

# Maternity Leave

## Employee Guide

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# Employee Guide to Maternity Provisions

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## Maternity Provisions

### Introduction

If you are pregnant and employed by the College you are entitled to 1 year's maternity leave. If you return to work before the end of your 52 week entitlement, you can share the balance of the leave with your partner<sup>1</sup>. However, the amount of maternity pay you can get while you are on leave depends on your continuous service with the College.

#### **Less than 26 weeks' service<sup>2</sup>:**

Your maternity leave will be unpaid.

#### **At least 26 weeks' service<sup>2</sup>:**

You will (normally) qualify for Statutory Maternity Pay (SMP).

#### **At least 1 year's service<sup>3</sup>:**

You will qualify for the QMUL maternity scheme.

If you transfer your remaining maternity leave to your partner and you have not taken all your maternity pay, they may also be eligible to receive the balance of your statutory maternity pay as additional statutory paternity pay depending on how much is leftover to be paid.

### Your options

If you have enough service to qualify for both SMP and the College scheme, one of the critical choices you face is whether

or not to return to work.

This is because the QMUL scheme, which pays much more than SMP, is:

- ❖ only available to staff who return to work for the College after their maternity leave ends;
- ❖ designed as a retention measure.

SMP, on the other hand, is payable whether or not you return to work.

The details of the 3 schemes are described on pages 2 to 4. A table on page 5 is designed to enable you to compare the SMP and QMUL scheme if you qualify for both.

The maternity provisions described in this booklet apply equally to all College employees<sup>4</sup> including those who work on a part-time or job-share basis and to casual, temporary or fixed-term staff - provided that they have enough continuous service to qualify.

How the College applies its policy to staff on fixed-term contracts is set out on page 18.

1. Partner means father, partner, same sex partner and secondary adopter in adoption cases.
2. By the end of the 15th week before the week the baby is due.
3. By the start of the week the baby is due.

4. However, you must be employed directly by the College, not by an agency it uses. If you have an honorary contract with the College but a substantive contract with another employer, their maternity scheme is the one that will apply to you.

## Maternity Provisions

### The QMUL scheme

#### Qualifying for the College scheme

To qualify for the QMUL scheme, you must:

- 1 be pregnant<sup>1</sup> at the start of the 15th week before the week of the birth; and
- 2 at the start of the week the baby is due, you must:
  - be employed by the College<sup>2</sup>; and
  - have at least 1 year's continuous service with the College.

In addition, you must:

- 1 agree to return to work after your maternity leave; and
- 2 when you return, remain employed by the College for at least 3 months<sup>3</sup>.

If you don't qualify for the College's scheme, or if you do not wish to return to work after your maternity leave:

- ❖ you will still be entitled to 1 year's maternity leave; and
- ❖ you may qualify for Statutory Maternity Pay or Maternity Allowance.

These provisions are described on pages 3 and 4 of this booklet.

1. *If the baby is still-born after the start of the 15th week before the week it is due, a mother with sufficient service will qualify for the QMUL scheme.*
2. *You must be employed directly by QMUL, not by an agency it uses. If you have an honorary contract with QMUL and a substantive contract with another employer, their maternity scheme is the one that will apply to you*
3. *This period will be extended if, for example, you return on reduced hours. See page 16.*

#### Provisions of the QMUL scheme

The College scheme entitles you to 52 weeks leave, for which you will be paid:

- 1 full pay for the first 18 weeks; then
- 2 half pay for the next 8 weeks; then
- 3 standard rate Statutory Maternity Pay<sup>4</sup> (SMP) for the next 13 weeks; then
- 4 nil pay for the next 13 weeks.

The College's provisions for maternity pay are designed as a retention measure and normally pay much more than SMP.

4. *Standard rate SMP (in April 2012) is set at whichever is the lowest of, either:*
  - £135.45 a week; or
  - 90% of your average pay.

## Maternity Provisions

### Statutory Maternity Pay

#### Qualifying for SMP

To qualify for SMP, at the start of the 15th week before the week the baby is due, you must:

- 1 be pregnant; and
- 2 be employed by the College<sup>1</sup>; and
- 3 have at least 26 weeks' continuous service with the College
- 4 have average earnings that are above a lower limit set by the government<sup>2</sup>.

You can get and keep your entitlement to SMP, even if you do not return to work after your maternity leave.

If you don't have 26 weeks' service with the College, you will still be entitled to 52 weeks' unpaid maternity leave. You may also be entitled to Maternity Allowance which is paid by the Government.

Maternity Allowance is described on page 4 of this booklet.

#### Provisions of SMP

Statutory Maternity Leave entitlement is 52 weeks, during which you will be paid SMP as follows:

- 1 for the first 6 weeks, 90% of full pay; then
- 2 for the next 33 weeks; standard rate Statutory Maternity Pay<sup>3</sup> (SMP)
- 3 nil pay for the next 13 weeks.

#### Additional Statutory Paternity Pay

If you decide not to take your full maternity leave entitlement of 52 weeks and return to work early, if you have not used up all your entitlement to statutory maternity pay, the balance can be transferred to the secondary carer of the child and paid as additional statutory paternity pay.

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1. However, you must be employed directly by the College, not by an agency it uses. If you have an honorary contract with the College but a substantive contract with another employer, their maternity scheme is the one that will apply to you.

2. In April 2011 the lower limit for eligibility for SMP was £102.00 a week.

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3. Standard rate SMP (in April 2012) is set at whichever is the lowest of, either:

- £135.45 a week; or
- 90% of your average pay.

