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Maternity Leave Policy

The University is fully committed to helping working parents balance the needs of work and family life, and appreciates the importance of providing greater choice for parents in how they arrange parental care during the first year of a child's life.

Scope: All eligible pregnant staff members and new mothers, regardless of the gender of an employee's partner.

Key principles:

1. All eligible staff are entitled to take up to a maximum of 52 weeks maternity leave, combining both paid and unpaid maternity leave, regardless of the number of hours they work or their length of service.
2. A University maternity pay provision, which is an enhanced provision and incorporates the statutory entitlement where applicable, is available to staff who meet specific eligibility criteria. Where this criteria is not met an individual may alternatively be able to meet either the Statutory Maternity Pay (SMP) or Maternity Allowance (MA) eligibility criteria.
3. All contractual benefits with the exception of pay will continue to accrue during the whole period of maternity leave.
4. Keeping in touch days are available to support continued communication during the maternity absence.
5. Annual leave can be used flexibly outside of the maternity absence; subject to departmental agreement/business needs to support effective planning.

How the University supports this policy:

A maternity toolkit has been designed to guide both staff and managers through the maternity process by providing a concise overview of what to expect and consider before, during and after maternity leave.

In addition to the above, there are also a number of family friendly policies aimed at supporting staff achieve work/life balance and meet demands faced when caring for dependents e.g. flexible working, parental leave, the ability to purchase additional leave, the use of additional



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paternity/partner leave (to enable the sharing of the responsibilities for the care of the child during its first year), Parents@TUoS Network, and Women Academic Returners Programme etc.

www.sheffield.ac.uk/hr/guidance/family/index

What to do next:

Full details explaining the provisions available in relation to maternity, eligibility requirements and notification processes are detailed within the maternity leave procedure.

A notification form can be downloaded from the maternity toolkit.

Document control

Last updated: 08/17

Date of next review: 08/18



Maternity Leave Procedure

1. Eligibility for leave

- 1.1 All pregnant employees are entitled to up to 52 weeks leave, comprising of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML), regardless of length of service, subject to satisfying the notification requirements detailed in section 3.
- 1.2 Where a member of staff proposes to return to work early, without using the full 52 week entitlement to maternity leave, they may be eligible to transfer between 2 to 26 weeks of their outstanding maternity leave (and any outstanding Statutory Maternity Pay (SMP)) to their spouse/partner (including same sex partners), or the father of their child. (See the Shared Parental Leave Policy for more details).
- 1.3 Only one period of leave will be available irrespective of whether more than one child results from the pregnancy.
- 1.4 A maternity leave period cannot be broken by any other leave and must be a continuous period.

2. Eligibility for pay

- 2.1 The different eligibility requirements and entitlements to maternity pay are as shown in the below table. Members of staff can identify which option(s) they are eligible for by reference to this table (and use the Maternity Calculator to help plan their absence dates). Further advice can also be gained from the Payroll Team or their Human Resources Team contact.
- 2.2 Those not planning to return to work following their period of maternity leave, for a minimum period of 3 months, will not be eligible for the enhanced University Maternity Scheme (option A or B). However, subject to meeting the relevant criteria and notification requirements may be eligible for either SMP Only (Option C) or Maternity Allowance (Option D).



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Type of leave/ Scheme	Eligibility criteria/requirements	Up to 52 weeks Maternity Leave	Entitlement/pay
<p align="center">University Maternity Scheme</p>	<ul style="list-style-type: none"> a) At least 12 months continuous service with the University of Sheffield by the expected week of childbirth (EWC), which means the week starting on a Sunday, during which the member of staff's doctor or midwife expects them to give birth. b) Provides a written undertaking to return to their post for a minimum of three months following the end of the maternity leave period (see paragraphs 15.8 + 16.2) via notification form. c) Provides written notification of their intention to take leave (see section 3) and a MATB1 certificate. d) Pregnant at the 11th week before the EWC (or have had the baby by that time). e) Will have stopped working to take maternity leave. 		<p>Staff who qualify for the University Maternity Scheme will be entitled to choose either Option A or B (both of which are inclusive of any entitlement to Statutory Maternity Pay – see Statutory Maternity Scheme below for SMP criteria/pay):</p> <p>Option A: 39 week paid leave option</p> <p>18 weeks at full pay; + 21 weeks at the appropriate rate of SMP; + up to 13 weeks AML unpaid</p> <p>OR</p> <p>Option B: 45 week paid leave option</p> <p>12 weeks full pay; + 12 weeks half pay; + 15 weeks at the appropriate rate of SMP; + 6 weeks' pay equivalent to SMP paid by the University, + up to 7 weeks AML unpaid</p>



