

Maternity Leave Policy

Purpose and Context

This policy describes the entitlement and eligibility of all pregnant employees to maternity leave and pay provisions.

Scope

This policy applies to all pregnant University employees, full and part-time, permanent and temporary, subject to the continuous service requirements regarding eligibility for statutory and contractual maternity pay.

The policy applies regardless of the sexual orientation and gender identity of the employee.

1 Introduction

- 1.1 The maternity policy provides for leave and pay, where eligible, to enable an employee time off related to their pregnancy and the birth of their baby.

2 Eligibility

- 2.1 All pregnant employees are entitled to reasonable time off with pay for antenatal care and to Statutory Maternity Leave.

3. Leave Entitlement

- 3.1 All pregnant employees are entitled to a maximum of 52 weeks leave regardless of length of service.
- 3.2 The minimum period of maternity leave that can be taken is a compulsory period of 2 weeks immediately following the birth of the baby.
- 3.3 Maternity leave can commence no earlier than 11 weeks prior to the expected week of childbirth.
- 3.4 Maternity leave will commence on the first day after the beginning of the 4th week before the expected week of childbirth where an employee is absent from work due to pregnancy or a pregnancy related illness.
- 3.5 Maternity leave will commence on the day after childbirth if it has not already done so.
- 3.6 Employees returning to work prior to the end of maternity leave may choose to nominate fathers, partners and civil partners of the birth parent or main adopter to time off related to the birth of a child. Please refer to the Shared Parental Leave Policy.

4. Pay Entitlement

- 4.1 Statutory Maternity Pay (SMP) is payable to all pregnant employees who have been continuously employed with the University for at least 26 weeks at the qualifying week (this

is the 15th week before the week in which the baby is due) and have earned on average the equivalent of the lower earnings limit for National Insurance contributions in the 8 weeks up to and including the qualifying week.

4.2 Employees eligible for SMP will receive:

The first 6 weeks at 90% of average weekly earnings.

The remaining 33 weeks at the lower of either 90% of average weekly earnings or the SMP flat rate.

4.3 In addition employees will also be entitled to Contractual Maternity Pay (CMP) if they have one year's recognised continuous service at the qualifying week.

4.4 Employees eligible for CMP will receive:

The first 4 weeks at full pay, offset by any entitlement to SMP.

2 weeks at 90% of full pay, offset by any entitlement to SMP.

12 weeks at half pay, payable on return to work or in addition to SMP entitlement, if paid, during maternity leave.

4.5 If an employee chooses to receive the half pay element of the contractual maternity pay whilst on maternity leave, they must return to work at the end of the leave for a qualifying period of at least 3 months. If the employee does not return, then they will have to refund the amount in full. This qualifying period will be extended on a pro rata basis if returning to work on reduced hours from those previously worked.

4.6 Please note that SMP is paid whether or not the employee intends to return to work.

4.7 If an employee is not entitled to SMP, they may be entitled to Maternity Allowance. The employee must complete form SMP1 which will be supplied by the University in order to make a claim to the local Job Centre Plus.

4.8 If an employee returns to work prior to the end of the SMP period, they may choose to nominate the father, partner or civil partner of the birth parent or main adopter to receive the balance of weeks SMP. Please refer to the [Shared Parental Leave Policy](#).

5 Notification

5.1 Employees are advised to contact either their line manager or a HR Representative as soon as is practicable to provide notification of pregnancy. HR will confirm entitlements and ensure that any potential health and safety risks are avoided.

5.2 Employees must complete the Notification of Maternity Leave form and return it to HR with the MATB1, which is the medical evidence provided by their GP or midwife. Both documents should be received by HR no later than 15 weeks prior to the week of expected childbirth to satisfy the notification requirements for maternity leave.

- 5.3 The Notification of Maternity Leave form allows the employee to state when their maternity leave will start and whether or not they choose to take the contractual half pay, if they are entitled to it.
- 5.4 The University will confirm the employee's leave entitlement and notification periods in writing.

6 Terms and Conditions of Employment

- 6.1 All terms and conditions of employment, except salary, apply while on maternity leave.

7 Maternity and Contractual Sick Pay

- 7.1 Normal rules for contractual sick pay apply for sickness before the beginning of maternity leave. Maternity leave is triggered by the first day of absence after the beginning of the 4th week before the expected week of childbirth where the absence is due to pregnancy. Normal contractual sick pay applies on return from either ordinary or additional maternity leave.

8 Annual Leave

- 8.1 Annual leave will continue to accrue during both ordinary and additional maternity leave. Annual leave may be taken at the end of the maternity leave period with the agreement of the line manager. Normal rules of carry forward of leave apply.

9 Pension

- 9.1 Pension contributions will be deducted and pensionable service will continue to accrue whilst in receipt of pay.
- 9.2 For any unpaid period prior to return to work:

Employees who are members of the West Yorkshire Pension Fund may elect to pay pension contributions on this period of unpaid leave on their return to work. Contributions are based on the salary paid prior to any unpaid period of leave. The University will contact you on your return to work with details of how to do this.

Employees who are members of the Teachers' Pension Scheme cannot have their period of unpaid leave count towards their pension. Employees cannot elect to pay contributions but may wish to consider purchasing additional pension within the Scheme.