## Maternity Provisions

### Statutory Maternity Allowance

#### Qualifying for Maternity Allowance

To qualify for 52 weeks' *unpaid* maternity leave, at the start of the 14th week before the week the baby is due, you must be:

- 1 pregnant; and
- 2 be employed by the College.

Even if you don't qualify for College maternity pay or SMP, you may still qualify for the Government to pay you Maternity Allowance<sup>1</sup>.

To qualify for Maternity Allowance you must have worked and paid standard rate national insurance contributions in 26 of the 66 weeks before the start of the 14th week before the baby is due.

The full rules on qualifying for Maternity Allowance are in the booklet "A guide to maternity benefits" (NI 17A). This is normally available from the Department of Work and Pensions (DWP), libraries, and so on.

If you don't qualify for SMP, the HR Department will give you form SMP1. Take or send the completed form to your Social Security office. They will work out whether you are entitled to Maternity Allowance, and if so, they will pay it to while you are taking your maternity leave from the College.

#### Provisions of Maternity Allowance

Maternity Allowance is paid for 39 weeks and is set at 90% of your average pay, up to a maximum set by the government<sup>2</sup>.

1. *Maternity Allowance is administered and paid by the Department of Work and Pensions, not the College. You should raise any queries with them.*

2. *In April 2012, the maximum amount for standard rate SMA was £135.45 a week.*



## Maternity Provisions

### SMP and the College scheme compared

If you qualify for both schemes, your decision about returning to work after maternity affects which scheme you are entitled to. To help you make a decision, the chief differences between the two schemes are set out in the table below:

	College Scheme	Statutory Scheme (SMP)
<b>Qualifying Service:</b>	1 year's service	26 weeks' service
<b>Qualifying Date:</b> (The date by which you must have the service required)	By the start of the week the baby is due.	By the start of the 14th week before the week the baby is due.
<b>Maternity Leave Entitlement:</b>	52 weeks	52 weeks
<b>Maternity Pay Entitlement:</b>	18 weeks on full pay 8 weeks on half-pay 13 weeks at standard rate SMP <sup>1</sup>	6 weeks on 90% of full pay 33 weeks at standard rate SMP <sup>1</sup>
<b>Return to Work:</b>	Must return for at least 3 months <sup>2</sup> after maternity leave.	Not required to qualify for SMP

1. Standard rate SMP (in April 2012) was set at whichever is the lowest of, either:
  - £135.45 a week; or
  - 90% of your average pay.
2. This period will be extended if, for example, you return on reduced hours. See page 16.

## Maternity Provisions

### Working safely through your pregnancy

#### Ante-natal care

Good ante-natal care is vital to your health, and that of your baby. The College therefore expects you to take reasonable time off, with pay, to receive ante-natal care.

So, if your ante-natal class or appointment<sup>1</sup> (and travelling time both ways) falls within your normal working hours, you will be paid for the time you take off - even if you work part time, job share or in shifts. You will not be required to make up working time lost. You should, therefore, let your manager know as soon as your appointments are made so that they can plan any cover for your absence.

#### Adjustments to your work

You and the College have a joint responsibility, in law, for your health and safety during the pregnancy.

Early in the pregnancy, you and your manager must review together:

- 1 the health and safety risk assessment for your work and workplace; and
- 2 how you may be affected while you are pregnant or breast-feeding.

You and your manager will jointly consider whether:

- ❖ any aspects of your job may be too hard for someone who is pregnant or breast-feeding, or
- ❖ there may be some risk to your unborn baby associated with your job.

If there are any concerns on these matters, your manager will:

- ❖ give you help to enable you to do the work; or
- ❖ agree appropriate temporary changes to your duties; or
- ❖ temporarily redeploy you to a job you can do; or
- ❖ suspend you on full pay (but they would normally only do this after taking medical advice.)

1. *Ante-natal care includes relaxation and parentcraft classes, provided that these are advised by a registered medical practitioner, midwife or health visitor.*

## Maternity Provisions

### Working safely through your pregnancy

You may wish to refer yourself to the Occupational Health Service (OHS) for specialist medical advice on these matters. Even if you don't, your manager may wish to take advice from the OHS or from the Health and Safety Office.

In practice, the first 3 months of your pregnancy can be the most vulnerable time. So the earlier that you inform your line manager that you are pregnant, the sooner they can consider any risks and take action to minimise them.

Your manager has a detailed knowledge of the work you do, and is therefore, best placed to carry out the risk assessment with you. However, if you prefer to delay telling your line manager that you are pregnant, you can still inform the HR department, the Health and Safety Office or the Occupational Health Service. They will:

- ❖ treat the matter as confidential<sup>1</sup>
- ❖ ensure that an initial assessment of any risk is carried out.

A risk assessment form is in Appendix I.

### Sick leave during pregnancy

Of course, if you are medically unfit during your pregnancy you must not stay at work.

Up to the start of the **4th week** before the week the baby is due, any sick leave you take is counted as sick leave, not as maternity leave. This is true even if your sickness is caused by (or related to) your pregnancy.

But after the start of the **4th week** what happens depends on whether you are unfit because of your pregnancy.

If your sickness is **unrelated to your pregnancy**, you can take sick leave - provided that all your absence is covered by a doctor's certificate.

But if your sickness is **even partially related to your pregnancy**, you must begin maternity leave and you will begin to receive maternity pay. The first day of your absence would be paid as sick pay, the next day as maternity leave.

You cannot self-certify in this period as the College has a duty to ensure that you and your baby will not be harmed by a return to work.

