# MATERNITY LEAVE PROCEDURE

For use in | All Schools/Departments/Colleges of the University
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For use by | All employees
Owner | HR Operations
Dates of Trade Union Consultation | Start: 19 December 2014
| End: 13 January 2015
Date Staffing Policy Committee Approval | 5 February 2015
Launch date | 23 March 2015
Review Date | April 2016
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MATERNITY LEAVE PROCEDURE

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MATERNITY LEAVE PROCEDURE

1. Introduction

1.1. The University is committed to promoting equality and diversity by supporting staff who take Maternity Leave. Therefore, the University offers an “enhanced” maternity pay scheme. This is to encourage members of staff to return to work after they give birth. Eligibility for the enhanced maternity pay scheme is set out below in the section called “Maternity Pay”.

1.2. This procedure is a reference guide for line managers and staff. It sets out information on maternity matters, including the roles and responsibilities of those who operate the Maternity Leave Procedure in the University (see Appendix 1).

1.3. Line managers and staff are encouraged to contact HR for advice on the Maternity Leave Procedure.

1.4. Part of Statutory Maternity Leave may be shared with a spouse, civil partner, partner or the father of the child. Please see Section 5, below, for further details.

1.5. The Maternity Leave Policy and Procedure is not contractual and does not form part of the terms and conditions of employment. However, where the University wishes to amend the Maternity Leave Policy, staff will be consulted on changes via the recognised Trade Unions.

2. Definitions

2.1. Specific terminology, which is taken from legislation, is used in this procedure. A full list of common terms and definitions can be found in Appendix 2.

3. Maternity Leave

3.1. All pregnant members of staff are entitled to 52 weeks of Statutory Maternity Leave after the birth of their child, regardless of their length of service.

3.2. All members of staff must take a minimum of two weeks of compulsory maternity leave immediately after the birth of the child.

3.3. Statutory Maternity Leave is made up of Ordinary Maternity Leave and Additional Maternity Leave. Additional Maternity Leave begins the day after Ordinary Maternity Leave ends.

3.4. The University will assume that all pregnant members of staff will take the full 52 weeks of Maternity Leave, unless informed otherwise.

3.5. A member of staff may start her Maternity Leave at any time from the eleventh week before the Expected Week of Childbirth.
3.6. Where a member of staff has confirmed a start date for Maternity Leave and later wishes to change it, she must notify the University as soon as is reasonably practical and no later than 28 days before the revised start date.

3.7. Maternity Leave will normally begin the day after the agreed last day of work. However, Maternity Leave may begin the day after a pregnancy-related day of absence that occurs after the beginning of the fourth week before the expected week of childbirth.

3.8. Where a baby is born early and prior to the planned start date for Maternity Leave, the member of staff’s Maternity Leave will begin on the day after childbirth.

4. Maternity Pay

4.1. Maternity Pay lasts for a maximum of 39 weeks and depends on a number of factors (including length of service and earnings). A pregnant member of staff may be entitled to Maternity Pay under one of the Maternity pay schemes listed below:

A. **Enhanced University Maternity Pay Scheme** (*operated by the University*).

**Eligibility:**
A member of staff who has confirmed she will return to work after Maternity Leave, with 12 or more months of continuous service at the Expected Week of Childbirth, and Average Weekly Earnings that are equal to or more than the Lower Earnings Limit.

<table>
<thead>
<tr>
<th>Maternity Pay Entitlement</th>
<th>Weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Pay (to include Statutory Maternity Pay*)</td>
<td>8</td>
</tr>
<tr>
<td>Half pay <strong>plus</strong> Statutory Maternity Pay * - not to exceed full pay</td>
<td>16</td>
</tr>
<tr>
<td>Statutory Maternity Pay*</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>39</strong></td>
</tr>
</tbody>
</table>

* Statutory Maternity Pay will be paid at the prevailing rate or 90 per cent of Average Weekly Earnings, whichever is less.

B. **Enhanced University Maternity Pay Scheme** (*operated by the University and the government*).

**Eligibility:**
A member of staff who has confirmed she will return to work after Maternity Leave, with 12 or more months of continuous service at the Expected Week of Childbirth, but with Average Weekly Earnings less than the Lower Earnings Limit.
Maternity Pay Entitlement | Weeks
--- | ---
Full Pay | 8
Half pay (*plus* any Maternity Allowance*, where awarded) | 16
Maternity Allowance*, where awarded | 15
Total | 39

* Maternity Allowance is not paid by the University. The Payroll Office will provide an SMP1 form, where relevant, and staff wishing to claim Maternity Allowance should contact Jobcentre Plus. See Appendix 3 for more details.

C. **Statutory Maternity Pay Scheme** (*statutory scheme operated by the University*).

*Eligibility:*
A member of staff with 26 (or more) weeks of service at the beginning of the 15th week before the Expected Week of Childbirth, and Average Weekly Earnings equal to or more than the Lower Earnings Limit.