10 Return to Work

- 10.1 An employee is automatically expected to return at the end of their maternity leave. Any return to work prior to this date requires the employee to give 8 weeks written

notice of their intention to return to work. If an employee wishes to extend their maternity leave, having previously notified a return to work date, an 8 week notice period will be calculated from the original return date. It may not be extended beyond the end of Additional Maternity Leave.

- 10.2 Employees returning to work during or at the end of the first 26 weeks (ordinary maternity leave) are entitled to return to the same job on the same terms and conditions (for example salary, hours and the seniority of the job). Employees taking more than 26 weeks (additional maternity leave) are also entitled to return to the same job on the same terms and conditions. However, if that isn't reasonably practicable the employee is entitled to return to a suitable job on terms and conditions which are no less favourable.
- 10.3 If an employee does not wish to return to work, normal contractual notice provisions will apply.

11 Request to return to work part-time

- 11.1 There is no automatic right to return to work on a part-time basis following maternity leave. Any request will be considered sympathetically and will only be denied if the work could not be done on a part-time basis.
- 11.2 An employee who wishes to explore a return to work part-time should discuss this with their line manager as soon as they consider this to be a possibility. This will enable the manager to investigate possible options, including a return to another part-time post.

12 Antenatal Care

- 12.1 Employees are entitled to reasonable time off with pay for antenatal care regardless of length of service. Appointments should be notified in advance to their line manager.

13 Health and Safety

- 13.1 Risk Assessments will be carried out for all employees who are pregnant, have given birth within the previous 6 months or who are breast-feeding. Health and safety implications are considered and appropriate measures taken if necessary. If a risk is identified, line managers in conjunction with the Health and Safety Officer and HR will consider possible changes to work practices or hours of work.

- 13.2 Examples of work activities which are taken into account for a risk assessment are:

Heavy manual work involving lifting and carrying heavy loads;
Long periods of standing;
Excessively long working hours;
Prolonged exposure to high levels of noise;
Contact with toxic chemicals.

- 13.3 If there is an unavoidable health and safety risk, suitable alternative work will be found or, if this is not possible, suspension from work on full pay.
- 13.4 Employees who require the provision of appropriate facilities for the expression of breast milk at work, must notify HR in writing of this request prior to returning to work.

14 Miscarriage and Still Birth

- 14.1 An employee who gives birth to a baby who is still born (after the 24th week of pregnancy) is entitled to full maternity rights.

15 Keeping in Touch Days

- 15.1 Employees may carry out up to 10 days' work during maternity leave (not during the first two weeks after giving birth). However, there is no requirement to do so.
- 15.2 Where managers and individuals both agree that the employee is to attend the University during their maternity leave it must be for a specific purpose e.g. training, or a specific event. Employees are not required to take up Keeping in Touch Days and they do not have to be offered.
- 15.3 Where Keeping in Touch Days are taken up, normal rates of pay will apply. During the paid maternity leave period the difference between contractual maternity pay and standard pay will be paid. During unpaid maternity leave a normal day's pay will apply.
- 15.4 Attendance for part of a day will count as one Keeping in Touch Day.
- 15.5 Individuals and managers should complete the appropriate notification form, available from the [HR website](#) and return it to the Payroll Office.

Notification of Keeping in Touch Days (KIT)

Employees may carry out up to 10 days' work during maternity leave (not during the first two weeks after giving birth). However, there is no requirement to do so.

The type of work should be agreed between managers and individuals before they come into work. Employees are not required to take up Keeping in Touch Days and they do not have to be offered.

Where Keeping in Touch Days are taken up normal rates of pay will apply. During ordinary maternity leave the difference between contractual/statutory maternity pay and standard pay will be paid. During additional (unpaid) maternity leave a normal day's pay will apply. Attendance for part of a day will count as one Keeping in Touch Day.

Please note that payment for these days will be paid in arrears as the form will not be forwarded to Payroll until the KIT days have been worked.

Part one: (Request to be completed by employee)

Name: _____ PayrollNo: _____

School/Department: _____

KIT date(s) requested:		

If you are part time, please state your normal working hours for each of the above dates: _____ hours per day.

Reason for request: _____

Signed: _____ Date: _____

Part two: (Confirmation to be completed by manager)

KIT date(s) worked and authorised: _____

Name (Please print): _____ Date: _____

**Please return this form to the Payroll Office, Level 6 of the Schwann Building, University of Huddersfield, Queensgate, Huddersfield, HD1 3DH
(no later than 7th of each month to ensure payment in the same month)**

Part three: Payroll Use		
Date received and recorded on the system:		Signed:
Number of KIT days taken during this period of maternity leave:	Days:	Total days paid including this application:
Employee's Daily Rate £		CMP/SMP offset
Amount Paid:		
Month/Year Paid:		

POLICY SIGN-OFF AND OWNERSHIP DETAILS	
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Date Approved:	09 July 19
Date for Review:	08 July 2021 or in line with legislation changes
Author:	Senior HR Officer (EDI)
Owner (if different from above):	Head of Human Resources
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Compliance Checks:	HRG SMT regularly review to ensure compliance
Related Policies/Procedures:	Shared Parental Leave Policy Flexible Working Policy

REVISION HISTORY			
Version	Date	Revision description/Summary of changes	Author
V1.1	July 2019	Revisions to terminology following advice from Stonewall regarding LGBT inclusion and transference to new template.	Senior HR Officer (EDI)