

# Maternity Leave

## Employee Guide



# Employee Guide to Maternity Provisions

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## Introduction

If you are pregnant and employed by Queen Mary University of London (QMUL), you are entitled to 1 year's maternity leave regardless of your time at QMUL. If you return to work before the end of your 52-week entitlement, you can share the balance of the leave with your partner<sup>1</sup>. However, the amount of maternity pay you can get while you are on leave depends on your continuous service with QMUL.

*Less than 26 weeks' service<sup>2</sup>:*

Your maternity leave will be unpaid.

*At least 26 weeks' service<sup>2</sup>:*

You will (normally) qualify for Statutory Maternity Pay (SMP).

*At least 1 year's service<sup>3</sup>:*

You will qualify for the QMUL maternity pay scheme.

If you transfer your remaining maternity leave to your partner and you have not taken all your maternity leave and pay, they may also be eligible to receive the balance of your maternity leave and pay entitlement as Shared Parental Leave, depending on how much is leftover to be paid.

## Your Options

If you have enough service to qualify for both SMP and the QMUL scheme, one of the critical choices you face is whether or not to return to work. This is because the QMUL scheme, which pays much more than SMP, is:

only available to staff who return to work after their maternity leave ends.

designed as a retention measure.

SMP, on the other hand, is payable whether you return to work or not.

The details of the 3 schemes are given below, along with a table designed to enable you to compare the SMP and QMUL scheme if you qualify for both.

The maternity provisions described in this guide apply equally to all QMUL employees<sup>4</sup> including part-timers, casual workers and fixed-term staff - provided that they have enough continuous service to qualify.

How QMUL applies its policy to staff on fixed-term contracts is set out on page 18.

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1. Partner means father, partner, same sex partner or secondary adopter.
  2. By the end of the 15<sup>th</sup> week before the baby's due.
  3. By the start of the week the baby is due.
  4. However, you must be employed directly by QMUL, not by an agency it uses. If you have an honorary contract with QMUL but a substantive contract with another employer, it's their maternity scheme that will apply.

## The QMUL scheme

### Qualifying for the QMUL Pay scheme

To qualify for the QMUL maternity pay scheme:

- 1 you must be pregnant<sup>1</sup> at the start of the 15th week before the expected week of childbirth (EWC), and
- 2 at the start of the week the baby is due, you must:
  - be employed by QMUL<sup>2</sup>; and
  - have at least 1 year's continuous service with the University.

In addition:

- 1 you must agree to return to work after your maternity leave; and
- 2 when you return, you must remain employed by QMUL for at least 3 months<sup>3</sup>.

If you don't qualify for the QMUL scheme, or if you do not wish to return to work after your maternity leave:

- ❖ you will still be entitled to 1 year's maternity leave; and
- ❖ you may qualify for Statutory Maternity Pay or Maternity Allowance.

These provisions are described on the next few pages of this guide.

### Provisions of the QMUL Pay scheme

The QMUL scheme entitles you to 52 weeks' leave, for which you will be paid:

full pay for the first 18 weeks; then half pay for the next 8 weeks; then

Statutory Maternity Pay<sup>4</sup> (SMP) for the next 13 weeks; then

nil pay for the next 13 weeks.

The University's provisions for maternity pay are designed as a retention measure and normally pay much more than SMP.

1. If the baby is stillborn after the start of the 15th week before the week it is due, a mother with sufficient service will qualify for the QMUL scheme.  
 2. You must be employed directly by QMUL, not by an agency it uses. If you have an honorary contract or Secondment with QMUL and a substantive contract with another employer, their maternity scheme is the one that will apply to you.

3. This period will be extended if, for example, you return on reduced hours.

4. Standard rate for SMP is set at whichever is the lowest of, either:

- [Statutory SMP rate](#); or
- 90% of your average pay.

## Statutory Maternity Pay

### Qualifying for SMP

To qualify for SMP, at the start of the 15th week before Expected Week of Childbirth, you must:

- 1 be pregnant
- 2 be employed by QMUL<sup>1</sup>
- 3 have at least 26 weeks' continuous service with QMUL
- 4 have average earnings that are above a [lower limit set by the government](#).

You can get and keep your entitlement to SMP, even if you do not return to work after your maternity leave.

If you don't have 26 weeks' service with QMUL, you will still be entitled to 52 weeks' unpaid maternity leave. You may also be entitled to Maternity Allowance which is paid by the Government.

Maternity Allowance is described on page 4 of this guidance.

### Provisions of SMP

Statutory Maternity Leave entitlement is 52 weeks, during which you will be paid SMP as follows:

- 1 for the first 6 weeks, 90% of full pay; then
- 2 for the next 33 weeks; standard rate Statutory Maternity Pay<sup>2</sup> (SMP)
- 3 nil pay for the next 13 weeks.

### Shared Parental Leave and Pay

If you decide not to take your full maternity leave entitlement of 52 weeks and return to work early, and if you have not used up all your entitlement to statutory maternity leave and pay; then the balance can be transferred to your partner and paid as Shared Parental Pay. See page 15 for more details.

1. You must be employed directly by the University, not by an agency it uses. If you have an honorary contract or are on Secondment with QMUL but have a substantive contract with another employer; their maternity scheme is the one that will apply to you.

2. Standard rate SMP is set at whichever is the lowest of, either:

- The [weekly rate](#); or
- 90% of your average pay.

## Statutory Maternity Allowance

### Qualifying for Maternity Allowance

To qualify for 52 weeks' *unpaid* maternity leave, at the start of the 14th week before Expected Week of Childbirth, you must be:

- 1 pregnant; and
- 2 employed by QMUL.

