

Maternity Leave and Pay Policy

November 2019

Policy control

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MATERNITY LEAVE AND PAY POLICY

1 Purpose and Scope

- 1.1 This policy sets out the maternity provisions to which all female staff employed by the Glasgow School of Art (GSA) are entitled, both before and after the birth of their child. These maternity provisions comply with relevant legislation¹ and reflect the GSA's commitment to establishing family friendly policies. GSA recognises the importance of supporting its employees and as such this policy provides enhanced entitlements to those contained within the statutory provisions.
- 1.2 Maternity provisions refer to the leave and pay to which employees may be entitled and their right to resume employment with GSA following the period of leave. All employees have the right not to be subjected to a detriment on the grounds of pregnancy, childbirth or maternity, irrespective of hours of work or length of service.
- 1.3 All employees seeking to take maternity leave must produce medical evidence of the Expected Week of Childbirth (EWC). This will normally be in the form of a Maternity Certificate (MATB1), available from the doctor or midwife, and will be issued approximately 15 weeks before the expected week of birth.
- 1.4 Maternity leave is available in respect of births, whether still born after 24 weeks of pregnancy or live at any point of the pregnancy.

2 Antenatal care

- 2.1 All pregnant employees, irrespective of length of service, are entitled to reasonable paid time off work to keep appointments for antenatal care prescribed by a doctor, midwife or health visitor. Wherever possible, appointments should be arranged at the beginning or end of the working day. Evidence of appointments may be requested.

3 Maternity leave

- 3.1 Regardless of the number of hours worked or length of service, pregnant employees are entitled to take up to 52 weeks maternity leave. The first 26 weeks are known as ordinary maternity leave (OML) and the additional 26 weeks are known as additional maternity leave (AML). Additional maternity leave begins the day after ordinary maternity leave ends.
- 3.2 Ordinary maternity leave can start any time after the beginning of the 11th week before the employee's EWC (unless her child is born prematurely before that date, or she is off work due to a pregnancy related illness in the four weeks before that date, in which case it will start earlier). An employee may change her

¹ Employment Rights Act (1996), Employment Relations Act (1999), Employment Act (2002), Work and Families Act (2006) and the Children and Families Act (2014)

mind about the date on which she intends to start her leave by providing at least 28 days written notice before the earlier of the new date and the original date (or as soon as is reasonably practicable).

- 3.3 On receipt of written confirmation of the employee's intention to start maternity leave, the line manager will respond in writing within 28 days. There should also be an agreement in principle with regard to the expected date of return from maternity leave.
- 3.4 No employee may work during the two-week period immediately after the birth of her baby. This is a statutory maternity leave period.
- 3.5 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 EWC.
- 3.6 An employee whose maternity leave commences because she gives birth prematurely must make arrangements for her line manager and HR to be notified as soon as reasonably practicable after the birth. Likewise, if maternity leave commences early because of a pregnancy related absence in the four weeks before the EWC, the employee must notify her line manager or HR as soon as reasonably practicable.
- 3.7 Employees will not qualify for sick pay while on maternity leave.
- 3.8 Holidays should be taken in the year that they are accrued. If the holiday year is due to end during maternity leave, the employee should take the full year's entitlement where possible before returning to work. This does not negate the existing arrangement that a set amount of holidays can be carried forward into the next leave year with the consent of the relevant line manager.

4 Maternity Pay

Payments made to employees on maternity leave can vary depending on individual circumstances in respect of service and earnings. Payments will normally consist of Statutory Maternity Pay (SMP) and Company Maternity Pay (CMP). All employees with 26 weeks' service by the 15th week before the expected week of confinement are entitled to both SMP and CMP. Employees with less than 26 weeks' service may be entitled to Maternity Allowance. These provisions are set out in more detail below.

4.1 Statutory Maternity Pay (SMP)

- 4.1.1 If an employee has at least 26 weeks' service by the 15th week before the expected week of birth of her child, and her average weekly earnings exceed the lower earnings limit for National Insurance contributions, she will be entitled to receive Statutory Maternity Pay (SMP). SMP is payable whether or not the employee returns to work, and is subject to deductions for Pay As You Earn (PAYE) and National Insurance contributions.
- 4.1.2 SMP is payable for a maximum of 39 weeks at a rate set by the Government for the relevant tax year. In the absence of a Company Maternity Pay scheme, the first six weeks of this entitlement would be paid at a rate of 90% of an employee's weekly earnings.
- 4.1.3 An employee earning less than the current rate of SMP will receive 90% of her average weekly earnings for the period that SMP is payable.

