

# **ROYAL COLLEGE OF ART**

## **MATERNITY POLICY AND PROCEDURE**

### **Policy**

#### **1. Introduction**

This document sets out the Royal College of Art's ("the College") provision for maternity leave. It is helpful if you contact Human Resources and your line manager as soon as possible to inform them that you intend to take maternity leave.

This enables us to:

- Provide you with all the relevant information, including that related to health and safety;
- Ensure that you are informed of the options available to you;
- Plan for and make arrangements for cover during your absence.

#### **2. Antenatal Care**

- 2.1. Irrespective of your length of service, you are entitled to reasonable paid time off during working hours to receive antenatal care. Antenatal care covers relaxation and parentcraft classes as well as medical check-ups, providing it is advised by a registered medical practitioner, registered midwife or registered health visitor.
- 2.2. Evidence of appointments may be requested (i.e. appointment cards or letters). Wherever possible, appointments should be arranged at the beginning or end of the working day. Advance notification of such appointments should be made to the relevant line manager or head of department/programme.

#### **3. Risk Assessment**

- 3.1. Although you are not required to notify your line manager and Human Resources that you are pregnant until the 15th week before the expected week of childbirth (EWC<sup>1</sup>), you are strongly recommended to inform the College as soon as possible so that considerations can be given to your health and safety and that of your unborn baby.
- 3.2. A risk assessment is required in order to identify and assess any possible risks to expectant mothers. This assessment is normally undertaken by your direct line manager.

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<sup>1</sup> The week (Sunday to Saturday) in which your due date (as specified on your MAT B1) falls is known as the Expected Week of Childbirth (EWC).

- 3.3. The risk assessment policy and form can be found here:  
<https://intranet.rca.ac.uk/new-and-expectant-mothers/>
- 3.4. Support for line managers in implementing the policy is available from the College's Safety, Health and Environmental Officer<sup>2</sup>.
- 3.5. Where it is felt that there may be a risk, all reasonable steps will be taken to eliminate that risk and to protect you from any potential danger. This may involve changing your working conditions or providing suitable alternative work on substantially similar terms, where possible.

#### **4. Maternity leave**

- 4.1. You are entitled to 52 weeks' maternity leave regardless of how long you have worked for the College.
- 4.2. You will need to provide evidence of your due date by providing a MAT B1 certificate as soon as it is available, which is normally around the 21st week of pregnancy. This will be provided by your midwife or doctor.
- 4.3. You can start your maternity leave on any day of the week and can commence your maternity leave at any time from 11 weeks before your baby is due, up to and including the day of the birth.
- 4.4. Maternity leave will start on whichever date is the earlier of:
- Your chosen start date;
  - The day after you give birth; or
  - The day after any day on which you are absent for a pregnancy-related reason in the four weeks before the EWC<sup>3</sup>.
- 4.5. If your maternity leave commences because you give birth prematurely, you must inform your line manager and/or human resources as soon as is reasonably practicable after the birth and confirm the date of birth. Likewise, if maternity leave commences early because of a pregnancy-related absence in the four weeks before the EWC<sup>4</sup>, you must notify your line manager and/or human resources as soon as reasonably practicable.

#### **5. Maternity leave and Shared Parental Leave**

You must take a minimum compulsory two weeks' maternity leave after the birth and any remaining maternity leave must be taken as a continuous block. After

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<sup>2</sup> Mike Alexander is the Safety, Health and Environmental Officer. He can be contacted on extension 4175 or by email at [mike.alexander@rca.ac.uk](mailto:mike.alexander@rca.ac.uk)

<sup>3</sup> The week (Sunday to Saturday) in which your due date (as specified on your MAT B1) falls is known as the Expected Week of Childbirth (EWC).

<sup>4</sup> The week (Sunday to Saturday) in which your due date (as specified on your MAT B1) falls is known as the Expected Week of Childbirth (EWC).

the compulsory two week maternity leave, the remaining leave may be transferred or shared as Shared Parental Leave<sup>5</sup>.

## **6. Maternity Pay**

Payments made to staff on maternity leave can vary depending on individual circumstances in respect of service and earnings. Payments will normally consist of Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP). Please see appendix I for a summary of maternity pay entitlements.