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*1. Provided that no risk is identified that requires a change in working practice. Such a change will, inevitably, need your manager to be informed.*

## Maternity Provisions

### Things to do before you start maternity leave

#### Notifying your manager

The earlier you tell your manager that you are pregnant, the better they will be able to plan for your absence. And once they know, they can take action to protect you from unfair treatment and any risks to the health or safety of you and the baby.

#### Notifying HR

You must also notify HR of your pregnancy by the start of the 14th week before the week the baby is due. You must:

- ❖ tell HR in writing that:
  - you are pregnant, and
  - the date your baby is due, and
  - the date your maternity leave will begin<sup>1</sup>;
- ❖ provide a written statement<sup>2</sup> from your doctor or midwife giving the date that the baby is expected.

You risk losing your right to maternity leave and pay if you do not do these things on time. A form you can use to notify the HR department is in Appendix 6.

The HR department will invite you to meet your HR Contact Officer to discuss your options. They will be able to outline the maternity provisions as they apply to you and answer any questions you may have. The earlier you arrange this discussion the better - most women find the discussion helpful in planning their maternity leave.

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1. You can always change your mind later, provided you give 4 weeks notice. A form for this purpose is on page 28.
  2. Doctors generally use a form ("Mat B1") for this purpose. The College will give some flexibility if you have difficulty in getting form MatB1 in time.

## Maternity Provisions

### Planning your maternity leave

#### Start date for maternity leave

You can plan to begin your maternity leave on any day within the 11 weeks before the week you expect the baby.

You must notify HR of the date you have in mind before the start of the 14th week before the week your baby is due. But if you change your mind, this is OK, provided that you give your manager 4 weeks notice<sup>1</sup> of the new date. A form for you to use for this purpose is in Appendix 7.

If you do not give enough notice of a change, the College may require you to delay the start of your maternity leave until the 4 weeks notice period has elapsed.

#### Early start to maternity leave

Remember that the start of your maternity leave can be triggered earlier than the date you planned.

This happens automatically, if:

- ❖ the child is born<sup>1</sup> before the date you planned to start maternity leave; or
- ❖ you take sick leave within the 4 weeks before the week the baby is due; and
- ❖ the sickness is (even partly) related to the pregnancy.

If your maternity leave is triggered by sickness:

- ❖ the first day of your absence would count as sick leave
- ❖ the next day, your maternity leave would start.

If your maternity leave is triggered by the birth of the child<sup>2</sup>, your maternity leave would start the day after the baby was born.

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1. If for practical reasons you cannot give the full 4 weeks notice (eg if the child is born earlier than expected) notify your manager as soon as is reasonably practicable.

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2. Here, childbirth means either:

- the live birth of a child or
- a still birth after a pregnancy lasting at least until the start of the 15th week before the week of the birth.

# Maternity Provisions

## Planning your maternity leave

### Keeping-in-touch days

While you are on maternity leave, you can do up to 10 days' work for the College. If you do more than this, your entitlement to maternity leave and pay would automatically end.

Any day (or part of a day) on which you work during your maternity leave will count as a whole day towards the maximum of 10 days.

There is no right on either side to insist on keeping-in-touch days. Your manager does not have to offer any; and you certainly are not required to work any such days that are offered.

You will be paid for any keeping-in-touch days you work. However, if the total of:  
1 your maternity pay for the day; and  
2 the money you earn that day ...  
is greater than a normal day's pay, the College will deduct the excess.

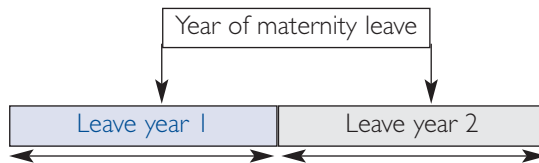
It would make good sense to discuss and record, in good time before maternity leave starts:

- ❖ the number, if any, of keeping-in-touch days that are mutually agreed; and
- ❖ some planning of the timing of any such days; and
- ❖ the work, training, or other activities that you might appropriately do.

### Annual leave

While you are on maternity leave, your entitlement to annual leave is entirely unaffected. It goes on accruing while you are off.

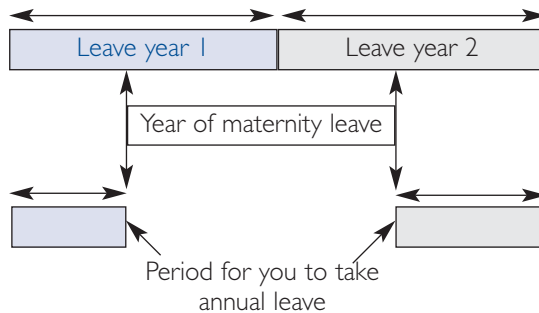
However, you cannot take annual leave while you are on maternity leave. Furthermore, your maternity leave is not likely to coincide exactly with a leave year. See below.



This means that:

- 1 you may have annual leave entitlement from 2 leave years to take; and
- 2 you may be on maternity leave for 12 months in those 2 years; and so
- 3 you may have almost 2 years annual leave to fit into the 12 months on either side of your maternity leave.

See below.



## Maternity Provisions

### Planning your maternity leave

You should plan the best way to fit your annual leave into the periods before and after your maternity leave. Be sure to discuss these plans with your manager. They have the right to refuse annual leave if granting it would interfere with effective service delivery.

Most women find it helpful to take a large chunk of paid annual leave immediately before or after their paid maternity leave.

Normally staff can carry over only 5 days annual leave from one leave year to the next.

But if you are on maternity leave when the leave-taking year ends<sup>1</sup>, the College will allow you to carry over as much leave as you like, provided that, during the nil-pay period of your maternity leave, you take (at least) the amount of leave that you carried over.

