

## MATERNITY POLICY

*(This policy has been updated to include the temporary amendments being made during the COVID-19 period. All updates are shown in text box 'COVID-19 Update')*

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**Other family-related policies include:**

[Maternity Support or Paternity Leave](#)  
[Adoption and Surrogacy Policy](#)  
[Special Leave Policy](#)  
[Flexible Working Policy](#)

## **COVID-19 Update**

### **During Pregnancy:**

In line with government guidance, pregnant women are considered [‘clinically vulnerable’ or in some cases ‘clinically extremely vulnerable’](#) to coronavirus (COVID-19). Those who are pregnant are advised to stay at home as much as possible and, if they do go out, take particular care to minimise contact with others outside their household.

Where possible, it is expected that all those who can, should work from home.

If working from home is not possible, it is essential that a **pregnancy risk assessment** is carried out on the workspace to determine whether it is safe to continue working. Individuals should inform their managers of their pregnancy at the earliest opportunity so that this can be arranged. Assistance with this can be obtained from [Occupational Health](#) or the Health and Safety Team.

Where it is not possible for an individual to undertake their normal work remotely, consideration should be given to a temporary adjustment to working conditions and/or hours of work if this is possible to do so. Alternatively, they may be allocated with other duties (within their usual pay grade), that can be undertaken from home.

If alternative arrangements for work to be undertaken remotely are not possible, line managers should seek advice from their [Strategic HR Partner](#) for guidance on how to support their staff with this.

Individuals who are concerned about health vulnerabilities during this time may seek further advice from Occupational Health and their GP.

### **Maternity Entitlements:**

All qualifying criteria, entitlements and notification requirements outlined in the maternity policy below apply as usual.

### **Further Information:**

For further information relating to COVID-19 and pregnancy, individuals may wish to refer to the following external sources:

- [Government Coronavirus Guidance for Pregnant Employees](#)
- [NHS Pregnancy and coronavirus](#)
- [Public Health England Coronavirus \(COVID-19\): Advice during pregnancy](#)
- [New and Expectant Mother’s Guidance](#)

## 1.0 Maternity Benefits

### 1.1 Introduction

The following details outline employees of the College entitlements to Statutory and College maternity rights and benefits. In line with all of the College's family leave and pay policies, this policy is inclusive, does not make assumptions about your gender or your partner's gender, and is explicitly inclusive of same-sex couples. It applies to pregnant staff irrespective of your gender identity, sexual orientation, gender expression, biological sex or if you are transitioning. It will not normally apply to casual workers or agency workers.

Maternity pay for any member of staff, including those employed on Research Grants, for the duration of any paid Maternity Leave, will be charged to a central fund. Payment for Keeping in Touch days will be charged to the member of staff's departmental/divisional/faculty code.

The legislation governing Maternity Leave is complex and members of staff who are pregnant are encouraged to contact [the HR Staff Hub](#) to discuss their entitlements. Confidentiality will be assured.

The College's policies reflect the diversity of our daily lives and must be implemented to ensure equal opportunities and without unfair discrimination. Implementation of this policy and associated procedures must be clear and transparent and line managers and supervisors are required to familiarise themselves with, and understand, this policy and associated procedures.

## 2.0 Arrangements for Pregnant Staff

### 2.1 Will I be able to take time off to attend Ante-Natal Care Appointments?

All pregnant staff, regardless of their length of service, are entitled to reasonable paid time off to keep appointments for ante-natal care made on the advice of a doctor, registered midwife or registered health visitor. Ante-natal care is not necessarily restricted to medical examinations – for example, it could include parenting classes – as long as these are advised by a registered medical practitioner, midwife or health visitor. You should give your manager as much notice as possible of appointments.

With the exception of the first appointment, your manager may ask for a certificate from a registered medical practitioner, registered midwife or health visitor to confirm that you are pregnant and an appointment card or other evidence showing that an appointment has been made.

### 2.2 What arrangements will be made in respect of Health and Safety?

Under the College Health and Safety Policy, any work activity which could pose a risk when pregnant must be assessed to determine if anything needs to be done. **Your manager, or person in charge of the work, is responsible for carrying out an assessment. It is your responsibility to let your manager know as soon as you are pregnant in order for the assessment to be undertaken.** Guidance on assessments is available from the Safety Unit or [Occupational Health](#). Completed [Risk Assessment Forms](#) should be held locally with the department/division.

