

Royal Northern College of Music

Maternity Policy

Policy & Procedure

Department: Human Resources

Document owner: Head of
Human Resources

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Committee

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1. **Introduction and Purpose**

This policy sets out the statutory rights to maternity leave and pay and provides details of the College's enhanced occupational maternity provisions for staff. This policy applies to employees of the College.

This policy should be read in conjunction with the Shared Parental Leave Policy which provides parents with more flexibility in how to share the care of their child in the first year following birth.

The aims of this policy are to:

- To support staff to balance work and family life;
- To enable staff to take paid leave for the birth and care of a new baby;
- To maintain contact with staff and assist them in returning to work;
- To retain staff and contribute towards good employment practices.

2. **Definitions**

Maternity Leave

The period of time before and after childbirth when the employee is not at work because of pregnancy/childbirth, but during which her contract of employment continues (unless either party to the contract expressly ends it or it expires). All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours worked or length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.

Ordinary Maternity Leave (OML)

OML can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before her maternity leave was due to start, she must notify the College in writing of the date of the birth as soon as reasonably practicable. During the period of OML, the employee's contract of employment continues and she is entitled to receive all her contractual benefits except salary, annual leave entitlement will continue to accrue; and pension contributions will continue to be made.

Additional Maternity leave (AML)

During the period of AML, your contract of employment continues in force and, as is the case during the period of OML, you are entitled to receive all your contractual benefits, except for salary. Any benefits in kind will continue and annual leave entitlement will continue to accrue.

Compulsory Maternity Leave

The law requires all employees to take a minimum of two weeks of compulsory maternity leave immediately after the birth of their child.

Expected Week of Childbirth (EWC)

The week, beginning at midnight between Saturday and Sunday, in which it is expected that the child will be born. The week in which the child is actually born is, of course, the Week of Childbirth.

Childbirth

Means the birth of a child or a still birth after a pregnancy which has lasted at least 24 weeks. There is no distinction between live and still births in the granting of occupational maternity benefits.

Maternity Pay

The pay which the employee may receive during maternity leave. The type and amount will depend on qualifying conditions set out below, and may involve a combination of different pay elements.

Statutory Maternity Pay (SMP)

SMP is a State benefit for women on maternity leave, the conditions for which and the amount of which are determined by the Government but it is paid by the employer. It is payable for up to 39 weeks during OML.

There are two rates of SMP which are payable to those eligible:

- the first 6 weeks are paid at 90% of the employee's average earnings
- thereafter, employees receive the Standard Rate (an amount revised from time to time by the Department of Work and Pensions), or 90% of average earnings if this is less, for 33 weeks (unless you return to work sooner). SMP is a weekly benefit and the benefit week may start on any day of the week.

Occupational Maternity Pay (OMP)

OMP is provided by the College. The amount of enhanced maternity pay payable to College employees who are absent on maternity leave and who meet the qualifying conditions of the occupational scheme.

Maternity Allowance (MA)

A statutory benefit which may be payable to employees who are absent on grounds of pregnancy/maternity and who do not meet the qualifying conditions for SMP. Unlike SMP it is not paid by the employer; instead payment is made by the social security/Jobcentre Plus office. Like SMP the rate of MA is revised from time to time by the Department for Work and Pensions and details of current rates can be obtained from the local Inland Revenue Office or social security/Jobcentre Plus office.

Qualifying Week (QW)

For SMP purposes, this is the 15th week before the EWC.

Form MAT B1

A medical certificate which is obtainable from the employee's General Practitioner (GP) 26 weeks into the pregnancy, and which states the expected date of childbirth.

3. Eligibility for leave

All eligible employees are statutorily entitled to OML for 26 weeks and AML for 26 weeks, 52 weeks in total, regardless of length of service.

4. Eligibility for pay

A member of staff who has completed at least 26 weeks of continuous service by the QW (i.e. the 15th week before the EWC), who provides a MAT B1 stating the expected date of childbirth and who informs the College, in writing no later than the end of the 15th week before the EWC that she does not intend to return to work after maternity leave, and who has average earnings above the lower earnings limit for National Insurance contributions, is entitled to receive SMP.

A member of staff who has completed at least 26 weeks of continuous service by the QW, who provides a MAT B1 stating the expected date of childbirth and who informs the College, in writing no later than the end of the 15th week before the EWC, that she intends to return to work for at least 12 weeks (excluding sickness absence and extended unpaid leave) at the end of the period of maternity leave, is entitled to OMP.