Maternity Pay Entitlement | Weeks
--- | ---
90% Full Pay | 6
Statutory Maternity Pay* | 33
Total | 39

* Statutory Maternity Pay will be paid at the prevailing rate or 90 per cent of Average Weekly Earnings, whichever is less.

D. **Maternity Allowance Pay Scheme** (*statutory scheme operated by the government*).

*Eligibility:*
- A member of staff with more than 26 weeks service at the beginning of the 15th week before the Expected Week of Childbirth but earning less than the Lower Earnings Limit; or
- A member of staff with less than 26 weeks service at the beginning of the 15th week before the Expected Week of Childbirth.

Maternity Pay Entitlement | Weeks
--- | ---
Maternity Allowance *, where awarded | 39
Total | 39
* Maternity Allowance is not paid by the University. The Payroll Office will provide an SMP1 form, where relevant, and staff wishing to claim Maternity Allowance should contact Jobcentre Plus. See Appendix 3 for more details.

4.2. No combination of Maternity Pay will exceed full pay.

4.3. Average Weekly Earnings will be calculated in line with the prevailing Statutory Maternity Pay Regulations. Any adjustment to pay that would normally arise (e.g. a pay review) will be included.

4.4. Maternity Allowance is a government benefit. It is not paid by the University. Staff are advised to contact their local Jobcentre Plus to apply for this benefit (see Appendix 3 for further details).

4.5. A member of staff who earns less than the Lower Earnings Limit and does not qualify for Statutory Maternity Pay or Maternity Allowance, may be entitled to other benefits via the appropriate government agency. Staff are advised to contact their local Jobcentre Plus to discuss this.

5. **Transfer of Maternity Leave**

5.1. *Additional Paternity Leave (before 5 April 2015)*

Where a member of staff proposes to return to work early (without using her full 52-week entitlement to Maternity Leave, and gives proper notification of an early return in accordance with the rules set out below), she may be eligible to transfer up to 26 weeks of her remaining Maternity Leave (and remaining Statutory Maternity Pay) to her spouse, civil partner or partner. This transfer of Maternity Leave is known as Additional Paternity Leave.

Please note that Additional Paternity Leave is only available to eligible parents of children who are due to be born before 5 April 2015. From 5 April 2015, Additional Paternity Leave will be replaced by the new Shared Parental Leave regime. Please see Section 5.2, below, for further details.

The earliest that Additional Paternity Leave may start is 20 weeks after the birth of the child and it must end no later than 12 months after the date of birth. The minimum period of Additional Paternity Leave is two consecutive weeks and the maximum period is 26 weeks. In order to transfer Maternity Leave and Pay, the member of staff must have at least two weeks of her Maternity Leave that remains unused.

5.2. *Shared Parental Leave (from 5 April 2015)*

Eligible parents of children who are due to be born on or after 5 April 2015 will be able to opt in to the Shared Parental Leave system.
Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of their life. The purpose of Shared Parental Leave is to give parents more flexibility in considering how to best care for, and bond with, their child.

Eligible members of staff may be entitled to take up to 50 weeks Shared Parental Leave during the first year following the birth of a child. The number of weeks available as Shared Parental Leave is calculated using the mother’s entitlement to Maternity Leave, which allows them to take up to 52 weeks’ leave. The mother must take a minimum of two weeks’ Maternity Leave. If she reduces her Maternity Leave entitlement then she and/or her partner may opt in to the Shared Parental Leave system and take any remaining weeks as Shared Parental Leave.

Please see the University’s Shared Parental Leave Policy and Procedure for further details.

6. Notification of Pregnancy

6.1. To qualify for Maternity Leave and Pay, a pregnant member of staff must submit a Maternity Certificate (MAT B1) to HR and complete the Form for Maternity Leave (see Appendix 5) to:

- notify her line manager and HR of her pregnancy no later than 15 weeks before the Expected Week of Childbirth;
- state, in writing, her intended start date for Maternity Leave;
- state, in writing, whether she will be returning to work after Maternity Leave.

6.2. HR will confirm, in writing, the safe receipt of the Maternity Leave Form and the staff member’s Maternity Leave and Pay entitlement.

6.3. The member of staff is permitted to bring forward her Maternity Leave start date, provided that she advises the University in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

6.4. The member of staff may also postpone her Maternity Leave start date, provided that she advises the University in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

7. Ante-natal Care

7.1. The University recognises that ante-natal care is crucial to ensuring the good health of a mother and baby, and for preparing to become a parent.

7.2. A pregnant member of staff has the right to a reasonable amount of paid time off for ante-natal care. This will be paid at the staff member’s normal rate of pay. Paid time off also includes travelling time.
7.3. Ante-natal care includes appointments where a registered medical practitioner, midwife or health visitor has advised attendance. Examples include an appointment with a doctor, midwife or health visitor; ante-natal classes; relaxation classes or parent-craft classes.

