



LEEDS
BECKETT
UNIVERSITY

Maternity Leave Policy and Procedure

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V0424

Policy Statement

Purpose and Core Principles

Our University's Maternity Leave policy aims to ensure fair and consistent treatment of our pregnant employees. The policy sets out statutory maternity rights and additional contractual benefits offered by our University. The accompanying procedure provides clear guidance on the application of the policy and outlines the administrative processes to be followed by employees wishing to request time off under the provisions.

Scope

This policy and procedure addresses both statutory and occupational maternity entitlements and is applicable to all pregnant employees.

Responsibility

Human Resources has responsibility for ensuring that this policy and procedure is adhered to and will provide advice and guidance to managers and employees on its application.

Managers are also responsible for ensuring that this policy and procedure is adhered to.

Review

This policy and procedure will be monitored on an annual basis and reviewed a minimum of every three years or sooner, in light of legislative changes and organisational requirements as appropriate.

PROCEDURE

1. Notification of Pregnancy

1.1 For reasons of Health and Safety, employees are strongly advised to inform their managers as soon as possible that they are pregnant, in order that arrangements can be made for a Health and Safety risk assessment to be undertaken.

1.2 Health & Safety

1.2.1 Our University is required by law to carry out a Health & Safety risk assessment for employees at work, who are pregnant, have given birth within the previous six months or who are breast-feeding. The 'Expectant Mother's Risk Assessment' is available on our [Safety, Health and Wellbeing A-Z](#). Once completed, please share the assessment with your manager. If you would like further advice following the completion of the risk assessment, please contact our Occupational Health team.

1.2.2 The outcome of the risk assessment may be that there is no likelihood of risk. However, the new or expectant or nursing mother will be expected to follow the general advice as provided in Appendix 1.

1.2.3 If a risk is identified, managers, in conjunction with Human Resources, will consider if changes to work practices or hours of work are possible to allow employees to continue in their posts. If changes are not possible, they may be offered suitable alternative work for the period concerned. Where as a result of a risk assessment, they should be offered a suitable alternative and there is no such alternative, they will be suspended with pay until a suitable alternative becomes available. However, if an employee should refuse any such suitable alternative work, entitlement to pay will be withdrawn.

2. Eligibility and Entitlement for Maternity Leave

2.1 All employees regardless of length of service are entitled to 52 weeks Statutory Maternity Leave (SML); made up of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML).

2.2 In addition, employees who have at least one year's continuous service with our University, by the end of the 15th week before the expected week of childbirth (EWC) (the 'qualifying week'), are entitled to a further 11 weeks' maternity leave. Employees who meet this qualifying criterion are therefore entitled to take up to a maximum of 63 weeks' maternity leave.

2.3 The earliest that maternity leave can commence is 11 weeks before the EWC, up until the birth itself.

2.4 Only one period of maternity leave will be available irrespective of whether more than one child is born as the result of the same pregnancy.

2.5 Time Off for Ante-natal Care

- 2.5.1 Pregnant employees regardless of length of service are also entitled to reasonable time off with pay to attend ante-natal care. This includes travelling time to and from appointments. However, wherever possible, they should try to arrange ante-natal care during their own time.
- 2.5.2 Employees should inform their managers as soon as possible about any appointments so that absences can be planned for. It should be noted that they may be required to provide evidence of ante-natal appointments to their managers, except in the case of the first appointment.

3. **Eligibility and Entitlement for Maternity Pay**

- 3.1 Employees with less than 26 weeks' service by the end of the 15th week before the EWC (the 'qualifying week') will not be entitled to receive maternity pay.
- 3.2 Employees with more than 26 weeks' service by the end of the 15th week before the EWC (the 'qualifying week') will be entitled to Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP), subject to meeting the qualifying criteria outlined in Sections 3.3 and 3.4.