### Appraisal and other long-term processes

Discuss with your manager how best to take account of your absence when dealing with issues such as:

- ❖ annual appraisal
- ❖ academic review
- ❖ probation assessment
- ❖ REF assessment.

In principle, you will not be treated less favourably because of your maternity leave. Where it is possible and reasonable to do so, your manager will:

- ❖ amend the timing of meetings or the time-scale of processes to enable you to participate fully; or
- ❖ take full account of the effect of your absence on your development or the work or research you are doing.

However in some cases the College may have little option but to suspend your participation in one of these long term processes until you return to work.

### If you plan to come back early

The College will assume that you are going to take the full amount of maternity leave<sup>2</sup> and that you will return to work after 52 weeks leave. If you want to come back before the full period of your maternity leave, you must give the College at least 8 weeks' notice in writing. However, you cannot return in the 2 weeks immediately after your baby is born. These two weeks' maternity leave are compulsory.

If you do decide to return earlier, providing you have taken a minimum of 20 weeks' maternity leave starting from the date the baby is born, you can transfer the remaining balance of your entitlement to the secondary carer of the child.

1. The leave year runs from 1st January to 31st December.

2. 52 weeks normally, but perhaps less if you are on a fixed-term contract. See the section on fixed-term contracts.

## Maternity Provisions

### Planning your maternity leave

#### If you want to leave

The College will advise you to keep your options open until the baby is born.

If you decide to leave you must give the period of notice set out in your contract. However, the more notice you give, the better the College will be able to plan its services. - you can give more notice than is required so that your departure coincides with the end of your maternity leave.

In practice, you stand to benefit by timing your departure to coincide with the end of your maternity leave. For example:

- ❖ you can continue to accrue annual leave during your maternity leave - even during the nil pay period; and
- ❖ you can continue your membership in the pension fund, which is likely to lead to improved pension benefits.

You can use the form on page 31 to give notice, if need be.

Remember that if you do not return to work for a period of at least 3 months, the College will reclaim the difference between its maternity pay scheme (if you have been paid it) and SMP.

If you don't wish to put yourself in debt to the College, and would prefer to be paid only SMP, you can arrange this before you begin maternity leave. The form in Appendix 10 covers this issue.



## Maternity Provisions

### While you are off

#### Keeping-in-touch days

See page 10 for a description of keeping-in-touch days.

If you agree to work any such days, make sure that, as you do them, your manager arranges with the HR department for you to be paid.

#### Reasonable contact

Quite apart from keeping in-touch-days, the College is entitled to make reasonable contact with staff.

Your manager may do so, for example, to consult you over any change to working practices or reorganisation, or simply to keep you up-to-date on work issues or personnel changes.

The HR department is likely to contact you to clarify arrangements as your maternity leave ends.

If you are on a fixed-term contract that is due to end during your maternity leave the College will need to contact you as it considers, in the normal way, whether to extend your contract

#### Annual leave

You cannot take annual leave while you are on maternity leave.

If you take paid annual leave immediately before returning to work, the first day of annual leave you take ends your maternity leave.

#### Bank holidays and closure days

As with annual leave, you cannot take or be paid for any bank holiday or closure day that falls in the period of your maternity leave.

Bank holidays and closure days fall on fixed days of the year and are separate from annual leave. You cannot, therefore, carry them forward to be taken after your return to work.

## Maternity Provisions

### While you are off

#### Your pension contributions

If you are in one of the College's pension schemes, Payroll will automatically deduct contributions throughout your paid maternity leave.

Your contribution will be worked out as a percentage of your maternity pay, rather than your full pay. Even though your contributions are based on reduced levels of pay they count at the full rate towards retirement benefits.

During any periods on which you are on nil pay, your contributions will stop. What happens then depends on the scheme you are in.

#### ***If you are in the NHS scheme:***

you must pay contributions for the nil pay period. The College pays these for you while you are on nil pay, but when you return to work, you must pay these back.

In the nil pay period, your contributions are payable on the basis of the final rate of maternity pay (other than nil pay) that you get during your paid maternity leave

#### ***If you are in Saul or USS:***

you may opt whether or not to pay contributions for your nil pay maternity leave. Such contributions are payable on the basis of the final rate of maternity pay (other than nil pay) that you get during your paid maternity leave.

Clearly, if you do opt to contribute, you will increase your retirement benefits.

Any contributions on nil pay are deferred until you have returned to work. The Pensions section of the HR Department will contact you to get your decision and will arrange to implement it.

#### Pay increases

You are entitled to any pay increase or increment that falls due during your maternity leave.

However, the College Payroll system cannot (currently) work these out automatically. You will receive any adjustment due at the end of your maternity leave.

The College is pressing its software provider to improve their product.

## Maternity Provisions

### Returning to work

#### Returning to work

The College will expect you to return after **52 weeks** maternity leave unless:

- ❖ you have notified an earlier date of return; or
- ❖ you have already resigned and given notice of your last working day; or
- ❖ you are on a fixed-term contract that has already expired.

The HR department will notify you of the date you are expected to return before you begin maternity leave.

You are entitled to return to a job that is the same as or similar to the one which you had before you took maternity leave, unless this is not reasonably practicable.

In practice, payroll staff in the HR department will not reinstate your pay unless your manager notifies them that you have returned to work. Make sure to remind your manager to do this.

#### Working safely

Before, or soon after your return to work, you and your manager must review together:

- 1 the health and safety risk assessment for your work and workplace; and
- 2 how you may be affected as a new/nursing mother.

