

## 1. Introduction

Unite Students recognises the importance of family friendly initiatives that provide time away from the workplace for parents and support an appropriate work/life balance. As a result, Unite Students is committed to ensuring equality and diversity and the purpose of this policy is to ensure that an employee is fully aware of their employment rights and the procedure they should follow in the event that they become pregnant during employment with Unite Students (Maternity Leave).

All employees have the right not to be subjected to a detriment on the grounds of pregnancy, childbirth, or parenthood. Issues arising as a result of discrimination against those individuals who have chosen to exercise their statutory right will be dealt with under Unite Students' Disciplinary Procedure.

## 2. Roles and responsibilities

### Employee

- To notify their Line Manager and People Services in writing, of any request for leave, any change in dates and the confirmed return date by completing the appropriate form available from the intranet
- Familiarise themselves with this policy and comply with its provisions
- To provide their Maternity Certificate (MATB1) to People Services
- To inform People Services of any worked Keeping In Touch Days

### Line Manager

- Responsible for acknowledging any request for leave and Keeping in Touch days under this Policy and considering such requests in line with business needs and authorising the appropriate forms and forwarding to People Services
- Responsible for maintaining appropriate and reasonable levels of contact with the employee during leave
- To make arrangements in respect of an employee's return from leave under this policy.
- To complete any maternity health & safety assessment & liaise with the Health and Safety lead.

### Payroll Department

- To process changes in pay, including any Statutory Maternity Pay and Keeping in Touch Days due, as instructed by People Services

## 3. Eligibility

All pregnant employees, irrespective of their length of service with the company, are eligible for maternity leave. Eligibility for maternity pay whilst on leave depends on meeting the criteria set out in section 6.

## **4. The Stages of the Process**

### **4.1 Length of Leave**

Maternity leave consists of up to 52 weeks leave made up of 26 weeks' Ordinary Maternity Leave and up to a further 26 weeks Additional Maternity Leave. The Additional Maternity Leave must follow on immediately from the Ordinary Maternity Leave.

An employee must take 2 weeks' compulsory maternity leave from the birth of their baby.

### **4.2 Requesting Leave**

An employee must notify their Line Manager, in writing, of their pregnancy, their expected week of childbirth (EWC) and the date on which they wish their maternity leave to begin, before the end of the 15<sup>th</sup> week before the EWC.

Confirmation of the EWC is normally in the form of a Maternity Certificate (MATB1) issued by the employee's GP or midwife from the 20<sup>th</sup> week of pregnancy onwards. The MATB1 must be provided to People Services as soon as the employee takes receipt but by no later than 21 days after the start of maternity leave unless there is a good reason otherwise. Maternity pay cannot be processed unless the MATB1 is provided.

The Unite Students' Maternity Leave Form must be completed fully, authorised by the employee's Line Manager and forwarded to People Services within the timeframes stated above. People Services will write to the employee to confirm start and return dates, and entitlements and pay.

### **4.3. Health and Safety**

The employee's health and safety, and that of their unborn child, are of paramount importance during the pregnancy. For this reason, the employee is required to report the fact of their pregnancy to their Line Manager as soon as their pregnancy has been confirmed. This may be done in confidence if the employee wishes.

The employee's Line Manager will discuss the possible implications of the pregnancy on the employee's duties and, if this has not already been done, will arrange for a risk assessment of the role. Unite Students may seek medical advice if this is considered necessary.

If it is determined that any aspect of the role might pose a risk to the employee's health and safety, or that of the unborn child, the Line Manager will discuss suitable arrangements to alter the employee's duties and/or working conditions for the period that the risk to the employee's health exists. If this is not possible, for whatever reason, the employee may be offered a suitable alternative position on a temporary basis

until they are able to resume their normal duties. If there is no suitable alternative position available, the employee may be placed on special paid leave for all or part of their pregnancy.

In the event that the employee is placed on special paid leave from work for health and safety reasons at or after the beginning of the 4<sup>th</sup> week before the EWC, any current period of special paid leave will automatically come to an end and maternity leave, and if applicable, maternity pay, will commence.

