

7.1 MATERNITY LEAVE

The policy of the College is to provide maternity benefits which not only comply with both the letter and spirit of the law on maternity rights but which are in excess of these statutory requirements. This policy applies to all female members of staff and aims to inform them of their entitlement to contractual and statutory maternity rights, and to ensure that those rights are understood.

All staff regardless of their length of service are entitled to take up to one year's (52 weeks) maternity leave. This is made up of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave. Maternity leave should normally commence no earlier than 11 weeks before the expected week of birth, and must extend to at least two weeks after the birth.

A member of staff may choose not to begin her maternity leave until shortly before the expected date of delivery. If the baby is born before she has begun her maternity leave, the maternity leave and pay commences on that earlier date.

A member of staff who is on sick leave because of a pregnancy-related illness at the fourth week before the expected week of birth (EWB) will commence her maternity leave at that date and will transfer from sick pay to maternity pay; if she becomes sick with a pregnancy-related illness after the beginning of the fourth week before the expected week of birth, her maternity pay and leave will commence on the first day of illness.

If the baby is born before the 11th week before the EWB, the maternity leave and pay commences immediately. Staff should inform their Head of Department and the Assistant Bursar as soon as possible after the birth.

If a pregnancy ends in a stillbirth after the 24th week of pregnancy, a member of staff is entitled to maternity leave and pay.

In accordance with statutory provisions, staff have the legal right to return to work after the birth of their baby, irrespective of when they started their employment with Magdalene.

7.1.1 Maternity Pay

A member of staff taking maternity leave, who has been continuously employed by the College for at least 12 months by the date of her expected confinement, will receive College maternity pay equal to her normal salary for 8 weeks and College maternity pay equal to half her normal salary for the following 31 weeks.

The payment during the first 39 weeks of leave will include Statutory Maternity Pay (SMP) to which she is entitled, unless the amount due under the SMP scheme is greater, in which case the SMP will be payable. If she is not entitled to SMP, the salary payable will be reduced by the amount of Maternity Allowance which she is entitled to receive. A member of staff not eligible for SMP shall be deemed to be entitled to Maternity Allowance unless she shows proof to the contrary.

A member of staff taking maternity leave, who has been employed continuously for less than 12 months at the expected week of confinement, will receive the higher rate of SMP (90% of their normal salary) for the first 6 weeks and then lower SMP at the standard rate for the remaining 33 weeks provided she meets the eligibility criteria. If she does not meet the criteria then the College will provide her with a SMP1 in order that she can claim Maternity Allowance.

College maternity pay can only be paid to employees who return to their post at Magdalene College at the end of their maternity leave for a period of at least 3 months. Employees who decide that they do not wish to return after their maternity leave will be paid SMP only. Nothing in these rules shall prejudice the right of the College to reclaim from the employee any pay she has received in excess of the amount to which she is entitled if she does not return to work after the specified period.

Maternity pay is subject to the condition that no work is undertaken during the paid period of leave (up to 39 weeks) outside 'keeping in touch days' (see below).

Payment will usually be made on the member of staff's normal pay date and at the normal pay interval.

7.1.2 Keeping in Touch Days (KIT)

A member of staff can work for the employer for up to 10 days during the maternity/adoption pay period without losing SMP or Adoption Pay. These are called KIT (keeping in touch) days and coming in to work for an hour or for one full day will count as one day for KIT purposes. Both the employee and the College must agree that these days will be worked and the arrangements including what work will be done and how much is to be paid. For reference, the College will pay for the hours worked at the normal salary figure paid to the individual and this is set off against SMP. The College has no right to demand that KIT work is undertaken and the employee has no right to undertake such work.

7.1.3 Ante-natal Appointments

A member of staff will be entitled to time off with pay in order to attend antenatal appointments, which may include classes. The Head of Department may request to see appointment cards from the clinic.

7.1.4 Notice Requirements before Maternity Leave

By the employee:

Staff must notify the College of the intention to take Maternity Leave by the 15th week before the EWB, unless this is not reasonably practicable. This notification must be in writing to the Head of Department, with a copy to HR/Assistant Bursar and must include the appropriate authority from the doctor or midwife (Form MAT B1) stating the expected week of birth.

Staff may change the start date of their maternity leave, providing they give the College at least 28 days notice (unless this is not reasonably practicable).

By the College:

On receipt of written notification from an employee, the Assistant Bursar will respond to the notification of leave plans within 28 days, providing a copy of this policy and procedure, and confirmation of leave date, return date and entitlements.

Staff wishing to return earlier than the agreed return date must give at least 28 days notice of the intended date of return.

7.1.5 Benefits during Maternity Leave

During the Ordinary and Additional Maternity leave period the contract of employment continues in force. All terms and conditions will continue and any standard incremental

salary progression, which may take place during the maternity leave period (paid or unpaid), will be implemented.

Employees on maternity leave retain their entitlement to annual leave throughout Ordinary and Additional Maternity leave.

If the employee is a member of the College Pension Scheme or the Universities Superannuation Scheme their pension rights will be maintained during paid maternity leave. They will pay contributions based on their actual earnings and the College will continue to pay the relevant employer contributions during paid maternity leave.

No Pension Scheme contributions will be made by individuals or the College during unpaid leave, which will not count as Pensionable Service. Where a KIT day is taken during this period no pension contributions will be deducted from any amount paid for the day. If staff wish to preserve their Pensionable Service during this period they may choose to make up the shortfall in contributions. Details are available from the College Office.

7.1.6 Notification of Return to Work

If a member of staff intends to return to work at the end of her full maternity leave period she is not required to give formal notice of her return and it will be assumed that she will resume work. If she wishes to return earlier she should give 8 weeks written notice of her formal intention to return.

7.1.7 Non-return to Work

If a member of staff is unable, because she is medically unfit to work, to return to work at the end of her entitlement to maternity leave, she should submit medical certification in the usual way; she will then transfer from maternity leave to sick leave. Subsequently the normal sickness procedure will follow.