#### Returning early

If you want to return early, you must give at least 8 weeks' written notice<sup>1</sup>. If you give less notice than is required, your manager has the right to delay your return to the earliest of either:

- ❖ the date by which the 8 weeks' notice would have elapsed; or
- ❖ the date you were expected to return.

The more notice you give, the better the College can make the necessary arrangements. A form you can use to give notice of an early return is in Appendix 8.

If your return is delayed after the date you expect to return because of an illness, you must submit a doctor's statement.

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1. Both HR and your manager need to be notified. HR so that you can be paid correctly and your manager so that they can plan and prepare for your return.

## Maternity Provisions

### Returning to work

#### Flexible working

You may wish to reduce your hours or consider flexible working arrangements after your return to work. You should discuss this matter as soon as possible with your manager.

Any application you make will be considered under the College's Code of Practice on Flexible Working. The Code and an application form are available from the HR department or website.

#### Unpaid time off

The HR Code of Practice on Leave includes provisions for staff to take unpaid time off in connection with their children. These include:

- ❖ time off to care for dependants
- ❖ unpaid parental leave

Any application for time off you make will be considered under the College's Code of Practice on Leave.

#### Nursery

The College nursery:

- ❖ is run from a purpose-built nursery in Bancroft Road;
- ❖ has 65 places for the children of staff and students of Queen Mary (and others);
- ❖ caters for children aged from 3 months to 5 years;
- ❖ is open between the hours of 8.30am and 5.30pm, 49 weeks of the year.

You can find out more about the nursery, its fees, the services it offers and how to apply for a place from the nursery or its website.

#### Childcare vouchers

Under this scheme, staff can agree to take some of their pay as child-care vouchers rather than cash.

The advantage of this is that child-care vouchers can be paid to you without any deduction of income tax or National Insurance. The vouchers can then be used to pay child-care providers for caring for your children.

You can get more details of the scheme from the HR Department or website.

## Maternity Provisions

### Returning to work

#### Repaying maternity pay/annual leave

Even if you qualify for and are paid College Maternity Pay, you will lose your entitlement to it unless you complete 3 months at work after your return from maternity leave.

As the purpose of the College maternity scheme is to encourage a genuine return to work, the 3 months will be extended if you:

- ❖ reduce your hours of work after the baby is born
- ❖ take any sick, annual or sabbatical leave (or other time off) during the 3 months.

If you do not return to work for the period required, the College will reclaim the difference between the QMUL scheme and SMP.

The HR department will work out the adjustment to be made. The adjustment will take into account:

- ❖ your last day of employment - you are employed throughout the whole period of your maternity leave; and
- ❖ your entitlement to be paid for any outstanding annual leave; and
- ❖ any pension contributions you owe; and
- ❖ the difference between the maternity pay you have received and your statutory entitlement.

## Maternity Provisions

### Staff on fixed-term contracts

#### If your fixed-term contract ends

If your contract is due to end while you are still on maternity leave, the case for extending or renewing your contract will be considered under the provisions of the Code of Practice on Reviewing Fixed-term Contracts.

The fact that you are on maternity leave is not material to the process to be followed nor to the decision to be made. If your employment is not extended you will be given:

- ❖ the reason for the decision; and
- ❖ a right of appeal.

Your employment will end on the date in your contract. However, the College will continue to consider redeployment opportunities for you until the date your maternity leave ends.

If you qualify for the QMUL maternity scheme, you will be paid:

- ❖ College maternity pay up till the date your contract ends; and
- ❖ SMP thereafter until the statutory maternity pay period is exhausted.
- ❖ any redundancy pay you are entitled to (see the Code of Practice on Reviewing Fixed-term Contracts).

The College will waive repayment of any difference between College maternity pay and SMP if:

- ❖ the end of your contract prevents you from, either:
  - returning to work; or
  - completing 3 months employment.

#### Research grants and maternity leave

The Code of Practice on Reviewing Fixed-term Contracts sets out the issues to consider at the end of the contract.

There is no automatic right for an employee on a fixed-term contract to be given an extension to their contract equivalent to the period of their maternity leave.

This is so even if the grant provides sufficient funds to cover the whole amount of your maternity pay.

As well as the financial position, the College will take into account a range of other factors, including:

- ❖ any work or research that is required at the time the contract is due to end; and
- ❖ any arrangements made to cover the work while you were on maternity leave.

## Maternity Provisions

### Teaching Assistants on part-year contracts

For Teaching Assistants (TAs) on part-year contracts there are a number of complicating factors:

- ❖ TAs are normally paid an equal amount throughout the period for which they are required to work;
- ❖ the period of paid employment is normally followed by a period on nil pay (between terms or academic years);
- ❖ any decision about offering more work is not normally made before the contract ends (it's made instead before the start of the next term or year).

The College handles this situation as follows:

#### **Continuous Service**

Normally, the College will not count holidays between terms or academic years as a break in continuous service, provided that you work the whole of each of the terms.

#### **Full-pay, half-pay and SMP**

If you qualify for the College maternity scheme, you will be paid full-pay or half-pay for any periods *in which you are due to be paid by QMUL*.

However, during your nil-pay periods your full-pay and half-pay under the College scheme would both amount to nothing (since your entire annual salary would already have been paid to you).

However, if you qualify for it, you will be paid SMP for any weeks in which the statutory entitlement is greater than your pay under the College Scheme.

#### **The decision to re-engage the next term**

If possible, the timing of the decision will be brought forward. No account will be taken of the fact that you will be on maternity leave. If need be, another employee would be recruited to supply maternity cover.

