**MATERNITY LEAVE FAQ’s**

**MATERNITY LEAVE – AN INTRODUCTION**

If you become pregnant whilst employed by the University you may be entitled to benefit from the University’s Enhanced Maternity Scheme. Alternatively, if you are not eligible for this you may be entitled to Maternity Allowance. All employees are entitled by law to a period of Maternity Leave.
The flow chart over the page should assist you in identifying your entitlement. (flow chart??)

This document contains details of your entitlement during and after your pregnancy in relation to your employment in the University.  It also contains guidance on the procedures to follow. Included are answers to the most frequently asked questions on the subject of maternity rights.

In addition to the special concessions provided by the University, there are a number of legal rights connected with maternity which use some technical terms to specify when they apply.  The booklet seeks to explain these terms. If you are still unclear about your rights after reading this document, then please do not hesitate to contact the HR Services Team on x1234 or email on hrservices@qub.ac.uk

**CONFIRMATION OF PREGNANCY**

***When should I advise the University of my Pregnancy?***
As soon as you have confirmation of your pregnancy, you should notify your line manager in writing copied to the HR Services, of the approximate date your baby is due.  You should complete and return to Human Resources the Maternity Leave Application form at least 15 weeks before you go on maternity leave.  It would be helpful if you could indicate whether or not you are likely to take maternity leave and return to work (providing you qualify), although this indication will not be binding to you.  You should discuss with your line manager, the date you wish to commence your maternity leave; s/he will agree this with you, in consultation with Human Resources

***Will I be allowed time off to attend an Antenatal Clinic?***
During your pregnancy, paid time off will be granted to you for the purpose of normal attendances at an antenatal clinic.  You will be expected, whenever possible, to arrange the times of your visit to fit in with the needs of the University.  Should circumstances arise where more frequent appointments are required than would usually be recognised as necessary, you are requested to advise your line manager and discuss the frequency of attendance required in your case. However, reasonable requests should not be refused.

***Will I be paid when on sickness absence during my pregnancy?***
Providing you follow the appropriate procedures for Sickness Absence, you may qualify for Occupational Sick Pay (OSP) or Statutory Sick Pay (SSP) during your pregnancy.  If the illness is pregnancy related, then entitlement to OSP and SSP ceases from either:

1. the date your maternity leave commences,
2. the date your Maternity Pay Period begins, or
3. 28 days before the week in which your baby is due, if you are off sick at that time, in which case your maternity leave starts immediately.

If illness is not pregnancy related, then entitlement ceases on either:

1. the date your maternity leave commences,
2. the date your Maternity pay period begins, or
3. the date the baby is born.

***Might there be any risks or dangers in the workplace for me or my unborn baby during my pregnancy?***
There may be no additional risks at all in the workplace for you and your baby.  However, depending on the nature of your job, your overall general health and the stage of your pregnancy there may be matters which need to be considered. These could include your overall working conditions and processes and the different physical, biological and chemical agents that relate to your role.  These risks will vary depending on the job you do, your health and the stage of your pregnancy.

Your manager and you both have a role in ensuring that your workplace is safe.  First of all, it is essential for your and your baby’s health and safety that you tell your line manager you are pregnant as soon as possible.

Once your manager knows of your pregnancy, he/she is required to carry out a specific health and safety risk assessment of your duties to eliminate/minimise these risks.  This may mean revising existing risk assessments or preparing new ones, but in both instances, you will be involved in the process.  It is essential for this process that you pass on to your manager any advice you have received from your doctor or midwife that could impact on the assessment. Should you or your manager need further advice about this you should make contact with Health and Safety Services.

***Can I take a ‘Career Break’ and return to work after a number of years?***
The University operates a Career Break Scheme for staff. Eligibility is normally confined to those staff who have completed their probationary period.  You should speak to your line manager in the first instance. As it will take time to arrange cover for your proposed absence, naturally you should inform him/her as early as possible.

***Can I return to work part-time or apply to job-share after maternity leave?***
Yes, you can return to work on a part-time basis.  To qualify you must have been employed continuously by the University for at least six months on the day you wish the variation to your contract to begin.  You should discuss these options with your line manager as early as possible and you will be required to complete a flexible working form.

***What happens if I have been signed off as sick on the day that I am due to return on a part-time basis?***
You will be deemed to be part-time from the day you are due to return, even if you are unable to return because of illness.  Therefore, your sick pay will be calculated in accordance with your part-time hours.

**DURING MATERNITY LEAVE**

***Do I Qualify for Maternity Leave?***
Even if you do not qualify for Occupational Maternity Pay or Statutory Maternity Pay you will still be entitled to a period of unpaid maternity leave of up to 52 weeks. You must comply with the notification procedure below.

