

## MATERNITY LEAVE AND PAY

### 1. Policy Statement / Purpose

- 1.1 This document provides support to both employees and managers in understanding Durham University's Maternity Leave and Pay arrangements.

### 2. Scope

- 2.1 All pregnant employees are entitled to up to 52 weeks maternity leave including ordinary and additional leave.
- 2.2 All pregnant employees with 26 weeks or more continuous service at the qualifying week will receive Statutory Maternity Pay (SMP) if earnings are above the lower earnings level.
- 2.3 All pregnant employees with 52 weeks or more continuous service at the due date will receive Occupational Maternity Pay (OMP).

### 3. Responsibilities

- 3.1 Line managers are responsible for supporting staff during pregnancy and maternity leave.
- 3.2 Line managers should read and understand this policy and the associated FAQs, contacting their HR contact ([link](#)) should they have any questions or wish to discuss or clarify any details. Many of the FAQs are designed for staff but are also highly applicable to, and provide further details of the responsibilities of, line managers.
- 3.3 When your staff member informs you of their pregnancy, remember to establish if they wish to keep knowledge of the pregnancy restricted to only those who need to know at this stage.
- 3.4 The role and/or task risk assessment should already consider any risks to female employees of childbearing age and, in particular, risks to new and expectant mothers (for example, from working conditions, or the use of physical, chemical or biological agents). It is the manager's responsibility to review the risk assessment to see if any new risks have arisen, and if identified you must take appropriate, sensible action to reduce, remove or control them. Advice on suitable controls for pregnant workers is available from your Health and Safety Business Partner.
- 3.5 Further information and guidance on completion of a risk assessment can be found on the Health and Safety Service web pages ([link](#))
- 3.6 The Human Resources Department will work with Heads of Department to ensure compliance with the application of University Policy in addition to providing advice to staff and managers.
- 3.7 The Finance Department will ensure relevant payroll arrangements are in place for staff on maternity leave.

### 4. Policy, Procedures and Enforcement

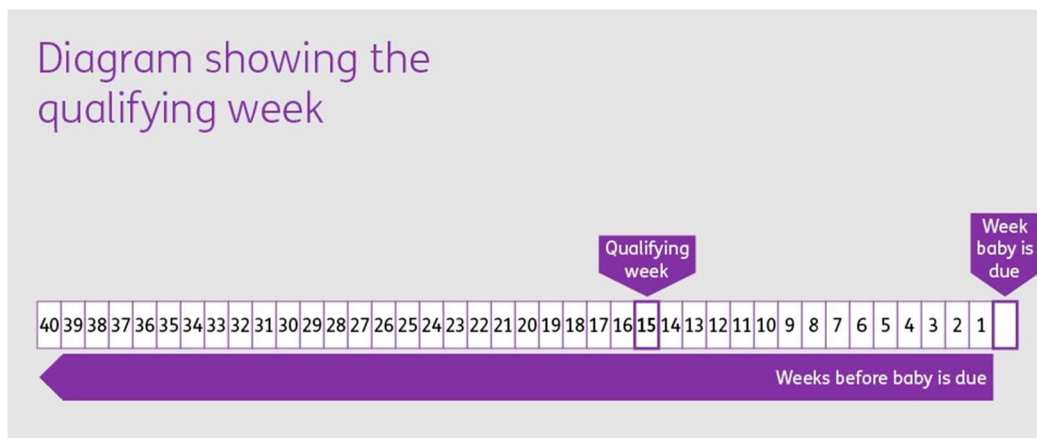
#### Maternity Leave

- 4.1 Maternity leave does not differ based on length of service and for all pregnant employees is up to 52 weeks.
- 4.2 Maternity leave may commence at any time from the 11th week before the EWC up to the day of the birth.
- 4.3 It is the choice of the member of staff to decide when it is suitable to return to work however an indication of this date is required in the formal notification to the University.

- 4.4 Time off with pay for ante-natal care is also provided with evidence of appointment to be produced if requested by the University.

### Statutory Maternity Pay (SMP)

- 4.5 Statutory maternity pay will be paid for 39 weeks (roughly nine months, based on qualifying criteria) with the remaining 13 weeks comprising of unpaid leave.
- 4.6 SMP commences on day one of maternity leave, regardless of which option detailed below is chosen, and runs concurrently with occupational maternity pay.
- 4.7 Whilst an employee is receiving full occupational maternity pay, SMP will be included with this value. If they move onto half pay, SMP will be paid in addition to this value. Any remaining SMP will continue to be paid after full or half pay has ceased.
- 4.8 If a member of staff receives half pay and SMP that, when combined, exceeds gross contractual pay, the payment is restricted to the level of the gross contractual pay.
- 4.9 SMP is made up of:
- 90% of average weekly earnings (before tax) for the first six weeks;
  - £145.18 or 90% of average weekly earnings (whichever is lower) for the next 33 weeks (the rate is usually amended annually).
- 4.10 SMP is paid in the same way as wages (for example monthly or weekly). Tax and National Insurance will be deducted. The current rate of SMP can be found at the government website <https://www.gov.uk/statutory-maternity-pay>.
- 4.11 If a member of staff does not have 26 or more weeks' service at the qualifying week or if they are earning less than the lower earnings limit, they will not be entitled to SMP from the University. However, they should seek advice from their local Social Security or Job Centre Plus office, as they may be eligible for other allowances such as Maternity Allowance (MA).
- 4.12 The qualifying week is explained in the diagram below



### Occupational Maternity Scheme (OMS) & Occupational Maternity Pay (OMP)

- 4.13 The University provides an Occupational Maternity Scheme (OMS) which includes Occupational Maternity Pay (OMP) which differs from Statutory Maternity Pay (SMP), providing enhanced benefits, subject to compliance with qualifying criteria and notification requirements.
- 4.14 If a member of staff has been continuously employed by the University for a minimum of 12 months before the expected week of childbirth they can choose to receive:
- Eight weeks leave on full pay (inclusive of SMP);
  - Followed by 16 weeks leave on half pay (plus, in addition to this, the lower rate of SMP);

- Followed by 15 weeks leave at the lower rate of SMP;
- Plus up to 13 further weeks of unpaid leave.

Or

- 16 weeks on full pay (inclusive of SMP);
- Followed by the lower rate of SMP for 23 weeks;
- Plus up to 13 further weeks unpaid leave.

4.15 Staff may find it useful to access the maternity pay calculator to give an estimate of the pay they may receive following each option ([link](#)). Please note, this is an estimate only and does not take into account, tax and pension implications.

## 5. Equality and Diversity

A full Equality Impact Analysis has been conducted on this policy and no negative impact has been identified. As part of the process of reviewing all of the family friendly policies, the use of gender neutral language and greater clarity around eligibility promotes EDI across a range of characteristics protected under the Equality Act. Continued support remains in the participation of parents who engage with our maternity, paternity and/or parental leave policies.

## 6. Related Information

The following additional information can be found as part of the Maternity Leave and Pay Toolkit pages on the HR webpages;

- **Guidelines for Managers**
- **Guidelines for Employees**
- **Frequently Asked Questions (FAQ's)**. These FAQs form part of the maternity leave policy and process for the University and therefore should be adhered to. If a member of staff or manager has any concern about adhering to any of the FAQs, they should contact their HR representative.

Version Control / Revision History:

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Contact for further information: Human Resources Department