

Maternity Leave Policy

Purpose and Context

This policy describes the entitlement and eligibility to maternity leave and pay provisions for members of staff who are pregnant.

Scope

This policy applies to all pregnant members of staff, subject to the continuous service requirements regarding eligibility.

Our policy endeavours to be fully inclusive and supportive of all types of couples and family relationships and we have attempted to reflect this within our policy. Where individual staff members are in relationships not outlined in the document and are finding barriers to access, we encourage a conversation with your HR Manager. We will evolve our policy in line with your feedback, regulations, best practice and legislative developments.

1 Introduction

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

2 Eligibility

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

3. Leave Entitlement

- 3.1 All members of staff are entitled to a maximum of 52 weeks leave regardless of length of service. This comprises 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML).
- 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 a member of staff 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. This will also apply in the event that a baby is born prematurely (normally defined as being born before 37 weeks).
- 3.6 Members of staff can opt to curtail their maternity leave early and to share the remaining leave and pay entitlement with their partner. This enables parents to choose to be off work at the same time and/or take it in turns to have periods of leave to look after their child. Please refer to the [Shared Parental Leave Policy](#).

4. Pay Entitlement

- 4.1 Statutory Maternity Pay (SMP) is payable to all members of staff who are pregnant and 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 A member of staff 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 Contractual Maternity Pay (CMP) is provided by the University for members of staff if they have one year's recognised continuous service at the qualifying week. Members of staff who are eligible 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.
- 4.4 If a member of staff 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 they do 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.
- 4.5 Please note that SMP is paid whether or not the member of staff intends to return to work.
- 4.6 If a member of staff does not meet the eligibility criteria for SMP, they may be entitled to Maternity Allowance. An SMP1 form will be supplied by the University in order to make a claim to the local Job Centre Plus.
- 4.7 If a member of staff returns to work prior to the end of the SMP period, they may choose to nominate their partner to receive the balance of weeks SMP. Please refer to the [Shared Parental Leave Policy](#).

5 Notification

- 5.1 Members of staff 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 relevant confirmation documentation including a risk assessment template are issued.
- 5.2 Members of staff 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 member of staff 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 HR will confirm the leave entitlement and notification periods to the member of staff 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.

If a member of staff is absent due to sickness after the beginning of the 4th week before the expected week of childbirth due to pregnancy, maternity leave will automatically commence.

Normal contractual sick pay applies on return from either ordinary or additional maternity leave.

8 Annual Leave

8.1 During the periods of Ordinary and Additional Maternity Leave a member of staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way.

8.2 Annual leave may be taken at the start and/ or end of the maternity leave period with the agreement of the line manager.

8.3 Annual leave accrued during the Maternity Leave period should be taken during the current leave year wherever possible. Members of staff are expected to plan annual leave to stay within the existing conditions applied to carrying leave forward (a maximum of 5 days leave). Staff will normally only be allowed to carry over more accrued annual leave into the next leave year if it has not been possible to take it.

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:

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

10 Return to Work

10.1 A member of staff who intends to return to work at the end of full maternity leave (i.e., 52 weeks) will not have to provide any notification. However, if they intend to return to work before the end of maternity leave or to change the intended return to work date for any reason, the member of staff must provide 8 weeks-notice, in writing. The return-to-work date may not be extended beyond the end of Additional Maternity Leave.

- 10.2 A member of staff who is only taking OML and therefore is returning to work during or at the end of the first 26 weeks (ordinary maternity leave) is entitled to return to the same job on the same terms and conditions (for example salary, hours, and the seniority of the job).
- 10.3 A member of staff who has stated their intention to take more than 26 weeks leave and return to work during or after the AML period will also be entitled to return to the same job on the same terms and conditions. However, if that isn't reasonably practicable the member of staff is entitled to return to a suitable job on terms and conditions which are no less favourable.
- 10.3 If a member of staff 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. If a member of staff wishes to reduce their working hours they should discuss with their manager prior to their return and submit a formal request under the [Flexible Working Procedure](#)

12 Antenatal Care

- 12.1 Once a pregnancy has been confirmed a member of staff is 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 Fertility Treatments (IVF and IUI)

- 13.1 Medical investigations and tests regarding infertility, exploring treatment options and medical interventions aimed at assisting conception will be regarded as medical appointments and should therefore be arranged outside of normal working hours where possible. Appointments during work time should be approved in advance and will be managed in line with the University's usual procedures.
- 13.2 A member of staff who would like to take time off work to support a partner (including same sex partners) undergoing fertility treatment will need to take annual leave, however any medical treatment will be regarded as a medical appointment and managed in line with the University's usual procedures.
- 13.3 Members of staff are encouraged to speak their line manager as soon as they find out that their fertility treatment (or their partners treatment) has been approved to ensure they are supported appropriately. All notifications will be treated sensitively.
- 13.4 In the case of IVF, following implantation of a fertilised embryo (embryo transfer) a pregnancy may or may not occur, but the member of staff is regarded as being pregnant from the point the implantation occurs. A pregnancy test cannot be taken until 2 weeks after implantation and this 2-week period between implantation and taking a pregnancy test is known as the "protected period".
- 13.5 If the treatment is successful and the member of staff remains pregnant the provisions for maternity leave and pay will apply.
- 13.6 In the unfortunate event that a pregnancy is not successful, or the pregnancy is not sustained, the member of staff remains protected under maternity provisions for a further 2 weeks after they are notified of this.

