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Introduction

This procedure sets out Kingston University's rules on Maternity leave and Pay.

1. Maternity Leave

All pregnant staff can take up to 52 weeks' maternity leave. The first 26 weeks are known as 'Ordinary Maternity leave', the last 26 weeks as 'Additional Maternity leave'. Appendix A provides a list of the key definitions.

The earliest that leave can be taken is 11 weeks before the expected week of childbirth unless the baby is born early.

Staff must take at least 2 weeks leave after the birth.

As soon as a staff member knows that she is pregnant, she should advise her line manager and HR. This ensures that we take any necessary steps to look after her health and safety and that of her baby.

If a staff member would rather not tell her manager of her pregnancy at an early stage, she is advised to speak to HR and Occupational Health, in confidence, due to the important Health & Safety considerations.

2. Maternity pay

Eligibility for pay is based on length of employment as at the qualifying week (QW). For maternity pay the QW is the 15th week before the expected week of childbirth

In the case of a staff member not qualifying for either SMP or MA due to the intermittent nature of her work, the 20 weeks' full pay will be based on an average week's earnings taken over one year's employment

Length of service at QW	Leave	Pay
More than 52 weeks	52 weeks	20 weeks full Occupational Maternity Pay (OMP), then 19 weeks of Statutory Maternity Pay (SMP) or 90% pay (which-ever is less), then up to 13 weeks unpaid
26 – 52 weeks	52 weeks	6 weeks at 90% pay, then 33 weeks of SMP, then up to 13 weeks unpaid
Less than 26 weeks	52 weeks	Potential to claim up to 39 weeks Maternity Allowance (MA) from Job Centre Plus/ DWP Office.

3. Time off for antenatal care

The pregnant staff member is entitled to reasonable paid time off work to attend antenatal appointments as advised by her doctor, registered midwife, or registered health visitor. The staff member should give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible. If requested the staff member should provide their manager with evidence of these appointments.

4. Applying for maternity leave and pay

The staff member should give their line manager a letter confirming that she is pregnant, and the date she would like to start her maternity leave. This must be received by the line manager by the 15th week before the expected week of childbirth and the original MAT B1 certificate must be attached.

If the staff member wishes to change this date, she must give least 28 days' notice before the new start date.

The maternity leave will be brought forward if:

- The staff member is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth. (However, Kingston University has the discretion to disregard the odd one- or two-days' pregnancy-related sickness for these purposes), or
- The day after the birth if the baby is early.

In the above circumstances it is essential that the staff member contacts their line manager as soon as practicable to give the reason for her absence/notify the date of birth of the baby. HR will write to the staff member to confirm the start and end dates of maternity leave and any pay entitlements.

5. Contact during maternity leave

During her maternity leave period, the University may make reasonable contact with the staff member, for example to discuss plans for her return to work or in order to ensure that she is kept up to date with any important developments at work. The amount and type of contact should be discussed and agreed before the maternity leave period starts.

6. Keeping in touch days (KIT days)

A staff member can agree with her manager to work for up to 10 (KIT) days which can also be used to attend training, conferences, meetings, or other work-related activity. The days can be worked individually or in a block and there is no obligation for a line manager to offer, neither for a staff member to undertake, a KIT day. KIT days cannot be taken during the two weeks' immediately following the birth.

Any KIT days worked will be paid for the number of hours worked (or attended) at the normal rate of pay in force at that date (and normally paid in arrears). Please note if less than a full day is worked, this still counts as using up one KIT day. Payment for KIT days will not interrupt maternity leave or the payment of Statutory or Occupational Maternity Pay. In order to ensure correct payment, requests for KIT day payments should be made via Unified.

Please note payment for KIT days will not exceed a staff member's full pay. If a KIT day occurs during a period of Occupational Maternity Pay, paid at full pay, then no additional payment will be made. If a KIT day occurs during a period of Statutory Maternity Pay, this will be "topped up" so that the individual receives full pay for the appropriate number of hours.

7. Staff on fixed term contracts

Staff on fixed term contracts whose contract is due to expire during their period of maternity leave, or within three months of their return to work should contact their line manager to discuss the possibility of the contract being extended.

