

POLICY / PROCEDURE TITLE		DATE OF APPROVAL
Maternity Policy		May 2024
APPROVED BY	VERSION NO.	VALID UNTIL
Executive Board	3	December 2024

<b>OWNER</b>	Director of People & Development		
<b>GROUP EXECUTIVE LEAD</b>	Executive Principal (People & Culture)		
<b>DOCUMENT TYPE</b>	Policy <input checked="" type="checkbox"/>	Group Procedure <input type="checkbox"/>	Local Procedure <input type="checkbox"/>
<b>PURPOSE</b>	The purpose of this policy is to provide colleagues with an understanding of their entitlement and eligibility for Maternity leave.		
<b>APPLICABLE TO</b>	This policy does not form part of colleague's contract of employment and does not confer any contractual rights. It applies to all NCG colleagues who are employed either on a permanent or temporary basis.		
<b>EQUALITY ANALYSIS COMPLETED [POLICIES ONLY]</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
	Dynamic update only – full update (including EAA) to be completed upon next scheduled review.		
<b>KEY THINGS TO KNOW ABOUT THIS POLICY</b>	<ol style="list-style-type: none"> <li>Colleagues are entitled to 52 weeks' maternity leave regardless of their length of service.</li> <li>Pregnant colleagues must let their manager know as soon as possible, no later than the 15th week before the expected week of childbirth.</li> <li>There are two types of pay that colleagues may be able to receive during their maternity leave – statutory maternity pay (SMP) and occupational maternity pay (OMP).</li> </ol>		
<b>EXPECTED OUTCOME</b>	Readers are expected to understand the organisational position on maternity, know their responsibilities in relation to the policy and comply with the terms of the policy.		

MISCELLANEOUS	
<b>LINKED DOCUMENTS</b>	<ul style="list-style-type: none"> <li>Flexible Working Policy</li> <li>Sickness Absence Policy</li> <li>Authorised Absence Policy</li> </ul>
<b>KEYWORDS</b>	<ul style="list-style-type: none"> <li>Maternity</li> <li>Pregnant / Pregnancy</li> </ul>

## **1. GENERAL POLICY STATEMENT**

The purpose of this policy is to provide colleagues with an understanding of their entitlement and eligibility for maternity leave and pay.

## **2. REFERRAL TO AN ALTERNATIVE POLICY / PROCEDURE**

- Where absence is due to an underlying health condition, then the matter will be managed in line with the NCG Sickness Absence Policy.
- Where absence is due to leave including paternity, adoption, shared parental and parental leave, then the matter will be managed in line with the relevant NCG policy.
- Where absence is due to non-sickness absence, then the matter will be managed in line with the NCG Authorised Absence Policy.
- Where there is a request to amend a colleague's working week, then the matter should be managed in line with the NCG Flexible working policy.

## **3. MATERNITY LEAVE**

Colleagues are entitled to 52 weeks' maternity leave regardless of their length of service. This consists of 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML).

Colleagues can choose to start their maternity leave at any time from the 11th week before their expected week of childbirth (EWC). Colleagues have to take a minimum of 2 weeks' maternity leave immediately after the birth of their child.

## **4. MATERNITY PAY**

There are two types of pay that colleagues may be able to receive during their maternity leave:

### **A. Statutory Maternity Pay (SMP)**

SMP is payable for a maximum of 39 weeks during maternity leave. It will be paid into a colleague's normal bank account. To qualify for SMP colleagues must:

- Have at least 26 weeks' service by the end of the 15th week before the expected week of childbirth (EWC).
- Still be employed by the 15th week before the expected week of childbirth.
- Have an average weekly earnings that is not lower than the lower earnings limit for national insurance contributions.

If a colleague qualifies, their entitlement to SMP is:

- 6 weeks' pay at 90% of their normal weekly earnings.
- 33 weeks' pay at the current prescribed rate or 90% of normal earnings, whichever is lower.

The current SMP rate can be found on the [www.gov.co.uk](http://www.gov.co.uk) website. It is payable whether colleagues return to work or not. If colleagues do not qualify for SMP they may be able to receive maternity allowance and should contact their local JobCentre Plus for more information. The colleague will need to ask payroll to complete a MA1 form to take to the job centre plus, for them to apply for this.

## **B. Occupational Maternity Pay (OMP)**

Occupational maternity pay eligibility and entitlements are outlined in Appendix A.

## **5. CONTRACTUAL BENEFITS**

Other than remuneration, all other contractual benefits will remain unchanged throughout the maternity leave.