7.4. A member of staff should give as much notice as possible of an ante-natal appointment. Where possible, ante-natal appointments should be arranged at times that cause the least disruption such as the beginning or end of the staff member’s working day. A line manager may request evidence of ante-natal appointments.

8. Health and Safety

8.1. Health and Safety is a dual responsibility that is shared by the University and a member of staff. The University expects its staff to inform their line manager of any Health and Safety issues or risks in the workplace so that they can be addressed.

8.2. In line with the University’s “duty of care”, line managers will:

- ensure a risk assessment of health and safety risks to pregnant and breastfeeding staff and their children in the workplace is undertaken by the relevant departmental Health and Safety Representative;
- assess the possible adverse effects on pregnant or breastfeeding staff and their children, including the unborn child;
- take appropriate action.

8.3. Where a risk assessment raises concern(s) about the health of a pregnant member of staff, the line manager (in consultation with HR) may refer her to Occupational Health to ensure that the University meets its “duty of care” obligations.

8.4. In the event of a member of staff undertaking work which could risk her health and safety (or that of her baby or unborn child), the University will make arrangements to protect the mother, unborn child and/or child. For example, a line manager may require a member of staff to temporarily vary her duties, hours or conditions to ensure her health and safety.

8.5. Where it is not possible for the University to alter the member of staff’s working conditions to remove the risks to her health and there is no suitable alternative work available to offer her on a temporary basis, the University may suspend her from work on maternity grounds until such time as there are no longer any risks to her health.

8.6. Where a member of staff is suspended in these circumstances, her employment will continue during the period of the suspension and it does not in any way affect her statutory or contractual employment and maternity rights. The member of staff will be entitled to her normal salary and contractual benefits during the period of her suspension.
8.7. All members of staff are required, by law, to take Compulsory Maternity Leave for two weeks, immediately following childbirth. This period rises to four weeks for those in “factory” type jobs. The University will enforce the period of Compulsory Maternity Leave, where required.

8.8. Line managers must consult the guidance document provided by Safety Services called “New and Expectant Mothers at Work”. This may be downloaded from:

http://www.le.ac.uk/safety/documents/pdfs/mothers-0012.pdf

8.9. Line managers are advised to contact Safety Services for advice on any aspect of risk assessments, if required.

9. **Keeping in Touch Days**

9.1. The University recognises the importance of keeping in touch with staff to ensure a smooth transition back into the workplace after Maternity Leave.

9.2. A line manager will make reasonable contact with a member of staff while she is on Maternity Leave. This will include notifying her of relevant training events or consulting with her regarding changes happening at work.

9.3. Line managers and staff should discuss, in advance, the type of contact there will be during Maternity Leave to ensure that it is appropriate.

9.4. A member of staff is not obliged to undertake any work during her Maternity Leave. However, she can agree to do up to 10 days paid work or training (i.e. Keeping in Touch Days) during her Maternity Leave, where agreed in advance with her line manager. This does not affect her entitlement to Maternity Leave or Pay.

9.5. Keeping in Touch days can be taken at any point during the Maternity Leave period, except for the period of Compulsory Maternity Leave. They are paid at the staff member’s normal rate of pay.

9.6. Keeping in Touch Days do not extend the maternity pay period. For instance, if a Keeping in Touch Day occurs during a period of full pay, no additional payment will be made. Where a Keeping in Touch Day occurs during a period of half pay or SMP only, pay will be “topped-up” so that the member of staff receives full pay for each day in question.

9.7. Payment for Keeping in Touch days will be arranged by Payroll. However, line managers and staff should contact HR, in the first instance, to discuss the arrangements for Keeping in Touch days. Details will be confirmed, in writing, by HR.
10. Pensions and Benefits

10.1. Employer and staff pension contributions continue during Maternity Leave, as long as contractual pay or SMP is payable.

10.2. Where a member of staff is on unpaid Additional Maternity Leave, employer pension contributions will normally stop unless the member of staff continues to contribute to the relevant pension scheme.

10.3. During Maternity Leave, employee contributions will be calculated as a percentage of maternity pay (i.e. actual pay). However, employer contributions will be calculated on the staff member’s normal rate of pay. The University will also pay the shortfall in employee contributions (i.e. the difference between the employee’s contribution based on maternity pay and the employee’s normal contribution based on their normal rate of pay) so that full employee contributions are made during the paid period of Maternity Leave.

10.4. Any unpaid Maternity Leave which follows a period of paid Maternity Leave does not count as pensionable service (unless the member of staff opts to continue paying employee pensions contributions during the unpaid leave). However, employment during Maternity Leave will be treated as continuous.

10.5. A member of staff has the right to full contractual benefits (other than pay) during Statutory Maternity Leave.

10.6. The University will not deduct money from pay to cover the cost of providing non-pay benefits to a member of staff on Maternity Leave.

10.7. A member of staff on Maternity Leave is entitled to receive her normal annual increment, in line with her contract of employment.