Type of leave/ scheme	Eligibility criteria/requirements	Maternity Leave Up to 52 weeks	Entitlement/pay
<p>Statutory Maternity Scheme</p>	<p>At least 26 weeks of continuous service at the 15th week before the EWC (This 15th week is known as the Qualifying Week (QW)).</p> <p>For the eight weeks prior to the end of the qualifying week have been earning on average not less than the lower earnings limit for national insurance contribution purposes.</p> <p>(and points c-e on table above)</p>		<p>Option C: SMP Only</p> <p>6 weeks at the equivalent of 90% of the member of staff's average weekly earnings;</p> <p>+</p> <p>A flat rate payment for a further 33 weeks, which is the lesser of:</p> <ul style="list-style-type: none"> • the standard rate of SMP (paid at a rate set by the government for the relevant tax year, see GOV.UK for current values) OR • 90% of the member of staff's average weekly earnings calculated over a period of eight weeks up to and including the qualifying week; <p>+</p> <p>Up to 13 weeks AML unpaid</p>

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Type of leave/ Scheme	Eligibility criteria/requirements	Maternity Leave Up to 52 weeks	Entitlement/pay
Maternity Allowance (MA)	<p>Potentially available to those with less than 26 weeks' service prior to the 15th week before the EWC if:</p> <p>Employed for 26 weeks in the 66 weeks before the EWC (with any employer) + meet an average weekly earnings limit defined by the state</p>		<p>Option D: Maternity Allowance (Statutory) Up to 39 weeks Maternity Allowance (MA) (provided not working during this time); + up to 13 weeks unpaid leave</p> <p><i>Eligibility determined and payment made by the Job Centre Plus</i></p>



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- 2.3 Where the staff member is not entitled to Options A, B, or C above, they should contact the Job Centre Plus directly to enquire about eligibility for MA. In such cases the University will provide the staff member with an SMP1 form, which will explain why they do not qualify for SMP. The individual should also still complete the University's maternity leave notification form to provide details of their maternity leave period (see section 3).
- 2.4 Payments in relation to Options A, B and C will be made via the University payroll and will be subject to tax, national insurance and pension contributions (if a member). For Option D (MA) payments will be made directly to the staff member via Job Centre Plus, if applicable.
- 2.5 Payment of SMP is an integral part of any maternity payment made by the University and no combination of payments can exceed the normal full pay.
- 2.6 If the staff member ceases to be an employee of the University after the start of the 15th week before the baby is due (i.e. EWC), they will still be entitled to receive SMP, providing that they have fulfilled the notification requirements and all the relevant statutory criteria.

3. Notification of pregnancy

- 3.1 The notification requirements below are the same regardless of the scheme that the member of staff qualifies for.
- 3.2 It is important that the member of staff notifies their manager at an early stage of the pregnancy, so that the manager can begin planning for the anticipated absence (see maternity toolkit) and undertake a risk assessment (see Health & Safety Considerations section 14 for additional information).
- 3.3 By the end of the 15th week before the expected week of childbirth (i.e. the 'qualifying week'), the member of staff should complete the University's maternity leave notification form, (attaching a MATB1 certificate), including gaining their managers signature, before forwarding to the Payroll Team.
- 3.4 Following receipt of the fully completed notification form and provision of a MATB1 certificate, a letter will then be sent from the Payroll Team to acknowledge the notification and confirm the maternity leave arrangements as appropriate.