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

7.1. To qualify for SMP you must have been:

- Employed by the College continuously for at least 26 weeks up to the 15<sup>th</sup> week before your expected week of childbirth (EWC<sup>6</sup>);
- Have earnings above the lower earnings limit (LEL) for the eight week “relevant” period between weeks 17-25 of your pregnancy. The LEL is the amount you have to earn before you are treated as paying National Insurance contributions. This calculation will be especially relevant to those who work on a casual/hourly paid basis or who have been on unpaid leave.

7.2. If you qualify, you will receive 90% of your average weekly earnings (before tax) for the first six weeks and SMP (as set by the government) or 90% of your average weekly earnings, whichever is lower, for the next 33 weeks. Average weekly gross earnings are based on those earned during the eight week “relevant” period between weeks 17-25 of your pregnancy.

7.3. If your contract ends at any time after the start of the 15<sup>th</sup> week before the week your baby is due, you will continue to be paid SMP.

7.4. Please check the Government website for the current SMP rate.

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

8.1. You are entitled to take advantage of the enhanced terms for maternity pay under the College’s OMP scheme where you have been employed by the College for one year or more at the 11<sup>th</sup> week before the EWC<sup>7</sup>.

8.2. OMP will be paid over the first 39 weeks of maternity leave as follows:

- 26 weeks at your normal rate of full pay
- 13 weeks at the current fixed SMP rate.

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<sup>5</sup> Please refer to the College policy on Shared Parental Leave.

<sup>6</sup> The week (Sunday to Saturday) in which your due date (as specified on your MAT B1) falls is known as the Expected Week of Childbirth (EWC).

<sup>7</sup> The week (Sunday to Saturday) in which your due date (as specified on your MAT B1) falls is known as the Expected Week of Childbirth (EWC).

All payments made under the OMP scheme will be subject to the normal deductions of tax and national insurance contributions.

## **9. Maternity Allowance**

If you have fewer than 26 weeks' continuous service at the beginning of the 15<sup>th</sup> week before the EWC<sup>8</sup>, you are not be entitled to payment of SMP by the College. You may be entitled to Maternity Allowance (MA) which is paid by Jobcentre Plus (Department for Work and Pensions) for up to 39 weeks. Please contact your local Jobcentre Plus office for further information.

## **10. Terms and conditions of employment during maternity leave**

### **10.1. Continuity of employment**

Continuity of employment is maintained during maternity leave which means that there is no break in service during your absence from work.

### **10.2. Annual leave**

You will accrue your full annual leave provision during maternity leave. If you do not return to work after the period of maternity leave, you be paid for any holiday entitlement outstanding.

Any annual leave accrued before maternity leave starts should be taken during that leave year, prior to the commencement of maternity leave.

It is acknowledged that maternity leave periods will often fall over two leave years.

If this is the case, any annual leave accrued on maternity leave during the first leave year must be used immediately on return from maternity leave, thereby effectively extending your physical return to work, i.e. if you are due to return to work on date (x) and have accrued a number of days annual leave, bank holidays and closure days (y) your new return to work date will be the day after x+y.

*For example, a full-time employee with a planned return to work date of 3 October, who had accrued 10 days leave (during the previous leave year), 6 bank holidays and 6 closure days (see below), would physically return to work 22 working days later than 3 October.*

Any annual leave accrued during the second leave year must be used immediately on return from maternity leave (thereby effectively extending your physical return to work) or during the remainder of the leave

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<sup>8</sup> The week (Sunday to Saturday) in which your due date (as specified on your MAT B1) falls is known as the Expected Week of Childbirth (EWC).

year upon returning to work, subject to approval by your department/programme in accordance with the annual leave policy.

### **10.3. Bank holidays and closure days**

You are entitled to accrue missed bank holidays and closure days while on maternity leave (*pro rata* for part-time staff). The accrued bank holidays and College days must be taken immediately following maternity leave and cannot be taken at any other time.

### **10.4. Pension**

If you are a member of the SAUL pension scheme, periods of paid maternity leave will be treated as pensionable service, i.e. pension contributions will be deducted from pay received during that period. If you would like to pay contributions to cover any period of unpaid maternity leave, you should contact human resources.