10.8. Staff are advised to contact the Pensions Office directly for further information on Pensions and Benefits.

11. Annual Leave

11.1. A member of staff will accrue her contractual annual leave entitlement during Maternity Leave. For example, a full-time member of staff taking 52 weeks Maternity Leave will accrue the maximum of 38 days annual leave (made up of 24 days holiday, 6 closure days and 8 bank holidays). This is pro-rated for part-time staff.

11.2. Any annual leave accrued before Maternity Leave should be taken before Maternity Leave starts, wherever possible.
11.3. A member of staff who is pregnant is required to speak to their line manager before they begin their Maternity Leave to discuss their plans to use annual leave which will be accrued during Maternity Leave. This discussion is required to aid operational resource planning.

11.4. There are a number of options for using annual leave, which a member of staff and line manager may wish to consider:

- A member of staff may wish to consider taking accrued annual leave immediately before Maternity Leave begins or immediately after Maternity Leave ends but before she returns to work.
- A member of staff may carry over any unused annual leave into the next leave year.
- Where a member of staff has any unused annual leave at the end of the holiday year in which she returns to work she may request to be paid for the unused annual leave. The line manager must make HR aware of any such agreement who will advise payroll of the payment to be made.
- A member of staff can agree with their line manager any other suitable arrangement that meets the needs of the member of staff and the operational requirements.

11.5. Any request for annual leave will require agreement, in advance, from a line manager.

11.6. Where a member of staff gives birth while on annual leave, Maternity Leave will begin automatically. The member of staff must inform the University of the birth so that her HR record can be updated and the correct Maternity payments made.

11.7. In line with legislation, a member of staff cannot take annual leave during Maternity Leave.

12. Hardship

12.1. Where a member of staff is suffering substantial and unforeseen financial hardship during the reduced pay or unpaid part of Maternity Leave, she may write to the Pro-Vice-Chancellor (Resources) to request additional pay.

12.2. The member of staff must:

- write a statement outlining the details (and if possible, provide evidence) of her substantial and unforeseen financial hardship while receiving reduced pay or no pay during Maternity Leave;
- confirm that she will return to work after Maternity Leave;
- state the amount of financial assistance she is requesting;
- ask her Head of Department to write a statement to support her request; and
- send the above to the Pro-Vice-Chancellor (Resources).
12.3. Where a member of staff is granted additional pay but does not return to work after Maternity Leave, the University may reclaim the additional pay.

12.4. The Pro-Vice-Chancellor (Resources) will consider requests for additional pay during Maternity Leave and an answer will be sent to the member of staff, in writing, within 10 working days from receipt of the request.

12.5. No combination of Maternity Pay and Additional (hardship) pay will exceed full pay.

12.6. There is no right of appeal. The decision is final.

13. Sickness

13.1. A member of staff will be entitled to sick pay during pregnancy, in line with the University’s Sick Pay and Sick Leave Policy.

13.2. Where a member of staff is absent due to a pregnancy-related illness, the University may trigger Maternity Leave in the last 4 weeks before the Expected Week of Childbirth.

13.3. A member of staff is not entitled to sick pay during Maternity Leave.

13.4. Where a manager is monitoring sickness absence, any pregnancy related sickness absence should not be counted as part of the overall sickness absence total for the member of staff.

14. Stillbirth

14.1. Where a stillbirth occurs after the end of the 24th week of pregnancy, the member of staff is eligible for Maternity Leave and Pay as if the baby had been born alive.

14.2. Where a stillbirth occurs during the first 24 weeks of pregnancy, the member of staff is not eligible for Maternity Leave and Pay.

14.3. An absence due to a stillbirth or miscarriage during the first 24 weeks of pregnancy will be treated sensitively and compassionately as sickness absence. The member of staff will be entitled to sick pay under the University’s Sick Leave and Sick Pay Policy.

15. Returning to Work after Maternity Leave

15.1. A member of staff may return to work at any time during Maternity Leave, except during Compulsory Maternity Leave. However, she must notify her line manager, in writing, at least 8 weeks before her intended return date.

15.2. Where a member of staff returns to work after Ordinary Maternity Leave, she has the right to return to the same job on the same terms and conditions. Where terms and conditions are due
to change during Maternity Leave (e.g. as the result of a collective agreement or structural changes), full consultation and agreement will take place.

15.3. Where a member of staff returns to work after Additional Maternity Leave, it may not be possible for her to return to the same job. However, the University will offer her suitable alternative work (if available), on terms and conditions that are no less favourable.

15.4. A member of staff may ask to return to work after Maternity Leave on a flexible basis. Her line manager should treat the request seriously and sympathetically. The line manager must consider each request on its merits and balance it against operational needs and requirements. See the Flexible Working Policy and Procedure for further details.

16. Breast Feeding

16.1. The University acknowledges that the health benefits of breastfeeding babies are now well established. The University also has a duty to provide suitable facilities for pregnant and breastfeeding staff, in line with health and safety legislation.

