

# Maternity Policy

## 1. Introduction

The School has a clear commitment to the promotion of equality of opportunity for all employees. It works towards positively supporting employees who are working parents and has attained a reputation as a top employer for working families. This policy demonstrates a commitment on the part of the School to enable employees to manage work and family. As part of this commitment, maternity leave and pay is available to all eligible employees within the diverse School community, including LGBT+, same-sex families and those involved in a surrogacy arrangement.

The policy uses the following key terms:

1. mother: the individual who gives birth to a child
2. partner: the child's biological father or the partner of the mother. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child.

Partners may be male, female or trans (including individuals of a non-binary identity).

## 2. Policy aims

The School seeks to sustain a strong track record as a diverse, fair and flexible employer that attracts and retains high calibre talent, and supports the career progression of its diverse staff community during their employment by the School.

## 3. Policy principles

1. The law entitles all employees who are pregnant to:
  - paid time off to attend antenatal care
  - a period of maternity leave
  - the right to return to the same job held before the start of the maternity leave with the same terms and conditions, unless after additional maternity leave, this is not reasonably practicable.
2. Most employees will also qualify for Statutory Maternity Pay (SMP) or Maternity Allowance (MA) (see the statutory maternity payments section below).
3. Entitlement to statutory rights is dependent on the correct implementation of the procedures as defined by legislation
4. Immediately following the date of childbirth, there is a compulsory period of two weeks maternity leave during which employees are prohibited from working, or being permitted by the employer to work.
5. Employees also have the right not to be subjected to detrimental treatment on grounds of pregnancy, childbirth, maternity or suspension on health and safety grounds.

### Time off for antenatal care

6. There is an entitlement, regardless of the length of service or the number of hours worked, to paid time off during working hours to receive antenatal care on the advice of their doctor, midwife, or health visitor.
7. Antenatal care is not restricted to medical examinations. It could, for example, include relaxation classes and parentcraft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor.

### Statutory maternity leave entitlements

8. All pregnant employees are entitled to take up to one year (52 weeks) of maternity leave, regardless of their length of service. Maternity leave is a single continuous period and is made up of 26 weeks' Ordinary Maternity Leave and 26 weeks' Additional Maternity leave. Please note that different terms and conditions apply during these two leave periods. For further information see 'maternity leave' in the Terms and Conditions of employment.
9. This leave can start at any point from the 11th week before the Expected Week of Childbirth (EWC), up to the actual date of birth. However, it is advisable for the employee to commence their maternity leave no later than the date on which the baby is due.

### Statutory maternity payments

#### Statutory maternity pay (SMP)

10. The qualification period for SMP is 26 weeks' continuous service with the School in the 15th week before the EWC, provided that normal weekly earnings at this point are not less than the lower earnings limit for NI contributions ([www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions](http://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions) provides further information). This is subject to pregnancy continuing until birth or having occurred by the 11th week before the EWC.
11. SMP is paid for up to 39 weeks of which:
  - the first 6 weeks are paid at 90% of normal weekly earnings;and
  - the following 33 weeks are paid at a fixed rate per week (information is provided on: [www.gov.uk/rates-and-thresholds-for-employers-2014-to-2015](http://www.gov.uk/rates-and-thresholds-for-employers-2014-to-2015)) or 90% of normal weekly earnings, whichever is lower.

### Contractual maternity pay

12. It is the School's policy to support pregnant people and new mothers by paying enhanced contractual maternity pay to those who have 26 weeks' continuous service at the beginning of

the 15th week before the Expected Week of Childbirth (EWC) and to provide a contact in Human Resources for advice regarding entitlements and procedures. Employees that have completed 26 weeks continuous service at the beginning of the 15th week before the Expected Week of Childbirth (EWC) qualify for:

- 18 weeks of leave on full pay inclusive of SMP
- 21 weeks of SMP or 90% of normal weekly earnings, whichever is lower
- 13 weeks of unpaid leave.

