1. Introduction

The University recognises the importance of supporting all staff in their obligations to their families. This Maternity Leave Policy has been designed to explain the benefits of the University scheme and to set out your obligations under it.

2. Statutory entitlement

All employees are eligible for 52 weeks maternity leave irrespective of their length of service or hours of work. This is to be made up of 26 weeks of ordinary maternity leave (OML) and 26 weeks of additional maternity leave (AML).

All women must take a period of two weeks compulsory maternity leave directly following childbirth and cannot return to work during that period.

As a result of the Sex Discrimination Act 1975 (Amendment) Regulations 2008 employees will enjoy the same terms and conditions on Additional Maternity Leave (AML) as they enjoy during Ordinary Maternity Leave except salary (other than maternity pay). Therefore you are entitled to benefit from your normal terms and conditions of employment, except for salary for the whole duration of your maternity leave.

3. Maternity pay

This section details the different payments that you may be eligible for dependent on your length of service. You should work out how long you have worked at the University and find the appropriate option from the three listed below.

Please Note: There is no distinction between live and still births after 24 weeks of any pregnancy for the purposes of maternity leave. An employee who suffers a still birth is entitled to the maternity pay detailed in Option 1 or 2.

<table>
<thead>
<tr>
<th>Type of Leave</th>
<th>Option</th>
<th>Service</th>
<th>Leave Entitlement</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupational Maternity Leave</td>
<td>Option 1</td>
<td>26 weeks continuous service with the University of Stirling at the end of qualifying week (i.e. the 15th week before your Expected Week of Childbirth) and returning to work.</td>
<td>52 Weeks</td>
<td>• First 16 weeks full Pay (to include Statutory Maternity Pay) and • next 23 weeks statutory maternity pay at £145.18* per week or 90% of your weekly salary if this is less than £145.18* per week. • the remaining 13 weeks will be unpaid</td>
</tr>
</tbody>
</table>
### Occupational Maternity Leave

**Option 2**

26 weeks continuous service with the University of Stirling at the end of qualifying week (i.e. the 15th week before your Expected Week of Childbirth) and returning to work.

<table>
<thead>
<tr>
<th>Duration</th>
<th>Details</th>
</tr>
</thead>
</table>
| 52 weeks | • First 8 Weeks at full pay (to include Statutory Maternity Pay)  
• Next 8 Weeks at half normal full pay plus Statutory Maternity Pay  
• Next 8 Weeks at half normal full pay only (inclusive of Statutory Maternity Pay)  
• The remaining 15 weeks at statutory maternity pay at £145.18* per week or 90% of your weekly salary if this is less than £145.18* per week. The remaining 13 weeks will be unpaid |

### Basic Maternity Leave

**Option 3**

Less than 26 weeks continuous service with the University of Stirling at the end of qualifying week (i.e. the 15th week before your Expected Week of Childbirth) and returning to work.

<table>
<thead>
<tr>
<th>Duration</th>
<th>Details</th>
</tr>
</thead>
</table>
| 52 weeks | • You will not be entitled to Statutory Maternity Pay.  
• You may be eligible for Maternity Allowance through the Department of Work and Pensions, for which the Payroll Team will need to complete a SMP1 form on your behalf which you will then send to your local DWP to claim any allowances |

### Resignation

**Option 4**

26 weeks continuous service with the University of Stirling at the end of qualifying week (i.e. the 15th week before your Expected Week of Childbirth) and not returning to work.

<table>
<thead>
<tr>
<th>Duration</th>
<th>Details</th>
</tr>
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</table>
| 52 weeks | • First 6 weeks at 90%  
• Remaining 23 weeks at statutory maternity pay at £145.18* per week or 90% of your weekly salary if this is less than £145.18* per week |

Please Note: If you are eligible and opt for the University’s enhanced maternity package (option 1 or 2) this is subject to you returning to work at the University after your Maternity Leave for a period of 3 months. If you do not return to work then you will be required to repay the enhanced element of any Maternity Pay received.