***What must I do in order to take unpaid maternity leave?***
If you wish to take unpaid maternity leave, you must give the University **at least** 28 days’ notice in writing of the date your absence from work will begin (or as much notice as is reasonably practicable).  Your letter should be sent to the HR Services via your line manager and must include the following:

1. The date you intended to finish work in order to commence your unpaid maternity leave.
2. A statement confirming your intention to return to work at the end of the maternity leave.
3. The date of your baby is due

You must also produce medical evidence of the date of expected childbirth. This will normally be the original MB1 certificate which will be available from your Doctor or midwife from the 14th week before the week in which your baby is due.

***When can I commence my unpaid maternity leave?***
The earliest date your unpaid maternity leave can commence is from the beginning of the 11th week before the EWC.  You can work beyond this date if you are fit enough to do so.  You should discuss the date you wish to commence maternity leave with your line manager.

***When would I be expected to return to work?***
You have the right to return to work at any time before the end of the 52-week unpaid maternity leave period. You must give the University at least 28 days’ notice of the date of your return to enable arrangements to be made for your return.  If you come back before the end of the 52 weeks you must provide medical evidence of your fitness to do so.  You are not allowed to work during the two weeks immediately after the birth.

***How will my annual leave entitlement be affected?***
You will accrue annual leave during your maternity leave period.

***Will my contract of employment continue during maternity leave?***
Yes, your contract continues as normal, even though you are on unpaid leave. The whole of the period of maternity leave will qualify for service when calculating entitlement to statutory rights such as future maternity leave, redundancy pay and periods of notice.

***What happens to my superannuation benefits?***
Pensionable service will continue to accrue as normal as long as the member of staff is receiving salary or statutory maternity pay. A member of staff who takes unpaid leave including from week 40 of her Maternity Leave onwards, will not normally be able to make pension contributions for the period of unpaid leave. However, you should contact Pensions Department to discuss the conditions of your particular pension scheme.  Under normal circumstances, if you continue to pay your contributions, the University will continue to make the employer’s contribution.

***Do I need to notify the University of the date my baby is born?***
Yes, it would be helpful and, obviously your colleagues from your department will be keen to receive news of your baby's birth, but you should also arrange for the HR Services to be notified in writing of the actual date of childbirth. This date is also used to calculate the maximum period of maternity leave you may take before returning to work.

**RETURN TO WORK**

***Should I confirm the date I wish to return?***
It is helpful if you confirm this with the HR Services 28 days before the date you wish to return to work. This helps your department to prepare for your return.

***What happens if I decide that I no longer wish to return to work?***
If, at any time during your unpaid maternity leave, you decide that you do not wish to return to work you should send a letter to the HR Services, via your line manager, confirming that you wish to waive your right to return.

***What happens if I am unable to recommence work on the intended date?***
If you are ill at the specified date and are unable to recommence work, you may postpone your return providing you produce a Doctor’s certificate stating that you are incapable of working at that time. Your entitlement to sick pay will depend upon your length of service.

**ENHANCED MATERNITY SCHEME**

***What is the Enhanced Maternity Scheme?***
The University has agreed a maternity leave scheme with the appropriate Trade Unions, which make better provisions for a woman who is pregnant. This includes a higher rate of pay whilst on maternity leave.

***How do I qualify?***
All female members of staff who have completed 26 week’s continuous service with the University before the expected week of childbirth (EWC) are entitled to maternity pay/leave on normal pay/salary for a period of 18 weeks’ followed by a period of 21 weeks paid at a statutory rate (see section 4 for details of the statutory rate), provided you intend to return to normal duties afterwards (either full time or part-time).   If you wish you may then remain on unpaid maternity leave for up to 13 weeks after the 39 weeks paid maternity leave.  You should also be aware that the University has put in place a range of Worklife Balance policies.

***What must I do in order to receive Enhanced Maternity Pay?***
You must request maternity leave as soon as reasonably practicable, but not less than 15 weeks before you intend to go on leave (unless there are exceptional circumstances). It is helpful if you raise the matter with your line manager as early as possible, so that suitable cover can be arranged for your absence.

As soon as you receive your form MB1 confirming your expected date of childbirth, you should forward it to the HR Services with a copy of the Maternity Leave form.

You should indicate on the form (M3)

1. when you want to commence your maternity leave
2. if you want unpaid leave
3. if you intend to take annual leave before or after your maternity leave.

You should pass this form to your Line Manager who should sign it and send it to Human Resources.

