 If you have a miscarriage before the pregnancy has reached 24 weeks, you will not qualify for the right to statutory maternity leave or maternity pay. Any absences taken as a result will be managed under the sickness management policy and procedure.

11.4 If your child dies after the birth, you will retain your full rights to statutory maternity leave, statutory maternity pay, maternity allowance or occupational maternity pay, irrespective of the timing of the birth.

**12. Fixed Term Contracts**

12.1.1 If you are employed on a fixed term contract which is due to end during the maternity leave period you should discuss this matter with a Human Resources Representative at the earliest opportunity. Where a fixed term contract ends, eligible employees will receive statutory maternity pay for 39 weeks. This is payable on a monthly basis until the entitlement to statutory maternity pay has been exhausted.

12.2 If you are eligible to receive occupational maternity pay and your fixed term contract ends, you will not be required to repay your occupational maternity pay.

**13. Related Documents**

13.2 Shared Parental Leave Policy and Procedure

13.3 Paternity Policy and Procedure

13.4 Parental Leave Policy and Procedure

13.5 Adoption and Surrogacy Leave Policy and Procedure