You are entitled to a maximum of 52 weeks leave; however you are free to choose a shorter period to suit your own circumstances.

* SMP subject to legislative change each April
4. Notification Process

4.1 To claim maternity leave you must notify HR Services in writing (please use the maternity leave notification form attached at the end of this document) no later than the end of the 15th week before the Expected Week of Childbirth (EWC) of:

- The fact that you are pregnant
- The date which you intend to start your maternity leave, which must not be earlier than the beginning of the 11th week before the EWC.
- Enclose certificate (MATB1) which you will receive from a registered medical practitioner or certified midwife confirming your EWC – this form will normally be issued approximately 20 weeks before the EWC.

4.2 Within 28 days of receipt of your written notification and receipt of your MATB1 form, HR Services will write out to you confirming details of your maternity leave dates and pay entitlements.

4.3 Maternity leave can commence no earlier than 11 weeks before the EWC or the date of childbirth if that is earlier.

4.4 If you decide to change the date on which your maternity leave commences you must notify HR Services in writing at least 28 days before your proposed new start date.

4.5 You are legally required to take maternity leave in the 2 week period after the birth of your child and cannot return to work during that period.

Please Note: For Health and Safety purposes, and to ensure your continued safety at work, a risk assessment has to be carried out by your Faculty/Service area. Further information can be found here: New and Expectant Mothers Risk Assessment

If you would like further information concerning the Risk Assessment for new and expectant mothers at work, you can contact Safety, Environment & Continuity on ext. 7102 or safetyandenvironment@stir.ac.uk.

5. Ante-Natal Care

All pregnant employees are entitled to paid time off to attend antenatal care appointments, and you should be prepared to produce evidence of such appointments if required by your manager.

6. Sickness Absence

6.1 Maternity leave is not treated as sickness absence and as such is not offset against sickness absence entitlement.

6.2 Maternity leave will automatically commence if you are absent from work due to a pregnancy related illness in the four weeks preceding your EWC. (More information can be found in your maternity leave letter)

7. Returning to work

You are encouraged to remain in contact with your manager and colleagues at the University, however in terms of returning to work:
7.1 You do not need to give notice of your return to work unless you wish to return before the date stated on your maternity leave letter. If you wish to return earlier, you must inform your Head of Faculty/Line Manager in writing, with a copy to HR & Organisation Development, confirming the date you wish to return. This should be received at least 8 weeks before your revised return date.

7.2 You are entitled to return to the same job on terms and conditions that are not less favourable than those you had before you went on maternity leave. If that is not practicable because of re-organisation within your department, you will be offered suitable alternative employment in the same way as if you had not been absent on maternity leave.

7.3 Shared Parental Leave
Shared Parental leave allows eligible employees the option to convert a mother’s maternity leave into Shared Parental Leave which can then be shared between both parents in order to share the care of their child during the first year.

For full information regarding shared parental leave and pay please refer to the University’s [Shared Parental Leave Policy](#).

7.4 You may wish to think about returning to work on a part time, job share or more flexible working basis. Part time working is when the number of working hours expected of you is less than that of a full time equivalent employee. Job share is when two people share the duties and responsibilities of one full time post. Flexible working arrangements can vary but may include annualised hours, term time working, differing starting and finishing times etc.

Requests for flexible working patterns will be considered under the [Flexible Working Policy](#). If you are interested in any of these options you should contact your Manager as soon as possible for a general discussion and at least 8 weeks before you expect to return to work. This will allow your Manager to consider whether it is possible to accommodate your request. If a change to your working arrangements is agreed then you will be issued with a new contract. If a change cannot be accommodated then your Manager will explain the reasons for this decision in writing.

7.5 To support your return to work following maternity leave, your line manager will ensure a re-orientation meeting is held to update you on any changes to the work, workplace or team during your leave. This can be held during a Keeping in Touch day, or on your return to work.

