

# Maternity Leave Policy

## CONTENTS

1. Entitlement.....	2
2. Antenatal care .....	3
3. Notification of maternity leave.....	3
4. Applying for maternity leave.....	3
5. Starting maternity leave.....	4
6. Health and safety.....	4
7. Terms of employment.....	4
8. Sickness absence.....	4
9. Pension arrangements.....	4
10. Probation.....	5
11. Research Excellence Framework (REF) .....	5
12. Fixed-term contracts.....	5
13. Salary deductions .....	5
14. Annual leave.....	6
15. Contact with colleagues.....	6
16. Work during maternity leave .....	7
17. Baby Loss.....	8
18. Returning to work .....	10
19. Right to return to work to the same post.....	10
20. Returning to work on a part time basis .....	11
21. Not returning to work .....	11
22. Shared parental leave.....	12
23. Further information .....	12
24. Implementation and review.....	12

## 1. Entitlement

All pregnant employees are entitled to a period of 52 weeks maternity leave regardless of the length of continuous service. You can choose to stay on maternity leave for the 52 weeks leave entitlement or end it early and share the remaining weeks leave with your partner by opting in to Shared Parental Leave. For further information refer to the [Shared Parental Leave Policy](#).

The amount of maternity pay you will be paid depends on how long you have been employed by the University. The entitlement and options are shown in the table below.

Type of Leave	Option	Service	Leave Entitlement	Payment
Statutory Maternity Leave Basic Right	Option A	Less than 52 weeks service before the expected week of childbirth.	52 weeks	In most cases entitled to 39 weeks Statutory Maternity Pay (SMP) or Maternity Allowance (MA)* +13 weeks unpaid
University Maternity Leave	Option B	52 or more continuous weeks service before the expected week of childbirth and intends to return to work.	52 weeks	Eight weeks full pay (which includes eight weeks SMP/MA*) +16 weeks half pay plus SMP/MA +15 weeks SMP/MA +13 weeks unpaid
University Maternity Leave	Option C	52 or more continuous weeks service before the expected week of childbirth and intends to return to work.	52 weeks	16 weeks full pay (which includes 16 weeks SMP/MA)* +23 weeks SMP/MA +13 weeks unpaid
Does not intend to return	Option D	Service and pay will determine eligibility for SMP/MA. Contractual notice would apply.	52 weeks	39 weeks SMP/MA*

If you would like further advice, please contact your local HR Manager.

\*You may be entitled to SMP which is paid through the University payroll. If you are not eligible for SMP you may be entitled to maternity allowance (MA) which is claimed from local Jobcentre Plus offices and will be deducted from your salary payments.<sup>1</sup>

To find out if you are entitled to leave or pay when you have a child you can use the [Government online calculator](#) or for further information about eligibility criteria and current rates of statutory maternity pay and maternity allowance refer to [Maternity pay and leave](#) on the GOV.UK website.

If you are eligible for university maternity pay (options B and C), and you are unable to claim MA through Jobcentre Plus the amount will be reimbursed by the University.

## **2. Antenatal care**

You are entitled to paid time off for antenatal care and classes. You should provide your head of school/service (or nominee) with as much notice as possible and you may need to provide evidence of the appointment.

## **3. Notification of maternity leave**

You should notify your local HR Manager and head of school/service (or nominee) by the end of the 15<sup>th</sup> week before the expected week of childbirth.

## **4. Applying for maternity leave**

To apply for maternity leave you should complete the maternity leave application form, which is available on the [HR website](#) and return it to your local HR Manager, together with a maternity certificate (MATB1) which provides confirmation of when the baby is due. The MATB1 is issued by your doctor or midwife, the earliest this may be issued is 20 weeks before the expected week of childbirth. You should also pass a copy of your application form to your head of school/service (or nominee).