8. Contractual benefits during maternity leave

All staff are entitled to benefit from all contractual terms and conditions - except wages or salary - throughout the entire 52-week period of maternity leave.

9. Annual leave

During maternity leave, the staff member will continue to accrue annual leave, at their contractual rate. It may be possible for accrued annual leave to be added to the start or end of the maternity leave period.

Such arrangements should be agreed between the staff member and her line manager before the maternity leave period starts.

10. Pension and national insurance contributions

Whilst the staff member is being paid by the University, e.g., if she is a member of a pension scheme recognised by the University, she will continue to pay pension and national insurance contributions.

During any unpaid period, pension and national insurance contributions will not be paid.

Members of the LGPS and USS can buy back missed contributions up to 3 years after returning from Maternity leave. In these circumstances, the employer will also pay employer contributions for this period. There is no mechanism for buying back missed contributions in the TPS.

11. Salary progression

On return to work, the staff member's salary will automatically take account of any increase to their salary which would have occurred had they not been on maternity leave.

12. Transfer of maternity leave

If a staff member decides to return to work before the end of the 52-week maternity leave period by giving proper notification, her spouse, civil partner, or partner may be eligible to take Additional Paternity Leave (and Additional Statutory Paternity Pay) once she has returned to work.

The earliest that Additional Paternity Leave may commence is 20 weeks after the date on which the child is born and it must end no later than 12 months after the date of birth. The minimum period of Additional Paternity Leave is 2 consecutive weeks, and the maximum period is 26 weeks.

The Kingston staff member should obtain further details from her spouse's/partner's employer. She will be required to submit a signed declaration form to that employer, who may also request additional information from HR at Kingston University to verify its staff member's entitlement to Additional Paternity Leave and Pay.

Please refer to the [Paternity Leave and Pay Procedure](#).

13. Sharing maternity leave

If a staff member decides to return to work before the end of the 52-week maternity leave period by giving proper notification, they may be able to share any remaining leave and pay as Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) with their spouse, civil partner or partner, or the father of the child. Please refer to the Shared Parental Leave and Pay Procedure.

14. Returning to work

If the staff member intends to return to work at the end of the 52 weeks' maternity leave as set out in the letter from HR, there is no need for her to give notice of her return. A staff member has the right to resume working in the same job if returning to work from Ordinary maternity leave.

If the staff member returns to work after a period of Additional Maternity Leave (AML), her entitlement is to return either to the same job, or, if this is not reasonably practicable, to another suitable job which is on terms and conditions not less favourable.

If the staff member wishes to return to work sooner, she may do so any time after two weeks following the birth, providing she gives her manager and HR eight weeks' written notice of her return. If not, the employer may postpone her return to work to such a date that will ensure the employer has eight weeks' notice of return, but this cannot be to a date beyond the end of the maternity leave period.

A staff member wishing to make a request to work more flexibly when they return to work following maternity leave should do so in accordance with the [Flexible Working Procedure](#). Any requests should be submitted 12 weeks before the end of maternity leave.

Please note that if a flexible working request is not yet finalised on return to work, the staff member will be required to return to work on their current terms and conditions until such time that the request is concluded.

The line manager is responsible for carrying out a risk assessment on a staff member returning to work, who has given birth within the last 6 months and is breastfeeding. Further risk assessments should be carried out, if indicated, for the duration of the breast-feeding period.

15. Leaving the University

If employment ends for any reason (including the termination of a fixed-term contract) before the start of maternity leave, there will normally be no entitlement to Occupational Maternity Pay (although there may still be entitlement to SMP, subject to the Statutory Maternity Pay rules).

Similarly, if employment ends during maternity leave, there will normally be no further entitlement to Occupational Maternity Pay from the date of the termination of employment (although there may be entitlement to SMP, subject to the Statutory Maternity Pay rules).

If the staff member decides during maternity leave that she does not wish to return to work, she should give written notice of resignation to the organisation as soon as possible and in accordance with the terms/ notice period of her contract.