7.6 Should you wish to return to work while breastfeeding, we will ensure a suitable room is available for you. Currently a Nursing Mother’s room is available in the Cottrell Building. Temporary changes to working patterns to support employees who wish to breastfeed or express milk, including changes to working hours or regular breaks, will be considered under the Flexible Working Policy. Risk assessments should also be undertaken for an employee returning from maternity leave who has notified her intention to breastfeed.

7.7 If you decide not to return to work you should give your Manager the required notice as detailed in your contract of employment. If you are unsure of your contractual notice requirements, please contact HR & Organisation Development on ext. 7779.

7.8 If during your period of Maternity Leave you were paid occupational maternity pay including SMP and do not return to work for a period of at least three months after the end of your Maternity leave you will be asked to repay the occupational element of your maternity pay. This is equivalent to 10 weeks full pay received from the University less the SMP element.
8. Other Terms and Conditions during Maternity Leave

During your maternity leave there will be no change to your core contractual rights or terms and conditions except for the purposes of pay. Detailed below is some information relating to your terms and conditions during your period of maternity leave:

8.1 Annual Leave

Throughout the period of maternity leave you will continue to accrue annual leave. You will normally be allowed to take this accrued leave at the end of your maternity leave period subject to the operational needs of your department. If you are on maternity leave over the span of two annual leave years then you may carry that leave forward for up to three months from the end of your maternity leave. If you decide not to return to work then any annual leave due will either be offset against your contractual notice period or paid in your final salary payment. You should liaise with your Head of Faculty/Service for confirmation.

8.2 Other Holidays

All public, university and floating day holidays that fall in the period of maternity leave will be accrued. Accrued holidays will be dealt with as per the provisions for annual leave detailed in 8.1 above.

8.3 Increments & Pay Awards

On the due date in accordance with your contract of employment, where appropriate you will be entitled to receive your normal annual increment on your salary scale. In addition you will also receive any nationally agreed pay award.

8.4 Pension

Your membership of USS will be maintained during the duration of your paid Maternity Leave based upon the salary you would have received but for the leave. You will only pay contributions based upon the remuneration you actually receive and the employer will make up the difference for any underpaid contributions based upon the salary you would have received but for the leave. If you are on unpaid Maternity leave, then your contributions stop until you return to work. Once you have returned, the Payroll Team will contact you detailing the shortfall in contributions during this period and you will have the option to maintain the contributions. Employers contributions missed as a result of any unpaid leave will only be paid over if you elect to maintain your employee contributions after a period of nil pay.
9. Keeping in touch

During maternity leave, the employer and the employee may make reasonable contact with each other. Reasonable contact will vary according to individual circumstances and should be agreed between both the employer and employee. You can work for up to 10 days, by mutual agreement with your line manager, during your maternity leave without it impacting on the maternity leave or it affecting your right to statutory maternity pay.

The idea behind this is to allow you to keep in touch with colleagues and your Faculty/Unit during your leave. Keeping in Touch Days (KIT days) can simply be used for you to undertake normal contractual duties or it could be used for allowing the employee to attend a scheduled conference, training, team meetings, away days, or performance & development reviews.

The days do not have to be worked consecutively and you will be paid at your normal rate of pay or the appropriate rate for the work you undertake on these days. Working part of a day will count as one day’s work. You will be paid per day irrespective of the total number of hours worked during a KIT day. The payment is calculated by taking your average monthly salary and dividing it by the total number of calendar days in that specific month.

Payment for Keeping in Touch days will not exceed full pay and will only be made for work undertaken that is agreed. Staff in receipt of Occupational Maternity Pay receive normal pay so no additional payment will be made for working a KIT day, instead this should be taken as leave.

KIT days do not extend the maternity pay periods in any way.

All payments will include Statutory Maternity Pay where applicable. Managers will be responsible for advising the Payroll Team of any work undertaken by the employee in order that the necessary KIT day payments can be made.

KIT days are optional and the University has no right to force you to work your KIT day entitlement. Keeping in Touch days may be undertaken at any stage during maternity leave, except during the two weeks compulsory maternity leave period or during any annual leave period that is used directly after your maternity leave.