Even if you don't qualify for QMUL's maternity pay or SMP, you may still qualify for the Government to pay you Maternity Allowance<sup>1</sup>.

To qualify for Maternity Allowance, you must have worked and paid standard rate national insurance contributions in 26 of the 66 weeks before the start of the 14th week before the baby is due.

The full rules on qualifying for Maternity Allowance are in the [guide to maternity benefits](#).

If you don't qualify for SMP, the HR Department will give you an SMPI form. Take or send the completed form to your Social Security office. They will work out whether you are entitled to Maternity Allowance, and if so, they will pay it to you while you are taking your maternity leave from the University.

### Provisions of Maternity Allowance

Maternity Allowance is paid for 39 weeks and is set at 90% of your average pay, up to a maximum set by the government<sup>2</sup>.

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1. Maternity Allowance is administered and paid by the Department of Work and Pensions, not the University. You should raise any queries with them.

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2. The current standard rates of SMA are available [online](#).

## SMP and the QMUL scheme compared

If you qualify for both schemes, your decision about returning to work after maternity affects which scheme you are entitled to. To help you decide, the main differences between the two schemes are set out in the table below:

	QMUL Scheme	Statutory Scheme (SMP)
Qualifying Service:	1 years' service	26 weeks' service
Qualifying Date: (The date by which you must have the service required)	By the start of the week the baby is due.	By the start of the 14th week, before the week the baby is due.
Maternity Leave Entitlement:	52 weeks	52 weeks
Maternity Pay Entitlement:	18 weeks on full pay 8 weeks on half-pay 13 weeks at standard rate SMP <sup>1</sup>	6 weeks on 90% of full pay 33 weeks at standard rate SMP <sup>1</sup>
Return to Work:	Must return for at least 3 months <sup>2</sup> after maternity leave.	Not required to qualify for SMP

1. Standard rate SMP is set at whichever is the lowest of, either:
  - the [weekly rate](#); or
  - 90% of your average pay.
2. This period will be extended if, for example, you return on reduced hours.

## Working safely through your pregnancy

### Ante-natal care

Good ante-natal care is vital to your health, and that of your baby. The University therefore expects you to take reasonable time off, with pay, to receive ante-natal care.

So, if your ante-natal class or appointment<sup>1</sup> (and travelling time both ways) falls within your normal working hours, you will be paid for the time you take off - even if you work part time, job share or do shifts. You will not be required to make up working time lost. You should, therefore, let your manager know as soon as your appointments are made so that they can plan any cover for your absence.

### Adjustments to your work

You and the University have a joint responsibility, in law, for your health and safety during your pregnancy.

Early in the pregnancy, you and your manager must review together:

- 1 the health and safety [risk assessment](#) for your work and workplace; and
- 2 how you may be affected while you are pregnant or breast-feeding.

You and your manager will jointly consider whether:

- ❖ any aspects of your job may be too hard for someone who is pregnant or breast-feeding, or
- ❖ there may be some risk to your unborn baby associated with your job.

If there are any concerns on these matters, your manager will:

- ❖ give you help to enable you to do the work; or
- ❖ agree appropriate temporary changes to your duties; or
- ❖ temporarily redeploy you to a job you can do; or
- ❖ suspend you on full pay (but they would normally only do this after taking medical advice.)

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1. Ante-natal care includes relaxation and parent-craft classes, provided that these are advised by a registered medical practitioner, midwife or health visitor.

## Working safely through your pregnancy

You may wish to refer yourself to the [Occupational Health \(OH\) provider](#) for specialist medical advice on these matters. Even if you don't, your manager may wish to take advice from the OH provider or from the Health and Safety Office.

In practice, the first 3 months of your pregnancy can be the most vulnerable time. So, the earlier that you inform your line manager that you are pregnant, the sooner they can consider any risks and take action to minimize them.

Your manager has detailed knowledge of the work you do and is therefore best placed to carry out the risk assessment with you. However, if you prefer to delay telling your line manager that you are pregnant, you can still inform the HR department, the Health and Safety Office or the Occupational Health provider. They will:

- ❖ treat the matter as confidential<sup>1</sup>
- ❖ ensure that an initial assessment of any risk is carried out.

A risk assessment form is available from our [intranet](#).

### Sick leave during pregnancy

If you are medically unfit during your pregnancy you must not stay at work.

Up to the start of the 4th week before the week the baby is due, any sick leave you take is counted as sick leave, not as maternity leave. This is true even if your sickness is caused by (or is related to) your pregnancy.

But after the start of the 4th week what happens depends on whether you are unfit because of your pregnancy or not.

If your sickness is unrelated to your pregnancy, you can take sick leave - provided that all your absence is covered by a doctor's fit note.

But if your sickness is even partially related to your pregnancy, you will begin maternity leave and receive maternity pay from the day after your first day of absence.

You cannot self-certify in this period as QMUL has a duty to ensure that you and your baby will not be harmed by a return to work.

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*1. Provided that no risk is identified that requires a change in working practice. Such a change will, inevitably, need your manager to be informed.*

## Things to do before you start maternity leave

### Notifying your manager

The earlier you tell your manager that you are pregnant, the better they will be able to plan for your absence. And once they know, they can take action to protect you from unfair treatment and any risks to the health or safety of you and your baby.

### Notifying HR

You must also notify [HR](#) of your pregnancy before the start of the 14<sup>th</sup> week before Expected Week of Childbirth.