It is relatively rare for special measures to be required because work will have already been organised to avoid exposure to risk. If, however, there is any element of possible risk your manager will work with you to reorganise the responsibilities during pregnancy. If you have any concerns at all about the effects of work on your pregnancy, you should raise these with your manager, in the first instance, at the earliest opportunity. You and/or your manager can also seek advice from the Safety Unit or Occupational Health.

### 2.3 Support for Trans Staff

The College has support in place for trans staff members. Trans staff members who are pregnant and wishing to take maternity leave will not be treated any differently or less favourably. The birth parent will have the same rights to maternity leave and pay if they meet the eligibility criteria listed in section 3.

Further information on support for trans staff can be found in the [Trans Staff Support Policy](#).

## **3.0 Maternity Leave Entitlement**

### 3.1 Will I qualify for maternity leave?

All pregnant staff automatically qualify for one year's Statutory Maternity Leave, regardless of length of service. Leave is broken down as follows:

- **Compulsory Maternity Leave**                      You must take a minimum of 2 weeks' Compulsory Maternity Leave immediately after the date of childbirth.
  
- **Statutory Maternity Leave**                      You are entitled to 52 weeks' Maternity Leave regardless of length of service. This leave includes the 2 weeks' Compulsory Maternity Leave.

In order to take advantage of the right to Statutory Maternity Leave you must give proper notification as set out in section 3.2 below.

### 3.2 How do I apply for Maternity Leave?

To claim maternity leave, you must notify your manager and HR in writing no later than the end of the 15th week before the expected week of childbirth of

- The fact that you are pregnant
- The expected week of childbirth, as stated on your MAT B1 (a certificate available from a doctor or midwife)
- The date you intend to start maternity leave (Statutory Maternity Leave can commence on any day of the week).

The start of Maternity Leave must be no earlier than the 11th week before your expected week of childbirth. Your GP or midwife will confirm your expected week of childbirth by issuing a MAT B1 certificate which is normally issued no earlier than 20 weeks before your expected week of childbirth. This certificate must be sent to the HR Staff Hub as soon as

it is received so that Maternity Leave and Pay entitlements can be confirmed. HR will also enter your leave onto your TeamSeer absence management system record.

If you are absent from work during the 4 weeks before your expected week of childbirth due to pregnancy-related illness, your maternity leave period starts automatically, even if the birth takes place before the start of the 11th week before the birth was originally expected.

### 3.3 Will my previous continuous service be recognised for the purposes of calculating my maternity leave and pay entitlements?

The College will recognise previous continuous University or Trust service for the purposes of maternity pay and leave for the following categories of staff: Professor, Reader, Non-Clinical and Clinical Senior Lecturer, Non-Clinical and Clinical Lecturer, and Clinical Research Fellows. In such cases, staff will be entitled to receive benefits as outlined in Section 4.3 below.

### 3.4 What is Shared Parental Leave?

Shared Parental Leave provides eligible parents and their partners, regardless of gender, gender identity or sexual orientation, with the opportunity to choose to share the care of their child during the first year following the child's birth. Its purpose is to give parents greater flexibility in considering how to best care for, and bond with, their child.

Parents have the option of converting part of their Maternity Leave and Pay period to Shared Parental Leave and Pay and sharing the remaining period of leave and pay (up to a maximum of 50 weeks' leave and 37 weeks' pay) between them.

Shared Parental Leave and Pay cannot begin before the birth, and all leave must be taken within one year of the birth (i.e. the day before the child's first birthday).

Two separate schemes are available to College staff (subject to meeting the eligibility requirements):

- Under the **Statutory Shared Parental Leave Scheme**, a member of staff may submit up to three requests for blocks of shared parental leave during the first year following the birth of their baby. A block of leave may have one start and end date (for example commencing on 1 July and ending on 31 October). This is known in law as a "continuous" block of leave. Alternatively, subject to line manager agreement, a block of leave may include two or more start and end dates (for example one month's leave, followed by two months at work, followed by 3 months leave). This is known in law as a "discontinuous" block of leave. Leave requests must be submitted at least 8 weeks before the start date of the period of Shared Parental Leave.
- Alternatively, where the additional eligibility requirements are met, members of staff may choose to opt into the **College Shared Parental Leave Scheme** and receive the enhanced pay arrangements. Under this route, the leave pattern (which may be "continuous" or "discontinuous") for the full shared parental leave period will be agreed with the member of staff at the point they notify the College of their intention to take leave. No subsequent changes to the agreed leave pattern will then be permitted, unless in exceptional circumstances. Alternatively, if a

member of staff wishes to amend their leave request at a later date, they may choose to opt out of the College Shared Parental Leave Scheme and request leave under the Statutory Shared Parental Leave Scheme.

