



Maternity Policy

Introduction

We recognise that many colleagues have family responsibilities, and that these can span a wide range of life stages.

We are committed to ensuring that our parental policies reflect the diversity of our workforce and the families we support. We use inclusive language such as parent, birthing parent, non-birthing parent, and primary carer throughout our policies, however, where reference to legislation is required, we will use statutory language terms such as Maternity to ensure colleagues can access relevant government resources and entitlements. We recognise that families come in many forms, including single-parent households, same-sex couples, adoptive families, and those formed through surrogacy or kinship care. This approach ensures that all colleagues, regardless of gender identity, sexual orientation, or family structures feel seen, supported, and valued in their journey through parenthood.

Where we can, we provide benefits that go beyond statutory requirements to ensure that colleagues feel supported in managing their personal and professional responsibilities.

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1. Purpose

This policy sets out the rights of colleagues to maternity leave, pay and provides information regarding the University’s maternity provisions and entitlements.


The University’s Equality and Diversity Statement states that recruitment, training and promotion opportunities will be open to all colleagues on a fair and equitable basis. The University will monitor the use of the maternity policy to ensure that it is applied fairly and to ensure that colleagues are not unreasonably denied access to suitable opportunities.

The following definitions are used in this policy:

- “Expected week of childbirth” means the week starting on a Sunday, during which the colleague’ Doctor or Midwife expects them to give birth.
- “Qualifying week” means the 15th week before the expected week of childbirth.
- “Continuous Service” refers to a colleague’s unbroken period of employment with us. It is calculated from their first day of employment to the present date.

2. Maternity Pay

Depending on length of service, colleagues will be entitled to either University Maternity Pay, Statutory Maternity Pay, or Maternity Allowance. Maternity payments are only made when



maternity leave commences providing a MAT B1 form has been received by the People Team, stating the expected week of childbirth.

Where colleagues have at least one year's continuous service by the 15th week before their baby is due; they are entitled to receive University Maternity Pay. This will be:

- 18 weeks' leave at full pay, less appropriate statutory deductions.
- A further 21 weeks' paid leave at the flat rate of Statutory Maternity Pay (SMP), or 90% of their average weekly earnings, whichever is lower. The flat rate is subject to review every April.
- Any further period of leave (i.e. remaining Additional Maternity Leave), up to a maximum period of a further 13 weeks will be unpaid.

University Maternity Pay will be adjusted to take account of any pay increases on the effective date, e.g. increments or nationally agreed pay uplifts.

Where colleagues have less than one year's continuous service, but more than 26 weeks' continuous service by the 15th week before their baby is due, they are entitled to receive Statutory Maternity Pay (SMP), providing that:

- They are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth).
- Their average weekly earnings are not less than the lower earnings limit for national insurance contributions.

This will be:

- 90% of the colleague's average weekly earnings for the first six weeks, followed by the lesser of a flat rate for the remaining 33 weeks. The flat rate is subject to review every April.
- Any further period of leave (i.e. remaining Additional Maternity Leave), up to a maximum period of a further 13 weeks will be unpaid.

The colleague may work until the day before their baby is due and still retain their right to 39 weeks Statutory Maternity Pay.

Statutory Maternity Pay can start on any day of the week in accordance with the start date of maternity leave.



Further information regarding the current flat rate and other details regarding Statutory Maternity Pay, is available at [Maternity pay and leave: Pay - GOV.UK](#)

Where colleagues have less than 26 weeks' continuous service by the 15th week before their baby is due, they are entitled to Maternity Allowance (MA) available through their local Benefits Agency or Jobcentre Plus Office. Further information is available at: [Maternity Allowance: Overview - GOV.UK](#)


3. Maternity Leave

All pregnant colleagues are entitled to a maximum of 52 weeks' Maternity Leave, regardless of length of service. Whilst on maternity leave, colleagues continue to receive their contractual entitlements except their normal salary, e.g. continued accrual of annual leave entitlement.

Maternity leave is a single continuous period of leave and counts towards colleague's period of continuous employment for the purposes of entitlement to other statutory employment rights that would normally apply. Maternity leave is made up of:

- 26 weeks' Ordinary Maternity Leave ("OML"), during which the contract of employment continues, and the colleague must continue to receive all their contractual benefits except wages or salary (see section 10) with no detriment to the benefits which Edinburgh Napier would provide; and
- 26 weeks' Additional Maternity Leave ("AML"), during which the contract of employment continues. The same non-cash benefits as currently apply during OML will also apply throughout AML i.e. these benefits will be provided throughout the entire 52 weeks that a colleague is absent on maternity leave. These rights apply to all colleagues who fulfil the relevant criteria, regardless of their length of service. AML follows OML and there must be no gap between the two.