**A form for you to use for this purpose is in Appendix 3.**

You must:

- ❖ tell HR in writing:
  - that you are pregnant,
  - the date your baby is due, and
  - the date you expect your maternity leave to begin<sup>1</sup>;
- ❖ provide a written statement<sup>2</sup> from your doctor or midwife giving the date that the baby is expected.

You risk losing your right to maternity leave and pay if you do not do these things on time.

The HR team will invite you to meet to discuss your options. They will be able to outline the maternity provisions as they apply to you and answer any questions you may have. The earlier you arrange this discussion the better - most women find the discussion helpful in planning their maternity leave.

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*1. You can always change your mind later, provided you give 4 weeks' notice. You can complete and send the form in Appendix 4 for this purpose.*

*2. Doctors generally use a form ("Mat B1") for this purpose from 20 weeks onwards. The University will give some flexibility if you have difficulty in getting form MatB1 in time*

## Planning your maternity leave

### Start date for maternity leave

You can begin your maternity leave on any day within the 11 weeks before the week you expect the baby.

You must notify [HR](#) of the date you have in mind before the start of the 14th week before the week your baby is due. If you change your mind, then you will need to give your manager 4 weeks' notice<sup>1</sup> from the new date.

**A form for you to use for this purpose is in Appendix 4.**

If you do not give enough notice of this change, the University may require you to delay the start of your maternity leave until the 4 weeks' notice period has elapsed.

### Early start to maternity leave

Remember that the start of your maternity leave can be triggered earlier than the date you planned.

This happens automatically, if:

- ❖ the child is born<sup>1</sup> before the date you planned to start maternity leave; or
- ❖ you take sick leave within the 4 weeks before the week the baby is due; and
- ❖ the sickness (either partially or fully) related to pregnancy.

If your maternity leave is triggered by sickness:

- ❖ the first day of your absence will count as sick leave
- ❖ the next day, your maternity leave will start.

If your maternity leave is triggered by the birth of the child<sup>2</sup>, your maternity leave will start the day after the baby was born.

1. If for practical reasons you cannot give the full 4 weeks' notice (e.g. if the child is born earlier than expected) notify your manager as soon as is reasonably practicable.

2. Here, childbirth means either:

- the live birth of a child or,
- a still birth after a pregnancy lasting at least until the start of the 15th week before the week of the birth.

## Planning your maternity leave

### Keeping-in-touch days

While you are on maternity leave, you can do up to 10 days' work for the University. If you do more than this, your entitlement to maternity leave and pay will automatically end.

Any day (or part of a day) on which you work during your maternity leave will count as a whole day towards the maximum of 10 days.

There is no right on either side to insist on keeping-in-touch days. Your manager does not have to offer any; and you are not required to work any such days that are offered.

You will be paid for any keeping-in-touch days that you work. However, if the total of:

- 1 your maternity pay for the day; and
- 2 the money you earn that day is greater than a normal day's pay, the University will deduct the excess.

It would make good sense to discuss and record, in good time before maternity leave starts:

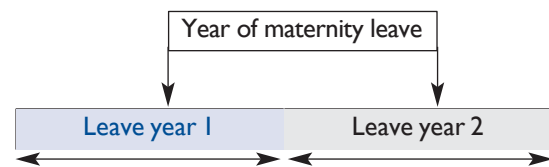
- ❖ the number, if any, of keeping-in-touch days that are mutually agreed; and
- ❖ some planning of the timing of any such days; and
- ❖ the work, training, or other activities that you might appropriately do.

### Annual leave

While you are on maternity leave, your entitlement to annual leave (including bank holidays and closure days) is entirely unaffected. It goes on accruing while you are off.

However, you cannot take annual leave while you are on maternity leave.

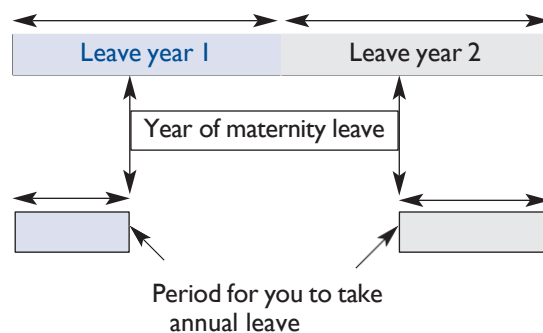
Furthermore, your maternity leave is not likely to coincide exactly with a leave year<sup>1</sup>. See below.



This means that:

- 1 you may have annual leave entitlement from 2 leave years to take; and
- 2 you may be on maternity leave for 12 months in those 2 years; and so
- 3 you may have almost 2 years annual leave to fit into the 12 months on either side of your maternity leave.

See below.



1. The leave year runs from 1st August to 31st July.

## Planning your maternity leave

You should plan the best way to fit your annual leave into the periods before and after your maternity leave. Be sure to discuss these plans with your manager. They have the right to refuse annual leave if granting it would interfere with effective service delivery.

You need to;

- ❖ take all of your untaken accrued annual leave before you go on your maternity leave, and;
- ❖ take all of your annual leave accrued during your maternity leave immediately after the end of the leave.

Normally staff can carry over a maximum of only 5 days' annual leave from one leave year to the next. But if you are on maternity leave when the leave-taking year ends<sup>1</sup>, the University will allow you to carry over as much leave as you like, provided that, during the nil-pay period of your maternity leave, you take (at least) the amount of leave that you carried over.

If you take paid annual leave immediately before returning to work, the first day of annual leave you take ends your maternity leave.

## Bank holidays and closure days

As with annual leave, you cannot take or be paid for any bank holiday or closure day that falls in the period of your maternity leave.