Where parents opt in to either Shared Parental Leave scheme, they may choose to request to take blocks of leave at the same time, or at different times. Alternatively, the whole period of shared parental leave may be taken by one parent.

Where both parents meet the eligibility criteria, and both work for the College, they will be entitled to share the leave and pay arrangements outlined in the Shared Parental Leave Policy. Where one parent works for the College, they will be entitled to the leave and pay arrangements outlined in the policy. Their partner will be entitled to the leave and pay arrangements as set out by their own employer.

It is expected that members of staff will discuss their plans for Shared Parental Leave with their line manager/supervisor at as early a stage as possible. This will provide an opportunity to explore options and will enable the line manager/supervisor to start to consider plans for accommodating leave. Further information including eligibility requirements and full details of the Statutory and College Shared Parental Leave Schemes is available in the Shared Parental Leave Policy.

## **4.0 Maternity Pay Entitlement**

### **4.1 Will I qualify for Statutory Maternity Pay?**

If you are pregnant or have just given birth, you are entitled to a maximum of 39 weeks' Statutory Maternity Pay (SMP), provided you meet the following requirements:

- you have worked with the College for a continuous period of at least 26 weeks at the end of the qualifying week (that is, the 15th week before the expected week of childbirth)\*
- your average earnings in the 8 weeks up to and including the qualifying week have been at least equal to the Lower Earnings Limit for NI contributions (please seek advice from the HR Staff Hub if you are at all unsure about this).\*
- you have provided the HR Staff Hub with your Mat B1 form. This should be done as soon as you receive it – doctors and midwives will give this to you no more than 20 weeks before your due date. If you have not provided your Mat B1 form within 21 days of your SMP start date at the latest (or as soon as possible if the baby is born early), you may not qualify for SMP.

Statutory Maternity Pay (SMP) is paid for up to 39 weeks, of which:

- the first 6 weeks are paid at 90% of average earnings
- and**
- The remaining 33 weeks are paid at the lesser of:

(a) the flat rate which is set by the government for the relevant tax year.  
This is currently £151.97

or

(b) 90% of average weekly earnings.

Details of how average weekly earnings are calculated can be found on the [gov.uk website](http://gov.uk).

Provided you meet the conditions set out above and are still pregnant at the start of the 11th week before the week your baby is due, or have had the baby by then, you will qualify for SMP. You may continue working right up until the date your baby is born and still retain the full 39 weeks' entitlement to SMP.

SMP is payable to those who qualify, regardless of whether or not you intend to return to work.

#### 4.2 What happens if I don't qualify for Statutory Maternity Pay (SMP)?

If, as a pregnant member of staff, you do not qualify for SMP, you may be eligible for 39 weeks' Maternity Allowance, provided you meet the qualifying conditions. These are based on your recent employment and earnings record in the 66 weeks ending with the week before your expected week of childbirth.

Maternity Allowance is **not** paid by the College. Where Maternity Allowance applies, you will be provided with an SMP1 Form (an explanation of why SMP is not payable). Copies of this form are available from the Department of Works and Pensions at the following website: [www.dwp.gov.uk/advisers/claimforms/smp1.pdf](http://www.dwp.gov.uk/advisers/claimforms/smp1.pdf).

You should apply direct through your local Job Centre Plus Office for Maternity Allowance.

#### 4.3 What is the College Maternity Pay Scheme?

If you were first appointed on or after 4 May 1999 or have been promoted/transferred from a different staff group since that date and have also complied with the notification procedures set out in Section 3.2 and have more than 26 weeks' service at the qualifying week (15<sup>th</sup> week before the expected week of childbirth) starting from the first day of Maternity Leave you will be entitled to:

- 18 weeks' paid leave during which you will receive your normal rate of pay ("College Maternity Pay Scheme);
- 21 weeks' during which you will receive SMP at flat rate (if entitled); and
- 13 weeks' unpaid leave

In addition to the eligibility criteria set out above, College Maternity Pay will normally only be paid if you are entitled to SMP or Maternity Allowance (please seek advice from the HR Staff Hub if you are at all unsure about this).

As the College Maternity Pay Scheme pays at the rate of your normal full pay for up to the first 18 weeks of Maternity Leave, any SMP which you are entitled to is an inclusive part of that payment. No combination of payments during this period will exceed the normal full pay. Payment of SMP begins at the same time as the College Maternity Pay.