16.2. The University will provide suitable facilities that are private and comfortable (not a toilet) so that breastfeeding mothers can express milk. The University will also provide facilities for storing milk (i.e. a refrigerator), where possible.

16.3. In line with the University’s “duty of care”, line managers will:

- ensure a risk assessment of health and safety risks to breastfeeding staff and their children in the workplace is undertaken by a departmental Health and Safety Representative;
- assess the possible adverse effects on breastfeeding staff and their children, including the unborn child;
- take appropriate action.

17. Non-Return to Work

17.1. Where a member of staff does not intend to return to work after Maternity Leave, she must give, at least, the period of notice required by her contract of employment.

18. Repayment of Enhanced Maternity Pay

18.1. A member of staff who does not return to work after Maternity Leave is not eligible to receive the University’s enhanced maternity pay.

18.2. Where a member of staff does not return to work for a minimum of 3 months after Maternity Leave, the University may reclaim the non-statutory element of Maternity Pay.
18.3. Staff are able to contact the Payroll Office directly, at any point during their Maternity Leave, if they wish to obtain an accurate calculation of the amount they must repay if they do not return to work after Maternity Leave.

18.4. Where a member of staff is required to repay the non-statutory part of Maternity Pay, she will be contacted by a member of HR to discuss the process for repayment of enhanced Maternity pay.

19. **Fixed Term Contracts and Maternity Leave**

19.1. A pregnant member of staff employed on a Fixed Term Contract is protected in the same way as a pregnant member of staff employed on an “open-ended” contract.

19.2. A line manager should carefully consider their actions to ensure that a pregnant member of staff does not suffer a detriment as a consequence of maternity.

20. **Ending a Fixed Term Contract during Maternity Leave**

20.1. Where a Fixed Term Contract is due to expire during Maternity Leave, the line manager will consider whether the contract may be extended beyond the original expiry date.

20.2. A line manager is advised to extend a Fixed Term Contract that is due to expire during Maternity leave where:

- the contract would have been extended had the Maternity Leave not occurred;
- funding for the post is likely to continue past the end date of Maternity Leave;
- it would be financially and operationally possible to defer the work being done by the pregnant member of staff until after she returns from Maternity Leave.

20.3. Where a Fixed Term Contract is extended past the end date of Maternity Leave, the additional cost will only be met from central funds if no other source of funding is available (e.g. from an external funding body or departmental funds).

20.4. Where a Fixed Term Contract is due to end during Maternity Leave and it is not possible to extend the contract, a line manager is advised to contact HR for advice. The line manager (in consultation with HR) will consider and discuss with the member of staff the following options (in order):

a) To offer her a suitable alternative post at a commensurate level (where available);

b) To add her to the University’s Redeployment register during Maternity Leave;

c) To confirm dismissal by reason of redundancy (with a redundancy payment for a member of staff with 2 or more years of service) if no suitable vacancy has become available by the end of Maternity Leave.
21. Repayment of Enhanced Maternity Pay (Fixed Term Contracts)

21.1. Where a member of staff employed on a Fixed Term Contract does not return to work for a minimum of 3 months after Maternity Leave, the University may reclaim the non-statutory element of Maternity Pay.

21.2. A member of staff will **not** be expected to repay the non-statutory element of Maternity Pay where:
- she returns to work and the remainder of her Fixed Term Contract is less than 3 months in duration;
- the Fixed Term Contract is due to expire during Maternity Leave and no suitable alternative post exists.

22. Redundancy

22.1. The University will not select a member of staff for redundancy on the grounds that she is pregnant or on maternity leave.

22.2. For further details, please refer to the relevant Redundancy Policy and Procedure.

23. Useful Resources

23.1. Expectant mothers may find it useful to familiarise themselves with the information and guidelines provided by the government. These can be found on [www.direct.gov.uk](http://www.direct.gov.uk) or you can call 0800 055 6688 (8am - 6pm Monday to Friday) and at [www.acas.org.uk](http://www.acas.org.uk).

23.2 Line managers and staff are encouraged to discuss any questions about the Maternity Leave Policy or Procedure with a member of HR.
APPENDIX 1

Maternity Leave Procedure
Roles and Responsibilities

1. Line Manager:

The line manager is responsible for:

1.1. Ensuring that they understand and adhere to the University’s Maternity Leave Policy and Procedure, in particular ensuring that a member of staff is not disadvantaged as a result of maternity.

1.2. Requesting advice from HR as early as possible (or at any point), if they are unsure about any aspect of the Maternity Leave Procedure.

1.3. Ensuring that a timely risk assessment is undertaken of the staff member’s work practices and workplace on the receipt of a formal notice of pregnancy.

1.4. Ensuring that a timely risk assessment is undertaken on breastfeeding members of staff.

1.5. Ensuring that maternity issues are dealt with in a fair, sensitive and consistent manner whilst maintaining confidentiality.