#### **Example**

A female TA has worked 6 full terms over two complete academic years. She therefore qualifies for both the College scheme and SMP.

Her contract is due to end on June 16 which is in the qualifying week for SMP.

Her maternity leave begins the next day on June 17th. However the decision is then made to re-engage the TA, with effect from September 30th for the following term (15 weeks later).

So in the first 15 weeks of her absence, the TA would be in a nil pay period and would be entitled to SMP. For the first 6 weeks this would be at 90% of full pay and for the next 9 weeks at the standard rate.

Thereafter, the TA would be in a paid period and would get her entitlement under the College scheme. Thus:

- ❖ for the 16th-18th week she would get full pay; and
- ❖ for the 19th to the 26th weeks, she would get half-pay; and
- ❖ for the 27th-33rd weeks, she would get standard rate SMP; and
- ❖ for the 34th-52nd weeks, she would get nil pay.

## Maternity Provisions

### Appendix 1: Risk Assessment Form

#### Instructions for managers:

In law, employers are required to assess workplace risks for all employees, and to take practical action to control those risks. In QMUL this responsibility is devolved to line managers<sup>1</sup>.

Risk assessments must, in any case, take into account any hazards and risks to:

- ❖ females of childbearing age
- ❖ new and expectant mothers<sup>2</sup>
- ❖ their unborn children; or
- ❖ the children of a woman who is still breastfeeding

You should review and monitor risk assessments at regular intervals. But in addition, you must carry out a new risk assessment when:

- ❖ you learn that a woman is pregnant
- ❖ a woman returns to work after maternity leave
- ❖ a new or expectant mother informs you of medical advice that she has been given.

1. *“Manager” is defined as follows: “Anyone in the College who supervises and/or is responsible for the work of one or more staff. “Manager” refers to a role not to a title. Thus, staff who supervise or monitor the work of other College employees will, in effect, be managers even if their job title is “Senior Lecturer”, “Assistant Registrar”, Vice-Principal”, etc.*
2. *The definition of a new or expectant mother is someone who is pregnant, or has given birth within the previous six months, or is breastfeeding.*

#### What you need to do

To identify any risks which may cause health problems for the woman or her child:

- ❖ discuss the new or expectant mother's working conditions
- ❖ discuss and complete the form overleaf
- ❖ include hazards to the woman or her child which might arise when the woman is performing
  - her own duties
  - other activities within the department.
- ❖ take account of any medical advice the woman provides.

A sensible risk assessment has to take note not only of the hazard, but how serious it is and how likely it is that it will affect the particular individual. Always take action to minimise any risks identified.

If need be, take advice on medical issues, the risk assessment and radiation hazards from the College's:

- ❖ Occupational Health Service,
- ❖ Health & Safety Office and
- ❖ Radiation Protection Supervisors.



## Risk assessment form For New and Expectant Mothers

To be completed jointly by the line manager and the employee.

Employee's surname:

Employee's first Name:

Employee's job title:

Phone number

Date of birth:

Date the baby is due/was born

Department

Manager's name

Brief summary of work processes:

Number of hours and shift/pattern:

### Instructions

Please tick as appropriate in the boxes in the 6 sections below. For any "yes" box ticked please give further information about the risk and how it can be minimised on the final page of this form..

If you have any concerns about medical issues that you cannot resolve locally, please take advice from the Occupational Health Adviser on 020 7882 3176.

### 1. Working conditions:

Yes No

- Unusually stressful work
- Working with VDUs
- Working alone
- Travelling (in the job)
- Other (please specify)

### 2. Exposure to physical agents:

Yes No

- Periodic manual handling of loads
- Physical fatigue eg standing >1½ hrs
- Extremes of cold and heat
- Ionising radiation
- Night work
- Whole body vibration
- Awkward spaces and workstations
- Noise
- Other (please specify)

# Risk assessment form

## For New and Expectant Mothers

To be completed jointly by the line manager and the employee (page 2)

### 3. Exposure to chemical agents:

Yes No

- Antimitotic (cytotoxic) drugs
- Mercury or mercury derivatives
- Lead or lead derivatives
- Prolonged exposure to carbon monoxide
- Carcinogens (as defined in COSHH<sup>1</sup>)
- Substances labelled R40 (Possible risk of irreversible effects)
- Substances labelled R45 (May cause cancer)
- Substances labelled R46 (May cause inheritable disease)
- Substances labelled R49 (May cause cancer by inhalation)
- Substances labelled R61 (May cause harm to the unborn child)
- Substances labelled R63 (Possible risk of harm to the unborn child)
- Substances labelled R64 (May cause harm to breast fed babies)
- Substances labelled R68 (Possible risk of irreversible effects)
- Chemicals known to be absorbed through the skin
- Other (please specify)

### 4. Exposure to biological agents:

Yes No

- Blood or body fluids
- Clinical specimen
- Toxoplasmosis
- Cytomegalovirus
- Rubella virus
- Group 2, 3 or 4 biological agents<sup>2</sup>
- Fumigants or biocides
- Other (please specify)

### 5. Exposure to external factors:

Yes No

- Stressful situations (to be discussed with manager)

### 6. Any other problems at time of assessment

Yes No

- Backache
- Swollen feet
- Morning Sickness
- Other (please specify)

1. The Control of Substances Hazardous to Health Regulations (2002) as amended.

2. If need be, take advice from the College's Health & Safety Adviser.

## Risk assessment form For New and Expectant Mothers

To be completed jointly by the line manager and the employee (page 2)

### 7. Risks identified and action taken

If you ticked “yes” in any box in sections 1 to 6, please:

- ❖ give details; and
- ❖ if need be, take advice; and
- ❖ specify any action to reduce risks.