You will accrue your entitlement to Bank Holidays and Closure days during your maternity leave, and they can be taken after the end of your maternity leave.

Bank holidays and Closure days are pro-rated for part time/term-time employees.

## Appraisal and other long-term processes

Discuss with your manager how best to take account of your absence when dealing with issues such as:

- ❖ annual appraisal
- ❖ academic review
- ❖ probation assessment
- ❖ REF assessment.

## Pay increases

You are entitled to any pay increase or increment that falls due during your maternity leave.

In principle, you will not be treated less favorably because of your maternity leave.

Where it is possible and reasonable to do so, your manager will:

- ❖ amend the timing of meetings or the timescale of processes to enable you to participate fully; or
- ❖ take full account of the effect of your

## Planning your maternity leave

absence on your development or the work or research you are doing.

However, in some cases QMUL may have little option but to suspend your participation in one of these long-term processes until you return to work.

### If you plan to come back early

QMUL will assume that you are going to take the full amount of maternity leave<sup>1</sup> and that you will return to work after 52 weeks of leave. If you want to come back before the full period of your maternity leave, you must give the University at least 8 weeks' notice in writing.

**A form for you to use for this purpose is in Appendix 5.**

However, you cannot return within 2 weeks immediately after your baby's birth. These 2 weeks' maternity leave are compulsory.

Changes in the workplace and to your role during your absence

QMUL has a duty to inform you of any proposed reorganizations / restructures in your area that could potentially impact on your role. Should this occur during any part of your maternity leave, you will be entitled to participate in any proposed 121 or group consultations that may take place prior to the change.

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*1. 52 weeks normally, but possibly less if you're on a fixed-term contract. See section on fixed-term contracts*

## Planning your maternity leave

### Shared Parental Leave (SPL)

As a Queen Mary employee and a new or expecting parent, you may share a period of leave and pay with your partner during your child's first year. You can choose to end your maternity leave and associated pay, and you and your partner can split the remainder of the statutory 52-week maternity leave entitlement and 39 weeks maternity pay entitlement. Therefore, you may be able to share up to 50 weeks' Shared Parental Leave and up to 37 weeks'

Shared Parental Leave must be taken in blocks of complete weeks – with the minimum period of Shared Parental Leave being one week.

Whilst on Shared Parental leave you are entitled to;

- ❖ SPLIT Days in addition to the 10 maternity Keeping-In-Touch days.
- ❖ take up to 20 Shared Parental Leave In-Touch (SPLIT) days, regardless of the duration of your SPL, in agreement with your manager.
- ❖ a full day's pay for each of these SPLIT days.
- ❖ the accrual of annual leave (including bank holidays and closure days).
- ❖ to share up to 48 weeks' Shared Parental Leave with your partner.

Further guidance on this is available on the intranet: [Family Friendly Policies - Human Resources](#).

### If you want to leave

If you decide to leave, you must give the period of notice set out in your contract. However, the more notice you give, the better the University will be able to plan its services. You can give more notice than is required so that your departure coincides with the end of your maternity leave.

In practice, you stand to benefit by timing your departure to coincide with the end of your maternity leave. For example:

- ❖ you can continue to accrue annual leave during your maternity leave - even during the nil pay period; and
- ❖ you can continue your membership in the pension fund, which is likely to lead to improved pension benefits.

**A form for you to use for giving notice is in Appendix 6.**

Remember that if you do not return to work for a period of at least 3 months, the University will reclaim the difference between its maternity pay scheme (if you have been paid it) and SMP.

If you don't wish to put yourself in debt to the University, and would prefer to be paid only SMP, you can arrange this before you begin maternity leave.

**A form for you to use for giving notice is in Appendix 7.**

## While you are off

### Keeping-in-touch days

See the section 'Planning your Maternity Leave' for the details on keeping-in-touch days.

If you agree to work any such days, make sure that, as you do them, your manager arranges with the payroll team ([hr-to-payroll@qmul.ac.uk](mailto:hr-to-payroll@qmul.ac.uk)) for you to be paid.

### Reasonable contact

Apart from keeping in-touch-days, the University is entitled to make reasonable contact with staff.

For example, your manager may contact you as part of the University's duty to consult with employees about any proposed changes to working practices or organisational structures. They may also reach out simply to keep you informed about work-related matters, ongoing projects, or staff changes.

The HR team is also likely to contact you to clarify arrangements as your maternity leave ends.

If you are employed on a fixed-term contract that is due to end while you are on maternity leave, QMUL may need to contact you to review your employment position. This may include considering whether your contract should be extended or allowed to end.

### Your pension contributions

If you are in one of QMUL's pension schemes, Payroll will automatically deduct contributions throughout your paid maternity leave period.

Your contribution will be worked out as a percentage of your maternity pay, rather than your full pay. Even though your contributions are based on reduced levels of pay they count at the full rate towards retirement benefits.

During any periods on which you are on nil pay, your contributions will stop. What happens then depends on the scheme you are in;

#### ***If you are in the NHS scheme:***

you must pay contributions for the nil pay period. QMUL pays these for you while you are on nil pay, but when you return to work, you must pay these back.

In the nil pay period, your contributions are payable on the basis of the final rate of maternity pay (other than nil pay) that you get during your paid maternity leave

#### ***If you are in the SAUL or USS scheme:***

you may opt whether to pay contributions for your nil pay maternity leave or not. Such contributions are payable on the basis of the final rate of maternity pay (other than nil pay) that you get during your paid maternity leave.