13. A contract of employment must be in existence during the weeks where contractual maternity pay will be paid. Where a contract of employment ends, OMP (if applicable) will be paid to the last day of the contract and any remaining weeks of paid maternity leave will be paid at the SMP rate.

#### Contingency fund for maternity leave replacement

14. In 1996/97 a contingency fund was set up to help departments that cannot easily meet the full cost of maternity/paternity leave replacement. Applications for funding to assist with any additional costs required to enable a department to recruit replacement staff to cover maternity leave should be made by managers to the APRC through the Planning Officer. The Academic Planning and Resources Committee (APRC) will assess each application for assistance from the fund on its merits.

#### Research Leave, New Academic Career Structure

15. Employees who are employed under the terms and conditions of the New Academic Career are entitled to a period of research leave (i.e. 4 months) following maternity leave for a period of 18 weeks or more in total in order to re-establish their research trajectory. Absences of less than 18 weeks will not normally attract research leave. More information can be found on: [www.lse.ac.uk/intranet/staff/humanResources/reviewingAndRewarding/leave/academicStaffLeave/Research-Leave-2014.docx](http://www.lse.ac.uk/intranet/staff/humanResources/reviewingAndRewarding/leave/academicStaffLeave/Research-Leave-2014.docx)

## Maternity Procedure

### Introduction

1. The procedure provides information on the steps necessary to apply the Policy on maternity leave to the School's eligible employees.
2. The procedure uses the following key terms:

mother: is the individual who gives birth to a child.

partner: is the child's biological father or the partner of the mother; this can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child.

Partners may be male, female or trans (including individuals of a non-binary identity).

### Antenatal appointments

3. Employees should give managers as much notice as possible for paid time off to attend appointments. For second and subsequent appointments, a certificate from the employee's GP, registered midwife, or registered health visitor, with confirmation of pregnancy may be asked for by the manager. The manager may also ask for an appointment card or other evidence of the appointment.

### Notification procedures

4. The notification procedures are a statutory obligation and therefore, in cases where these are not complied with, it may affect payment of maternity pay.

### Notification of pregnancy and intention to take maternity leave

5. By the end of the 15th week before the EWC, the manager must be given notice, in writing, that the employee is pregnant, their expected date of childbirth and the intended start date of maternity leave.
6. The maternity leave period may start on the 11th week before the EWC up until the expected date of childbirth. Any subsequent change to the intended start date should also be notified in writing 28 days before the original or new date, whichever is earlier.
7. The MAT B1 certificate, which is a form confirming the expected date of childbirth can be obtained from a GP/Midwife approximately 20 weeks prior to the EWC and should be sent to the HR Adviser, with a copy sent to the manager.
8. If childbirth occurs before the notified start date then the maternity leave will begin with the day after childbirth and the manager should be notified in writing within 28 days of the childbirth date, copied to the HR Adviser with a copy of the birth certificate as evidence of the date of birth. In this instance, maternity leave will commence that day after the baby was born.
9. It is presumed that the full 52 weeks leave will be taken, unless notification is given of an earlier return.

### Notification of return to work

10. By law all employees have the right to return to work after a period of maternity leave. The following procedures should be followed to ensure protection of both legislative and contractual rights.
11. If an individual intends to return at the end of the full 52 weeks of maternity leave and has not notified their manager that they wish to come back at any other time, there is no need to provide any further notice. However, if the individual intends to return before the end of the 52 weeks of maternity leave or earlier or later than planned, then eight weeks' written notice must be provided.

### Transfer of Maternity Leave – Shared Parental Leave

12. If an employee proposes to return to work early without using the full 52-week entitlement to maternity leave, they may be eligible to apply for Shared Parental Leave with their partner. For more information on this, please see the Shared Parental Leave Policy and Procedure.