3.3 Statutory Maternity Pay (SMP)

- 3.3.1 In order to qualify for SMP, an employee must meet the following conditions:
- Have worked for our University continuously for at least 26 weeks by the end of the qualifying week;
 - Have average weekly earnings at or above the lower earnings limit for National Insurance contributions; and
 - Have submitted a 'Maternity Leave Application Form' and Mat.B1 form to HR Services, at least 28 days before the intended start date of maternity leave.
- 3.3.2 In the case of ineligibility for SMP, HR Services will issue a SMP1 form, which explains why our University cannot pay SMP. This form may be used to pursue a claim for a statutory payment from Jobcentre Plus known as Maternity Allowance, which an employee may be eligible to receive subject to meeting certain qualifying criteria.
- 3.3.3 Eligible employees are entitled to receive SMP for 39 weeks.
- 3.3.4 Where employees are employed on a fixed-term contract and their contract is due to expire during their maternity leave, SMP (if applicable) will continue to be paid through our University for 39 weeks.

3.3.5 The breakdown of SMP that eligible employees will receive is outlined below.

Weeks 1 – 6 90% of average weekly earnings

Weeks 7 – 39 Statutory weekly rate or a rate equivalent to 90% of average weekly earnings, whichever rate is the lower

3.3.6 It should be noted that payments of SMP will stop if any of the following apply to employees during the maternity pay period:

- Employee returns to work in any capacity during the maternity pay period (this does not apply to 'Keeping in Touch Days'); or
- Employee is arrested at any time during the maternity pay period; or
- Employee works after the birth for any other employer during the maternity pay period (except where the employee was already employed by the other employer during their qualifying week).

3.4 Occupational Maternity Pay (OMP)

3.4.1 In order to qualify for OMP, an employee must meet the following conditions:

- Have worked for our University continuously for at least 26 weeks by the end of the qualifying week; and
- Return to work for at least 3 full working months following maternity leave. Employees on fixed-term contracts will be expected to return to work for at least 3 full working months following maternity leave or to the end of their contract, whichever date is sooner. (Except paragraph 3.4.3 below)

3.4.2 It should be noted that the return to work period begins from the point employees return to the workplace and commence work after maternity leave. Periods of paid or unpaid absence prior to a return to work, immediately following maternity leave or in the initial return to work period e.g. annual leave or sickness absence, do not count towards the 3 month qualifying period.

3.4.3 Employees who are eligible for OMP and whose contract ends during their maternity leave will not be required to return to work. OMP will be paid until the end of their contract and thereafter SMP (if applicable) will continue to be paid through our University for 39 weeks.

3.4.4 The breakdown of OMP that eligible employees will receive is outlined below.

Weeks 7 – 10 90% of average weekly earnings minus SMP

Weeks 11 – 30 50% of average weekly earnings, plus SMP (up to a maximum of 90% average weekly earnings).

3.4.5 Variable Hours Contracts

In the case of employees on variable hours contracts, for example part-time lecturers, average weekly earnings for OMP will be based on the pay received in the current role in the 12 full months immediately prior to the EWC. If the employee has less than 12 months service in the role, the calculation will be made from the employee's start date in the role. Where Statutory Maternity Pay is not payable due to non-eligibility, we will assume that Maternity Allowance will be claimed. Maternity Allowance payments (we will assume the maximum weekly amount of Maternity Allowance, unless documentation from the Department of Work and Pensions is provided that demonstrates a different, lower amount) will be deducted from the OMP paid during weeks 1 – 10.

3.4.6 Employees can choose to be paid OMP during their maternity leave, or they can opt to postpone the payments until they have returned to work and completed 3 full working months qualifying service, in which case only SMP (if applicable), would be paid during the maternity leave period. They will only be paid OMP during their maternity leave if they provide written confirmation stating that they would be prepared to re-pay any overpayments in full.

3.4.7 Upon failure to return to work, or complete the required length of service following maternity leave, OMP (outlined in Section 3.4.4) will be fully recoverable. OMP will also be fully recoverable where employees employed on a fixed-term contract are offered, and subsequently decline, an extension to their contract which would allow for a return to work for 3 full working months following maternity leave. HR Services will calculate the amount of OMP to be re-paid and make arrangements with the employee for re-payment.