A member of staff who is not eligible for SMP should contact her local social security/Jobcentre Plus office to enquire about eligibility for MA.

5. Health and Safety

The College has a duty to take care of the health and safety of all employees. The College is required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding. The College will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal job duties, the College will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for the College to alter the employee's working conditions to remove the risks to her health and there is no suitable alternative work available to offer her on a temporary basis, the College may suspend her from work on maternity grounds until such time as there are no longer any risks to her health. This may be for the remainder of her pregnancy until the commencement of her maternity leave. If an employee is suspended in these circumstances, her employment will continue during the period of the suspension and it does not in any way affect her statutory or contractual employment and maternity rights. The employee will be entitled to her normal salary and contractual benefits during the period of her suspension, unless she has unreasonably refused an offer of suitable alternative employment.

6. Antenatal care

Once an employee has advised the College that she is pregnant, she will be entitled to take reasonable paid time off work to attend antenatal appointments on the advice of a registered medical practitioner, registered midwife or registered health worker, provided she produces the documentation giving details of the appointment date and time. This is irrespective of the length of service or hours worked.

The employees should give their manager as much notice as possible before any appointments so that cover can be organised if necessary.

7. Notification Procedure

On becoming pregnant you should notify your line manager as soon as you feel able to do so. This is important because there are health and safety considerations for the College.

The employee should complete the Maternity Notification and Leave Application Form (Appendix 1) as soon as possible, but no later than the end of the 15th week before the EWC.

The employee must forward her original MAT B1 form to the Human Resources Department as soon as it is provided by her Midwife/GP.

The Human Resources Department will then write to the employee within 28 days of receiving this notification stating:

- The employee's rights to maternity leave and pay
- The expected date of the employee's return from additional maternity leave
- The employee's right to attend up to 10 keeping in touch days during her maternity leave.

8. Maternity Pay

8.1 Statutory Maternity Pay (SMP)

SMP is payable for up to 39 weeks during maternity leave. An employee is entitled to SMP if:

- she has been continuously employed by the College for at least 26 weeks at the end of the QW and she is still employed during that week;
- her average weekly earnings in the eight weeks up to and including the QW are not less than the lower earnings limit for National Insurance contributions;
- she is still pregnant 11 weeks before the start of the EWC (or have already given birth);
- she provides a MAT B1 form stating her EWC; and
- she gives the College proper notification of her pregnancy in accordance with the rules set out above.

8.2 Occupational Maternity Pay (OMP)

A member of staff who is eligible, as defined above to receive OMP will receive payments as set out in the table below (providing she intends to return to work as outlined above).

Less than 26 weeks continuous service at 15 th week before the baby is due	More than 26 weeks continuous service at 15 th week before the baby is due but not eligible for SMP	More than 26 weeks continuous service at 15 th week before the baby is due and eligible for SMP
No entitlement to SMP or OMP	4 weeks at full pay	4 weeks at full pay (including SMP)
May be eligible to claim MA	2 weeks at 90% of full pay	2 weeks at 90% of full pay (including SMP)
	12 weeks at 50% of full pay	12 weeks at 50% of full pay (plus SMP) ⁱ
	May be eligible to claim MA	21 weeks SMP only ⁱⁱ
	Total 18 weeks	Total 39 weeks

9. Commencement of Maternity Leave

A member of staff may choose when to start her maternity leave, subject to the following constraints:

- The maternity leave period cannot start before the 11th week before the EWC
- The maternity leave period will be automatically triggered if the employee is absent from work wholly or partly because of pregnancy after the beginning of the 4th week before the EWC
- The latest date it can start is the date of childbirth.
- The Maternity Leave period will be automatically triggered if the baby is born early, in which case maternity leave will start the day after the day on which the baby is born.

10. Return to work

An employee who intends to return to work at the end of her maternity leave, and has followed the requirements for notification stated above, will not have to give any further notification of her return to work.

If she intends to return to work **before** the end of her full maternity leave she must provide 8 weeks' notice, in writing, of her intended date of return to her line manager and to Human Resources.

An employee who is only taking the OML is entitled to return to the same job she was in before she went on leave, on terms and conditions that are no less favourable than those that would have applied had she not been absent.