### Contract of Employment

13. During the period of maternity leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, contractual annual leave entitlement will continue to accrue.
14. Pension contributions will continue to be made during any period when the employee is receiving maternity leave but not during any period of unpaid maternity leave. Employee contributions will be based on actual pay, while the School's contributions will be based on the salary that the employee would have received had they not been taking maternity leave. Should the employee wish, they can make additional contributions for their period of unpaid leave upon returning and if they decide to do this, the School will also make contributions in accordance with the pension scheme rules. Subsequent awards of backdated salary, which takes effect during the calculation period used to work out maternity pay, will lead to a recalculation of the amount payable.
15. Return to the job in which they were employed under the original contract of employment and on the same terms and conditions is automatic following the 26 weeks of ordinary maternity leave. However, if more than 26 weeks has been taken and it is not reasonably practicable for a return to the same job then suitable alternative work with the same status and on terms and conditions, which are no less favourable than the original job.

### Contact during Maternity Leave

16. Before an employee's maternity leave begins, the line manager and the employee should discuss the arrangements for keeping in touch during the leave. The School reserves the right in any event to maintain reasonable contact with the employee from time to time during their maternity leave. This may be to discuss the employee's plans to return to work e.g. to consider how the employee's maternity leave holiday accrual, could be taken, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

'Keeping in Touch' (KIT) days

17. Whilst on maternity leave, individuals may either request, or be requested, to undertake up to 10 days' paid work under their contract of employment. 'Keeping in Touch' days may be taken at any stage during the maternity leave period, except during the first two weeks after the baby is born.
18. The type of work that an individual undertakes on a KIT day is a matter for agreement between the individual and their manager. Subject to such mutual agreement, keeping in touch days may be used for any activity that would ordinarily be classed as work under an individual's contract and could be particularly useful to assist the return-to-work process, to undertake an important work-related training activity or to enable an individual to attend an important team meeting or conference.
19. Work during the maternity leave period may take place only by agreement between both an individual and their manager. A manager may not insist that an individual works during the maternity leave period if they do not wish to do so, nor does an individual have the right to a KIT day if their manager does not agree to it.
20. If a manager requests that an employee works a KIT day, the individual is entitled to turn the opportunity down without suffering any consequences as a result. It is unlawful for an individual to suffer detriment for not agreeing to work keeping in touch days, or for requesting to work KIT days.
21. Where a disagreement arises in respect of KIT days either about the principle of taking such days or the schedule of how the days are to be taken, the manager and the employee should try to resolve the disagreement as informally and quickly as possible.
22. Throughout the process, managers should seek advice from their HR Adviser concerning any related queries that they may have.
23. KIT days are paid by the hour at the individual's standard hourly rate. On a KIT day an individual should work no more than their normal working hours set out in their appointment letter or agreed with their line manager. Any work carried out under an individual's contract on any day will count as a whole KIT day. For example, if an individual attends work only for a one-hour training session, they will have used one of their keeping in touch days. Undertaking work on a KIT day will not affect an individual's maternity pay entitlement.
24. To be paid for KIT days worked, the KIT day form should be completed by both the employee and line manager and returned to their HR Adviser. This should be received by the payroll deadline of the month in which the KIT day was worked or, if this is not possible, the following month. Payment will be made at the end of the month in which the form was received.

Sickness absence during pregnancy

25. Sickness absence during pregnancy prior to the start of the maternity leave period should be treated in the same way as normal sickness absence. However, pregnancy-related sickness within the four weeks immediately preceding the EWC triggers the start of the maternity leave, which will start on the day after the first complete day of absence from work.

Premature births

26. In the case of a premature birth, maternity leave and pay will start with the date following the birth. In exceptional circumstances, for example where there are continuing health problems for the mother and/or child an application may be made for a further period of additional unpaid

leave and/or parental leave following on from Additional Maternity Leave. This application should be made in writing to the individual's manager and copied to the HR Adviser.

#### Miscarriage / still births

27. Miscarriage or stillbirth at or after the start of the sixteenth week before the EWC is treated as a confinement and the entitlement to maternity pay and leave will be the same as for a live birth. Where a miscarriage or stillbirth occurs before this date, the procedures relating to sickness absence will apply.
28. In such cases, individuals may wish to contact the staff counselling service.