### **10.5 Pay rises**

If you receive a pay rise after the “relevant period”<sup>9</sup>, Occupational Maternity Pay will be amended from the effective date to reflect this. Examples of a pay rise include: an incremental increase; a cost of living award; an increase in London weighting; a grade increase (whether due to a regrading or a promotion); an increase in hourly rate.

## **11. Sick Leave**

Absence due to sickness that is unrelated to the pregnancy shall be treated as sick leave until the day before the baby is born, and you will receive statutory sick pay or occupational sick pay as appropriate. If you are absent on sick leave from the fourth week prior to the EWC<sup>10</sup> and that sickness or incapacity is related wholly or partly to the pregnancy, you will be deemed to have started your maternity pay period.

## **12. Inability to work during pregnancy**

If you are incapable of continuing to do your job or are prevented from doing it for statutory reasons (e.g. health and safety) as a result of pregnancy, you will be offered suitable alternative employment where this is available. Where this is not possible, you will not be required to attend work but will continue to receive normal contractual pay during the prescribed period.

## **13. Fixed-term contracts**

If you are on a fixed-term contract, you are covered by this policy and associated provisions until the contract expires. SMP will continue to be paid beyond the contract expiry date via payroll, if you are eligible.

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<sup>9</sup> The “relevant period” is the eight weeks between weeks 17-25 of your pregnancy.

<sup>10</sup> The week (Sunday to Saturday) in which your due date (as specified on your MAT B1) falls is known as the Expected Week of Childbirth (EWC).

<sup>10</sup> Please refer to the College policy on Shared Parental Leave.

## **14. Contact and keeping in touch days**

- 14.1. Before your maternity leave starts, your line manager will discuss the arrangements for keeping in touch during your maternity leave, should you wish to do so. The College reserves the right in any event to maintain reasonable contact with you from time to time during your maternity leave. This may be to discuss your plans for return to work; to discuss any special arrangements to be made; training to ease your return to work; or to update you on developments during your absence. You will be kept informed of any relevant promotion opportunities or job vacancies that arise during maternity leave.
- 14.2. Except during the first two weeks after childbirth, the College may, at its discretion, offer you the opportunity to work for up to 10 'keeping-in-touch days' (KIT days) during your maternity leave. You are under no obligation to undertake the work. Any work undertaken is entirely a matter for agreement between you and the College. Such work will not bring the period of maternity leave to an end. You will be paid your normal rate of maternity pay for any work undertaken on keeping-in-touch days, unless the KIT days fall during the SMP period or unpaid period of leave, in which case they will be topped up to a full day's pay. Whilst receiving Occupational Maternity Pay, no additional salary payment will be made. Pension contributions may be payable for salary received on KIT days. Any KIT days worked do not extend the period of maternity leave.

## **15. Procedure**

### **15.1. Notification requirements**

You must notify the human resources in writing (an email will suffice) of the date you plan to commence your maternity leave at least 28 days before, or as soon as it is reasonably practicable. You may change your mind about when to start maternity leave provided that you advise human resources at least 28 days in advance (unless this is not reasonably practicable). If the period of maternity leave starts before the planned date, for example because of childbirth or illness, you must notify human resources as soon as is reasonably practicable.

You must notify human resources of the date of childbirth if you give birth early.

The human resources department will respond to the notification of maternity leave within 28 days, setting out in writing the date on which the College expects you to return to work.

You must notify human resources immediately if you become ineligible for SMP, according to the following:

- If you work after the birth for any employer who you were not working for in the 15<sup>th</sup> week before your expected week of childbirth (if working closer

to the birth);

- If you are in legal custody at any time during your maternity pay period.

## **15.2. Return to work**

If you wish to return to work before your full 52 weeks' maternity leave entitlement, you will need to give human resources eight weeks' advance notice of the date on which you intend to return. Failure to give this notice may lead to a postponement of return until eight weeks have elapsed. You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.