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4. Accrual and use of annual leave

- 4.1 Contractual annual leave (including bank holidays/closure days) will be accrued during the whole period of maternity leave. (Guidance in relation to calculating public holidays for part time staff is available at: www.sheffield.ac.uk/hr/guidance/leave/ptleave).
- 4.2 The member of staff will be responsible in conjunction with their manager, for planning and arranging their annual leave around their maternity period, which should start no later than their expected week of childbirth. Annual leave can be taken at any time (outside of the maternity leave period), including being tagged onto the beginning or end of a maternity leave period, subject to the agreement of their manager.
- 4.3 Annual leave cannot be taken during a period of maternity leave, and any period of annual leave taken following the birth of the baby will be deemed to be a return to work i.e. the end of the maternity leave period.
- 4.4 Staff are expected to take their annual leave in the leave year it is accrued, as in most cases there is sufficient notice to plan for this type of leave. However, the ability to carry over accrued annual leave into the following leave year may be feasible subject to departmental approval/business need. Such requests should be raised with their manager as soon as practicably possible to support the department's consideration of this request, and if relevant plan their ability to accommodate this.
- 4.5 Where a member of staff leaves the University, and has taken more annual leave than they would have accrued prior to their end date, the University has the right to recover any overpayments, e.g. via deductions made from the staff member's salary, as appropriate.
- 4.6 Staff transferring to part time work on their return, should take their outstanding full- time annual leave allowance prior to returning to work/subject to the needs of their department.

5. Antenatal Care

- 5.1 Once a member of staff has advised the University that they are pregnant, they will be entitled to take reasonable paid time off work to attend appointments as advised by their doctor, registered midwife or registered health visitor. Antenatal care may also include other



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appointments that the member of staff has been advised to attend by their doctor, midwife or health visitor, in addition to medical examinations. Evidence of appointments may be requested.

5.2 The member of staff should endeavor to give their manager as much notice as possible of antenatal appointments and try to arrange them as near to the start or end of the working day as possible.

6. Starting maternity leave

6.1 The staff member may choose when to start their maternity leave (as long as there is no risk to the staff member or the baby and relevant notification has been provided), subject to the following constraints:

- a) The maternity leave period cannot start before the 11th week before the EWC.
- b) The latest date maternity leave can start is the date of childbirth.
- c) The maternity leave period will be triggered if the member of staff is absent from work wholly or partly because of pregnancy after the beginning of the 4th week before the EWC. In such cases the member of staff must notify the Payroll Team in writing of this as soon as reasonably practicable.
- d) Where the staff member gives birth before the 11th week before the EWC, maternity leave and pay (if applicable), will be triggered. In these circumstances, the manager should be notified by the staff member of the revised commencement of maternity leave as soon as is reasonably practicable who in turn will inform the Payroll Team. Payroll will then amend the maternity leave dates and issue a revised letter. Where a MATBI form has not been supplied before the birth taking place, this should be provided within 21 days of the birth, in order to enable any maternity payments to be made.

6.2 The staff member may change their mind about when they want to start their leave providing they give their manager and the Payroll team (unless this is not reasonably practicable) either:



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- In the case of delaying a start date, 28 days written notice before the date previously notified or;
- In the case of bringing the start date forward, 28 days written notice before the new start date.

7. Contact during leave

7.1 The staff member and their manager are encouraged to maintain reasonable contact during the maternity leave period. Shortly before a member of staff's maternity leave starts, the manager will discuss the arrangements for keeping in touch during the leave, including the type, frequency and method of contact. This should also include a discussion about 'keeping in touch' (KIT) days.

7.2 The University has the right to maintain reasonable contact with the member of staff from time to time during the maternity leave. This for example may be to discuss: the member of staff's plans for return to work; any special arrangements to be made or training to be given to ease their return to work or simply to provide an update on developments at work during the absence.