1.6. Liaising with HR regarding the repayment of enhanced maternity pay, where a member of staff will not be returning to work after Maternity Leave.

2. Member of Staff

The member of staff is responsible for:

2.1. Notifying her line manager and HR of her EWC and intended start date of Maternity Leave not less than 15 weeks before the EWC using the relevant form.

2.2. Where applicable, submitting a written statement confirming her return to work with the University after Maternity Leave.

2.3. Submitting the MAT B1 to HR at the earliest opportunity.

2.4. Complying with any Health and Safety or Occupational Health requirements during her pregnancy and on return to work.

2.5. Ensuring that she understands and follows the University’s Maternity Policy and Procedure.
2.6. Asking questions of either her line manager or HR if she is unsure about any aspect of the Maternity Policy or Procedure.

3. Safety Services

Safety Services is responsible for:

3.1. Providing guidance and support to line managers, departmental Health & Safety Representatives and staff regarding Risk Assessments for new and expectant mothers, and mothers who are breast feeding.

4. Division of Human Resources

The Division of Human Resources is responsible for:

4.1. Providing advice and guidance to line managers on the Maternity Leave Policy and Procedure, including resource issues, on request.

4.2. Explaining the Maternity Leave Policy and Procedure to members of staff on request.

4.3. Processing Maternity Leave Forms and forwarding MAT B1 forms to the Payroll Office, once the necessary checks have been completed.

4.4. Writing and issuing standard maternity letters to members of staff and external agencies, where required.

4.5. Writing and issuing customised letters to members of staff, e.g. in the case of stillbirths, miscarriages, automatic starting of maternity leave and repayment of enhanced maternity pay, ensuring that the matter is dealt with in a sensitive and fair manner.

4.6. Checking with line managers to ensure that Risk Assessments on pregnant and breast-feeding staff have been or will be arranged by the line manager.

4.7. Referring pregnant or breastfeeding staff to Occupational Health and advising the line manager, on the subsequent OH recommendation(s), to conclusion.

4.8. Supporting and advising line managers on pregnancy-related sickness issues, in line with the Maternity Leave Policy and Procedure.

4.9. Liaising with line managers and notifying staff where the University is required to automatically start a staff member’s maternity leave within the last 4 weeks before the EWC.

4.10. Supporting and advising line managers on all contractual issues relating to a member of staff who is pregnant/on maternity leave, including the ending of a fixed term contract, in line with the Maternity Leave Policy & Procedure.
4.11. Liaising with line managers and the Payroll Office regarding KIT days.

4.12. Liaising with line managers and salaries and wages regarding the repayment of enhanced maternity pay, where a member of staff will not be returning to work after Maternity Leave.

5. Payroll Office

The Payroll Office is responsible for:

5.1. Applying the principle of “no detriment” when administering Maternity Pay.

5.2. Processing MATB1 forms and paying Maternity Pay, in line with the University’s Maternity Leave Procedure and the prevailing legislative requirements.

5.3. Providing Form SMP1 to members of staff who are not entitled to Statutory Maternity Pay so that they can send it with their MA1 form to the Jobcentre.

5.4. Providing accurate calculations of maternity pay on a timely basis, when requested by HR or a member of staff.

5.5. Ensuring that calculations and payment of annual leave are based on a staff member’s contractual entitlement and ensuring that accrual of annual leave occurs throughout any unpaid period of Maternity Leave.

5.6. Arranging the payment of Keeping In Touch (KIT) days.

5.7. Ensuring that any annual increment due during Maternity Leave is paid and that any annual increment during Maternity Leave is taken into account for the purposes of calculating Maternity Pay.

5.8. Providing accurate calculations for repayment of the non-statutory part of Maternity Pay on a timely basis, when requested by HR or a member of staff.

5.9. Ensuring that HR are informed of any cases where Salaries and Wages plan to contact a member of staff to repay the non-statutory part of Maternity Pay, before the member of staff is contacted.

5.10. Ensuring that HR are informed of any cases where Salaries and Wages plan to contact a debt collection agency to chase the repayment of the non-statutory part of Maternity Pay, before the debt collection agency is contacted.

5.11. Ensuring that staff receive their full contractual benefits throughout Maternity Leave and that no money will be deducted from pay to cover the cost of providing non-pay benefits.
5.12. Checking if there is a claim for Additional Statutory Paternity Pay which relates to a claim for Maternity Pay, and making any adjustments to a member of staff’s pay calculations where necessary.

6. **Pensions Office**

The Pensions Office is responsible for:

6.1. Applying the principle of “no detriment” for pension plan members when they are on Maternity Leave.

6.2. Providing advice to line managers and staff on Pension issues, on request.

6.3. Ensuring that any paid Maternity Leave is treated as pensionable service.

6.4. Ensuring that Maternity Leave (paid and unpaid) counts as continuous service in regard to pensions and benefits.

6.5. Ensuring that employer pension contributions continue during Maternity Leave, as long as contractual pay or SMP is payable.