## While you are off

### Returning to work

The University will expect you to return after 52 weeks maternity leave unless:

- ❖ you have notified HR and your manager of an earlier date of return; or
- ❖ you have already resigned and given notice of your last working day; or
- ❖ you are on a fixed-term contract that has already expired.

The HR team will notify you of the date you are expected to return before you begin maternity leave.

You are entitled to return to a role that is the same as, or similar to, the one which you had before you took maternity leave, unless this is not reasonably practicable.

In practice, the payroll team ([hr-to-payroll@qmul.ac.uk](mailto:hr-to-payroll@qmul.ac.uk)) will not reinstate your pay unless your manager notifies them that you have returned to work. Make sure to remind your manager to do this.

### Working safely

Before, or soon after your return to work, you and your manager must review together: the [health and safety risk assessment](#) for your work and workplace; and how you may be affected as a new/nursing mother.

### Returning early

If you want to return early, you must give at least 8 weeks' written notice<sup>1</sup>. If you give less notice than is required, your manager has the right to delay your return to the earliest of either:

- ❖ the date by which the 8 weeks' notice would have elapsed; or
- ❖ the date you were expected to return.

The more notice you give, the better the University can make the necessary arrangements.

**A form you can use to give notice of an early return is in Appendix 5.**

If your return is delayed after the date you expect to return because of an illness, you must submit a fit note.

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1. Both HR and your manager need to be notified. HR so that you can be paid correctly and your manager so that they can plan and prepare for your return.

## Returning to work

### Flexible working

You may wish to consider flexible working arrangements after your return to work. You should discuss this matter as soon as possible with your manager.

Any application you make will be considered under QMUL's Code of Practice on [Flexible Working](#).

### Unpaid and Paid time off

The [HR Code of Practice on Leave](#) and [Special Leave policy](#) include provisions for staff to take paid and unpaid time off in connection with their dependents. These include:

- ❖ Carer's Leave (paid)
- ❖ Parental Leave (unpaid)
- ❖ Parental Bereavement Leave (paid)
- ❖ Neonatal Leave (paid)

### Childcare vouchers

The Childcare Scheme is closed to new entrants. You can visit our [Childcare and Parenting page](#) for more information and other details.

### Repaying enhanced maternity pay / Annual leave

Even if you qualify for and are paid Enhanced Maternity Pay, you will lose your entitlement to it unless you complete 3 months at work after your return from maternity leave.

As the purpose of QMUL's maternity scheme is to encourage a genuine return to work, the 3 months will be extended if you:  
reduce your hours of work after the baby is born  
take any sick, annual or sabbatical leave (or other time off) during the 3 months.

If you do not return to work for the period required, the University will reclaim the difference between the QMUL scheme and SMP.

The Payroll team will work out the adjustment to be made. The adjustment will take into account:

- ❖ your last day of employment - you are employed throughout the whole period of your maternity leave; and
- ❖ your entitlement to be paid for any outstanding annual leave;
- ❖ any pension contributions you owe; and
- ❖ the difference between the maternity pay you have received and your statutory entitlement.

## Staff on fixed-term contracts

### If your fixed-term contract ends

If your contract is due to end while you are still on maternity leave, the case for extending or renewing your contract will be considered under the provisions of the [Code of Practice on Reviewing Fixed-term Contracts](#).

The fact that you are on maternity leave is not material to the process to be followed nor to the decision to be made. If your employment is not extended, then depending on your length of service you will be given:

- ❖ the reason for the decision; and
- ❖ a right of appeal.

Your employment will end on the date in your contract. However, the University will continue to consider redeployment opportunities for you until the date your maternity leave ends.

If you qualify for the QMUL maternity scheme, you will be paid:

- ❖ QMUL maternity pay up till the date your contract ends; and
- ❖ SMP thereafter until the statutory maternity pay period is exhausted.
- ❖ any redundancy pay you are entitled to (see the Code of Practice on Reviewing Fixed-term Contracts).

The University will waive repayment of any difference between QMUL maternity pay and SMP if:

- ❖ the end of your contract prevents you from, either:
  - returning to work; or
  - completing 3 months' employment.

### Research grants and maternity leave

The [Code of Practice on Reviewing Fixed-term Contracts](#) sets out the issues to consider at the end of the contract.

There is no automatic right for an employee on a fixed-term contract to be given an extension to their contract equivalent to the period of their maternity leave.

This is so even if the grant provides sufficient funds to cover the whole amount of your maternity pay.

As well as the financial position, the University will take into account a range of other factors, including:

- ❖ any work or research that is required at the time the contract is due to end; and
- ❖ any arrangements made to cover the work while you were on maternity leave.

## Teaching Assistants/Fellows on fixed-term contracts

For Teaching Assistants (TAs) on fixed-term contracts there are a number of complicating factors:

- ❖ TAs are normally paid an equal amount throughout the period for which they are required to work;
- ❖ the period of paid employment is normally followed by a period on nil pay (between terms or academic years);
- ❖ any decision about offering more work is not normally made before the contract ends (it's made instead before the start of the next term or year).

QMUL handles this situation as follows:

### Continuous Service

Normally, the University will not count holidays between terms or academic years as a break in continuous service, provided that you work the whole of each of the terms.

### Full-pay, half-pay and SMP

If you qualify for the QMUL maternity scheme, you will be paid full-pay or half-pay for any periods *in which you are due to be paid by QMUL*.

However, during your nil-pay periods your full-pay and half-pay under the QMUL scheme would both amount to zero (since your entire annual salary would already have been paid to you).

However, if you qualify for it, you will be paid SMP for any weeks in which the statutory entitlement is greater than your pay under the QMUL Scheme.