8. 'Keeping-in-touch' (KIT) days

8.1 Except during the first two weeks after childbirth, an employee can agree to work for the University (or to attend training) for up to 10 days during the maternity leave period, without that work bringing the period of the maternity leave to an end and without loss of a week's statutory maternity pay. These are known as 'keeping-in-touch' (KIT) days.

8.2 The type of work to be undertaken should be agreed between the member of staff and their manager (see toolkit for further information).

8.3 Any work carried out on a day shall constitute a day's work for these purposes.

8.4 The University does not have the right to require a member of staff to carry out any work, and the member of staff has no right to undertake any work, during the maternity leave.



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8.5 For any work undertaken, the member of staff will normally receive time off in lieu equivalent to one day, or exceptionally, payment for one day's work. This should be agreed in advance of the KIT day being undertaken.

8.6 Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, the member of staff will lose a week's SMP for any week in which they agree to work for the University.

9. Contractual entitlements

9.1 During the whole period of maternity leave the staff member is entitled to receive all contractual benefits with the exception of terms relating to salary. This includes all non-cash benefits such as childcare vouchers that the employee is benefiting from prior to commencing maternity leave. For additional information please see: www.sheffield.ac.uk/hr/reward/mybenefits, and the FAQs within the toolkit.

10. Continuity of service

10.1 Where a member of staff returns to work following maternity leave, the period of absence due to maternity leave will not affect the individual's recognised continuous service for employment rights purposes e.g. redundancy, pensions etc.

11. Ill-Health

11.1 If absent from work during the pregnancy due to ill health, prior to the beginning of the 4th week before the EWC the staff member will receive the normal contractual sick pay, in the same manner as during any other sickness absence, provided that the maternity leave has not yet begun. For sickness absence from the beginning of the 4th week before the EWC see paragraph 7.1 above.

11.2 If a member of staff is unable to return to their post at the end of the maternity leave due to ill-health this will be managed in accordance with the University's Sickness Absence Management Policy. A medical certificate will be required for absence immediately



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following on from the date of the end of the maternity leave even if this subsequent absence is for 7 days or less.

12. Pension

12.1 During periods of maternity leave at full pay the contribution arrangement will remain as normal.

12.2 During periods of half pay and statutory maternity pay (SMP) pension contributions will be deducted as a percentage of the actual salary payment received (including SMP where applicable). However, pensionable benefits will be based on the pay the employee would have received had they not been on maternity leave (notional pay). If a period of SMP continues beyond the end of the staff member's contractual relationship with the University all pension contributions will cease on the contractual end date.

12.3 During periods of unpaid maternity leave a staff member's membership of their pension scheme will be suspended and pensionable service will not be earned. If a staff member wishes to continue with pension contributions over this period, the staff member would have to cover the cost of their own and the employer's contribution.

12.4 Members of staff are advised to contact the Pensions Team (pensions@shef.ac.uk) to discuss their pension position.

13. Health & Safety considerations

13.1 The University acknowledges the importance of protecting from avoidable risks, pregnant or breastfeeding members of staff, as well as the unborn child.

13.2 As such, when a staff member informs their manager that they are pregnant or breastfeeding, the manager (or nominee) will assess any risks and take appropriate action to resolve any identified (see Risk Assessments within the Toolkit). This should be done with input from the individual staff member, who should also pass on any relevant information received from their doctor or midwife that could impact on the assessment.



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- 13.3 In the event of a member of staff being employed on work which could involve a risk to the health and safety of a breastfeeding or expectant mother, or to that of the unborn baby, arrangements will be made to protect both the mother and the child, having regard to statutory health and safety provisions that may at the time apply.
- 13.4 Members of staff working within a potential risk environment, for example a laboratory, heavy manual work, lone working etc., are advised to notify their Departmental Safety Officer of their pregnancy as soon as their condition has been confirmed.
- 13.5 The risk assessment should be monitored and reviewed on a regular basis. If an individual thinks they have been exposed to a risk at work, they should discuss this with their manager, in order that the risk assessment can be reviewed.