Colleagues cannot return to work immediately after the baby is born, as there is a two-week period of Compulsory Maternity Leave following the date of the childbirth. In some cases, this may be a later date where there is a statutory requirement (apart from any requirement to suspend the colleague from work on maternity grounds under health and safety regulation e.g. if the colleague works with hazardous chemicals or dangerous materials) which prohibits them from working due to the fact they recently had a baby.



After the compulsory 2-week maternity leave, the remaining leave may be transferred or shared under the Shared Parental Leave Policy (see section 15 under Transfer of Maternity Leave).

4. Timing of Maternity Leave

Ordinary Maternity Leave can start at any time after the beginning of the 11th week before the colleagues expected week of childbirth (unless their 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 colleague's chosen start date.
- The day after the colleague gives birth.
- The day after any day on which the colleague is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the colleague gives birth before their Maternity Leave was due to start, they must notify the University in writing of the date of the birth as soon as reasonably practical, to ensure that pay is processed correctly.

5. Notice Requirements

A colleague should notify their manager of their pregnancy as soon as possible so that any health and safety matters can be considered.

The colleague must complete and return to the People Team, a Maternity Leave Notification Form, including the MATB1 medical certificate no later than the end of the 15th week before the baby is due, confirming the following:

- That they are pregnant.
- The week they expect the baby to be born, from the MAT B1 medical certificate issued by their GP or Midwife after 26 weeks of pregnancy.
- When they intend to start their Maternity Leave which must be no earlier than the 11th week before the baby is due.

The People Team will formally respond within 28 days outlining all of the maternity leave details including the date on which they are expected to return to work if the full 52-week entitlement to maternity leave is taken.



6. Changing Maternity Leave Dates

The colleague can bring forward or postpone their Maternity Leave start date. This should be submitted to the People Team, in writing, preferably providing at least 28 days' notice before the original start date.

7. Time Off for Antenatal Care

Colleagues are entitled to reasonable paid time off work to attend antenatal appointments as advised by their doctor, registered midwife or registered health visitor. Colleagues should provide appointment cards or medical certificates showing details of their appointment to their manager.

The colleague should endeavour to give their 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.

They may also wish their nominated partner to accompany them. If the nominated partner is a colleague of the University, paid time off will be allowed for the partner for up to a maximum of three appointments subject to the operational requirements of the School/Service.

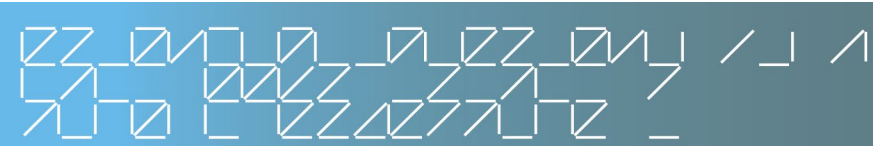
Antenatal care may include relaxation and parent craft classes that the colleague's doctor, midwife or health visitor has advised them to attend, in addition to medical examinations.

8. Pregnancy Risk Assessment

All colleagues who are pregnant, have recently given birth or are breast feeding are required to complete a New and Expectant Mothers Risk Assessment with their manager, at the earliest opportunity and as early as possible in the pregnancy. Through the completion of the form and reviewing work activities, this should highlight any concerns and consideration of any reasonable adjustments.

We already have a robust system in place to ensure areas carry out risk assessments and these assessments should already highlight any risks (biological, chemical or physical) specific to pregnant people and these therefore already be addressed by good health and safety management procedures. These should, however, also be considered and reviewed by the colleague and the manager.

The colleague and their manager should continue to review the work activities as the pregnancy progresses to consider any risks which may arise at different stages.



9. Sickness Absence

If a colleague is absent from work during pregnancy due to sickness, they will receive contractual sick pay in line with the Attendance Management Policy entitlements in the same way as any other sickness absence, provided that they have not yet begun Ordinary Maternity Leave. If, however, the colleague is absent from work due to a pregnancy-related illness after the beginning of the fourth week before their expected week of childbirth, their Maternity Leave will start automatically.

In order to preserve their rights, they must notify their Manager and the People Team as soon as reasonably practical, that they are absent from work wholly or partly because of pregnancy. This notification should be in writing. Pregnancy related sickness is not included in any sickness absence triggers.