Please note that when staff are in receipt of College Maternity Pay and/or SMP in addition to College Shared Parental Pay and/or Statutory Shared Parental Pay, no combination of payments will exceed a total of 18 weeks at full pay plus 21 weeks at the statutory rate. Where both parents work for the College, the combined payments made to both members of staff will not exceed a total of 18 weeks at full pay plus 21 weeks at the statutory rate.

If you have service prior to 4 May 1999, please contact [the HR Staff Hub](#) to discuss your entitlements.

You must return to work for a minimum period of 3 months after maternity leave in order to qualify. The College retains the right to reclaim the enhanced element of the maternity pay if you fail to return to work for at least 3 months (see Section 8.1).

## **5.0 During the Maternity Leave Period**

### **5.1 What happens to my annual leave during maternity leave?**

You are entitled to receive full contractual annual leave, both holiday and mandatory leave, during your maternity leave period.

Any mandatory leave days which fall during your maternity leave period should be added to and taken as holiday leave. Mandatory leave days which fall before or after your maternity leave period should be taken as normal.

You are encouraged to consider using a proportion of your annual leave entitlement before the start and after the end of your maternity leave.

If the maternity leave period is likely to cross two annual leave years, you may carry over annual leave accrued in the first leave year but must use these days within three months following your return to work. Any annual leave accrued in the second leave year may be taken as normal.

Annual leave cannot be taken between the end of the paid maternity period and the beginning of any unpaid maternity period.

[The HR Staff Hub](#) will be able to provide specific advice on annual leave entitlements during maternity leave.

### **5.2 How can I 'keep in touch' during my maternity leave?**

Your manager may make reasonable contact with you during your Maternity Leave period: for example, to update you on what is happening at work, promotion opportunities or to discuss your return to work. This contact is separate to a Keeping in Touch day. Prior to the commencement of your maternity leave, your manager will normally discuss the arrangements for staying in touch, the reasons for this contact and the types of things that might be discussed: for example, work-related matters or information on training courses.

In addition, where it is **agreed** between you and your manager, you may carry out work or attend training for up to 10 "Keeping in Touch" days during your maternity period without your maternity leave being brought to an end. Further details are available on the [Keeping in Touch Days](#) form.

### 5.3 How will maternity leave affect my terms and conditions of service?

- Continuous service is unbroken during a period of maternity leave. The whole period of maternity leave (both paid and unpaid) counts towards the calculation of those benefits which accrue with length of service, i.e. sickness benefits, annual leave and redundancy pay.
- Where applicable, the normal annual increment or contribution payment will be awarded at the usual time, as will any cost of living award which is implemented by the College.
- Pension rights and contributions will be dealt with in accordance with the College Schemes. Contributions and entitlements will continue as normal whilst you are on full pay or half pay (if on half pay, the College maintains the contribution at the full rate). If you are planning on taking a period of unpaid leave, you should make an appointment to discuss your individual position with the HR Staff Hub.
- If you do not qualify for College Maternity Pay and solely have an entitlement to SMP and make your pension payments as a salary sacrifice, known as PensionSMART, you will have your adjusted average salary topped up by the College to the pre-adjusted salary so that you receive the same level of SMP you would have received if you had not sacrificed part of your salary for pension purposes only.

## 6.0 End of the Maternity Leave Period

### 6.1 Do I need to provide notice of when I intend to return to work?

You have the right to return to work after a period of maternity leave. The following procedures should be followed to ensure protection of your rights.

#### Type of Leave

#### Notice Requirements

Statutory Maternity Leave

No further notice of return to work is required, unless the intention is to return before the end of the 52 weeks. If this is the intention, **then at least 8 weeks' notice must be given in writing** to your manager and HR. If this notice is not received, then the College may postpone your return for up to 8 weeks.

If, prior to commencing maternity leave, you had notified your manager and HR that you intended to return to work before the end of the 52 weeks, you may decide to return to work on a later date. If this is your intention, then notice of your new, later date of return must be provided to your manager and HR at least 8 weeks before the earlier date.

### 6.2 Do I have a right to return to the same job following Maternity Leave?

#### **Returning to Work during weeks 1 - 26**

If you choose to return to work during weeks 1 - 26, you will be entitled to return to your same job, on the same terms and conditions, as if you had not been absent. The exception to this is where a redundancy situation has arisen and the original job no longer exists.

## **Returning to Work during weeks 27 - 52**

If you choose to return during weeks 27 - 52 you will usually be entitled to return to the same job, on the same terms and conditions, unless a redundancy situation has arisen. However, if there is a reason other than redundancy (such as operational demands or a need for a change in working practices) which makes it not reasonably practicable for you to return to the same job, you are entitled to return to a job suitable to you and appropriate in the circumstances, with terms and conditions which are not less favourable than your original job.