4.2 GSA Company Maternity Pay (CMP)

- 4.2.1 Employees will be entitled to take advantage of the enhanced terms for maternity pay under GSA company maternity pay scheme where they have been employed by GSA for 26 continuous weeks or more by the 15th week before the EWC.
- 4.2.2 GSA company maternity pay is paid for the first 16 weeks of maternity leave at the employee's normal full rate of pay, which is more than the rate of SMP. Therefore, eligible employees will be paid over the first 39 weeks of maternity leave as follows:
- 16 weeks at the employee's normal rate of full pay
 - 23 weeks at SMP
- 4.2.3 All payments made under the company maternity pay scheme will be subject to deductions from PAYE and National Insurance.

4.3 Maternity Allowance (MA)

- 4.3.1 Employees who have less than 26 weeks' continuous service at the beginning of the 15th week before the EWC are not entitled to payment of SMP by the GSA. They may however, be entitled to Maternity Allowance (MA). Employees within this group should contact their local job centre or Benefits Agency for further information.

5 Annual leave

- 5.1 Employees will continue to accrue contractual holiday entitlement during maternity leave.

- 5.2 Employees may, with their line manager's agreement, use any holiday entitlement accrued prior to commencing maternity leave, to extend their leave either before or after the birth of the child.

6 Pension arrangements

- 6.1 An employee on maternity leave will continue to be a member of the pension scheme if they belong to one. When they are in receipt of full pay, the employee's contributions will be deducted as usual. During periods of SMP, the employee's contributions will be deducted according to the total amount of pay received. Periods of unpaid maternity leave do not count towards pensionable service. Should you wish to enquire about making contributions for any period of unpaid maternity leave, you should contact the relevant pension agency.

7 Health and safety

- 7.1 If the employee's health or that of her unborn child is at risk due to the work she normally does, then GSA will either alter her conditions of work or offer her suitable, alternative work. If that is not possible, the employee will be sent home on full pay until she is no longer at risk. For this reason, the employee is asked to notify HR as soon as she is aware she might be pregnant. In addition, if the employee feels that there is a possibility of risk involved in the work she does, she must contact her manager and HR immediately to arrange for a maternity risk assessment to be carried out. Risk Assessment forms can be obtained via the intranet or HR Department.

8 Contact / Keeping in touch Days (K.I.T. Days)

- 8.1 Before an employee's maternity leave starts, HR will discuss the arrangements for her to keep in touch during her maternity leave, should she wish to do so. GSA 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 during her absence. Employees will be kept informed of any relevant promotion opportunities or job vacancies that arise during maternity leave.
- 8.2 Except during the first two weeks after childbirth, an employee (in consultation with their line manager) can agree to work or attend training 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. These are known as 'keeping in touch' days. Any work carried out on a day shall constitute a day's work for these purposes.
- 8.3 GSA 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, is entirely a matter for agreement between GSA and the

employee. Employees will be paid their normal rate of maternity pay for any work undertaken on keeping in touch days, unless the KIT days fall during the unpaid period of leave, in which case they will be compensated for a full day's pay. Any keeping in touch days worked do not extend the period of maternity leave. Whilst on company maternity pay, no additional salary payment will be made. Pension contributions may be payable for salary received on KIT days.

9 The employee's obligations: summary

9.1 In order to qualify for maternity leave and pay the employee must:

- notify her line manager and HR in writing no later than by the 15th week before the EWC of the fact that she is pregnant, her EWC and the date on which she intends to start leave;
- give evidence of her EWC by providing HR with a Maternity Certificate (Form MATB1), issued by her doctor or midwife approximately 15 weeks before the EWC;
- give at least 8 weeks' notice in writing of the date she intends to return to work if the return to work date is earlier or later than originally planned. Failure to give this notice may lead to a postponement of return until 8 weeks have elapsed.

10 Shared Parental Leave and Pay

10.1 Under the Shared Parental Leave Regulations, mothers entitled to maternity rights may choose to end this early and exchange a proportion to an eligible partner after a child is born. This allows parents to flexibly decide how they share caring responsibilities in the child's first year. For further information, please refer to the GSA's Shared Parental Leave and Pay policy.

11 Continuity of service

11.1 Continuity of service will not be broken by any period of maternity leave, whether paid or unpaid, and therefore entitlement to periods of notice, holidays and sick leave which accrued at the beginning of maternity leave will be preserved, in accordance with the terms of the employee's contract of employment.

12 Returning to work

12.1 An employee may exercise the right to return to work at any time during the period of leave, except that she may not return within two weeks of the birth of the child.

12.2 On resuming work after maternity leave, the employee is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent.

12.3 Whilst returning to work on the basis of an alternative working pattern or hours of work is not a right, GSA will give serious consideration to such requests on either a temporary or permanent basis, from employees returning to work following maternity leave. The employee should submit a request in writing as early as possible. Any change will be discussed with the employee at a meeting within 28 days of the request being received.