Your manager may also make reasonable contact with you during your maternity leave period, regardless of whether you do any work or not, for example to discuss your return to work.

10. Fixed Term Contracts

Employees whose contracts of employment expire during the Maternity leave period or prior to the completion of 3 months return to work should talk to their Head of Faculty/Services at the earliest opportunity to investigate the possibility of an extension to their contract.

11. Grant Funded Staff

Those staff who are grant funded should contact the Research and Enterprise office (ext. 7041) at the earliest possible opportunity to discuss where any additional arrangements may be available under the grant terms for the payment of salary during maternity leave, for instance, some funding bodies do have a policy to extend grants to cover maternity periods.
MATERNITY LEAVE NOTIFICATION FORM

Please use this form to let us know that you are pregnant. It will help if you read the Maternity Leave Policy before completing and submitting this to us. We will then write to you to confirm your leave arrangements. If you have received your MATB1 Form from your GP, this should be attached and sent to HR Services with this form (please do not delay in returning this form as the MATB1 can be sent later if not yet received).

It is helpful to be informed of your pregnancy at an early stage but to qualify for leave and for payment; you must inform us no later than the end of the 15th week before the Expected Week of Confinement.

Risk Assessment for New and Expectant Mothers at Work

In order for the Head of Faculty/ Director of Service to assess any additional risks for a new or expectant mother you are asked to complete and return a risk assessment for new and expectant mothers at work. Please contact the Safety, Environment & Continuity team on ext. 7102 or at safetyandenvironment@stir.ac.uk.

☐ I confirm that I have attached a copy of the completed risk assessment for new and expectant mothers

<table>
<thead>
<tr>
<th>Name:</th>
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<tbody>
<tr>
<td>Faculty/Service:</td>
<td></td>
</tr>
<tr>
<td>Line Manager:</td>
<td></td>
</tr>
<tr>
<td>Expected week of Confinement (EWC) if known: (This is the date on your MATB1 form from your GP)</td>
<td></td>
</tr>
<tr>
<td>Proposed start date of Maternity Leave: (You can commence your leave at any time from the 11th week before the EWC up to the day of the birth)</td>
<td></td>
</tr>
</tbody>
</table>
Leave and Pay Options:
(Please refer to the Maternity policy for entitlement and further information. Please tick as appropriate)

<table>
<thead>
<tr>
<th>Option 1</th>
<th>16 weeks full Pay (to include Statutory Maternity Pay)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>23 weeks statutory maternity pay at £145.18* per week or 90% of your weekly salary if this is less than £145.18* per week.</td>
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<tr>
<td></td>
<td>The remaining 13 weeks will be unpaid</td>
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<tr>
<th>Option 2</th>
<th>First 8 Weeks at full pay (to include Statutory Maternity Pay)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Next 8 Weeks at half normal pay full pay plus Statutory Maternity Pay</td>
</tr>
<tr>
<td></td>
<td>Next 8 Weeks at half normal full pay only (inclusive of Statutory Maternity Pay)</td>
</tr>
<tr>
<td></td>
<td>The remaining 15 weeks at statutory maternity pay at £145.18* per week or 90% of your weekly salary if this is less than £145.18* per week.</td>
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<td>The remaining 13 weeks will be unpaid</td>
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<table>
<thead>
<tr>
<th>Option 3</th>
<th>You will not be entitled to Statutory Maternity Pay.</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>You may be eligible for Maternity Allowance through the Department of Work and Pensions, for which the Payroll Team will need to complete a SMP1 form. On your behalf which you will then send to your local DWP to claim any allowances</td>
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<thead>
<tr>
<th>Option 4</th>
<th>First 6 weeks at 90%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Remaining 23 weeks at statutory maternity pay at £145.18* per week or 90% of your weekly salary if this is less than £145.18* per week</td>
</tr>
</tbody>
</table>

Print name: 

Signed: 

Date: 

*SMP subject to legislative change each April