6.6. Ensuring the correct level of employer and employee pension contributions are paid throughout Maternity Leave.

6.7. Ensuring that staff will receive their full contractual benefits throughout Maternity Leave and that no money will be deducted from pay to cover the cost of providing non-pay benefits.

6.8. Ensuring that any annual increment during Maternity Leave is taken into account for the purposes of calculating pension contributions and benefits.
### APPENDIX 2

**Maternity Leave Procedure**

**Terminology and Definitions**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expected Week of Childbirth (EWC)</td>
<td>The week beginning at midnight between Saturday and Sunday, in which the baby is expected to be born.</td>
</tr>
<tr>
<td>Statutory Maternity Leave (SML)</td>
<td>The 52 weeks of leave to which all pregnant staff are entitled.</td>
</tr>
<tr>
<td>Ordinary Maternity Leave (OML)</td>
<td>The first 26 weeks of Maternity Leave.</td>
</tr>
<tr>
<td>Additional Maternity Leave (AML)</td>
<td>The 26 weeks of Maternity Leave immediately following Ordinary Maternity Leave.</td>
</tr>
<tr>
<td>Compulsory Maternity Leave (CML)</td>
<td>CML is the two weeks immediately following childbirth in which the member of staff is not permitted to return to work. This rises to four weeks for staff undertaking factory type work.</td>
</tr>
<tr>
<td>Statutory Maternity Pay (SMP)</td>
<td>The 39 weeks of pay to which a qualifying pregnant member of staff is entitled, the rate for which is set each year by the government.</td>
</tr>
<tr>
<td>Maternity Allowance (MA)</td>
<td>MA is the state benefit that women who are not eligible for SMP can apply for via the Jobcentre Plus. Maternity Allowance is payable for up to 39 weeks. The rate is set each year by the government (see Appendix 3).</td>
</tr>
<tr>
<td>Maternity Certificate (MAT B1)</td>
<td>The form issued by the GP or midwife to confirm the pregnant woman’s Expected Week of Childbirth, normally issued after the 20th week of pregnancy.</td>
</tr>
<tr>
<td>Average Weekly Earnings (AWE)</td>
<td>The calculation of average weekly earnings is based on gross earnings during a set period. The set period is defined as the period between the last normal pay day to fall in or before the QW and the last normal pay day falling at least eight weeks before the above.</td>
</tr>
<tr>
<td>Qualifying Week (QW)</td>
<td>The qualifying week is the 15th week before the Expected Week of Childbirth (EWC). This period may vary depending on how often a member of staff is paid – weekly, monthly or other intervals.</td>
</tr>
<tr>
<td>Lower Earnings Limit (LEL)</td>
<td>The amount of Average Weekly Earnings (AWE), set by the government each year, which allow a member of staff earning this amount or less to qualify for certain state benefits.</td>
</tr>
<tr>
<td>Keeping in Touch days (KIT)</td>
<td>A member of staff may undertake up to 10 days of paid work or training, where agreed by her line manager, during Maternity Leave.</td>
</tr>
</tbody>
</table>
APPENDIX 3

Maternity Leave Procedure
Maternity Allowance

This document is a list of key facts relating to Maternity Allowance (MA) and is subject to change. It is not intended to be a definitive guide. For up-to-date information please contact www.direct.gov.uk or call 0800 055 6688 (0800 - 1800 Monday to Friday)

- Maternity Allowance is a government benefit. MA Payments will not be made via the University.
- Individuals need to claim Maternity Allowance from the Department of Work and Pensions (contact the Jobcentre Plus).
- Maternity Allowance benefit rates: a standard weekly rate (which changes each year) or 90 per cent of your average weekly earnings (before tax), whichever is the smaller.
- Maternity Allowance is paid for a maximum of 39 weeks.
- You may be able to get extra money for your husband, civil partner or someone else who looks after your children, if that person is on a very low income.
- Maternity Allowance can be paid weekly or every four weeks directly into your bank, building society, Post Office® or National Savings account that accepts Direct Payment.
- The earliest you can get Maternity Allowance is from the 11th week before the week your baby is due. The latest you can get it is from the day following childbirth.
- You can claim MA as soon as you've been pregnant for 26 weeks.

How to Claim Maternity Allowance:

- You will need to get a claim form (Form MA1) and complete it. To do this, you can call 0800 055 6688 (8am - 6pm Monday to Friday) or download one from the Jobcentre Plus website. For more information contact Jobcentre Plus.
- You will need to give evidence of when your baby is due and complete maternity certificate MATB1, given to you by your doctor or midwife, which includes your estimated due date (EDD). The earliest you'll be able to get the certificate is 20 weeks before your baby is due.