### The decision to re-engage the next term

If possible, the timing of the decision will be brought forward. No account will be taken of the fact that you will be on maternity leave. If need be, another employee would be recruited to supply maternity cover.

### Example

A female TA has worked 6 full terms over two complete academic years. She therefore qualifies for both the QMUL scheme and SMP.

Her contract is due to end on June 16 which is in the qualifying week for SMP.

Her maternity leave begins the next day on June 17th. However, the decision is then made to re-engage the TA, with effect from September 30th for the following term (15 weeks later).

So, in the first 15 weeks of her absence, the TA would be in a nil pay period and would be entitled to SMP. For the first 6 weeks this would be at 90% of full pay and for the next 9 weeks at the standard rate.

Thereafter, the TA would be in a paid period and would get her entitlement under the QMUL scheme. Thus:

- ❖ for the 16th-18th week she would get full pay; and
- ❖ for the 19th to the 26th weeks, she would get half-pay; and
- ❖ for the 27th-33rd weeks, she would get standard rate SMP; and
- ❖ for the 24th-52nd weeks, she would get nil pay.

## Appendix

### Appendix I: Risk Assessment Form

#### Instructions for managers

In law, employers are required to assess workplace risks for all employees, and to take practical action to control those risks. In QMUL this responsibility is devolved to line managers<sup>1</sup>.

Risk assessments must, in any case, take into account any hazards and risks to:

- ❖ females of childbearing age
- ❖ new and expectant mothers<sup>2</sup>
- ❖ their unborn children; or
- ❖ the children of a woman who is still breastfeeding

You should review and monitor risk assessments at regular intervals. But in addition, you must carry out a new risk assessment when:

- ❖ you learn that a woman is pregnant
- ❖ a woman returns to work after maternity leave
- ❖ a new or expectant mother informs you of medical advice that she has been given.

#### What you need to do

To identify any risks which may cause health problems for the woman or her child:

- ❖ discuss the new or expectant mother's working conditions
- ❖ discuss and complete the form overleaf
- ❖ include hazards to the woman or her child which might arise when the woman is performing
  - her own duties
  - other activities within the department.
- ❖ take account of any medical advice the woman provides.

A sensible risk assessment has to take note not only of the hazard, but how serious it is and how likely it is that it will affect the particular individual. Always take action to minimize any risks identified.

If need be, take advice on medical issues, the risk assessment and radiation hazards from the University's:

- ❖ Occupational Health Service,
- ❖ Health & Safety Office and
- ❖ Radiation Protection Supervisors.

**You can find the most up-to-date risk assessment forms on the [intranet](#).**

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1. "Manager" is defined as: "Anyone in the University who supervises and/or is responsible for the work of one or more staff. "Manager" refers to a role not to a title. Thus, staff who supervise or monitor the work of other University employees will, in effect, be managers even if their job title is "Senior Lecturer", "Assistant Registrar", "Vice-Principal", etc.

2. The definition of a new or expectant mother is someone who;

- is pregnant or,
- has given birth within the previous six months or,
- after 24 weeks of pregnancy, had a stillborn child or,
- is breastfeeding.

## Appendix 2: Maternity planners

There are 3 maternity planners on the next few pages of this guide. Other planning tools are available on the internet. For example, Directgov has an interactive maternity planner which can help you work out your statutory pay and leave entitlement.

### How to use the planners

#### **Action planner**

This planner is designed to help you understand what you have to do and when by.

The key date is, of course, the week the baby is due. Enter the date of the Monday of that week.

If, by the start of this week you have at least 1 year's continuous service, you will qualify for QMUL's maternity scheme.

Counting back from the week the baby is due, enter the date of the Monday of the

- ❖ 4th week before
- ❖ 11th week before
- ❖ 14th week before.

#### **The 14th week before**

If, by the start of this week, you have at least 26 weeks' continuous service with QMUL, you will qualify for SMP.

By the start of this week, you must give your manager the MatBI form and say in writing that:

- ❖ you are expecting a baby
- ❖ the week it is due and
- ❖ the week your maternity leave will begin.

#### **The 11th week before**

You cannot begin your maternity leave before the start of this week. You can opt to begin maternity leave on any day within the weeks afterwards.

#### **The 4th week before**

After this week starts, sickness absence will trigger the start of your maternity leave and pay if it is related (even partly) to your pregnancy.

#### **Returning to work**

When you tell HR the date you want to start your maternity leave, they will tell you in writing, the date they expect you to return to work.

This will always be 1 year to the day after your maternity leave starts.

It is helpful to enter this date on the planner further down.

#### **Maternity Pay Planner**

This is designed to help you understand what your income will be during the period of your maternity leave.

#### **Annual Leave Planner**

This is designed to help you work out how best to fit your leave entitlement around your maternity leave.

## Appendix 2a: Action planner - maternity leave

The start of the 14th week before the week the baby is due:  
 To qualify for SMP you must have 26 weeks' service by the start of this week. Form MatBI is normally available. By the start of this week, you must give HR form MatBI and tell them that you are expecting a baby, the week it is due and the week your maternity leave will begin.

11<sup>th</sup> week before the week the baby is due. This is the earliest maternity leave can start.

<b>Weeks BEFORE the week the baby is due</b>	15	14	13	12	11
	10	9	8	7	6
	5	4	3	2	1
<b>Week the baby is due</b>	0	4th week before the week the baby is due: After the start of this week, maternity leave is triggered if you are sick and this is related (even in part) to the pregnancy.			