**4.4. Ante-Natal Care**

During the employee's pregnancy the expectant mother will be entitled to reasonable, paid, time off for ante-natal care. The employee is required to give their Line Manager as much notice as possible of their appointment times and is asked to arrange their appointments so as to cause the least disruption to the business, i.e. by taking time at the beginning or the end of the day. The employee should produce their ante-natal appointment card or letter to show their Line Manager that an appointment has been made.

**4.5 Commencement of Leave**

An employee can amend their start date but they will not usually be allowed to change the date less than 28 days before their leave is due to commence.

The earliest date at which maternity leave can begin is the beginning of the 11<sup>th</sup> week before the EWC.

Maternity leave and any maternity pay due, will begin automatically in the events that either the employee is still working when the baby is born, or if the employee is still working within four weeks of the start of the EWC and has to take time off work for a pregnancy related health problem. In these circumstances, People Services will confirm in writing the date on which the employee's maternity leave started or will start and the date on which the employee is expected to return to work.

**4.6 Contact during Maternity Leave**

The employee's Line Manager will keep in contact with the employee during their leave, and there may be a need to discuss issues concerning employment, however, this will be in ways and at times that are convenient to the employee.

**4.7 Keeping In Touch Days (KIT Days)**

An employee has the option to attend work for up to 10 Keeping In Touch Days during their leave for training, team events, and/or re-familiarisation. Please note that where an employee works for part of a day (e.g. just attending a half-day training session), this still uses a whole KIT day from the 10 available.

The employee will be paid the equivalent of their normal salary for any days that they do agree to work. This payment will include any Statutory or Company Maternity Pay the employee would have received for those days. The Line Manager must e-mail



People Services the dates and hours worked for any KIT days taken by the employee so that the appropriate payment can be made.

**4.8 Return to Work**

After a period of Ordinary Maternity Leave, an employee is entitled to return to exactly the same role as they occupied at the start of their leave. As far as their terms and conditions are concerned, it will be as if the employee had not been absent.

At the end of a period of Additional Maternity Leave an employee is also entitled to return to exactly the same role they occupied at the start of their leave unless this is not reasonably practicable. In these circumstances, the employee's Line Manager will discuss with the employee reasons why it is not considered reasonably practicable for them to return to their role and they will advise of any alternative positions that may be available. Wherever possible, the company will seek to find an alternative role on terms and conditions no less favourable than those that the employee enjoyed prior to their leave.

**4.9 Confirming the Return to Work Date**

The employee will be expected to return to work at the end of their authorised maternity leave, which is assumed to be 52 weeks unless notified differently.

If an employee wishes to return earlier than their intended and previously notified return date, they must notify their Line Manager, in writing, at least 8 weeks before they intend to return to work.

Should an employee wish to return on different terms and conditions they should refer to the Flexible Working Policy available on the intranet.

If the employee decides that they do not want to return to work, they may resign from their employment in the normal way, by giving notice in writing in line with their contract of employment (in the circumstance that contractual notice is above three months, the Company will require a reduced notice of three months).

If an employee's position is affected by reason of redundancy during their maternity leave, Unite Students will consult with the employee about this in line with Company procedures.

Unite Students understands that things may not always progress as the employee would wish whilst on maternity leave. If such difficult circumstances arise, the company will provide whatever support it can.

Potential reasons for an alteration to the anticipated return date may be:  
*Miscarriage or stillbirth:* Unite Students recognises that not every pregnancy goes according to plan, and understand how distressing it can be when things go wrong. Should these circumstances arise, the Company will be as sympathetic as possible to the situation and offer whatever support we can provide. If an employee miscarries



at any time before the end of the 24<sup>th</sup> week of pregnancy, unfortunately they are not entitled to maternity leave or pay. However, the employee should take sick leave for as long as their medical practitioner considers it necessary. This will be treated as ordinary sickness absence and the Company's sickness absence procedures will need to be followed in the normal way.

In the unfortunate event the baby is stillborn at any time from the beginning of the 25<sup>th</sup> week of pregnancy onwards, the employee will be entitled to maternity leave and pay as usual, and the same procedures will apply.