A letter will be sent from HR confirming maternity leave arrangements, detailing

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<sup>1</sup> SMP/MA is payable from the first day of leave and paid for complete weeks. For example, if leave begins on a Tuesday it will finish on a Monday. If you are receiving SMP/MA and leave is not taken in complete weeks, your SMP/MA payments will be affected as payment cannot be made for part weeks.

pay entitlements and your expected return to work date.

## **5. Starting maternity leave**

Maternity leave can start at any time from 11 weeks before the expected week of childbirth. You can change the start date of your maternity leave as long as at least 28 days' notice is given. Shorter notice may be possible by agreement with your head of school/service (or nominee).

If the baby is born before the maternity leave was due to begin, the day after the date of delivery will be regarded as the first day of maternity leave.

## **6. Health and safety**

Under the Health and Safety at Work Act, the University is required to carry out a detailed risk assessment on expectant mothers as early in pregnancy as possible.

Please find further details in the [policy on health and safety risk assessment for new or expectant mothers](#) on the HR website.

## **7. Terms of employment**

Except as stated in this policy, all other terms and conditions of employment will continue to apply as though you had not been absent.

## **8. Sickness absence**

If you are absent from work due to a pregnancy related illness within four weeks of the due date, maternity leave will automatically start. Prior to this, sickness absence will be dealt with under the sickness absence policy.

## **9. Pension arrangements**

Pension contributions will continue to be deducted as normal while you are in receipt of maternity pay, based on the level of pay you are receiving. See the family leave pension arrangements on the [HR Website](#) for further information.

## **10. Probation**

If you are on probation at the start of your maternity leave, the probationary period will be extended by the period of your maternity leave.

## **11. Research Excellence Framework (REF)**

If you are eligible to be included in the REF, and as a result of your absence your research productivity is significantly affected, the number of outputs required for submission for REF may be reduced. The number of outputs you will be required to submit will be based on the published REF panel criteria and working methods in place at the time of the relevant exercise. Information about the most recent REF exercise can be found on the [Research Excellence Framework](#) website. Your head of school/service (or nominee) will discuss any implications with you.

## **12. Fixed-term contracts**

If you are employed on a fixed-term contract that is due to expire during your maternity leave period, your contract will be extended until the end of your statutory maternity pay period. The extension will be to facilitate the continuing payment of your maternity leave pay.

During your maternity leave we will continue to support you in seeking a suitable alternative role. You will be provided with access to the redeployment register and will continue to be considered as part of workforce planning. You will be unable to return to work unless your current role is extended, or you obtain another post with us. We will continue to consult with you about the expiry of your fixed-term contract.

## **13. Salary deductions**

Car parking permits and payment may be suspended during maternity leave, further details about car parking can be obtained on the [Estates and Facilities website](#). Salary deductions such as trade union subscriptions<sup>2</sup> will normally be suspended during any period of unpaid leave, further advice may be sought from the Payroll office.

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<sup>2</sup> If you pay your trade union subscriptions through the University's payroll, please check with your trade union regarding the implications of any subscription suspension.

#### **14. Annual leave**

You will continue to accrue your statutory and contractual annual leave entitlement during the whole period of your maternity leave.

Annual leave accrued up to the date of commencement of maternity leave should, where possible, be taken before starting maternity leave.

Annual leave accrued during maternity leave should, where reasonably practical, be taken in the holiday year in which the return-to-work falls.

Dates of annual leave should be agreed with the head of school/service (or nominee).

If you are employed on a fixed-term contract which is due to expire during your maternity leave, and no suitable alternative employment is found, you will receive payment for any outstanding accrued contractual and statutory leave on the expiry of your contract.

Where you are not able to take all your accrued leave in the current leave year, due to the timing of your maternity leave, or in the case where your baby is born prematurely, the remaining leave, including accrued bank holidays and closure days, can be carried forward into the annual leave year in which you return to work. The amount of unused accrued leave carried forward under this policy is not subject to the limit set out in the Annual Leave Policy.