In the unfortunate event of a still birth during or after the 25th week of pregnancy, all the maternity rights stated in this policy will still apply in the same way as with a live birth. If the colleague has a miscarriage before the start of the 25th week of pregnancy, they will not be entitled to Statutory Maternity Leave or pay and this will be managed in line with normal sick pay entitlements.

10. Annual Leave


Annual leave will accrue as normal during both Ordinary Maternity Leave and Additional Maternity Leave. It is not possible for a colleague to take annual leave at the same time as Maternity Leave.

Colleagues should incorporate annual leave arrangements into their planning and can request to use any untaken annual leave either before they start their Maternity Leave, or once their Maternity Leave has finished. If the baby is born early during a period of annual leave, then Maternity Leave must start immediately with the annual leave re-credited for a later date.

Information concerning pension scheme contributions during maternity leave is available from the relevant pension website. See the pensions intranet page for more information.

11. Contact During Maternity Leave

During the Maternity Leave period, the manager and the colleague on Maternity Leave should keep regularly in touch. The frequency of the contact will vary according to individuals and circumstances and will also depend on what has been discussed and agreed between the colleague and manager prior to the leave starting.



The manager may also reasonably contact the colleague out with the agreed periods to discuss changes in the workplace such as promotion opportunities or structural changes.

12. Keeping-in-Touch Days

In addition to the contact detailed above, “keeping in touch days” (KIT) allows the colleague to work for up to ten days without losing statutory pay for that week or bringing their maternity leave to an end. Managers will discuss the opportunities to use KIT days with the colleague prior to leave commencing. There is no obligation on the manager to offer KIT days or the colleague to do any work or attend any events during maternity leave, however these can support the colleague in keeping up to date with colleagues and changes within the service as well as easing the return to work.

The colleague should agree with their Manager the type of work undertaken on a KIT Day. This could be a normal activity, attending a conference, training activity or a team meeting. The colleague and the Manager must both agree that they will work these days and agree the arrangements including what the colleague will be doing.


Any work done on any day during the maternity pay or leave period will count as a KIT Day: up to the ten days maximum, therefore the activity should be fully considered and meaningful.

The colleague making use of a KIT Day will receive normal days’ pay for each KIT Day even if only part of their normal working hours is completed. The Manager must complete a KIT notification form for the People Team which states the colleague attended a KIT Day so that the colleague can be paid accordingly.

The colleague will retain their entitlement to University Maternity Pay, Statutory Maternity Pay and Maternity Allowance if they choose to participate in up to ten KIT days.

13. Returning to Work

The colleague may return to work at any time during Ordinary Maternity Leave or Additional Maternity Leave, if they give the appropriate notification. Alternatively, the colleague may take their full period of Maternity Leave entitlement and return to work at the end of this period. If the colleague wishes to return before the full period of Maternity Leave has elapsed, they must give the University at least eight weeks’ written notice of the date on which they intend to return.



The colleague has the right to resume working in the same job if returning to work from Ordinary Maternity Leave. If the colleague returns to work after a period of Additional Maternity Leave, they are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of Maternity Leave will be treated as an unauthorised absence unless the colleague is sick and produces a current medical certificate before the end of the Maternity Leave period.

The Manager should arrange for another new and expectant mother's risk assessment to be completed if the colleague is returning six months after giving birth or is breastfeeding.

If a colleague intends to continue breast-feeding, they must let their manager know before returning to work. Suitable facilities can then be identified for expressing and storing breast milk. The risk assessment should be carried out with particular attention paid to exposure to risks that may affect a breast feeding the colleague and their child. It is also important that colleagues inform their manager when these facilities are no longer required.

14. Resignation Following Maternity Leave


If the colleague decides during maternity leave that they do not wish to return to work, they should give written notice of resignation to the University as soon as possible and in accordance with the terms of their contract of employment. They will be required to pay back any University Maternity Pay over and above the Statutory Maternity Pay provisions which they may have received during their Maternity Leave period.

15. Transfer of Maternity Leave

Shared parental leave is available which enables the birthing parent to commit to ending their Maternity Leave and pay at a future date, and to share the untaken balance of leave and pay as Shared Parental Leave with their partner.

Shared parental leave must be taken in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block (in which case the University is required to accept the request as long as the individual meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (which is subject to the University's agreement).

To be able to take shared parental leave, a colleague and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the birthing parent curtailing their Maternity Leave.