3.4.8 A summary of statutory and occupational maternity payments is provided in Appendix 2. HR Services will issue an individual summary of maternity pay, once written notification of maternity leave has been received.

3.4.9 Payments made to employees on maternity leave will be made in the same way as other earnings and will also be subject to tax, national insurance and pension contributions, where applicable. Where employees are members of salary sacrifice schemes, advice should be sought from HR Services regarding the terms and conditions of such schemes during maternity leave.

4. Notification for Maternity Leave

4.1 Employees are encouraged to give early notification to their manager of their intention to take maternity leave, for planning purposes.

4.2 They must complete the 'Maternity Leave Application Form' (Appendix 3) and submit this to HR Services at least 28 days before the intended start date of maternity leave.

4.3 They must also provide a maternity certificate (Mat.B1 form) issued by a registered doctor/midwife which confirms the expected date of birth of the child. This can be enclosed with the application form or provided at a later date, if the Mat.B1 has yet to be

issued at the time of submitting the application form.

- 4.4 HR Services will confirm the dates of maternity leave and pay (if applicable), in writing, within 28 days of receipt of the completed application form.
- 4.5 If an employee wishes to change the start date of their maternity leave, at least 28 days' notice before the original date or the new date they wish their maternity leave to start from, whichever is sooner, must be provided in writing to their manager and HR Services.
- 4.6 Employees must confirm the actual date of birth, to their manager and HR Services, as soon as is reasonably practicable. Should an early birth occur, maternity leave will automatically start the day after the date of birth, if maternity leave has not already commenced.
- 4.7 In the tragic event of a still birth from the start of the 25th week of pregnancy, an employee will still qualify for maternity leave and pay (both SMP and OMP, if applicable). If a miscarriage occurs during the first 24 weeks of pregnancy, there is no maternity leave or pay entitlement. Any absence from work would be treated as bereavement leave or sickness absence.

5. Illness during Pregnancy

- 5.1 An employee who is ill and absent from work during their pregnancy should continue to report sickness, in accordance with our University's sickness absence reporting requirements.

Pregnancy-related Absence

- 5.2.1 Absence from work with an illness which is wholly or partly pregnancy-related, prior to the beginning of the fourth week before the EWC, will automatically start maternity leave on the Sunday of the fourth week before the EWC.
- 5.2.2 Absence from work with an illness which is wholly or partly pregnancy-related, after the beginning of the fourth week before the EWC, will automatically start maternity leave the day after the first day of pregnancy-related absence.

Non-Pregnancy-related Absence

- 5.3.1 The start date of maternity leave will not be affected by any absences from work where the illness is non-pregnancy-related.

6. Sharing of Leave and Pay with Partners (Shared Parental Leave)

- 6.1 Eligible mothers can choose to end their maternity leave (and pay) early and with the child's father or their partner opt into shared parental leave and pay. Shared parental leave cannot start until two weeks after the birth of the baby and up to a maximum of 50

weeks leave and 37 weeks' pay can be shared with the partner in the first year of their child's life. Shared parental leave can be taken by each parent separately or at the same time. For further information on shared parental leave, please refer to our Shared Parental Leave Policy and Procedure.

7. Employment Terms & Conditions during Maternity Leave

- 7.1 If an employee takes a period of maternity leave, this counts as continuous service and their continuous service rights are not affected.
- 7.2 Employees are entitled to receive any increments and/or cost of living increases, which they would have been due, had they not been on maternity leave.
- 7.3 Employees will accrue annual leave, including bank holidays whilst on maternity leave. As this annual leave cannot be taken whilst employees are on maternity leave, employees are encouraged to discuss and agree the arrangements for taking leave with their manager at an early stage (and should plan to take annual leave within the usual annual leave year where it is practical to do so). There is no entitlement to be paid for any undertaken annual leave.
- 7.4 Where maternity leave crosses two annual leave years (or an employee gives birth early and is unable to take their annual leave entitlement for the current leave year), annual leave may be carried forward to the next leave year following discussion and agreement with the manager. Such leave must be added to the end of the maternity leave period and taken before the employee returns to work (or taken as part of a short term flexible working agreement).
- 7.5 Variable Hours Contracts
Employees on variable hours contracts accrue annual leave whilst on maternity leave and will receive this accrued leave as holiday pay with their maternity pay.