At the point you return to work following maternity leave, the Annual Leave Policy will apply and any subsequent carry forward of leave will be subject to the terms of that policy.

#### **15. Contact with colleagues**

It is good practice for you and your head of school/service (or nominee) to maintain reasonable contact during your leave. This will help to ensure that you are kept up to date on changes within your school/service, for example staffing changes, job opportunities, and personal circumstances that will help ease your return to work.

Keeping in touch will also help the head of school/service (or nominee) to be kept informed about your plans to return to work so that arrangements can be put in place.

You are encouraged to discuss with your head of school/service (or nominee) and colleagues, how you wish contact to be maintained, and how your availability or otherwise should be communicated.

## **16. Work during maternity leave**

### **Keeping in touch days**

With the agreement of the head of school/service (or nominee), you may complete up to 10 days' work as 'keeping in touch' (KIT) days. These days are different to having reasonable contact during maternity leave, as described under section 15. The types of activity that may be covered will depend on your role, but may include attending a training session, a conference or team update.

There is no obligation on the head of school/service (or nominee) to offer KIT days, nor is there any obligation on you to work such days. You cannot work during the two weeks immediately after the birth. Work carried out on any day will constitute one day's work.

If you undertake work in addition to the 10 KIT days during the maternity leave period, it will be deemed that you have returned to work from the date the work commenced, and maternity payments will stop.

### **Payment for keeping in touch days**

KIT days will be paid at your normal daily rate of pay.

- If you are receiving full pay, no additional payment will be made.
- If you are receiving half pay, no pay or SMP/MA only, you will be paid the difference between what you are receiving under your maternity pay and your normal rate of pay.

Where a full day is not worked, you will receive payment for the hours worked

based on your normal hourly rate. The total payment will not exceed your normal daily rate.

To request payment for KIT days the Payment for KIT days form should be completed by the head of school/service (or nominee) and returned to the Payroll office who will arrange for payment to be made with your next salary payment, depending on payroll deadlines.

### **Work for another employer**

SMP and University maternity pay will be shortened if, whilst receiving payment from the University, you start work with another employer who was not employing you during the 15<sup>th</sup> week before the expected week of childbirth.

### **17. Baby Loss**

We understand that when an individual experiences pregnancy loss it can be extremely distressing for both partners, regardless of when the pregnancy loss occurs. We recognise that it can affect everyone differently and we would encourage those affected to speak with their line manager or let their local HR Manager know as soon as possible. This will enable us to identify the right support and discuss the type of leave that may be beneficial at this time.

If pregnancy loss happens from 24 weeks onwards (termed a stillbirth), the birth mother will be able to take up to 52 weeks' maternity leave and (subject to the usual qualifying criteria) will be eligible for maternity pay, in line with the University maternity policy. In addition, they may also be eligible for statutory parental bereavement leave and pay. After this, if not physically and/or mentally fit for work, the University sickness absence policy will apply.

If pregnancy loss happens during the first 23 weeks and 6 days of a pregnancy (termed a miscarriage), there is no entitlement to leave and pay under the University maternity policy, nor to statutory parental bereavement leave or pay. However the University offers leave under the Compassionate leave policy and if not physically and/or mentally fit for work, the University sickness absence policy will apply.



Regardless of stage of pregnancy reached, if a baby dies at any point within the first 28 days of life (termed a neonatal death) the birth mother has the same entitlements as if this had been a stillbirth.

Additional support is available internally through the:

- University's free and confidential counselling service [Staff Counselling and Psychological Support](#).
- Employee Assistance Programme (EAP) [Employee Assistance Programme](#) which is a free, confidential service that compliments the University's Staff Counselling and Psychological Support team. The EAP offers a wide range of health and wellbeing support to staff and their immediate family.
- University Chaplaincy [University Chaplaincy](#), regardless of faith or no faith.
- Information about other support available can be found at [Wellbeing, Safety and Health](#).