#### Postponement of the return date due to illness

29. The normal sickness absence procedure should be followed.
30. It should be noted that if a mother returns to work before the end of the 26 weeks of Ordinary Maternity Leave and subsequently falls ill, they are not eligible to receive Statutory Sick Pay (SSP). In this case, they would be able to resume their SMP or MA payments.

#### Decision made not to return to School

31. If, after the maternity leave begins, a decision is made not to return to work, the normal contractual period of notice must be given, in writing.

#### Failure to return after the maternity leave period

32. Failure to return on the due date after the maternity leave expires will be regarded as unauthorised absence and may be treated as a disciplinary matter. This will not apply if the absence is due to illness and the sickness absence procedure has been correctly followed.

#### Annual Leave and time off in lieu

33. Annual leave will be accrued during the whole leave period. Where on return to work either, the employee is unable or, it is not operationally possible for them to take all of their accrued annual leave, the untaken leave can be carried over into the following year.
34. Employees should discuss how they wish to take the annual leave that they will accrue whilst on maternity leave with their line manager, ideally before the employee starts the aforementioned leave. As with any annual leave request, the annual leave must be agreed by the line manager. The possible options to discuss with the line manager include taking a block of accrued leave before returning to work or using accrued leave to allow a phased return to work by working shorter working weeks for a fixed period.
35. In the event of an individual not returning to work following the period of maternity leave, due to resignation, payment in lieu of annual leave calculated up to the last working day and not taken before the start of the maternity leave will be given.

#### Non-renewal of fixed term contracts

36. Non-renewal of fixed-term contracts due to pregnancy is discriminatory. Fixed term contracts should be renewed if the work or funding is continuing. Where work or funding is not continuing, procedural advice should be sought from their HR Partner.

## Redundancy

37. A pregnant woman or one on maternity leave can be made redundant as long as it is genuine. As with all redundancies, the correct procedure must be followed and the normal rules relating to redundancies applied, including consultation with the employee.

## Health and safety

38. Pregnancy causes physical and psychological changes in an expectant mother, which may make it difficult to carry out work in the way it was done before they became pregnant. When informed that a member of staff is pregnant, managers should review the risk assessments for the work carried out and any concerns raised by the expectant mother.
39. The assessments should be reviewed periodically over the course of the pregnancy, and when the employee returns to work after maternity leave. Managers must also review the suitability of work or working conditions in light of any medical certificates issued. In some cases, the work or shift pattern may need to be modified to enable the expectant mother to continue working. In exceptional circumstances, where it is not possible to avoid a risk and suitable alternative work is not available, suspension on full pay on health and safety grounds must take place. Managers should consult their HR Partners for advice on suspension on full pay.
40. The Health and Safety team have developed tips for some common difficulties pregnant staff could experience, and what can be done about them, and can advise managers and new and expectant mothers if required.

## Rest and breastfeeding facilities

41. Pregnant workers may, at times, suffer from fatigue and require rest. Managers should also be aware that new mothers may need to take short breaks throughout the day in order to express breast milk and should treat requests to do so sympathetically. The School provides a private room in Tower 3 for pregnant women and breastfeeding mothers. This can be accessed via Towers 1/2 Reception. Common rooms and social spaces around the School may also be used for rest breaks.

## Research Leave, New Academic Career Structure

42. Employees who are employed under the terms and conditions of the New Academic Career are entitled to a period of research leave (i.e. 4 months) following maternity leave for a period of 18 weeks or more in total in order to re-establish their research trajectory. Absences of less than 18 weeks will not normally attract research leave. More information can be found on <http://www.lse.ac.uk/intranet/staff/humanResources/reviewingAndRewarding/leave/academicStaffLeave/Research-Leave-2014.docx>

## Advice

43. An employee considering/taking maternity leave is encouraged to contact their HR Adviser or HR Partner to arrange an informal discussion as early as possible regarding their potential entitlement to maternity leave, to talk about their plans and to enable the manager to support them.
44. The HR Adviser may upon receiving a notification of entitlement to take maternity leave seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their maternity leave entitlement. Also, it may be useful to discuss requests for annual leave accrued during paid service and/or flexible working.



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