- 13.7 Should a member of staff require time off work because of the side effects of fertility treatment, any absences will be subject to the University's normal sickness absence procedures. Where absences occur during the "protected period" these absences will not count towards triggers for absence management purposes.

14 Health and Safety

- 14.1 Risk Assessments will be carried out for all members of staff who are pregnant, have given birth within the previous 6 months or who are breast-feeding.
- 14.2 The School / Service is responsible for risk assessments in relation to work and environment and any health and safety concerns should be raised immediately. Health and safety implications will be considered, and appropriate measures taken where necessary. If a risk is identified, line managers in conjunction with Health and Safety and Human Resources may consider adjustments to work practices or hours of work. Occupational Health may be consulted for confidential advice and guidance.
- 14.3 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.
- 14.4 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.
- 14.5 Members of staff who require the provision of appropriate facilities for the expression of breast milk at work should speak to their line manager prior to their return to work to discuss this so that appropriate arrangements can be made.

15 Miscarriage and Still Birth

- 15.1 In the unfortunate event of still birth (after the 24th week of pregnancy) the member of staff is entitled to full maternity rights. In addition, a member of staff will also be eligible for [Parental Bereavement Leave](#).
- 15.2 If a baby is stillborn before the end of the 24th week of pregnancy it is classed as a miscarriage and there is no entitlement to statutory maternity leave and pay or parental bereavement leave. It may be appropriate to consider bereavement leave or sick leave in these circumstances and members of staff are encouraged to discuss support available via their line manager.

16 Keeping in Touch Days (KIT Days)

- 16.1 During maternity leave members of staff may carry out up to 10 days' work known as KIT Days. without bringing Maternity Leave to an end or losing Statutory or Occupational Maternity Pay or Maternity Allowance.
- 16.2 KIT days can occur at any time except during the first two weeks after giving birth.
- 16.3 Members of staff are not required to take up KIT Days and they do not have to be offered. Where a manager and a member of staff both agree that the member of staff is to attend the

University during their maternity leave it must be for a specific purpose e.g., training, or a specific event.

- 16.4 Working for any part of a day will count as one of the 10 KIT days available. KIT days will not extend the maternity leave period.
- 16.5 The University will pay staff at their normal hourly basic rate of pay (inclusive of any Statutory and/or Occupational Maternity Pay where applicable) for the number of hours which the member of staff works on a KIT day.
- 16.6 Individuals and managers should complete the appropriate notification form, available at Appendix 1 or from the [HR website](#) and return it to Payroll (payroll@hud.ac.uk)

Notification of Keeping in Touch Days (KIT)

Members of staff may carry out up to 10 days' work during maternity leave (not during the first two weeks after giving birth). The type of work should be agreed between managers and individuals before they come into work. Members of staff are not required to take up Keeping in Touch Days and they do not have to be offered.

Working for any part of a day will count as one of the 10 KIT days available. KIT days will not extend the maternity leave period.

The University will pay staff at their normal hourly basic rate of pay (inclusive of any Statutory and/or Occupational Maternity Pay where applicable) for the number of hours which the member of staff works on a KIT 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 the member of staff)

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 (payroll@hud.ac.uk)
(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:
Member of staff's Daily Rate £		CMP/SMP offset
Amount Paid:		
Month/Year Paid:		

POLICY SIGN-OFF AND OWNERSHIP DETAILS	
Document name:	Maternity Leave Policy
Version Number:	V1.4
Equality Impact Assessment:	30 May 2018
Approved by:	Head of HR
Date Approved:	19 th February 2024
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Author:	HR Manager
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Document Location:	https://www.hud.ac.uk/media/policydocuments/Maternity-Leave.pdf
Compliance Checks:	HRG SMT regularly review to ensure compliance
Related Policies/Procedures:	Shared Parental Leave Policy Flexible Working Policy Bereavement Leave Flexitime for Support Staff Staff Handbook - Guidelines time off from work for Medical / Dental appointments for staff not working flexitime

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)
V1.2	Nov 2022	Annual review, minor amends not requiring committee approval	HR Manager
V1.3	Jan 2023	Minor amends. Clarification regarding payment for KIT days and guidance for fertility leave added.	HR Manager
V1.4	February 2024	Minor amends. Updates to language re inclusivity	HR Manager