<b>Weeks AFTER the week the birth is due</b>	1	2	3	4	5
	6	7	8	9	10
	11	12	13	14	15
	16	17	18	19	20
	21	22	23	24	25
	26	27	28	29	30
	31	32	33	34	35
	36	37	38	39	40

Between 41st to 51st week after the baby is due:  
 You will be expected back in these weeks depending on when you opt to begin your maternity leave. Don't forget to get your manager to notify HR/Payroll when you do return.

41	42	43	44	45
46	47	48	49	50
51	52	53	54	55

## Appendix 2b: Maternity pay planner

Each box below represents a week (which can start on any day). Enter the date you plan to start maternity leave in box 1 of the scheme you qualify for (SMP or QMUL scheme). Enter the dates in the boxes when the rate of your maternity pay changes. Enter the date when you are expected back at work. Consider if you want to return to work before the nil pay period ends, and if you want to do this by taking annual leave.

### QMUL Maternity Pay:

Full pay starts		1	2	3	4	5	6
		7	8	9	10	11	12
Full pay ends		13	14	15	16	17	18
Half pay starts		19	20	21	22	23	24
		25	26	27	28	29	30
Half pay ends, and SMP at standard rate starts		31	32	33	34	35	36
		37	38	39	40	41	42
SMP at standard rate ends and nil pay period starts.		43	44	45	46	47	48
		49	50	51	52	53	Week you are expected back at work.

### Statutory maternity Pay:

SMP at 90% of average pay		1	2	3	4	5	6
		7	8	9	10	11	12
SMP at standard rate set by the government starts		13	14	15	16	17	18
		19	20	21	22	23	24
		25	26	27	28	29	30
		31	32	33	34	35	36
		37	38	39	40	41	42
SMP at standard rate ends and nil pay period starts		43	44	45	46	47	48
		49	50	51	52	53	Week you are expected back at work.

## Appendix 2c: Annual leave planner

Each box below represents a working week. Two leave years are shown since most women’s maternity leave will not fall within a single leave year. Enter in box 1 of both leave years, the date your leave year starts (i.e. August 1<sup>st</sup>). Enter in the relevant box (in leave year 1) the date you intend to start maternity leave. Enter in the relevant box (normally in leave year 2):

- 1 the date your paid maternity leave will end
- 2 the date you are expected back at work
- 3 the date you wish to return if you want to return early

Work out (HR Operations will be able to help, if need be):

- 1 your full annual leave entitlement over the 2 leave years (for full-time staff this will 30 days x 2 = 60 days)
- 2 any annual leave you have already taken in Leave Year 1
- 3 any other annual leave you plan to take in leave year 1 before maternity leave starts
- 4 the amount, if any, of annual leave you intend to add to the end of your maternity leave - it’s a good idea to enter the number of days into the relevant boxes
- 5 how you can fit the remaining annual leave into the period before and after your maternity leave.

Leave year 1	<input type="text" value="1"/>	<input type="text" value="2"/>	<input type="text" value="3"/>	<input type="text" value="4"/>	<input type="text" value="5"/>	<input type="text" value="6"/>
	<input type="text" value="7"/>	<input type="text" value="8"/>	<input type="text" value="9"/>	<input type="text" value="10"/>	<input type="text" value="11"/>	<input type="text" value="12"/>
	<input type="text" value="13"/>	<input type="text" value="14"/>	<input type="text" value="15"/>	<input type="text" value="16"/>	<input type="text" value="17"/>	<input type="text" value="18"/>
	<input type="text" value="19"/>	<input type="text" value="20"/>	<input type="text" value="21"/>	<input type="text" value="22"/>	<input type="text" value="23"/>	<input type="text" value="24"/>
	<input type="text" value="25"/>	<input type="text" value="26"/>	<input type="text" value="27"/>	<input type="text" value="28"/>	<input type="text" value="29"/>	<input type="text" value="30"/>
	<input type="text" value="31"/>	<input type="text" value="32"/>	<input type="text" value="33"/>	<input type="text" value="34"/>	<input type="text" value="35"/>	<input type="text" value="36"/>
	<input type="text" value="37"/>	<input type="text" value="38"/>	<input type="text" value="39"/>	<input type="text" value="40"/>	<input type="text" value="41"/>	<input type="text" value="42"/>
	<input type="text" value="43"/>	<input type="text" value="44"/>	<input type="text" value="45"/>	<input type="text" value="46"/>	<input type="text" value="47"/>	<input type="text" value="48"/>
	<input type="text" value="49"/>	<input type="text" value="50"/>	<input type="text" value="51"/>	<input type="text" value="52"/>		
	Leave year 2	<input type="text" value="1"/>	<input type="text" value="2"/>	<input type="text" value="3"/>	<input type="text" value="4"/>	<input type="text" value="5"/>
<input type="text" value="7"/>		<input type="text" value="8"/>	<input type="text" value="9"/>	<input type="text" value="10"/>	<input type="text" value="11"/>	<input type="text" value="12"/>
<input type="text" value="13"/>		<input type="text" value="14"/>	<input type="text" value="15"/>	<input type="text" value="16"/>	<input type="text" value="17"/>	<input type="text" value="18"/>
<input type="text" value="19"/>		<input type="text" value="20"/>	<input type="text" value="21"/>	<input type="text" value="22"/>	<input type="text" value="23"/>	<input type="text" value="24"/>
<input type="text" value="25"/>		<input type="text" value="26"/>	<input type="text" value="27"/>	<input type="text" value="28"/>	<input type="text" value="29"/>	<input type="text" value="30"/>
<input type="text" value="31"/>		<input type="text" value="32"/>	<input type="text" value="33"/>	<input type="text" value="34"/>	<input type="text" value="35"/>	<input type="text" value="36"/>
<input type="text" value="37"/>		<input type="text" value="38"/>	<input type="text" value="39"/>	<input type="text" value="40"/>	<input type="text" value="41"/>	<input type="text" value="42"/>
<input type="text" value="43"/>		<input type="text" value="44"/>	<input type="text" value="45"/>	<input type="text" value="46"/>	<input type="text" value="47"/>	<input type="text" value="48"/>
<input type="text" value="49"/>		<input type="text" value="50"/>	<input type="text" value="51"/>	<input type="text" value="52"/>		