8. Pension Contributions during Maternity Leave

- 8.1 During maternity leave, employee pension contributions will be based on the actual pay received and not salary payments prior to taking maternity leave.
- 8.2 Employer pension contributions will be calculated on the same basis as applicable prior to taking maternity leave.
- 8.3 Once maternity pay ceases, no further pension contributions will be payable until a return to work has occurred. This period of leave will not be included as pensionable service. For any period of unpaid maternity leave, it may be possible for an employee to make arrangements to pay back contributions, depending upon the rules of the occupational pension scheme. Further information on the implications of maternity leave on pension contributions is available from HR Services.
- 8.4 Occupational pension scheme members will continue to be covered for death in service benefits during the entire period of maternity leave.

9. Contact during Maternity Leave

- 9.1 During maternity leave, employees and managers may make reasonable contact with one another. The frequency and nature of any contact will depend on a number of factors, such as, the nature of the work and the post; any mutual agreement reached before maternity leave commenced; and whether there is a need to communicate important information, for example, changes in the workplace that might affect the return to work of the employee.
- 9.2 The contact between employees and their managers can be made in a range of ways, for example, by telephone, email, letter, or a meeting.

10. Keeping in Touch Days during Maternity Leave

- 10.1 An employee may, by agreement with their manager, undertake up to a maximum of 10 days' paid work, known as 'Keeping in Touch' (KIT) days, during the maternity leave period without it affecting their rights to maternity leave or pay. KIT days may be taken at any stage during maternity leave, except during the first two weeks after the baby is born.
- 10.2 The type of work that can be undertaken on KIT days is a matter for agreement between employees and their managers. The days may be used for any activity ordinarily classed as work under the employee's contract and could be particularly useful in enabling for example, attendance at a conference, undertaking a training activity or attending a team meeting.
- 10.3 Any amount of work undertaken on a KIT day, will count as one keeping in touch day for the purposes of the 10 days' maximum.
- 10.4 KIT days are paid at normal daily rate (based on 1/365 of annual salary) and will be paid in either full or half days only. If an employee is receiving SMP, it will continue to be paid for the week in which any KIT days are undertaken. Payment will be made through payroll and subject to tax, national insurance and pension contributions in the normal way. A claim form must be completed (Appendix 4) in order to claim payment for work undertaken on a KIT day.
- 10.5 Our University is not legally obliged to provide KIT days, nor are employees legally obliged to work them.

11. Returning to Work from Maternity Leave

- 11.1 For Health and Safety reasons, employees may not return to work within 2 weeks of childbirth. This is classed as the compulsory maternity leave period. This is extended to 4 weeks if an employee works in an area where the nature of the work is equivalent to industrial conditions.
- 11.2 Unless notified otherwise, it will be presumed that employees will take their full maternity leave entitlement, of either 52 or 63 weeks depending upon their length of continuous service. Whether or not employees intend to take their full entitlement, it is helpful for

planning purposes if regular contact is maintained with their manager throughout the period of maternity leave.

- 11.3 If an employee wishes to return to work earlier or later than agreed during their maternity leave, at least 8 weeks' notice must be given, in writing, to their manager and HR Services. Failure to give the correct notice of an early return, our University may delay the return to work, to allow for the 8 week notice period.
- 11.4 Employees who take maternity leave are entitled to return to the same job on the same employment terms and conditions as if they had not been on maternity leave. Employees who are on maternity leave will be consulted at an early stage where their post is subject to our University's Management of Change process and/or at potential risk of redundancy. For further information about redundancy protection during pregnancy, maternity leave and during the 18 month period following the birth, please refer to our Management of Change Guidelines.
- 11.5 Returning to Work on Reduced or Altered Hours
Employees who wish to return to work on reduced or altered hours should discuss this with their manager. The request will be given full consideration in accordance with our University's Flexible Working Principles and Formal Flexible Working Request Policy. However, please be aware that there is no automatic right to change. Your manager will arrange a meeting with you to discuss the request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise stated. More information about making a request is available in the Employee Guidance on Flexible Working Requests.
- 11.6 A summary of key timeframes linked to our University's Maternity Leave policy is provided in Appendix 5.
- 11.7 In the event that an employee becomes pregnant whilst on maternity leave, their entitlement to take statutory maternity leave remains unaffected and the notification process as outlined in Section 4 should be followed. However, in such circumstances, their entitlement to maternity pay, both to SMP and OMP, may be affected. They will only qualify for OMP for the subsequent period of maternity leave provided they have returned to work and completed 3 full months qualifying service. Further information is available from HR Services.
- 11.8 Facilities for Expressing Milk
- 11.8.1 Our University acknowledges that a new mother may still be breastfeeding when they return to work and that as an employer it is good practice to provide a private, healthy and safe environment for them to express and store milk.
- 11.8.2 To ensure that suitable arrangements for expressing and storing breast milk can be made and so that a health and safety risk assessment can be undertaken, employees should speak with their manager in the first instance. For further details regarding facilities for expressing milk, please contact our Occupational Health team.

Related Policies and Documentation

Flexible Working Principles
Formal Flexible Working Request Policy
Flexible Working Employee Guidance
Parental Leave Policy
Paternity/Partner Leave Policy
Shared Parental Leave Policy
Time off for Public Duties and Special Leave Policy

GLOSSARY OF TERMS

Ante-natal Care	Medical or advisory care provided by a doctor, health centre or hospital prior to childbirth
AML	Additional Maternity Leave
Early birth	A baby that is born before the 37 th week of pregnancy
EWC	Expected Week of Childbirth
'KIT' Day	'Keeping in Touch' Day
MA	Maternity Allowance
MAT.B1	The reference number of a form issued by a doctor or midwife which states the expected date of birth
OML	Ordinary Maternity Leave
OMP	Occupational Maternity Pay
Qualifying week	The 15th week before the expected week of childbirth
SML	Statutory Maternity Leave
SMP	Statutory Maternity Pay
SMP1	The reference number of a form provided by HR Services which explains why our University cannot pay SMP

Appendix 1 Guidance for Women: Working Comfortably during Pregnancy

Under the Health and Safety at Work Act 1974 and other Health and Safety Regulations, everyone is responsible for ensuring their working environment is safe. This may need a little extra thought when you are pregnant. As far as possible, re-arrange your workplace:

- Don't store things out of reach so you have to bend or stretch unduly;
- Keep the area free from obstructions such as boxes or trailing wires that you could trip over or bump into;
- Make sure correspondence, keyboard and other working materials are within easy reach;
- Ensure you are sitting comfortably (see guidance in the Code of Practice on Display Screen Equipment):
 - Keep your feet on the floor or a footrest;
 - Keep your back vertical and supported by the chair-back or a cushion in the small of your back;
 - Keep hands in line with the forearms when using the keyboard, not bent sharply at the wrists;
 - Don't overload your body;
 - Where possible, change your position frequently get up and walk around periodically;
 - Organise your work so there is variety in your tasks - some sitting, some standing, some walking;
 - If your job means being on your feet all day, sit down whenever you can;
 - During lunch breaks try to sit with your feet in a raised position;
 - Pace yourself, don't work to the point of pain or exhaustion; change your position or your task **before** problems occur.

And finally, you may wish to consider how you dress:

- Wear loose-fitting clothing that doesn't restrict your movements;
- If you wear a uniform in your job, ask your manager for alternative clothing, where necessary;
- Wear low-heeled shoes and support tights.

Appendix 2

SUMMARY OF MATERNITY PAY

WEEK	STATUTORY MATERNITY PAY (SMP)	OCCUPATIONAL MATERNITY PAY (OMP)	TOTAL MATERNITY PAY
1	90% of average weekly earnings	N/A	90% of average weekly earnings
2			
3			
4			
5			
6			
7	Statutory weekly rate or a rate equivalent to 90% of average weekly earnings, whichever rate is the lower	90% of average weekly earnings minus SMP	90% of average weekly earnings
8			
9			
10			
11	Statutory weekly rate or a rate equivalent to 90% of average weekly earnings, whichever rate is the lower	50% of average weekly earnings	50% of average weekly earnings plus SMP
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31	Statutory weekly rate or a rate equivalent to 90% of average weekly earnings, whichever rate is the lower	N/A	SMP only
32			
33			
34			
35			
36			
37			
38			
39			
40 - 63	N/A	N/A	Unpaid

Appendix 3

MATERNITY LEAVE APPLICATION FORM

(word version available on the [HR and Payroll forms webpage](#))

PERSONAL DETAILS	
Surname:	
First name(s):	
Pay Number:	

YOUR DATES FOR MATERNITY LEAVE		
The earliest that maternity leave can commence is 11 weeks before the Expected Week of Childbirth (EWC). You may work up until the date that your child is due and your maternity leave may commence on any day of the week.		
My expected date of childbirth is:		
I would like my maternity leave to start on:		
I enclose my Mat.B1 form which confirms my expected date of childbirth:	Yes <input type="checkbox"/>	To follow <input type="checkbox"/>

YOUR DECLARATION	
<p>If you are eligible for occupational maternity pay, you will be allowed 39 weeks with pay provided that you return to work for at least 3 full working months following your maternity leave. The breakdown of maternity pay is as follows:</p> <ul style="list-style-type: none"> i) Weeks 1 – 6 90% of average weekly earnings ii) Weeks 7 – 10 90% of average weekly earnings (including SMP) iii) Weeks 11 – 30 50% of average weekly earnings plus SMP iv) Weeks 31 – 39 SMP only <p>If you do not return to work for at least 3 full working months following your maternity leave, you are only entitled to the SMP elements (if applicable) of payments ii) and iii) outlined above.</p>	
I would like to be paid payments ii) and iii) in full during my maternity leave and I confirm that I would be prepared to re-pay any overpayment in full.	
Signature:	
Date:	
OR	
I would like to postpone payments ii) and iii) until I have returned to work and completed 3 full working months qualifying service, in which case only SMP (if applicable) will be paid during my maternity leave.	
Signature:	
Date:	

Please return your completed form to HRServiceTeam@leedsbeckett.ac.uk (copied to your manager)

MATERNITY TIMETABLE

As soon as possible	<p>Inform your manager that you are pregnant and talk to them about your plans for maternity leave. HR Services can help if you have questions in relation to the University's Maternity Leave scheme.</p> <p>Carry out the 'Expectant Mother's Risk Assessment', available on our Safety, Health and Wellbeing A-Z. Once completed, please share the assessment with your manager. If you would like further advice following the completion of the risk assessment, please contact our Occupational Health team.</p>
11 weeks before Expected Week of Childbirth (EWC)	This is the earliest date that maternity leave can commence.
4 weeks before EWC	This is the latest date which you can submit your Maternity Leave Application Form to HR Services. You should also provide a copy of the Mat.B1 form issued by a registered doctor/midwife which confirms the expected date of childbirth.
Childbirth	Maternity leave will automatically begin the day after the date of birth, if it has not already done so. You should confirm the actual date of birth to HR Services as soon as is reasonably practicable.
2 weeks after birth	For Health and Safety reasons, this is the earliest date that you can return to work.
52 weeks after maternity leave has commenced	If you have less than one year's continuous service with our University, this is the latest date that you can return to work from maternity leave.
63 weeks after maternity leave has commenced	Provided you have at least one year's continuous service with our University, this is the latest date that you can return to work from maternity leave.
At least 8 weeks before you intend to return to work	You must give at least 8 weeks written notice, to your manager and HR Services, of your intention to return to work.
At least 2 months before you intend to return to work (initial discussions could start prior to your maternity leave)	If you wish to return to work on reduced/altered hours, you must discuss this with your manager. It could take up to 2 months to consider a flexible working request so if you wish your new working pattern to commence on your return to work you should ensure you submit your request well in advance.