*Employee illness:* An employee may be ill on the date they are due to return to work. In this case, they must notify the Company on or before the first day they are due back that they will be absent and the reason for this.

The employee must then ensure that they comply with the Company's sickness notification procedures and, where necessary, provide medical certificates for their absence.

If the employee fails to return to work for any other reason, their continued absence may be regarded as unauthorised, in which case no payments will be due to the employee and they may face disciplinary action in accordance with Unite Students' Disciplinary Procedure.

**5. Entitlements during Maternity Leave**

During maternity leave the employee will remain an employee of the Company and their terms and conditions of employment will remain the same. However, the employee will not be expected to attend work or perform any duties on behalf of the Company. It is not expected that the employee will work for anyone else or do anything to harm the business whilst they are on leave.

The employee will receive all of their benefits during their leave. In respect of any bonus eligibility, payment will be pro-rata based on the number of months worked and any period of compulsory maternity leave during the bonus year then rounded to the nearest whole month.

**6. Pay**

Entitlements to pay vary dependant on length of service and salary at key dates. An employee may qualify for Statutory Maternity Pay and Company Maternity Pay during their leave.

*Statutory Maternity Pay (SMP):* If an employee has 26 weeks' continuous service by the end of the 15<sup>th</sup> week before their EWC, they may qualify for a 39 week period of SMP subject to meeting the full criteria set out by the Department of Work & Pensions.

Where SMP is payable, the employee would receive 90% of their average weekly pay for the first 6 weeks of their leave and either a fixed statutory sum (which is reviewed every April) or 90% of their average weekly pay (whichever is the lower) for the remaining 33 weeks. An employee must normally give at least 28 days' notice of the date on which they expect payment of SMP to begin.

*Company Maternity Pay (CMP):* If an employee has 1 year's continuous service by the end of the 15<sup>th</sup> week before their EWC, they will qualify for CMP. In which case, they would receive their normal rate of pay for the first 18 weeks of their leave. They will receive any SMP due for the remaining 21 weeks. In the event that CMP would be less than their entitlement to SMP the employee will receive SMP. CMP includes any entitlement to SMP.

The remainder of the maternity leave will be unpaid.

SMP and CMP will be paid on the employee's normal payday.

*Maternity Allowance:* If an employee does not qualify to receive SMP they will still be eligible for 52 weeks unpaid maternity leave. In addition, they may be entitled to claim Maternity Allowance which is paid directly by JobCentre Plus. In this circumstance, People Services will provide an SMP1 Form along with the MATB1 (if supplied) to the employee for completion so that they may make a claim from their local JobCentre Plus.

## **7. Holiday**

An employee's holiday entitlement will continue to accrue during their maternity leave, inclusive of public holidays. Holiday which is accrued whilst on maternity leave in the subsequent holiday year will be taken upon return.

Holiday should be planned prior to maternity leave and the employee should talk to their Line Manager about this at the earliest opportunity. Where the Company's holiday year ends whilst the employee is on maternity leave, as much holiday should be taken before the maternity leave starts as can be accommodated.

If it is not possible to use the full holiday entitlement before the maternity leave starts, then the employee and Line Manager should discuss whether the employee prefers to:

- End her maternity leave early and take what would have been the final period of maternity leave as holiday; or
- Carry over her remaining holiday entitlement to the following holiday year. However, this must be taken within 3 months of her return to work from maternity leave.

Once a decision has been made, the employee must advise People Services in writing who will seek confirmation from the Line Manager.

## 8. Link to Other Policies

Flexible Working Policy  
Holiday Policy  
Shared Parental Leave Policy  
Parental Leave Policy  
Special Leave Policy

## 9. Further Information & Support

### **The Employee Assistance Programme (Health Assured)**

Health Assured provide a 24/7, 365 days a year telephone support line to help all employees who need support. The 24/7 telephone support line from Health Assured provides access to a range of information and services. They are an independent external organisation, who works to a robust professional code of strict confidentiality.