14. Returning to work after maternity leave

- 14.1 A staff member may not return to work within 2 weeks of the birth of the child and no notice to return is required if the individual returns on the first working day after 52 weeks' maternity leave.
- 14.2 A member of staff will return to work following the end of their maternity leave period. However, where a period of annual leave has been agreed between the member of staff and their department, that is due to commence immediately following the end of the maternity leave period, a physical return to work is not required until the end of the approved annual leave period.
- 14.3 If the member of staff wishes to return to work and end the maternity leave earlier than the expected end date, they must give the University at least 8 weeks' notice of the revised maternity end date, in writing to the Payroll Team. Failure to provide such notice would entitle the University to postpone the return date to secure 8 weeks' notice, provided that this is not later than the previous expected end of maternity leave and is no later than the end of the 52 weeks' maternity leave.
- 14.4 Those who return to work within the paid leave period, will forfeit entitlement to any remaining maternity pay entitlements in these circumstances (with the exception of up to a maximum of 10 keeping in touch days, detailed in section 9).



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- 14.5 It is imperative if the date of return changes that the staff member notifies both the Payroll Team and their manager, as soon as possible to ensure that the correct salary payments are made and an effective return to work can be planned.
- 14.6 Staff choosing to return to work at the end of the ordinary maternity leave (OML) have the right to return to the same job they occupied before their maternity leave began, on the same terms and conditions of employment as if they had not been absent. Those who take additional maternity leave (AML) also have this entitlement, however, where it is not reasonably practicable for the University to allow a return to the same job, the University may offer the member of staff suitable alternative work, on terms and conditions that are no less favourable than would have applied if they had not been absent.
- 14.7 The member of staff should confirm to their manager as soon as convenient during the leave the actual end date of maternity leave (and return to work date if different due to the use of annual leave at the end of this period). The manager should confirm these dates with the Payroll Team.
- 14.8 Nothing within this policy/procedure shall prejudice the right of the University to reclaim the whole or part of the non-statutory element of maternity pay, if having opted for the enhanced university scheme, the member of staff leaves within 3 months of the return (or fails to return) to work after the maternity leave (except as defined in paragraph 16.2).

15. Members of staff not returning to work

- 15.1 If a member of staff decides not to return to work after maternity leave, notice of resignation must be given as soon as possible and in accordance with their terms and conditions (see paragraph 15.8 above). If the notice period would expire after maternity leave has ended, the University may require the member of staff to return to work for the remainder of the notice period.
- 15.2 Staff on fixed-term contracts, in receipt of the enhanced university maternity scheme provisions, will be expected to return to work for 3 months or to the end of the contract, whichever date is sooner. If the staff member's contract is due to expire during the period of maternity leave, and no new contract is available, no undertaking to return will be required. Those in receipt of the University Maternity Scheme options will continue to



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receive any associated maternity pay entitlements as applicable until the expiry of the fixed term contract. Statutory Maternity Pay will continue to be paid until the end of the statutory maternity leave paid period, as long as they continue to meet the statutory eligibility criteria.

16. Flexible working arrangements

16.1 Full consideration will be given to requests from members of staff who wish to change their working commitment and/or arrangements upon returning from maternity leave. Staff members should submit requests as far in advance of the return date as reasonably practicable, to allow adequate time for the request to be fully considered and where appropriate, the necessary departmental arrangements to be put in place. For further details please refer to the University's policies and procedures on flexible working.

17. Other provisions

17.1 The definition of childbirth, for the purpose of determining eligibility for both the Statutory and University Maternity Schemes, means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks. Though in the case of still birth *maternity leave cannot, be transferred (as per section 4 above).*

17.2 This revised policy was implemented by Human Resources with effect from 5th August 2013 and will be reviewed on a regular basis to ensure compliance with relevant legislation.

Document control

Last updated: 08/17

Date of next review: 08/18