Where your maternity leave together with any Shared Parental Leave<sup>11</sup> adds up to more than 26 weeks in total (whether or not taken consecutively) or where you have taken a period of Ordinary Parental Leave<sup>12</sup> of longer than four weeks, you are entitled to return to the job you were employed in before your absence, or, if it is not reasonably practicable for us to allow you to return into the same position, to another job which is both suitable for you and appropriate for you to do in the circumstances, on terms and conditions that are no less favourable than before taking maternity leave.

If you return from maternity leave, you are entitled to request flexible working. Requests will be considered under the College's flexible working policy and procedure. It is important to note that you do not have an automatic right to work flexibly; you are entitled to make a request to work flexibly.

If you are unable to return to work on the date you had planned because of illness, you must notify your line manager or head of department/programme. The College's sickness policy and procedure will apply.

If you wish to return to work immediately after the end of your full maternity leave entitlement, you are not required by law to give advance notice. However, in order to enable your department/programme to effectively plan for your return, it would be helpful if you could let your line manager and/or human resources know that you intend to do so.

If you require additional time off to look after your child, you may be able to take a further period of unpaid statutory leave under the College's Ordinary Parental leave policy<sup>13</sup>.

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<sup>11</sup>Please refer to the College's Shared Parental Leave Policy

<sup>12</sup>Please refer to the College's Ordinary Parental Leave Policy

<sup>13</sup>Please refer to the College's Ordinary Parental Leave Policy

**16. Childcare Vouchers**

The College offers eligible staff the opportunity to purchase childcare vouchers through its partner Edenred, as a salary sacrifice scheme. Details can be found on Space or by contacting human resources.

**17. Non-return to work**

If you do not wish to return after your maternity leave, you must give notice of your resignation in accordance with the terms of your contract.

**18. Stillbirth**

In the unfortunate event of a stillbirth or miscarriage after 24 weeks of pregnancy, the maternity provisions contained within this policy continue to apply. For miscarriages before 24 weeks of pregnancy, please seek advice from your human resources manager.

**Human Resources**

**August 2015**

## Appendix 1

### Maternity Entitlements

| Qualifying Period  | Entitlement   |
|--|---|
| <b>Less than 26 weeks service at 15<sup>th</sup> week before EWC<sup>14</sup></b>  | <p><b>Leave:</b><br/>52 weeks' leave</p> <p><b>Pay:</b><br/>You will not be entitled to receive SMP; however the payroll department will provide a SMP1 form, where you can claim the Statutory Maternity Allowance from the DWP.</p> <p>Maternity Allowance can be claimed for a total of 39 weeks.</p>  |
| <b>26 weeks' services at 15<sup>th</sup> week before EWC<sup>15</sup>, but less than one year's service at the 11<sup>th</sup> week before EWC</b> | <p><b>Leave:</b><br/>52 weeks' leave</p> <p><b>Pay:</b><br/>39 weeks of SMP made up of the following:</p> <ul style="list-style-type: none"> <li>• 6 weeks' pay at 90% of your average weekly earnings (providing that your earnings are above the lower limit for the payment of National Insurance Contributions);</li> <li>• 33 weeks of SMP (at the fixed rate set by the Government for the relevant tax year) or 90% of your average weekly earnings whichever is lower.</li> </ul> |
| <b>One year's service at the 11<sup>th</sup> week before EWC<sup>16</sup></b>  | <p><b>Leave:</b><br/>52 weeks' leave</p> <p><b>Pay:</b><br/>39 weeks pay made up of the following:</p> <ul style="list-style-type: none"> <li>• RCA Occupational Pay – entitles you to receive 26 weeks of full pay (at your normal rate)</li> <li>• 13 weeks of SMP at rate set by the Government for the relevant tax year.</li> </ul>  |

<sup>14</sup> The week (Sunday to Saturday) in which your due date (as specified on your MAT B1) falls is known as the Expected Week of Childbirth (EWC).

<sup>15</sup> The week (Sunday to Saturday) in which your due date (as specified on your MAT B1) falls is known as the Expected Week of Childbirth (EWC).

<sup>16</sup> The week (Sunday to Saturday) in which your due date (as specified on your MAT B1) falls is known as the Expected Week of Childbirth (EWC).