What you should ask the University to do:

- Where you are not entitled to Statutory Maternity Pay, ask Salaries and Wages to give you Form SMP1 to send with your MA1 form to the Jobcentre.
- Ask HR to provide proof of your earnings (via a letter, for example).
APPENDIX 4
Maternity Leave Procedure
Maternity Leave and Pay Entitlement Flowchart

GP/midwife confirms that you are expecting a baby.

You are entitled to take up to 52 weeks Maternity Leave, regardless of length of service.

Will you have been employed continuously for 12 (or more) months of continuous service before the Expected Week of Childbirth (EWC)?

Yes

Have you provided confirmation that you will return to work following Maternity Leave?

Yes

Are your Average Weekly Earnings (AWE) equal to or more than the Lower Earnings Limit?

Yes

Scheme A:
You are eligible for University Maternity Pay:
- 8 weeks full pay (including SMP)
- 16 weeks half pay plus SMP at flat rate (subject to the total not exceeding normal full pay)
- 15 weeks SMP at flat rate
- 13 weeks unpaid leave

Scheme B:
You are eligible for University Maternity Pay but not Statutory Maternity Pay. You may be able to claim maternity allowance.
- 8 weeks full pay (including any MA if awarded)
- 16 weeks half pay (plus any MA if awarded, subject to the total not exceeding normal full pay)
- 15 weeks with any MA if awarded
- Remaining leave will be unpaid.

No

No

No

Scheme C:
You are eligible for Statutory Maternity Pay (SMP):
- 6 weeks at 90% of Average Weekly Earnings (AWE)
- 33 weeks at SMP flat rate.

No

Scheme D:
You may claim Maternity Allowance, if eligible. Maternity Allowance is paid for 39 weeks by the JobCentre Plus.
APPENDIX 5

Maternity Leave Procedure
Maternity Leave Form (2 pages)

To be submitted no later than **15 weeks** before the Expected Week of Childbirth

*HR is happy to provide advice on the Maternity Leave Policy & Procedure. You may find it helpful to contact a member of HR before completing this form (Tel: 0116 252 2439).*

<table>
<thead>
<tr>
<th>Name:</th>
<th>Please print</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept:</td>
<td>Please print</td>
</tr>
</tbody>
</table>

**To HR:**
Please accept this Form as notification of my intention to take Maternity Leave.

*Please complete the relevant sections below. All members of staff must ensure Section D is completed.*

**SECTION A – CONFIRMATION OF MATERNITY LEAVE DATES**

*Please tick as appropriate:*

- I enclose my MATB1 form (Maternity Certificate)
- I will submit the MATB1 form (Maternity Certificate) as soon as it is issued. (I understand that some dates may be subject to change once my MATB1 form has been issued)

My baby is due on: 

/ / 

I intend to start Maternity Leave on (normally a Monday): 

/ / 

**SECTION B – CONFIRMATION OF RETURN TO WORK**

The University will assume that you will take the full 52 weeks to which you are entitled, unless you inform us otherwise (giving at least **8 weeks’ notice** of your return to work date).

Please tick to indicate whether you will be returning to work with the University at the end of your Maternity Leave:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

*If ’No’, please complete Section C*

If you intend to return to work before the end of your full 52 week Maternity Leave entitlement, you may wish to indicate your return date here:

/ / 

If your anticipated return to work date should change, you must inform your manager in writing at least **8 weeks** in advance of the change.
If you do not indicate your return date on this form, you will need to write to your line manager no later than **8 weeks** in advance of your return date.

I understand that the University may reclaim the whole or part of the non-statutory element of maternity pay if I do not return to work and continue in employment for **at least three months**.

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**SECTION C – CONFIRMATION OF RESIGNATION**

I confirm that I do not wish to return to work with the University at the end of my Maternity Leave.

Therefore, I will be resigning from my post with effect from

---

Please note that your resignation can take effect from any date of your choice, including the end of your maternity leave period. You must give at least the period of notice required by your contract of employment.

Where you have indicated that you are not returning to work with the University at the end of your Maternity Leave, you will not be eligible for enhanced University maternity pay.

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**SECTION D – LINE MANAGER CONFIRMATION**

Risk Assessment – New and Expectant Mothers at Work

**To the Line Manager:**

It is your responsibility to ensure that a risk assessment of the pregnant member of staff is undertaken in a timely manner by the relevant departmental Health and Safety Representative. The University has Health & Safety obligations that may require you to take action.

See the guidance document provided by Safety Services: New and Expectant Mothers at Work which may be downloaded from [https://swww2.le.ac.uk/offices/safety-services/documents/pdfs/mothers.pdf](https://swww2.le.ac.uk/offices/safety-services/documents/pdfs/mothers.pdf).

I confirm that the Head of Department has been made aware of the above notification of Maternity Leave, and that a risk assessment has been undertaken.

**PLEASE ENCLOSE A COPY OF THE RISK ASSESSMENT WHEN SUBMITTING THIS FORM.**

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Please return the completed form, plus the maternity risk assessment, to HR.