

Maternity Leave and Pay Policy

1. Introduction

It is the policy of the University to provide all staff who have 12 months continuous service with the University before the week their baby is due, and who intend to return to work after the birth, with full contractual pay for the first 18 weeks of the maternity leave period.

Where continuous service with the University is for less than 12 months this entitlement to full pay will be on a pro-rata basis. Any Statutory Maternity Pay (SMP) due during the period of full pay will be included in full pay. Where maternity allowance is received this will be deducted from full pay during the full pay period.

2. Conditions of receiving full pay

In order to receive the University entitlement all employees are required to commit to return to work for at least 3 months. Employees who do not return to work after maternity leave for at least 3 months will be required to repay the difference between SMP and the OMP received, except those who leave for reasons of redundancy or fixed-term contract staff whose contract expires within the OMP period (see below).

Where an employee is dismissed from the University for reasons of redundancy during their period of maternity leave whilst there is some OMP outstanding, they will continue to receive the OMP they would have been entitled to had they remained in employment. When an individual is receiving notice pay, they will receive either the notice payment or the payment equivalent to their OMP, whichever is the greater. Where the individual has already received their full entitlement to OMP, they will not be due any further OMP on leaving. The normal requirement to repay maternity pay is waived in such redundancy situations, unless the individual has unreasonably refused an offer of reasonable alternative employment. In such a case the University will seek to recover outstanding monies.

Where a fixed-term contract comes to a natural end during a period of maternity leave whilst there is some OMP outstanding, the requirement to return for at least 3 months will not apply and the University will honour the OMP to which the individual would have been entitled had they remained in employment. However, these provisions will be forfeited where a member of staff has refused to accept a reasonable offer of alternative work.

3. Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)

Shared Parental Leave is a statutory right which enables eligible parents to share the statutory time off work during the first year after their child's birth, should they so wish. A woman who meets the eligibility criteria and notice requirements can elect to take Shared Parental leave (SPL) and Shared Parental Pay (ShPP) if they so choose.

SPL is an alternative to the mother remaining on statutory maternity leave and can be taken during the period that starts immediately following the mother's 2 week compulsory maternity leave period (if eligible) and ends 52 weeks after the commencement of their maternity leave. Where eligible, the woman can opt to share up to 37 weeks of her 39 weeks of SMP.

Further information can be found in the Shared Parental Leave and Pay Policy and Procedures on the People Services Intranet and via Ask People Services.

4. Guidance

Information on entitlement to time off and pay under the Statutory Maternity provisions and notification requirements are contained in the Maternity Leave and Pay Procedures on the People Services Intranet and via Ask People Services.

5. Equality, diversity and inclusion

Policies are inclusive of all Open University staff, regardless of age, care experience, caring status or dependency, civil status, disability, family status, gender, gender expression, gender identity, gender reassignment, marital status, marriage and civil partnership, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background or trades union membership status.

6. Useful references

Maternity Leave and Pay Procedures
Shared Parental Leave and Pay Policy
Paternity Leave and Pay Policy
Adoption Leave and Pay Policy