ⁱ Except where payment is in excess of payment in b) in which case employee will receive the same weekly amount as applicable in b)

ⁱⁱ Except where payment is in excess of payment in c) in which case employee will receive the same weekly amount as applicable in c)

An employee who has stated her intention to return to work after AML will normally be re-employed in her previous post, but if there are exceptional reasons why this is not possible she will be employed on similar work and on terms and conditions no less favourable than if she had not been absent.

While a return to part time work for full time employees is not a right, the College will give sympathetic consideration to a request from a full time employee who wants to return to work on a part –time basis, either temporarily or permanently, and every effort will be made to accommodate this wish, if at all possible. Similarly, requests for flexible working or to job-share will be carefully considered and accommodated wherever possible. A request should be submitted in writing in accordance with the College's flexible working policy to the Human Resources Department no less than 28 days before you return to work.

If an employee leaves within 12 weeks of her return to work after maternity leave the College has the right to recover all or part of OMP. This shall not apply to staff on fixed term contracts whose date of contract expiry means that they cannot meet the requirement to return for 12 weeks.

11. Sickness Absence

If an employee is absent from work due to a pregnancy-related illness in the fourth week before her expected week of childbirth, her maternity leave will start automatically. If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must notify the College in writing of this as soon as reasonably practicable.

12. Maintaining Contact and Keeping in Touch (KIT) days during Maternity Leave

Shortly before an employee's maternity leave starts, their line manager will discuss the arrangements for her to keep in touch during her leave, should she wish to do so. The College reserves the right in any event to maintain reasonable contact with the employee from time to time during her maternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease her return to work or simply to update her on developments at work during her absence.

Except during the first two weeks of compulsory maternity leave, an employee can agree to work for the College for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of her maternity leave to an end and without loss of a week's SMP. These are known as 'keeping-in-touch' days. Any work carried out on a day shall constitute a day's work for these purposes.

The College has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during her maternity leave. Any work undertaken, including the amount of salary paid for any work done on KIT days, is entirely a matter for agreement between the College and the employee. Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, the employee will lose a week's SMP for any week in which she agrees to work for the College.

13. Conditions of payment

Payment of salary to an employee in accordance with the above provisions shall be made on the condition that she will be available for full-time or equivalent part-time, work for a period of at least 12 weeks from the date of return to her job. Where an employee does not return to work she will be required to repay (at the College's discretion) OMP. An employee with at least two years' continuous service, however, is entitled to retain the first six weeks' payment. Payments made by way of SMP are not repayable.

The requirement to return to work for at least 12 weeks may be reduced at the discretion of the College. Following a return to work, the normal provisions for termination upon notice shall apply to both parties.

The period of 12 weeks (inclusive of any holidays and other days when the College is closed) shall run from the date on which the employee returns to work or the date during the holiday on which, having been declared medically fit, she is deemed to be available for duty.

An employee shall be regarded as having fulfilled the conditions of these maternity provisions, if, having obtained prior approval from the institution to return to work on a part-time basis, she completes a period of 12 weeks.

14. Pension and Trade Union Contributions

The College will continue to make usual contributions for the whole time that the employee is receiving SMP. While the employee is not in receipt of pay, the employee is advised to contact the Contributions Agency and Pension provider regarding contributions.

Related Policies

- Parental Leave
- Flexible Working
- Adoption Leave
- Flexible Working Policy
- Paternity Leave
- Shared Parental Leave

MATERNITY NOTIFICATION AND LEAVE APPLICATION FORM	
PERSONAL DETAILS	
First Name	
Last Name	
Position	
Address	
Manager	
MATERNITY DETAILS	
I hereby give notice of my pregnancy, the details are as follows:	
Expected week of childbirth	
Maternity Leave start date	
Maternity Leave end date	
I have enclosed my MATB1 FORM / I will forward my MATB1 form to you in due course. (delete as appropriate) (Please note that you must provide this before any maternity payment can be made to you.)	
<ul style="list-style-type: none"> • I understand that if I wish to change the date on which I am going to commence my maternity leave I must give the College at least 28 days notice in writing (where practically possible.) • I understand that if I do not return from maternity leave or fail to return to work for a period of 12 weeks and have received Occupational Maternity Pay, that the College has the right to claim whole or part of the non-statutory element of the maternity pay. 	
Signed:	Date:
HEALTH AND SAFETY – RISK ASSESSMENT (to be completed by Health and Safety Manager)	
I have completed a risk assessment and the following actions are required to be taken:	
Signed:	Date: