

MATERNITY LEAVE AND PAY POLICY & PROCEDURE

1. INTRODUCTION

1.1 Purpose

1.1.1 This policy sets out maternity leave and pay entitlements, eligibility requirements and employment rights before, during and after maternity leave.

1.1.2 The supporting procedure, which can be found at Annex A, provides practical guidance regarding notifying the University of maternity leave plans (and how to amend arrangements) and the required documentation that must be provided.

1.2 Scope

1.2.1 This policy, and supporting procedure, applies to all members of University staff who are pregnant or on maternity leave.

2. POLICY

2.1 Entitlement to Time off Work for Antenatal Care

2.1.1 All pregnant members of staff, regardless of length of service or hours worked, have a statutory right to reasonable paid time off to attend appointments for antenatal care (including travelling time). Your manager may request evidence of your appointments.

2.1.2 As with other medical appointments, appointments for antenatal care should, wherever possible be arranged in consultation with your manager to minimise disruption to work. You will not be unreasonably refused time-off during your working hours to attend appointments for antenatal care.

2.1.3 An individual who has a qualifying relationship with the employee, which includes your spouse, civil partner or partner (regardless of sex or gender), and the father of the expected child, is eligible to take unpaid time off to accompany you at up to 2 antenatal appointments.

2.2. Statutory Entitlements: Maternity Leave & Pay

2.2.1 Maternity Leave

2.2.1.1 You are entitled to take up to 52 weeks maternity leave, regardless of length of service. Maternity leave is a single continuous period made up of:

- 26 weeks **Ordinary Maternity Leave** (OML) and
- 26 weeks **Additional Maternity Leave** (AML)

AML follows OML and there must be no gap between the two.

2.2.1.2 Maternity leave may begin at a time of your choosing, on any day of the week, but it cannot start earlier than the 11th week before the Expected Week of Childbirth (EWC) unless the baby is born earlier than the 11th week before the EWC.

2.2.1.3 Your contract of employment continues throughout your maternity leave, unless either you or the University expressly ends it, or it expires.

2.2.1.4 During maternity leave, you will continue to benefit from the terms and conditions of employment (except for pay) which would have applied had you been at work. You are entitled to benefit from any general improvements to the rate of pay, or other terms and conditions, which may have been introduced for your grade while you are on maternity leave, as if you had not been away. You will accrue annual leave during maternity leave.

2.2.1.5 Unless you give notice to return to work before the end of your full entitlement of 52 weeks' maternity leave, the University must assume that you will take the full entitlement. You can choose to return earlier by giving at least 8 weeks written notice of the date you wish to return.

2.2.1.6 The law requires that you take a minimum of 2 weeks' maternity leave immediately following the birth, this is known as the Compulsory Maternity Leave period.

2.2.1.7 If you return to work immediately after the end of your OML, you have the right to return to the same job, on the same terms and conditions of employment as if you had not been absent, unless a redundancy situation has arisen, in which case you are entitled to be offered a suitable alternative vacancy.

2.2.1.8 If you return to work after some or all of your AML, you will normally be entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy situation has arisen. However, if there is a reason, other than redundancy, which means that it is not reasonably practicable for the University to take you back to the same job, you will be offered suitable alternative work on terms and conditions which are no less favourable than your original job.

2.2.2 Statutory Maternity Pay (SMP)

2.2.2.1 SMP is a state benefit paid via the University payroll on normal pay dates. You may be entitled to receive up to 39 weeks' SMP subject to the following qualifying conditions:

- a) you must have been continuously employed by the University for at least 26 weeks up to and including the 15th week before the EWC (this is known as the Qualifying Week – QW). This means that you will have been employed for at least 41 weeks by the end of the week in which your baby is expected to be born;
- b) have average weekly earnings above the lower earnings limit for the payment of National Insurance Contributions, normally calculated for a period of 8 weeks ending with the QW (the two pay dates prior to the end of the QW are used to calculate your average earnings);
- c) still be pregnant by the beginning of the 11th week before the EWC or have had the baby at that time;
- d) have provided medical evidence of the date that the baby is due (MAT B1 certificate) and have done so at least 28 days before maternity leave is due to start, or as soon as is reasonably practicable (if that is later);
- e) have stopped working due to the forthcoming birth.

2.2.2.2 SMP is payable whether or not you intend to return to work for the University, so once entitlement to SMP is established it will be paid even if you leave employment before SMP starts or during the Maternity Pay Period.

2.2.2.3 If you participate in salary sacrifice arrangements (e.g. the staff nursery and/or childcare voucher schemes) you may wish to consider the financial impact should you continue in the scheme, as the sacrificed pay does not count towards calculation of SMP entitlement.

2.2.2.4 SMP is paid as follows:

- Weeks 1-6: 90% of average weekly earnings
- Weeks 7-39: The lesser of the flat rate¹ of SMP or 90% of your average weekly earnings
- Weeks 40-52: No pay

¹ SMP rates are reviewed annually by the government.

2.2.2.5 If a pay rise has been awarded during maternity leave, and, but for your absence you would have received it, the University will recalculate your SMP.

2.2.2.6 There are some situations/events which may disentitle you to SMP. The University will need to be informed as soon as possible of any of the following:

- a) you commence employment with another employer after the birth of your baby;
- b) you are placed in legal custody or sentenced to imprisonment;
- c) your death

2.2.2.7 If you work for more than one employer, you should contact the payroll and pensions department so that you can be fully informed as to any possible impact on your eligibility for SMP. You may be eligible for SMP from both employers.

2.2.3 Maternity Allowance

2.2.3.1 If you are not entitled to SMP, but meet the qualifying conditions based on your recent employment and earnings records, you may be able to claim up to 39 weeks' Maternity Allowance (MA) from JobCentre Plus.

2.3 Occupational Maternity Scheme

The occupational scheme incorporates all relevant legislation and statutory entitlement with regard to maternity leave and pay. Where maternity leave is given with normal pay, this includes any entitlement to SMP. Maternity leave entitlement under the occupational scheme is the same as the statutory provisions.

2.3.1 Eligibility Criteria

2.3.1.1 To be entitled to the benefits of the Occupational Maternity Scheme you must:

- a) have at least 52 weeks' continuous service with the University before the EWC
- b) follow the notification requirements (see Annex A)
- c) provide a written undertaking to return to work for a minimum period of three months following the end of your maternity leave (see section 2.3.3). If you are employed on a fixed-term contract and should the expiry of that contract prevent you from returning to work for three months, you will not be expected to return for this period, unless you have been offered another contract (refer to Annex C for further details).

2.3.1.2 If you are not sure that you can give the undertaking to return to work for the required period, you are advised to apply for the statutory scheme only. Should you then decide to return to work for the required period, the University will pay you the maternity pay you would have received under the Occupational scheme (i.e. the difference between any maternity pay you received under the statutory scheme and your entitlement under the Occupational scheme).

2.3.2 Occupational Maternity Pay (OMP)

2.3.2.1 Provided you meet the eligibility criteria in 2.3.1, you will receive OMP. Your OMP incorporates any entitlement you may have to SMP or MA.

2.3.2.2 OMP is paid as follows:

- Weeks 1-18: Normal pay
- Weeks 19-39: SMP (if entitled)
- Weeks 40-52: No pay

2.3.2.3 If you are not eligible for SMP, you should make a claim for MA (see Annex A). Where you are in receipt of MA, you should send a copy of the notification of your MA award to the University and the University will ensure that the amount of MA you receive will be topped up to 18 weeks normal pay. If you are not eligible to receive MA, once this notification is received by the University you will receive 18 weeks normal pay from the University. The University cannot make any OMP payments until this notification has been received.

2.3.2.4 Normal pay is defined as the salary/wage that would have been received had you not been absent on maternity leave. It includes non-superannuable allowances but excludes pay in relation to voluntary overtime. OMP includes any entitlement to SMP. If SMP is greater than OMP, you will receive SMP.

2.3.3 Requirement to Return to Work for Three Months

2.3.3.1 The Occupational scheme requires you to return to work following maternity leave for at least three months. This period is extended, proportionately, if you return to work on a reduced-hours basis.

2.3.3.2 If you do not return to work for the required period, having received the benefits of the Occupational scheme, then the University has the right to reclaim the amount by which the OMP exceeded the SMP you were entitled to receive. If you were not entitled to receive SMP, you will have to repay the full amount of OMP received. This requirement applies regardless of the reason for you leaving the University's employment, and therefore includes dismissal.

2.3.3.3 If you are employed on a fixed-term contract, please refer to Annex C for further details on how the requirement to return to work applies to your circumstances.

2.3.3.4 The minimum three month period of service on return from maternity leave is calculated on the basis of actual attendance at work. If other types of leave are taken during this period (e.g. annual leave, sick leave, parental leave, a further period of maternity leave, etc), the minimum period of return will be extended by an equivalent amount. The HR department will assist in determining the required minimum period of return.

2.4 Keeping in Touch

2.4.1 Keeping in Touch Days (KIT Days)

2.4.1.1 At its discretion, the University may offer you the opportunity to work up to 10 KIT days during your maternity leave. These may be as separate days or as a single block. If you are offered this work, you will not be under any obligation to accept it and will not lose entitlement to either SMP or OMP if you decide to work. Working a KIT day will not bring your maternity leave to an end. KIT days cannot be worked during the 2 week Compulsory Maternity Leave period immediately following childbirth.

2.4.1.2 Any KIT days worked do not extend the period of maternity leave.

2.4.1.3 Once the 10 KIT days have been used up, if you work any further days during your paid maternity leave period, you would lose a week's SMP for any week in which you agree to work for the University.

2.4.1.4 Whilst ordinarily payment will be made for working a KIT day, except during periods of occupational leave/pay, you may prefer to bank the equivalent time off in lieu. If this is your preference, you should discuss this with your manager who will consider your request in line with University's KIT days guidance. If your manager agrees to your request, the lieu time will be taken following your return from maternity leave at a time to be agreed with your manager.

2.4.1.5 Where payment is made for working the KIT day whilst you are in receipt of maternity pay (SMP or OMP), the University can offset the maternity pay against pay due for the time worked as follows:

- i. If you are in receipt of OMP you will not receive any further pay for KIT days worked
- ii. If you are in receipt of SMP, you may receive payment for the agreed hours worked at your hourly rate plus SMP for that week. Alternatively, providing it does not take you below the National Minimum Wage, the accrual of time off in lieu can be considered instead of receiving payment for the hours worked during KIT days. Please refer to the University's KIT days guidance for full details.

2.4.1.6 If you are in receipt of MA, you must send a copy of the notification of your MA award to the University so that your entitlement to pay for a KIT day can be calculated.

2.4.1.7 If you are not in receipt of any maternity pay you will receive pay for the hours you have worked.

2.4.1.8 Working for part of a day during maternity leave will count as a whole KIT day, although payment will only be made, or time off in lieu credited, for the actual number of hours worked.

2.4.1.9 For further details, frequently asked questions, and a worked example, please refer to the University's KIT days guidance for full details.

2.4.2 Vacancies

All job vacancies can be viewed via your Keele People self-service.

2.4.3 Reasonable Contact

The University may make reasonable contact with you during your maternity leave. This may, for example, be to discuss your plans for returning to work, any special arrangements to be made, or training to be given to ease your return to work, or to update you on developments at work during your absence.

2.5. Termination of Employment Whilst in Receipt of Maternity Pay

2.5.1 If you are in receipt of SMP and your employment is terminated, by you or the University, the University will continue to make payment of SMP as appropriate. It is your responsibility to ensure that the University is notified in writing if you obtain employment elsewhere.

2.5.2 OMP ceases to be payable once your contract of employment is terminated by either party.

2.6. Returning to Work After Maternity Leave

The University will assume that you will take your full entitlement of 52 weeks maternity leave unless otherwise notified by you. If your maternity leave is followed by annual leave that you have agreed with your manager, you will return from maternity leave but will be deemed to be absent on annual leave.

2.6.1 Returning to Work Early

If you wish to return to work before the end of your full entitlement of leave, you are required to give at least 8 weeks (or 56 days) written notice. If you attempt to return to work without giving proper notice, then the University may postpone your return to a date that secures 8 weeks notice of your return. The University cannot, however, postpone your return to a date that falls after the expiry of your full maternity leave entitlement.

2.6.2 Changing Your Mind About Your Return Date

If you have notified the University that you wish to return to work before the end of your maternity, you may give 8 weeks written notice of an alternative return date.

2.6.3 If Parental Leave is Taken Immediately After Maternity Leave

A period of Parental Leave of 4 weeks or less has no impact on your right of return from maternity leave. If you take a period of parental leave of more than 4 weeks straight after the end of either Ordinary Maternity Leave or Additional Maternity

Leave, it is treated as though you were returning to work after Additional Maternity Leave (see section 2.6). Parental Leave is a separate entitlement, the University's Parental Leave policy can be found at [HR intranet: Policies, Procedures, and Guidelines](#).

2.6.4 If Shared Parental Leave is Taken Following Maternity Leave

Should you decide to take a period of Shared Parental Leave, you will be required to notify the University of the end of your period of Maternity Leave, or give advance notice to curtail it. This advanced notice means that your partner could begin to take Shared Parental Leave whilst you are still on Maternity Leave. More information on Shared Parental Leave can be found at [HR intranet: Policies, Procedures, and Guidelines](#).

2.6.5 Supporting your return to work

The University recognises that returning to work after maternity leave can be challenging, both emotionally and physically, especially during the first few weeks. The University aims to provide appropriate support and encourages you to seek advice and support if you are in need of it. Such advice and support can be obtained by contacting, in confidence, a member the HR team and/or Occupational Health, though you may prefer to speak directly with your manager.

2.6.6 Health & Safety

If you return to work within 6 months of the birth and/or are breast-feeding when you return, your manager will need to be made aware as there may be health and safety implications to consider. Your manager should ensure that an appropriate risk assessment is carried out. See section 2.12.

2.6.7 Breastfeeding

If you are breastfeeding when you return to work you may benefit from additional support. Confidential advice can be sought from HR and/or Occupational Health. Information and support on breastfeeding and returning to work can also be obtained externally from several sources, including a National Childbirth Trust Breastfeeding Counsellor.

2.6.8 Flexible working arrangements

2.6.8.1 The University has a Flexible Working Policy and Procedure, under which staff are able to request temporary and ongoing flexible working arrangements, including a reduction in working hours. Should you wish to make such a request please do so under this procedure which can be found at [HR intranet: Policies, Procedures, and Guidelines](#).

2.6.8.2 Should a temporary or permanent request to reduce hours following maternity leave be agreed, there will be no adverse effect on your entitlement to

SMP or OMP. However, if you have received OMP then the minimum amount of time you will need to return to work in order to retain those benefits will be extended beyond the three months on a pro rata basis. HR will provide further advice where necessary.

2.7 Ill-Health/Sickness Absence

2.7.1 Before the birth

Absence through ill-health during the pregnancy will be considered in line with the relevant sickness absence policy and procedure and pay arrangements. However, if the illness is pregnancy related, and occurs during the 4 weeks prior to the EWC, this will automatically trigger the start of your maternity leave (and pay) with effect from the day following the first day that you are absent (see Annex A).

2.7.2 During Maternity Leave

Maternity leave cannot be broken by other types of absence, therefore if you become ill during your maternity leave, this will be treated as part of your maternity leave.

2.7.3 After the End of Maternity Leave

If you are unable to attend work after the end of your maternity leave due to sickness, the normal rules for sickness absence will apply and you should notify the University in the normal way in accordance with the sickness reporting arrangements.

2.8 Premature Birth & Stillbirth

2.8.1 Premature Birth

2.8.1.1 If your baby is born prematurely, but after your maternity leave has already started, the rules governing SMP, MA and OMP do not change.

2.8.1.2 If you give birth prematurely before or during the Qualifying Week (the 15th week before the EWC) you are still entitled to receive SMP/MA/OMP as originally envisaged provided:

a) In the case of SMP or OMP, you would have qualified for it through your length of service by the end of the original Qualifying Week (N.B. the week in which the birth was expected is still used for assessing continuous service);

b) In the case of SMP, your average earnings in the set calculation period for SMP are above the lower earnings for the payment of National Insurance Contributions.

2.8.1.3 If the premature birth occurs before the intended start of maternity leave, SMP/MA/OMP entitlement will begin on the day after the date of birth.

2.8.1.4 You will have an entitlement to the same length of maternity leave as you would have received had the birth not been premature.

2.8.2 Stillbirth

2.8.2.1 If a stillbirth occurs after the end of the 24th week of pregnancy, entitlement to maternity pay and leave applies in the same way as if the baby had been born alive.

2.8.2.2 If a stillbirth occurs during the first 24 weeks of pregnancy, entitlement to maternity pay and leave will not apply. Any absence in such circumstances will be treated as sickness absence and you will be entitled to sick pay under the normal sickness absence arrangements.

2.9 Annual Leave

2.9.1 During your maternity leave you retain your entitlement to accrue annual leave, including public holidays and Christmas leave days.

2.9.2 It is not possible for you to take annual leave at the same time as maternity leave. However, it will usually be possible for you to use any untaken annual leave either before you start your maternity leave, or once your maternity leave has finished.

2.9.3 You are advised to consider when you will take your annual leave and incorporate this into your leave planning. This is particularly important if you plan to take a whole year's maternity leave, or where a new annual leave year starts whilst you are on maternity leave. Legislation requires the 'basic' statutory leave entitlement² to be taken in the leave year in which it is accrued.

2.9.4 Where annual leave cannot be taken in the correct leave year due to maternity absence, you may carry forward your annual leave to the following leave year, provided that accrued annual leave from the previous year is taken immediately following your maternity leave (note that this is an exception to the normal University rules relating to annual leave).

2.10 Pension

2.10.1 Pension rights and contributions shall be managed in accordance with the provisions of the relevant superannuation scheme, providing that these provisions do not conflict with any statutory requirements that may apply at the time.

² Basic statutory paid leave entitlement: 5.6 weeks (capped at 28 days)

2.10.2 If you are a member of a University pension scheme, the University will continue to deduct employee contributions (at the appropriate %) based on the maternity pay you receive. The University will undertake to pay both employer and employee contributions (excluding Additional Voluntary Contributions) in respect of the difference between any maternity pay received and what would have been your normal pay for the entire maternity leave period, including any periods of unpaid maternity leave.

2.10.3 The salary exchange for those staff who participate in **Payflex+** will continue whilst you are in receipt of sufficient occupational maternity pay, but will cease for staff on SMP only. The University will maintain the same level of contributions and pension benefits for the whole maternity leave period. Further information on **Payflex+** can be found on the University website or by contacting the Payroll and Pensions team.

2.10.4 You are advised to contact Payroll and Pensions for details of how maternity absence will affect your pension, particularly if you make Additional Voluntary Contributions.

2.11 Maternity Leave and Salary Sacrifice Schemes

2.11.1 If you participate in salary sacrifice arrangements (e.g. the staff nursery, childcare voucher schemes etc) you may wish to consider the financial impact of continuing in the scheme whilst you are on maternity leave.

2.11.2 You should be aware that sacrificed pay does not count towards the calculation of SMP.

2.11.3 Your options will depend upon the specific salary sacrifice scheme arrangements but it may be possible for you to come out of the scheme to ensure no impact on your SMP or because you will no longer require the benefit.

2.11.4 Should you continue in a salary sacrifice scheme during your maternity leave, the salary sacrifice will continue whilst you are in receipt of sufficient occupational maternity pay but will cease when you are receiving SMP only. The University will continue to provide the non-cash benefit throughout the whole of your maternity leave period, in effect meeting the cost of the benefit in full.

2.12 Health and Safety Considerations

2.12.1 The University is committed to ensuring that pregnant and breastfeeding staff and their child/children do not suffer any adverse effects on their health, safety and welfare as a result of their working environment.

2.12.2 When you inform the University, in writing, that you are pregnant or breastfeeding, or if you return to work within 6 months of giving birth, your manager will be responsible for ensuring that an appropriate risk assessment is carried out.

2.12.3 Temporary Changes to Working Conditions

Where a risk assessment identifies a potential new risk, all necessary measures must be taken to ensure corrective action to avoid the risk. Line managers will discuss possible temporary adjustments of working conditions/hours with HR, Occupational Health, and Health & Safety as necessary. Where such measures are not feasible or prove insufficient, HR will coordinate the identification of suitable alternative employment.

2.12.4 Suspension from Work on Maternity Grounds

Where a risk has been identified and no suitable alternative employment can be offered, you will be suspended on full pay. The decision to suspend would be taken by the Chief People Officer, Human Resources, (or nominee) in consultation with Occupational Health and/or Health & Safety. If a member of staff refuses unreasonably to carry out suitable alternative work, they will lose their right to pay during the period of suspension.

2.12.5 Night Workers

Where a medical certificate states that, on health and safety grounds, you should not continue to work at night, the University will either transfer you to suitable alternative day work or suspend you on maternity grounds.

3. ROLES AND RESPONSIBILITIES

3.1 Employee

- a) To ensure that appropriate and timely notification is given, and all relevant forms are completed/submitted.

3.2 Line Manager

- a) To provide support to members of their team who are pregnant or on maternity leave.

3.3 Human Resources

- a) To provide further guidance on the application of this Policy when required.

4. RELATED POLICIES AND PROCEDURES

- a) Parental Leave policy
- b) Shared Parental Leave and Pay Policy
- c) Flexible Working Policy
- d) University KIT days guidance

5. REVIEW, APPROVAL & PUBLICATION

5.1 As a general principle, the policy will be reviewed by Human Resources, in consultation with recognised Trade Unions after three years or where operational and/ or legislative requirements change. Any revisions will be approved in accordance with UEC and Council procedures, where applicable.

5.2 This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawal.

5.3 This policy will be published on the University policy zone web page and will also be accessible via the Human Resources web pages.

5.4 Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.

6. ANNEXES

Annex A – Maternity Leave and Pay Procedure

Annex B – Glossary of terms

Annex C – Further information for fixed-term staff

7. DOCUMENT CONTROL INFORMATION

Document Name	Maternity Leave and Pay Policy & Procedure
Owner	Chief People Officer, Human Resources
Version Number	1.0
Equality Analysis Form Submission Date	9 February 2023
Approval Date	20 March 2023
Approved By	University Executive Committee
Date of Commencement	20 March 2023
Date of Last Review	20 March 2023
Date for Next Review	20 March 2026
Related University Policy Documents	a) Parental Leave policy b) Shared Parental Leave and Pay Policy c) Flexible Working Policy d) University KIT days guidance
<i>For Office Use – Keywords for search function</i>	

Annex A – Maternity Leave and Pay Procedure

Please note, there are two schemes in operation:

- a) **Statutory Maternity Scheme:** based on legislation and is available to all members of staff, although some entitlements are subject to eligibility criteria.
- b) **University Occupational Maternity Scheme:** offers enhanced provisions and is available to members of staff with more than one year's service, by the Expected Week of Childbirth (EWC).

You are advised to contact a member of the Human Resources Administration team at the earliest opportunity to establish your rights and options. All enquiries are dealt with in the strictest confidence. You should also inform your manager as you are likely to require time off (with pay) to attend antenatal appointments, and to enable your manager to undertake a pregnancy risk assessment in order to identify any possible health & safety issues that may need to be addressed.

A1 Starting Maternity Leave

A1.1 You should decide when you would like to start your maternity leave. This may be any time from the 11th week before your Expected Week of Childbirth (EWC). You may wish to take annual leave immediately prior to, or following, maternity leave, which should be agreed with your manager (see section below).

A1.2 You are required to formally notify the University, in writing, of your intention to take maternity leave **by the 15th week before your EWC**, unless this is not reasonably practicable. You should complete and submit the ML form (Notification of Maternity Leave) to the Human Resources Department. On this form you need to state:

- a) that you are pregnant;
- b) the week your baby is expected to be born;
- c) the date you want your maternity leave to start (this is referred to as the *notified date*).

A1.3 Your completed ML form should be accompanied by your MATB1 certificate, which is issued by your GP or registered midwife (and should be available from 20 weeks before your EWC). Your MATB1 certificate confirms your EWC and is required by the University to process your claim for maternity leave. If your MAT B1 form is not available, you should complete and submit the ML form anyway and forward the MAT B1 as soon as possible.

A1.4 The Human Resources Department will acknowledge your maternity leave plans within 28 days of receipt of the MAT B1 and ML form. You will receive a

separate notification regarding your eligibility to receive Statutory Maternity Pay from the Payroll Department. Your MAT B1 certificate will be returned to you.

A2 Maternity Allowance

A2.1 If you are not entitled to Statutory Maternity Pay (SMP), but meet the qualifying conditions based on your recent employment and earnings records, you may be able to claim up to 39 weeks' Maternity Allowance (MA) from JobCentre Plus. In this situation the Payroll Department will provide you with Form SMP1 *Why I cannot pay you SMP*. This form explains the reason for ineligibility for SMP and gives clear instructions to you on how to apply for MA or how to appeal against the decision if you disagree.

A2.2 Where you are in receipt of MA, and meet the eligibility requirements for the Occupational Maternity Scheme, you should send a copy of the notification of your MA award to the University and the University will ensure that the amount of MA you receive will be topped up to 18 weeks normal pay. If you are not eligible to receive MA, once this notification is received by the University you will receive 18 weeks normal pay from the University. The University cannot make any OMP payments until this notification has been received.

A2.3 The University will also require notification of your MA award should you work any Keeping in Touch (KIT) days.

A3 Changing Maternity Leave Start Date

A3.1 If you wish to change the date on which you intend to start your maternity leave, you must notify HR in writing. You will need to do this by the earlier of:

- a) 28 days before the date you originally intended to start your maternity leave
- b) 28 days before the new date you want to start your maternity leave

A3.2 Your maternity leave normally starts on your notified date. There are two exceptions:

- a) Absence due to childbirth before the intended start date

If childbirth occurs before the date you have notified (or before you have notified any date), your maternity leave starts automatically on the day after the date of the birth (even if this is before the beginning of the 11th week before the Expected Week of Childbirth). In order to preserve your rights to maternity leave and Statutory Maternity Pay, you must, as soon as is reasonably practicable, give the Human Resources Department written notice, of the date of childbirth and (if you have not already given it) evidence of both the expected date and the actual date of birth. This can be

provided together on the maternity certificate (MAT B1) issued by a doctor or midwife. The University will write to you within 28 days to confirm the new start and end dates of your maternity leave.

b) Absence for a pregnancy-related reason before the intended start date

If, prior to the commencement of your maternity leave, you are absent from work due to illness you should follow the University's normal sickness reporting procedures. Any absence from work due to pregnancy-related illness within the 4 weeks prior to your Expected Week of Childbirth will automatically trigger the commencement of your maternity leave on the day after the first day of the absence. In order to preserve your rights, you must, as soon as is reasonably practicable, give the University notice, in writing, that the reason for your absence from work is wholly or partly because of pregnancy and of the date on which absence for that reason began. The University will write to you within 28 days to confirm the new start and end dates of your maternity leave.

A4 Maternity Leave Duration

A4.1 The University will assume that you will take your full entitlement to 52 weeks maternity leave, unless you give the Human Resources Department at least 8 weeks written notice that you wish to end your maternity leave earlier. If you know the date you wish to return at the outset you have the option of giving the appropriate notice on ML form; otherwise you can complete RML form and submit it later.

A4.2 If you have notified the University that you wish to return to work before the end of your adoption leave, you may give 8 weeks written notice of an alternative return date on ALF2 form.

A5 Flexible Working Requests

A5.1 If you are hoping to return to work on reduced hours or on a different arrangement following your maternity leave, you should discuss this with your manager and a member of the relevant HR team ideally before your leave commences. You may wish to make a formal application under the University's Flexible Working Policy and Procedure, available from the Human Resources web pages.

A6 Annual Leave

A6.1 You are advised to consider when you will take your annual leave and incorporate this into your leave planning. This is particularly important if you plan to take a whole year's maternity leave, or where a new annual leave year starts whilst you are on maternity leave. Legislation requires the 'basic' statutory leave entitlement³ to be taken in the leave year in which it is accrued.

³ Basic statutory paid leave entitlement: 5.6 weeks (capped at 28 days)

A6.2 If you have carried forward any accrued annual leave from one leave year to the next because of your maternity leave, you should contact your manager to book the carried-over annual leave to be taken immediately following your maternity leave. In this case your maternity leave will have ended on the date you have given, and you will be absent on approved annual leave.

A7 Breastfeeding

A7.1 If you return to work within 6 months of the birth and/or are still breastfeeding when you return, you should inform your manager so that a health & safety risk assessment can be carried out.

A8 Reasonable contact and KIT days

A8.1 The University may make reasonable contact with you during your maternity leave. In addition, the University may offer you the opportunity to work up to 10 Keeping in Touch (KIT) days during your maternity leave. These are entirely optional – the University does not have to offer any and, once offered, you do not have to agree to work. Please refer to the University's KIT days guidance.

Annex B: Glossary of Terms

Additional Maternity Leave (AML): Regardless of length of service, you are entitled to 26 weeks' Additional Maternity Leave (AML) which immediately follows your 26 weeks Ordinary Maternity Leave (OML) Period.

Average Weekly Earnings: For SMP purposes, weekly earnings are calculated in most cases from the average of 8 weeks' gross earnings (including overtime, etc) immediately prior to the end of the Qualifying Week (QW). If you are paid monthly, the two pay dates prior to the end of the QW are used to calculate average earnings.

Expected Week of Childbirth (EWC): The week, beginning with midnight between Saturday and Sunday, in which it is expected that the baby will be born.

Keele University Occupational Maternity Scheme: Open to qualifying employees. Enhances certain statutory maternity provisions.

Keeping In Touch (KIT) Days: The University may offer you the opportunity to work up to 10 Keeping in Touch (KIT) days during your maternity leave. These are entirely optional – the University does not have to offer any and, once offered, you do not have to agree to work. You will not lose your right to receive Statutory or Occupational Maternity Pay if you work a KIT day.

MAT B1: A Maternity certificate issued by a doctor or midwife giving the date on which the baby is expected to be born (Expected Week of Childbirth - EWC). It must not be signed before the Sunday at the start of the 20th week before the EWC.

Maternity Pay Period: The Maternity Pay Period is the period during which Statutory Maternity Pay (SMP) is payable to an eligible employee. SMP is payable to an eligible employee for 39 consecutive weeks. You can choose when you wish this to commence (although this must be no earlier than the 11th week before the EWC).

ML FORM: The University's Application for Maternity Leave form which should be completed and returned to the Human Resources Department by the end of the 15th Week before the EWC in order to notify the University that you wish to take maternity leave.

Notified Date: The date you nominate as the start of your maternity leave on your ML FORM.

Ordinary Maternity Leave (OML): The first 26 weeks of your maternity leave.

Qualifying Week (QW): The 15th week before the Expected Week of Childbirth (EWC). It is important to note that "week" in this context refers to the period of 7 days beginning with a Sunday and ending on a Saturday.

Return to Work: After the end of your maternity leave period, you will be deemed to have returned to work, even though you may be absent from work due to another type of authorised absence (e.g. annual leave; parental leave; sick leave, etc.). The return to work date is therefore important and should not be confused with actual attendance at work following other forms of authorised absence.

RML FORM: The University's Notification of Early Return to Work form, which you should complete and return if you wish to return to work before the end of your full entitlement to 52 weeks maternity leave and have not already given an end date on the ML Form. The Form must be submitted to the Human Resources Department at least 8 weeks prior to the return date. You can also use this form if you wish to change the date you wish to return to work having previously notified the University of a return date.

Statutory Maternity Pay (SMP): Weekly payment made by the employer. Payable for maximum of 39 weeks to qualifying employees. Payable at two rates: higher rate for the first 6 weeks (90% of earnings) and the flat rate for the following 33 weeks.

Annex C: Further Information for Fixed-Term staff

1. It is the University's policy to treat staff employed on fixed-term contracts in the same manner with respect to their entitlement to maternity leave and pay as those on indefinite contracts.
2. Members of staff who are employed on fixed-term contracts and who have at least 52 weeks' continuous service with the University by the EWC are entitled to receive the benefits of the University Occupational Maternity Scheme.
3. Regardless of when your contract expires, provided you qualify for SMP, you will be eligible to receive SMP for the full 39 week Maternity Pay Period from the University. However, if when you leave University employment after the end of your contract, you then commence employment with a new employer during the 39 week Maternity Pay Period, you will lose your entitlement to SMP.
4. The following guidelines are designed to give a detailed explanation of how, under the terms of the University Occupational Maternity Scheme, the requirement for staff to return to work for a minimum period of three months applies to staff employed on fixed-term contracts. There are three basic scenarios detailed below and a description of how the rule is applied in each circumstance:
 - I. Your contract is due to expire more than three months after the end of your maternity leave

You will be expected to return to work for at least three months following the end of your maternity leave. If you do not return, you will be required to repay the difference between SMP and OMP.

- II. Your contract is due to expire after the end of the 18 week OMP period, but before the end of the three month period
 - i. *If you are not offered a further contract*, you will be expected to return to work after the end of your maternity leave to the end of your contract. If your contract ends whilst you are on unpaid maternity leave, you will not be expected to return to work and will not be required to repay the difference between SMP and OMP. If your contract ends whilst you are receiving SMP, you will not be expected to return to work and will continue to receive SMP from the University (unless you commence employment with a new employer) and will not be required to repay the difference between SMP and OMP.
 - ii. *If you are offered a further contract*, either as an extension or if suitable alternative employment is offered, you will be expected to return to work at the end of your maternity leave for at least three months (or less if the contract ends sooner and you are not offered a

further contract extension). If you do not return you will be required to repay the difference between SMP and OMP. This will apply even if the offer of further work occurs after maternity leave had commenced, however, the University cannot require you to finish your maternity leave early in order to return to work.

III. Your contract expires during the 18 week OMP period

- i. *If you are not offered a further contract, you will only receive normal pay under the Occupational Maternity Scheme until the end date of your contract. Thereafter, if you qualify for SMP, you will receive SMP until your entitlement expires, even though you will no longer be an employee of the University. You would not be required to repay the different between SMP and OMP.*
- ii. *If you are offered a further contract, either as an extension or if suitable alternative employment is offered, you will be expected to return to work at the end of your maternity leave for at least three months (or less if the contract ends sooner and you are not offered a further contract). If you do not return you will be required to repay the difference between SMP and OMP. This will apply even if the offer of further work occurs after maternity leave had commenced, however, the University cannot require you to finish your maternity leave early in order to return to work.*