Once completed, sign and date the form. Please keep a copy on file and send a copy to the OHS, Geography Building, Mile End Campus.

Employee's signature

Date

Manager's signature

Date

## Maternity provisions

### Appendix 2: Maternity planners

There are 3 maternity planners on the next 4 pages of this handbook. Other planning tools are available on the internet. For example, Directgov has interactive maternity planner which can help you work out your statutory pay and leave entitlement.

#### How to use the planners

##### **Action planner**

This planner is designed to help you understand what you have to do and when by.

The key date is, of course, the week the baby is due. Enter the date of the Monday of that week.

If, by the start of this week you have at least 1 year's continuous service, you will qualify for the College's maternity scheme.

Counting back from the week the baby is due, enter the date of the Monday of the

- ❖ 4th week before
- ❖ 11th week before
- ❖ 14th week before.

##### **The 14th week before**

If, by the start of this week, you have at least 26 weeks' continuous service with the College, you will qualify for SMP.

By the start of this week, you must give your manager form MatBI and say in writing that:

- ❖ you are expecting a baby
- ❖ the week it is due and
- ❖ the week your maternity leave will begin.

##### **The 11th week before**

You cannot begin your maternity leave before the start of this week. You can opt to begin maternity leave on any day within the weeks afterwards.

##### **The 4th week before**

After this week starts sickness absence will trigger the start of your maternity leave and pay if it is related (even partly) to your pregnancy.

##### **Returning to work**

When you tell HR the date you want to start your maternity leave, they will tell you in writing, the date they expect you to return to work.

This will always be 1 year to the day after your maternity leave starts.

It is helpful to enter this date on the planner overleaf.

##### **Maternity Pay Planner**

This is designed to help you understand what your income will be during the period of your maternity leave.

##### **Annual Leave Planner**

This is designed to help you work out how best to fit your leave entitlement around your maternity leave.

# Maternity Provisions

## Appendix 3: Action planner - maternity leave

**The start of the 14th week before the week the baby is due:**  
 To qualify for SMP you must have 26 weeks' service by the start of this week. Form MatB1 is normally available. By the start of this week, you must give HR form MatB1 and tell them that you are expecting a baby, the week it is due and the week your maternity leave will begin.

**11th week before the week the baby is due:**  
 This is the earliest maternity leave can start.

<b>Weeks BEFORE the week the baby is due</b>	15	14	13	12	11
	10	9	8	7	6
	5	4	3	2	1

**Week the baby is due** 0

**4th week before the week the baby is due:**  
 After the start of this week, maternity leave is triggered if you are sick and this is related (even in part) to the pregnancy.

<b>Weeks AFTER the week the birth is due</b>	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30
	31	32	33	34	35
	36	37	38	39	40

**Between 41st to 51st week after the baby is due:**  
 You will be expected back in these weeks depending on when you opt to begin your maternity leave. Don't forget to get your manager to notify HR/Payroll when you do return.

41	42	43	44	45
46	47	48	49	50
51	52	53	54	55

# Maternity Provisions

## Appendix 4: Maternity pay planner

Each box below represents a week (which can start on any day). Enter the date you plan to start maternity leave in box 1 of the scheme you qualify for (SMP or the College scheme). Enter the dates in the boxes when the rate of your maternity pay changes. Enter the date when you are expected back at work. Consider if you want to return to work before the nil pay period ends, and if you want to do this by taking annual leave.

### College maternity pay:

Full pay starts →	1	2	3	4	5	6
	7	8	9	10	11	12
Full pay ends	13	14	15	16	17	18
Half pay starts →	19	20	21	22	23	24
	25	26	27	28	29	30
Half pay ends, and SMP at standard rate starts	31	32	33	34	35	36
	37	38	39	40	41	42
SMP at standard rate ends and nil pay period starts.	43	44	45	46	47	48
	49	50	51	52	53	

← Week you are expected back at work.

### Statutory maternity pay:

SMP at 90% of average pay →	1	2	3	4	5	6
	7	8	9	10	11	12
SMP at standard rate set by the government starts	13	14	15	16	17	18
	19	20	21	22	23	24
	25	26	27	28	29	30
	31	32	33	34	35	36
	37	38	39	40	41	42
	43	44	45	46	47	48
SMP at standard rate set by the government ends and nil pay period starts	49	50	51	52	53	

← Week you are expected back at work.

## Maternity Provisions

### Appendix 5: Annual leave planner

Each box below represents a working week. Two leave years are shown since most women's maternity leave will not fall within a single leave year. Enter in box 1 of both leave years the date your leave year starts (January 1 or April 1 depending on your terms and conditions). Enter in the relevant box (in leave year 1) the date you intend to start maternity leave. Enter in the relevant box (normally in leave year 2):

- 1 the date your paid maternity leave will end
- 2 the date you are expected back at work
- 3 the date you wish to return if you want to return early

Work out (HR will help, if need be):

- 1 your full annual leave entitlement over the 2 leave years (for full-time staff this will 30 days x 2 = 60 days)
- 2 any annual leave you have already taken in leave year 1
- 3 any other annual leave you plan to take in leave year 1 before maternity leave starts
- 4 the amount, if any, of annual leave you intend to add to the end of your maternity leave - its a good idea to enter the number of days into the relevant boxes
- 5 how you can fit the remaining annual leave into the period before and after your maternity leave.