## **6. NOTIFICATION**

If a colleague is pregnant they need to let their manager know as soon as possible, no later than the 15<sup>th</sup> week before the expected week of childbirth. Once a colleague has decided on a maternity leave date, they will need to complete the notification of [maternity form](#) (MS Form – Word version available on request) and submit it to their manager along with their MatB1 form, which they should request from their midwife. The manager should send the documentation alongside the agreed dates to HR. A confirmation letter will be sent to the colleague. If a

colleague would like to make any changes to their maternity leave date, they should inform their manager in writing. The manager should send the updated information to HR.

## **7. RISK ASSESSMENT**

The manager will carry out a pregnancy health and safety risk assessment, to review any risk associated with the nature of a colleague's role and their pregnancy. Where a colleague has any concerns or any changes to their requirements throughout their pregnancy, they need to inform their manager.

## **8. ANTENATAL APPOINTMENTS**

Colleagues are entitled to reasonable time off with pay for antenatal appointments following the advice of a registered medical practitioner, including time needed to travel. Colleagues will need to let their manager know at the earliest opportunity and provide confirmation of these appointments.

Where a colleague may need to attend other classes relating to their pregnancy, for example, parent craft or relaxation classes, they will need to provide a letter from their GP or midwife, to confirm that these are required as part of their antenatal care. Where possible, appointments should be arranged to minimise any disruption to the business.

## **9. ANNUAL LEAVE**

Where possible, colleagues should take annual leave accrued up to the point of their maternity leave, before their maternity leave commences. Colleagues will continue to accrue their full annual leave entitlement during their period of maternity leave including bank / public holidays. Any accrued annual leave carried over into the following year must be taken immediately up on their return from maternity leave. Annual leave requests should follow the normal process.

For teaching colleagues in Newcastle Sixth Form College, any statutory leave accrued during maternity leave is offset against periods of College closures.

## **10. SICKNESS ABSENCE**

Colleagues are required to inform their manager of all sickness absence, in line with the notification procedure outlined in the NCG Sickness Absence policy. If a colleague hits an absence trigger, this will be discussed as part of their return to work meeting. However, when determining if a colleague has an unacceptable level of attendance, only non-pregnancy related absences will be taken into account. A pregnancy-related illness includes any condition that is linked to the pregnancy. If a colleague is unsure, they should seek advice from their GP.

Where a colleague's absence is due to a pregnancy related illness after the 4<sup>th</sup> week before the expected week of childbirth, their maternity will automatically commence on the day following the first complete day of absence.

## **11. REASONABLE CONTACT**

The manager will maintain reasonable contact with colleagues whilst they are on maternity leave, which will be agreed with the colleague prior to maternity leave commencing.

## **12. KEEPING IN TOUCH DAYS (KIT)**

With the exception of the two weeks immediately after the birth, up to 10 KIT days may be undertaken during their maternity leave period, without bringing the maternity leave to an end. Colleagues will be paid their normal daily rate for a KIT day and NCG will offset any contractual pay for a KIT day against SMP / OMP. Where part of a day is worked, this will count as 1 KIT day and colleagues will be paid for the time worked.

Where a colleague is receiving maternity allowance from the Job Centre Plus instead of SMP, they may work for up to ten KIT days without losing maternity allowance.

There is no obligation for the manager to provide work and there is no obligation for a colleague to carry out such work. KIT days must be arranged by mutual agreement and the purpose agreed in advance.

### **13. PREMATURE BIRTHS, STILL BIRTHS, MISCARRIAGES AND NEONATAL DEATH**

A premature birth is considered to be a birth before the start of the 37th week of pregnancy. If a colleague's baby arrives early, their maternity leave will automatically start on the day after the birth.

In the event of a still birth, should this occur after the 24th week of pregnancy, colleagues will retain their right to maternity benefits and leave as detailed in this policy. In the event of a miscarriage that occurs before the 24th week, the procedures relating to the NCG Sickness Absence Policy will apply. The 24th week is calculated as being in or after the 16th week before the week the baby is due.

In the event neonatal death (first 28 days of life) they are entitled to stay on maternity leave and receive their maternity pay.

In any event, the manager will endeavour to offer all possible support to the colleague.

### **14. RETURNING TO WORK**

Colleagues are entitled to take 52 weeks' maternity leave and are not expected to return to work until this time. Where a colleague wishes to return to work earlier than the expected return to work date, they should give 8 weeks' written notice to their manager. If notice is not provided of a colleague's early return, the manager may postpone their return by up to 8 weeks, as long as this is no later than the original expected return to work date.

Where colleagues decide not to return to work at the end of their maternity leave, they will have to give notice of their resignation in accordance with their terms and conditions of employment.