## Appendix 3: Written notice of pregnancy to HR



### Instructions for the employee

1. Use this form to tell the [HR Operations team](#) that you are pregnant and want to take maternity leave.
2. You should give the same information to your manager so that they can protect the health and safety of you and your baby during your pregnancy. A box for them to sign is at the foot of the form.
3. Ask your doctor or midwife for the “MatBI” form. This is normally issued on or after the 20-week scan.
4. Make sure that HR gets this form and the MatBI form by the start of the 14<sup>th</sup> week you expect the baby. If there are practical reasons why you cannot do this, tell your HR Operations team.

1. Your name:

2. Your Employee Number (see pay slip or MyHR):

3. I am expecting a baby. The date the baby is due is:

4. A certificate (normally form “MatBI”) to confirm that I am pregnant is:

*[please tick the appropriate box]*

- already in your possession
- enclosed with this form
- to be given to you shortly

5. The date I plan to start maternity leave is:

6. Please:

*[tick any appropriate boxes]*

- arrange a meeting with me to discuss my entitlements
- inform my manager so that they can carry out a health and safety risk assessment for the period of my pregnancy
- let me (and my manager) know the date on which I am expected to return to work.
- confirm my entitlement to maternity pay.

7. Your signature

8. Date

9. Your Manager’s Signature

**I will give you 4 weeks’ notice of any change to the date I plan to start maternity leave.**

## Appendix 4: Change in start of maternity leave



### Instructions for the employee

1. Use this form to tell the [HR Operations team](#) that you want to change the start date of your maternity leave. Normally you must give 4 weeks' notice of the new date. However, if you are unable to do so for practical reasons (for example, if the baby is born earlier than expected) you should notify the University as soon as is reasonably practicable. If you do not give notice in time, your manager can require you to delay the start of your maternity leave.
2. You must plan to start your maternity leave within the 11 weeks before the week the baby is due.
3. Keep your manager (as well as HR) informed so that they can plan appropriately.

1. Your name:

2. Your Employee Number (see pay slip or MyHR):

3. I previously told you before that I plan to start maternity leave on:

4. The date I now plan to start maternity leave is:

5. Your signature

6. Date of signature

7. Please let me (and my manager) know the new date on which I am expected to return to work.

### 8. Manager's approval

*[tick appropriate box & sign below]*

- I agree to the new start date
- I do not agree to the new start date for this employee's maternity leave. The earliest date<sup>1</sup> I can agree to is in the box below.

New start date for maternity leave

### 9. Manager's signature

### 10. Date of signature

*1. You cannot insist on any date later than:*

- (a) 4 weeks after the date the employee notified you of the change; or
- (b) (if the employee cannot give 4 weeks' notice for practical reasons) the date on which it became reasonably practicable for them to notify you of the change.

## Appendix 5: Notice of early return



### Instructions for the employee

1. Use this form to tell the [HR Operations team](#) that you want to return to work before the date you are expected to return. You must give at least 8 weeks' notice of the new date. If you do not, your manager can require you to delay the start of your maternity leave until the 8 weeks have elapsed. The new date must be within 1 year of the date that you began maternity leave.
  2. Keep your manager (as well as HR) informed so that they can plan appropriately.
- 

1. Your name:

2. Your Employee Number (see pay slip or MyHR):

3. You are expecting me to return from maternity leave on:

4. I now plan to return early on:

5. Your signature

6. Date

7. Please confirm with me and my manager that the new date is acceptable.

## Appendix 6: Notice of resignation



### Instructions for the employee

1. Use this form to tell the [HR Operations team](#) that you want to leave at the end of your maternity leave.
  2. You must give at least the amount of notice required in your contract. However, you can give more notice than the minimum and the sooner the University is aware of your intentions, the better it can plan its work. Your final working day will normally be the day before you are due to return to work. If you put in any other date, please take advice first.
  3. Keep your manager (as well as HR) informed so that they can plan appropriately.
- 

1. Your name:

2. Your Employee Number (see pay slip or MyHR):

3. You are expecting me to return from maternity leave on:

4. I no longer intend to return to work after my maternity leave. I am therefore giving notice of my resignation. My final working day will be:

5. Your signature

6. Date

7. Please confirm with me and my manager that you have noted my resignation.

## Appendix 7: Opting for SMP



### Instructions for the employee

1. Use this form if you are entitled both to SMP and QMUL maternity pay.
2. In such cases, the University will normally pay you under QMUL's maternity scheme rather than SMP. However, if you do not return for at least 3 months after your maternity leave (longer if you go from full-time to part-time), the University will reclaim the difference.
3. If you are not sure whether you want to return and would prefer to be paid SMP, use this form to inform the [HR Operations team](#).

---

1. Your name:

2. Your Employee Number (see pay slip or MyHR):

3. I am taking maternity leave and am entitled to QMUL maternity pay. However, I would prefer to be paid SMP while I am on maternity leave

4. Your signature

5. Date

6. Please confirm with me and my manager that you have noted my request.