Colleagues can refer to the Shared Parental Leave policy, where they will find full details of the eligibility requirements, as well as instructions as to how the birthing parent's Maternity Leave can be curtailed. The policy also sets out the notice periods with which colleagues must comply and what evidence they must provide to the University. It also contains more details on colleagues' entitlement to shared parental pay. The birthing parent and their partner should ensure they are liaising with their own employer when making requests for shared parental leave.

16. Further Support

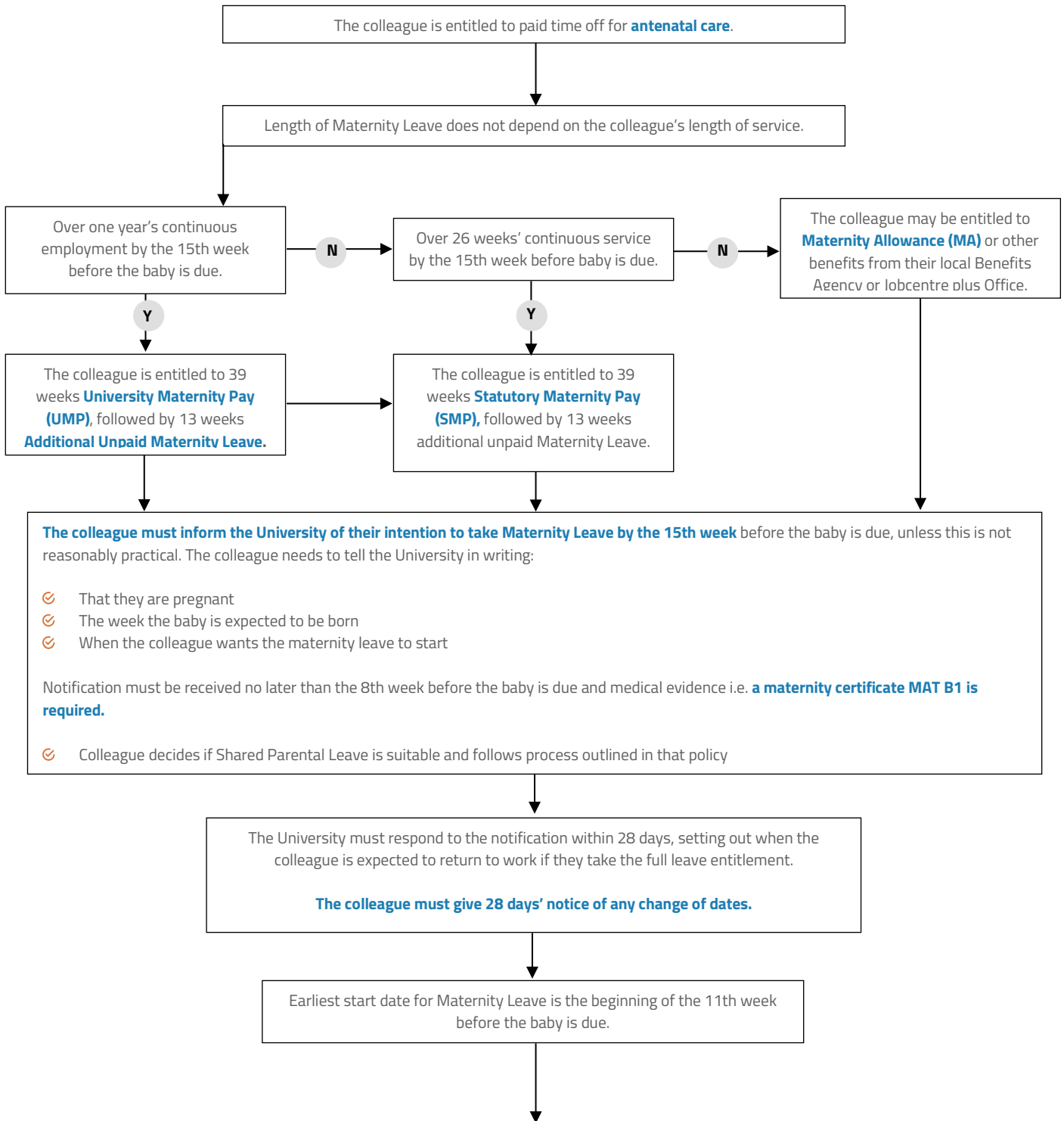
As maternity provisions are complex, colleagues who have questions relating to maternity rights are encouraged to speak with the People Team to ensure clarity and that the relevant processes are followed. We recognise that, colleagues may have questions relating to their maternity rights and open discussions are encouraged to ensure that these are resolved as quickly as possible.