There are numerous external sources of help and support, for example, charities and other specialist support groups such as:

- [Tommy's](#), a charity that carries out research and supports those who have lost babies.
- [Petals](#), a baby loss counselling charity.
- [Sands](#), a charity that carries out research and supports those affected by the death of a baby.
- [Miscarriage Association](#) for miscarriage support and advice.
- [Child Bereavement UK](#),

The local HR Manager can provide further information and we will be guided by the individual in respect of how they wish their colleagues to be kept up to date during this time.

## **18. Returning to work**

### **Earliest date of return**

In accordance with legislation, you are obliged to take a minimum of two weeks maternity leave immediately following the birth. The University is not allowed to let new mothers work during this two-week period.

### **Notification of return**

If you are returning to work at the end of your maternity leave, you are not obliged to provide formal notification of your return. However, to make sure that arrangements are made for your salary payments to be made in good time, it would be helpful if you could confirm this in writing to your local HR Manager and head of school/service (or nominee) at the earliest opportunity.

If you wish to return before the end of your maternity leave, you will need to give eight weeks' notice in writing to your local HR Manager and head of school/service (or nominee). However, this notice period may vary by agreement with your head of school/service (or nominee).

If you are employed on a fixed-term contract which has been extended to facilitate your statutory maternity pay, you will be unable to return to work unless your current role is extended or you obtain another post with us.

You will continue to be provided with access to the redeployment register and support will be provided in seeking suitable alternative employment. You will continue to be considered as part of workforce planning.

On return to work, your head of school/service (or nominee) will arrange a return-to-work induction. Its purpose is to update you on any changes that have taken place in the school/service during your absence and to look at what support mechanisms can be put in place to help you settle back in to work.

## **19. Right to return to work to the same post**

On returning to work after maternity leave, you will have the right to return to the

same post if your total absence amounts to 26 weeks or less. If your total leave is more than 26 weeks, you will have the right to return to the same post unless the post is redundant. In such cases, you will return to a suitable alternative post where one is available.

## **20. Returning to work on a part time basis**

If you are considering returning to work on a part-time basis or changing your working pattern, either in the short-term to help ease yourself back into work, settle your child in to nursery etc. or longer-term, you are encouraged to discuss your plans with your head of school/service (or nominee) at the earliest opportunity.

Although there is no automatic right to change your working pattern, your head of school/service (or nominee) will actively consider your proposals. Alternatively, you may wish to consider using our parental leave and/or flexible working policies or using part of your annual leave. For more information about these policies see the [HR website](#)

## **21. Not returning to work**

If you decide to resign, you will need to give the required notice in line with your employment contract. If you have received University Maternity Pay and do not return to work for a period of at least three months, we will claim back the non-statutory part of your University Maternity Pay.

If you are employed on a fixed-term contract that comes to an end at the end of your maternity leave period, and it has not been possible to find suitable alternative employment, you would not be expected to repay the non-statutory part of your University Maternity Pay.

However, if you are offered an extension or renewal of your current contract and/or another post is available at the University, but you choose not to accept it, we will claim back the non-statutory part of your University Maternity Pay if you reject or do not pursue such options.

You will need to repay the University Maternity Pay in full, within three months of your leaving date.

If you are still entitled to Statutory Maternity Pay at the time of leaving, you will receive the remaining payment on a monthly basis through the University payroll.

## **22. Shared parental leave**

If you are considering taking Shared Parental Leave, please refer to the [Shared Parental Leave Policy](#)

## **23. Further information**

Further information about this policy can be obtained in the first instance from your local HR Manager. If you require this document in an alternative format, please email [HR@leeds.ac.uk](mailto:HR@leeds.ac.uk)

## **24. Implementation and review**

The policy review process will be managed by the Employment Relations and Policy Team in conjunction with the policy author. Formal reviews of policy will be carried out in consultation with the recognised trade unions and where appropriate, proposed changes will be negotiated in accordance with the Procedural Agreement for each trade union.