***What happens to my Superannuation contributions?***
During the initial 18 weeks paid maternity leave you will continue to pay your contributions and the University will continue to make the employer’s contribution.  For the following 21 weeks you will be paid at the statutory rate, and if you decide to take unpaid leave, you should contact Pensions Department to discuss the conditions of your particular pension scheme.  Under normal circumstances, if you continue to pay your contributions, the University will continue to make the employer’s contribution.

***How will I be paid?***
You will continue to be paid in the normal way.

***How will my annual leave be affected?***
Whilst you are on paid maternity leave your annual leave will accrue. You will accrue annual leave throughout your maternity leave.

***I want to stay at work until just before the baby is due.  Can I do this?***
Under the University’s Maternity Leave Scheme, you may remain at work right up to the birth of the baby.  However, if you work in a job where you may be at risk of injuring your baby and yourself, you will be asked to provide a certificate from your Doctor to say that you are fit to work. You should discuss any potential risks with your line manager. If your baby is born before the date on which you intended to commence maternity leave you will be required to begin maternity leave from the day after your baby is born.

***If I am unable to work due to a pregnancy related illness, when would my maternity leave commence?***
It will automatically commence at the beginning of the 4th week before your expected date of childbirth or the Monday following your first day of absence.

***If I am unable to work due to an illness, which is not related to my pregnancy, what happens?***
You will commence maternity leave on the date you had originally proposed.

***What happens if I have a miscarriage or my baby is born still-born?***
If your pregnancy terminates in less than 20 weeks, normal sick leave provisions will apply; after 20 weeks you are entitled to full maternity leave. You should provide medical evidence from your doctor of the date of the miscarriage/still birth.

***What happens if I no longer wish to return to work?***
If at any time during your maternity leave, you decide that you do not wish to return to work you should write to the HR Services, confirming that you wish to waive your right to return.  This will involve a recalculation of your Occupational Maternity Pay.

***What happens if I decide to take a period of unpaid leave after the 39 weeks’ paid leave, but then I am ill at the time my unpaid leave is due to start?***
If you have agreed a period of unpaid leave immediately after your paid maternity leave, this will commence as planned and you will not be eligible for sick pay during the period of unpaid leave. If you go on sick leave following your paid maternity leave, you will be deemed to have returned to work and will not therefore automatically be eligible for a period of unpaid leave.

***What happens if I have twins?***
You will be entitled to one payment regardless of the number of babies born together.

***What happens if my baby is born before my Maternity Pay Period has started?***
You must arrange for the HR Services to be notified of the date of birth as soon as is reasonably practicable.  You will need to obtain a maternity certificate when it is available confirming the actual date of birth as well as the expected date of childbirth. The HR Services should be contacted by telephone in the first instance to enable the appropriate adjustments to be made to your salary, and in order that your SMP can commence.

Providing the baby is born after the QW and you follow the procedure above, your entitlement to SMP is not affected and the MPP will become the period of 39 weeks beginning with the week after the week of the actual birth.

If your baby is born before or during the QW, the conditions for eligibility for SMP are slightly modified in relation to the continuous employment rule and the period over which your earnings are averaged.  The HR Services should be contacted immediately by phone for further advice.  Subject to those conditions being satisfied, the 39-week MPP will commence from the day childbirth occurs.

***What happens if I decide I no longer wish to return to work?***
If at any time during your maternity leave, you decide that you do not wish to return to work you should write to the HR Services, confirming that you wish to waive your right to return.

**KEEPING IN TOUCH DURING MATERNITY LEAVE (KIT DAYS)**

#### *What are KIT days?*During maternity leave, the University may offer members of staff the option to work for up to 10 days without bringing Maternity Leave to an end or losing Maternity Allowance, to enable staff to keep in touch and keep up to date with developments at work, and may include working, attending training or meetings. Any work during maternity leave must be by agreement, on agreed dates and neither the company nor staff can insist on it. Working for any part of a day will count as one of the 10 days available. When the dates have been agreed and completed you should forward it to the HR Services for processing.

#### *How should a manager record the taking of KIT day/s?*A manual record of the days taken should be maintained to ensure that the staff member does not exceed the statutory provision of up to 10 days. This is important as they would lose a week’s maternity/adoption/paternity pay for each week that the days over 10 KIT days worked fell within, even if it only involved a few hours of activity.

#### *Are the 10 KIT days pro-rated for part time staff?*No, up to 10 KIT days are available to all eligible staff, no matter what their hours of work are.

**PROBATION PERIOD**

**Effect on Probation periods**

There may be occasions when the probationary period is interrupted. In such circumstances it should be made clear (and confirmed in writing) to the individual whether probation is continuing or is being suspended. If it is the latter an indication of the period it is suspended should be given.