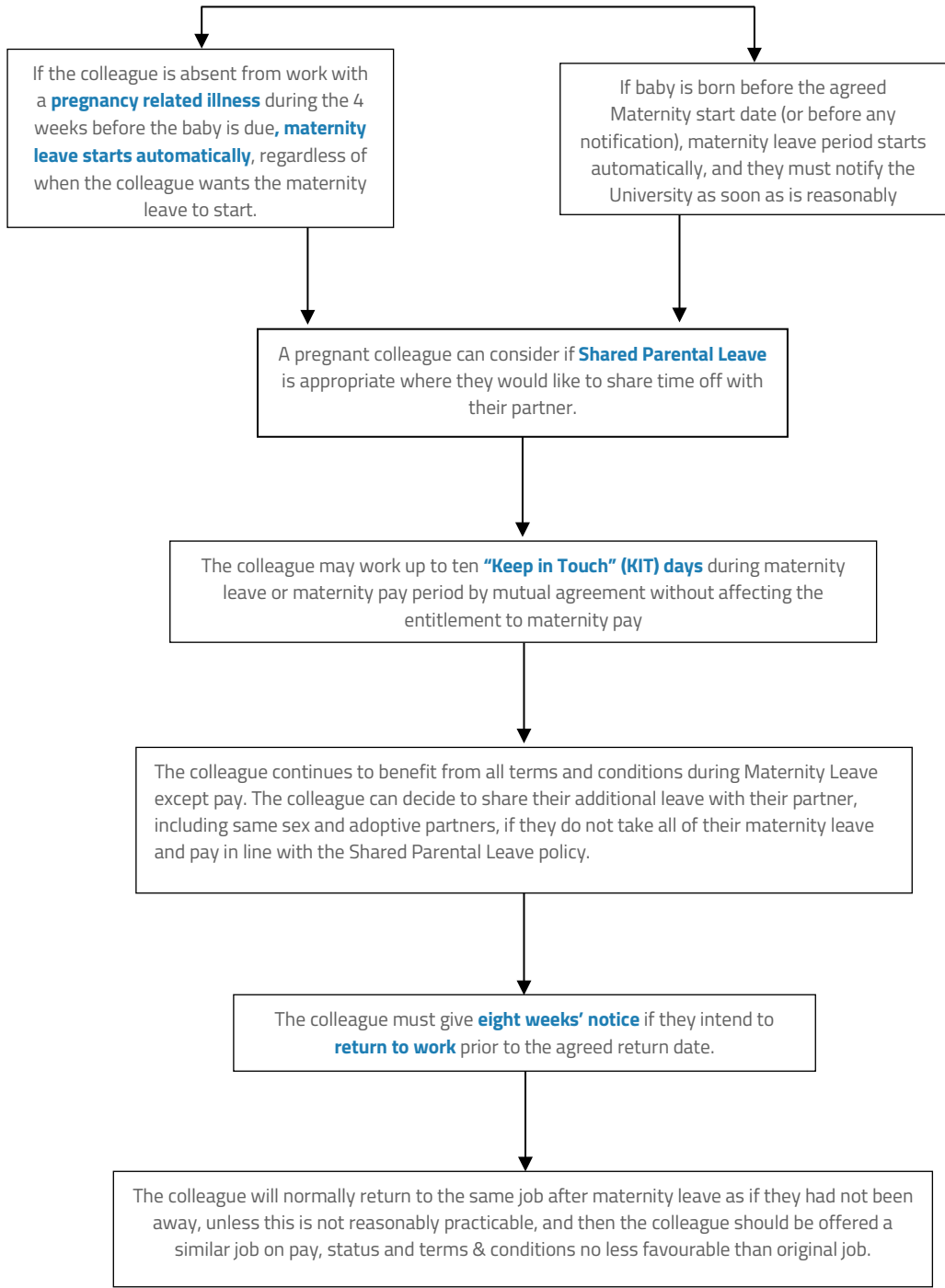
17. Other Relevant Policies

- Adoption Policy
- Paternity Policy
- Shared Parental Leave Policy
- Unpaid Parental Leave Policy
- Attendance Management Policy
- Flexible Working Policy

Appendices

Appendix A – Maternity Rights Flowchart





Appendix B – Shared Parental Leave Process

The Shared Parental Leave process at a glance





Document detail

Document Name	Maternity Policy
Author/Owner	People Team
Version Number	2
Equality Analysis/Decision	Completed
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