Leave year 1	1	2	3	4	5	6
	7	8	9	10	11	12
	13	14	15	16	17	18
	19	20	21	22	23	24
	25	26	27	28	29	30
	31	32	33	34	35	36
	37	38	39	40	41	42
	43	44	45	46	47	48
	49	50	51	52		
	Leave year 2	1	2	3	4	5
7		8	9	10	11	12
13		14	15	16	17	18
19		20	21	22	23	24
25		26	27	28	29	30
31		32	33	34	35	36
37		38	39	40	41	42
43		44	45	46	47	48
49		50	51	52		

# Maternity Provisions

## Appendix 6: Written notice of pregnancy to HR

### Instructions for the employee

1. Use this form to tell HR that you are pregnant and want to take maternity leave.
2. You should give the same information to your manager so that they can protect the health and safety of you and your baby during your pregnancy. A box for them to sign is at the foot of the form.
3. Ask your doctor or midwife for form "MatBI"
4. Make sure that HR get this form and form MatBI by the start of the 14th week you expect the baby. If there are practical reasons why cannot do this, tell your HR Contact Officer. The address is: QMUL, HR Department, Mile End, London, E1 4NS.

1. Your name:

2. Your payroll ref. number (see pay slip):

3. I am expecting a baby. The date the baby is due is:

4. A certificate (normally form "MatBI") to confirm that I am pregnant is:  
[please tick the appropriate box]

- already in your possession
- enclosed with this form
- to be given to you shortly

5. The date I plan to start maternity leave is:

I will give you 4 weeks' notice of any change to the date I plan to start maternity leave.

6. Please:

[tick any appropriate boxes]

- inform my manager so that they can carry out a health and safety risk assessment for the period of my pregnancy
- let me (and my manager) know the date on which I am expected to return to work.
- arrange a meeting with me to discuss College maternity provisions
- confirm my entitlement to maternity pay.

7. Your signature

8. Date

9. Your manager's signature



## Maternity Provisions

### Appendix 7: Change in start of maternity leave

#### Instructions for the employee

- Use this form to tell HR that you want to change the start date of your maternity leave. The address is: QMUL, HR Department, Mile End, London, E1 4NS. Normally you must give 4 weeks' notice of the new date. However, if you are unable to do so for practical reasons (for example if the baby is born earlier than expected) you should notify the College as soon as is reasonably practicable. If you do not give notice in time, your manager can require you to delay the start of your maternity leave. Don't forget, you must plan to start your maternity leave within the 11 weeks before the week the baby is due.
- Keep your manager informed so that they can plan appropriately. There is a box on the form to show that they have approved the change.

1. Your name:

2. Your payroll ref. number (see pay slip):

3. I told you before that I plan to start maternity leave on:

4. The date I now plan to start maternity leave is:

5. Your signature

6. Date of signature

7. Please let me (and my manager) know the new date on which I am expected to return to work.

8. Manager's approval

[tick the appropriate box and sign below]

I agree the new start date

I do not agree the new start date for this employee's maternity leave. The earliest date<sup>1</sup> I can agree to is in the box below.

New start date for maternity leave

9. Manager's signature

10. Date of signature

1. You cannot insist on any date later than:  
 (a) 4 weeks after the date the employee notified you of the change; or  
 (b) [if the employee is not able to give 4 weeks notice for practical reasons] the date on which it became reasonably practicable for them to notify you of the change.

## Maternity Provisions

### Appendix 8: Notice of early return

#### Instructions for the employee

1. Use this form to tell HR that you want to return to work before the date you are expected to return. The address is: QMUL, HR Department, Mile End, London, E1 4NS. You must give at least 8 weeks notice of the new date. If you do not, your manager can require you to delay the start of your maternity leave until the 8 weeks have elapsed. The new date must be within 1 year of the date you began maternity leave.
2. Keep your manager informed so that they can plan appropriately.

---

1. Your name:

2. Your payroll ref. number (see pay slip):

3. You are expecting me to return from maternity leave on:

4. I now plan to return early on:

5. Your signature

6. Date

7. Please confirm with me and my manager that the new date is acceptable.

## Maternity Provisions

### Appendix 9: Notice to quit

#### Instructions for the employee

1. Use this form to tell HR that you want to leave at the end of your maternity leave. The address is: QMUL, HR Department, Mile End, London, E1 4NS. You must give at least the amount of notice required in your contract. However, you can give more notice than the minimum and the sooner the College is aware of your intentions, the better it can plan its work. Your final working day will normally be the day before you are due to return to work. If you put in any other date, please take advice first
  2. Keep your manager (as well as HR) informed so that they can plan appropriately.
- 

1. Your name:

2. Your payroll ref. number (see pay slip):

3. You are expecting me to return from maternity leave on:

4. I no longer intend to return to work after my maternity leave. I am therefore giving notice of my resignation. My final working day will be:

5. Your signature

6. Date

7. Please confirm with me and my manager that you have noted my resignation.

## Maternity Provisions

### Appendix 10: Opting for SMP

#### Instructions for the employee

1. Use this form if you are entitled both to SMP and College maternity pay.
2. In such cases, the College will normally pay you under the College's maternity scheme rather than SMP. However, if you do not return for at least 3 months after your maternity leave, the College will reclaim the difference. If you are not sure whether you want to return and would prefer to be paid SMP, use this form to inform HR. The address is: QMUL, HR Department, Mile End, London, E1 4NS.

---

1. Your name:

2. Your payroll ref. number (see pay slip):

3. I am taking maternity leave and am entitled to College maternity pay. However, I would prefer to be paid SMP while I am on maternity leave

4. Your signature

5. Date

6. Please confirm with me and my manager that you have noted my request.