### **15. RIGHTS ON RETURN**

Where a colleague has taken maternity leave for six months or less (OML), they have the right to return to their job on the same terms and conditions as before they left, if the job still exists.

Where a colleague has taken maternity leave for more than six months (AML), they have the right to return to their job. However, if it is not reasonably practicable to do so, they may be offered a similar job where terms and conditions are no less favourable than would have been applied if they had not been absent.

## **16. REDUNDANCY**

In the event of a redundancy situation and a colleague is on maternity leave, the manager will assist in trying to find a suitable alternative vacancy. Where a suitable alternative vacancy is found, the colleague will have precedence over other colleagues at risk of redundancy, who are looking for redeployment opportunities and who would otherwise be entitled to be considered for the vacancy.

NCG will not select any colleague for redundancy for a reason connected to their pregnancy or maternity leave.

## **17. VARIATIONS TO THIS POLICY / PROCEDURE**

This policy is intended as an overview of how maternity leave is managed; however, it may need to be adapted to suit the needs of each situation.

## **18. STATEMENT ON IMPLEMENTATION**

Upon approval, this policy will be uploaded to the policy portal and communicated to staff via The Business Round-Up.

## **19. STATEMENT ON EQUALITY AND DIVERSITY**

NCG is committed to providing equality of opportunity. Further details of our aims and objectives are outlined in our [Equality Diversity Inclusion and Belonging Strategy](#).

This policy has been assessed to identify any potential for adverse or positive impact on specific groups of people protected by the Equality Act 2010 and does not discriminate either directly or indirectly. In applying this policy, we have considered eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between people from diverse groups.

## 20. STATEMENT ON CONSULTATION

This policy / procedure has been reviewed in consultation with HR colleagues and the Policy Review Council.

VERSION CONTROL				
Version No.	Documentation Section/Page No.	Description of Change and Rationale	Author/Reviewer	Date Revised
1	N/A	New NCG policy incorporating individual College policies into one Group policy, streamlining processes in line with current legislation.		12/2020
2	N/A	Scheduled review.		02/2023
3	Appendix B – Notification of Maternity Leave Form Transferred to new template.	Removed in favour of link to MS form provided in Section 6 – Notification.	People & Development Coordinator	03/2024

## **APPENDIX 1 – OMP ELIGIBILITY AND ENTITLEMENT**

### **Newcastle College, NSFC, West Lancs and CS OMP entitlement & eligibility:**

To qualify for OMP you must:

- Have 1 years continuous service at the beginning of the EWC

If you qualify for OMP, you can receive the following payments:

- First 6 weeks' pay uplifted to full pay (offset by statutory).
- After the first 6 weeks, you will be paid 12 weeks at half pay in addition to SMP.
- 21 weeks at prescribed statutory rate.

### **Carlisle College OMP entitlement & eligibility:**

To qualify for OMP you must:

- Meet the qualifying criteria to receive SMP.

If you qualify for OMP, you can receive the following payments:

- After the first 6 weeks, you will be paid 12 weeks at half pay in addition to SMP
- 21 weeks at prescribed statutory rate.

### **Kidderminster College OMP entitlement & eligibility:**

To qualify for OMP you must:

- Have 1 years continuous service by the 11th week before the EWC

If you qualify for OMP, you can receive the following payments:

- After the first 6 weeks, you will be paid 12 weeks at half pay in addition to SMP.
- 21 weeks at prescribed statutory rate.

### **Lewisham College OMP entitlement & eligibility:**

To qualify for OMP you must:

- Meet the qualifying criteria to receive SMP.

If you qualify for OMP, you can receive the following payments:

- After the first 6 weeks, you will be paid 18 weeks at half pay in addition to SMP.
- 15 weeks at prescribed statutory rate.

**Southwark College OMP entitlement & eligibility:**

To qualify for OMP you must:

- Meet the qualifying criteria to receive SMP.

If you qualify for OMP, you can receive the following payments:

- After the first 6 weeks, you will be paid 18 weeks at half pay in addition to SMP.
- 15 weeks at prescribed statutory rate.

Please note, the payment of the 12/18 weeks half pay will only be made in addition to SMP if the sum does not exceed your normal average weekly earnings. In such circumstances your pay will be uplifted to an amount that does not exceed your normal average weekly wage.

Where applicable, in order to receive 12/18 weeks OMP you must return to work for 12 weeks (Newcastle, West Lancs and CS) 13 weeks (Carlisle, Kidderminster, Lewisham and Southwark) at the end of your maternity leave. If you do not return to work the 12/18 weeks half pay will need to be repaid to NCG before your leave date.

Any variation in maternity entitlement is based upon current terms and conditions as part of a TUPE process when colleges joined NCG.