## **Returning to Work on a Part-Time Basis**

You have a right to request to return to work on a part-time basis. The College will consider such requests positively and will seek to accommodate these where possible. If you wish to change your working hours on return, you should discuss this with your manager at the earliest opportunity. This request should then be submitted in writing as early as possible (*please refer to the [Flexible Working Policy](#) for further information*).

### **6.3 What happens if I decide not to return to work?**

If you decide that you do not wish to return to work after maternity leave, you must give the period of notice as set out in your terms and conditions of service or reach an alternative agreement with your manager. The College retains the right to reclaim the enhanced element of your maternity pay if you fail to return to work and continue in employment for at least three months.

## **7.0 College support for Staff returning from maternity leave**

### **7.1 Elsie Widdowson Fellowships - Academic Staff returning from Maternity or Adoption Leave**

The purpose of the Fellowship is to allow a returning member of academic staff, irrespective of gender identity, gender expression, sexual orientation, biological sex or those who may be transitioning, to concentrate on consolidating their research activity. The Fellowships provide this opportunity through part-funding i.e. 50% (met centrally) of the salary costs for up to 12 months immediately following the member of staff's return from maternity, adoption/surrogacy and/or shared parental leave. This means that the department/division can relieve the member of staff of teaching and administrative duties during the agreed period of the research programme. The remaining half of the salary costs will be met by the department/division.

Applications for Elsie Widdowson Fellowship Awards are not restricted to one Award and, therefore, academic staff who have previously received the award may make additional applications.

The rules of the Fellowship and details of how to apply can be found on the [HR website](#) or from the HR Staff Hub.

### **7.2 Early Years Education Centre**

Childcare for children between the ages of 6 months and 5 years is available, by application, from the College Early Years Education Centre. For details of fees and how to apply for a place please contact the Manager, or the Supervisor, on telephone number 020 7594 5120 / 5121 or visit: <https://www.imperial.ac.uk/early-years/>.

### 7.3 Arrangement for those wishing to express milk

Staff who return from maternity leave and are still breastfeeding may need access to a private room to express milk. Information on the College's policy can be found on the [Occupational Health website](#)

### 7.4 Parents' Network

The College's [Parents' Network](#) aims to provide a one stop shop for all relevant policies and information related to being a parent at Imperial and enables you to build networks with your colleagues which will provide mutual support.

### 7.5 Parent Buddy Scheme

The College operates a Parent Buddy Scheme, where staff returning from leave have the opportunity to be paired up with a family leave returner who has been back in the workplace for a few months and who can act as a sounding board to answer any questions.

For further details, contact the [Parents Network](#).

### 7.6 Flexible Working

If you are thinking about changing your work pattern, please speak to your line manager as soon as possible in order to explore what opportunities are available to you. Further information can be found in the [Flexible Working Policy](#).

### 7.7 Confidential Care

The College's employee assistance provider, Confidential Care, can offer you support by way of a help sheet, which gives basic suggestions that could help your return to work.

A free 24-hour confidential advice line is also available for practical and emotional support. For further details please visit the College's Occupational Health website: <https://www.imperial.ac.uk/health-and-wellbeing/advice-and-support/confidential-care/>

## 8.0 **Glossary of Terms**

Expected Week of Childbirth (EWC)	The week, beginning with midnight between Saturday and Sunday, in which it is expected that <u>childbirth</u> will occur
The Maternity Certificate (Mat B1)	A certificate issued by a GP or midwife, verifying the fact of pregnancy and confirming (EWC) or actual date of birth in cases where the child is born early.
Antenatal Care	Medical care of those who are pregnant and their children during pregnancy
Compulsory Maternity Leave	A minimum two week leave period which all pregnant staff must take immediately after the date of childbirth

Statutory Maternity Leave	A 52 week leave period (including CML) which all pregnant staff are entitled to take, regardless of length of service
Maternity Allowance	A benefit paid to those who are working and who are unable to get Statutory Maternity Pay
Statutory Maternity Pay (SMP)	Payments made by an employer to an eligible employee who is absent from work due to their pregnancy
College Maternity Schemes	Leave and payment granted by College to eligible pregnant staff, which is normally greater than the statutory amounts
Keeping in Touch Days	Days agreed between a member of staff and their manager when they will carry out work or attend training

If you require any additional guidance, please consult the HR Staff Hub.