

## CONDITIONS OF EMPLOYMENT FOR SUPPORT STAFF

### APPENDIX 2: MATERNITY LEAVE AND MATERNITY PAY

There are three maternity leave schemes available to the University's employees, each with different qualifying periods and conditions:-

- Statutory Maternity Leave
- Statutory Maternity Pay (SMP)
- University Maternity Pay

There are, however, some conditions which are common to all three schemes as follows.

- 1) A period of, normally, 21 days' notice in writing to the Director of Staffing Services and a medical certificate confirming the expected week of childbirth is required by the University of a woman employee intending to commence maternity leave. A woman employee intending to take maternity leave is asked to consult with her Head of School before contacting the Director of Staffing Services.
- 2) The maternity leave may begin at any time from the start of the 11th week before the expected week of childbirth up to the day childbirth occurs. However, if the employee is on sick leave because of her pregnancy and there are fewer than 6 weeks before the expected week of childbirth, the employee will be deemed to be on maternity leave from the start of the pregnancy-related sickness or from the 6th week before the expected week of childbirth, whichever is the later.
- 3) A woman employee is required by law to take 2 weeks compulsory leave immediately following childbirth, normally as part of her maternity leave under one of the three schemes described below.
- 4) All employees who have taken maternity leave have a right to return to work at the end of their maternity leave, subject to the conditions set out overleaf.
- 5) An employee who has been continuously employed by the University for at least 2 years and 11 weeks for 16 hours a week or more (or 5 years for between 8 and 16 hours a week) before her expected week of childbirth has a statutory right to return to work up to 29 weeks after childbirth provided she has informed the University before commencing her leave that she intends to return. Any period of leave after the expiry of any entitlement to paid leave up to the date of return would be unpaid.
- 6) Where an employee returns after maternity leave (including any approved unpaid leave following on from maternity leave) the employment will be regarded as having been continuous through the leave, whether paid or unpaid.
- 7) Maternity leave will not be counted against the employee's entitlement to sick leave.

- 8) Holiday entitlement will continue to accrue during paid maternity leave and during statutory maternity leave but not during periods of unpaid leave following on from paid maternity leave. No allowance will accrue for any statutory holiday or University closed day which may fall during the maternity leave.
- 9) There will be no distinction between live and still births in the granting of maternity leave.

### **Statutory Maternity Leave**

- 10) A woman employee who is pregnant is entitled to take 14 weeks' maternity leave, regardless of the length of previous employment. The leave will be unpaid unless the employee is entitled to benefit from either SMP or University Maternity Pay (see below).
- 11) Not less than 21 days before the end of the maternity leave period, the University may request in writing a woman employee to state whether she intends to exercise her right to return to work and she must confirm that she does so intend within 14 days of receiving the request, or as soon as is reasonably practicable. The University's request will explain the effect of failure to reply within the specified period ie, the loss of the right to return to work.
- 12) If an employee proposed to return to work before the end of her 14 week period of maternity leave, subject to paragraphs 3 and 5 above, at least 7 days' notice in writing is required.

### **Statutory Maternity Pay (SMP)**

- 13) A woman employee is eligible to receive SMP through the University if she has been employed by the University, full or part time, for at least 26 weeks by the end of the 15th week before the expected week of childbirth; and if she is liable to pay national insurance contributions on her earnings.
- 14) SMP is payable for up to 18 weeks. The value of SMP is 90% of the employee's average weekly earnings for the first 6 weeks; and a flat weekly rate (determined annually by the Department of Social Security) for the remaining 12 weeks.
- 15) In a case where an employee benefits from SMP but does not qualify for University Maternity Pay (see below) or for the right to return to work up to 29 weeks after childbirth (see paragraph 5 above), the right to return to work will be extended up to the expiry of her entitlement to SMP.
- 16) The provisions of paragraph 10 above apply also to return to work following SMP, subject to paragraph 14 above as appropriate.

## University Maternity Pay

- 17) A woman employee is eligible to take 18 weeks maternity leave on full pay, which includes any SMP at the appropriate rate, providing she has been continuously employed by the University for at least 1 year prior to the expected week of childbirth and providing she undertakes to return to work at the end of her maternity leave (including any approved unpaid leave following on from maternity leave) for at least 3 months. Subject to the total amount of pay not exceeding 18 weeks' full salary, the leave and payment may be taken over a longer period subject to the agreement of the Head of School.
- 18) An employee who has benefited from University Maternity Pay may be granted unpaid leave following on from her paid leave up to 29 weeks after childbirth.
- 19) The provisions of the University Maternity Pay scheme are based on a continuing contract of employment. Should the contract be breached by failure to return to work for at least 3 months, the University reserves the right to recover any payments in excess of the statutory entitlement.

**24/11/95**

*These provisions are out of date. Please see the [Family Leave Arrangements](#) for current entitlement.*