MATERNITY LEAVE

This document includes all the guidance given on the Personnel Services website, which can be found at http://www.admin.ox.ac.uk/personnel/during/family/maternity/. It is intended for pregnant employees and their managers and sets out the maternity leave and pay entitlements, and other rights of pregnant women and new mothers.

It is essential that you read all the guidance in these maternity leave pages.

The guidance is structured so as to give you the information you need at all the various stages:

- Before the birth
- During the maternity leave
- After the maternity leave

As well as providing:

- A summary of the arrangements
- a Maternity Plan which you will need to complete with your manager
- a Maternity Pack/Checklist for Departmental Administrators
BEFORE THE BIRTH

Action required by employee

No later than the 15th week before the expected week of childbirth you should meet with your line manager to discuss and complete the Maternity Leave Plan which will provide the relevant information and notice to your department in respect of your pregnancy. You should advise your manager whether you intend to return to work after the birth of your child. If you do intend to take maternity leave you should notify your manager of the date on which you wish to begin your maternity leave.

If you do not intend to return to work after the birth of your baby, your manager can outline your entitlement to statutory maternity benefits to you.

Provide notification to your department in respect of your antenatal appointments.

If you change the date on which you wish to start your maternity leave after you have filled in your Maternity Leave Plan, you must give 28 days’ notice of the proposed new start date.

Discuss with your manager whether you would like to undertake any Keeping in Touch days. Agree with your manager arrangements for staying in touch, if you wish to do so, during your maternity leave.

Action required by the department

As soon as you are informed of the employee’s pregnancy you should arrange to carry out appropriate risk assessments.

Clarify with your employee what notice and information you expect from her in relation to her antenatal appointments.

No later than the 15th week before the expected week of childbirth meet with your employee to discuss and complete the Maternity Leave Plan.

Within 28 days of completing the Maternity Leave Plan, if the employee plans to return to work, confirm the return to work date with her in writing.

University maternity scheme

All women employed by the University who meet the relevant qualifying provisions, and who have expressed the intention to return to work following the birth of their child regardless of their staff group, grade or hours worked, are eligible for the provisions of the University Maternity Scheme.

In order to qualify for the University Maternity Scheme:

At the qualifying week (15 weeks before the expected week of childbirth) the employee must:

1. hold a current contract of employment with the University; and
2. have at least 26 weeks’ continuous service with the University; and
3. provide her department with the correct notification of her intention to take leave, and
4. intend to return to work following the birth of her baby.
If she meets all these requirements, and her contract of employment will continue throughout the entire period of the proposed maternity leave, the employee will be eligible to receive the benefits of the University maternity leave scheme as follows:

26 weeks' full pay (inclusive of any statutory maternity pay which is due); followed by

13 weeks' statutory maternity pay (if a woman does not meet all the statutory qualification rules for statutory maternity pay, she will only receive pay for the first 26 weeks of maternity leave); followed by

13 weeks' unpaid leave

Total maternity leave = 52 weeks

If the contract will expire during the proposed maternity leave period, then payments under the contractual scheme will end at the contract end date. SMP payments (see below) may continue.

Payments under the University Maternity Scheme consist of two elements, contractual pay and Statutory Maternity Pay (SMP).

SMP is a weekly government benefit that is paid by the employer to women who meet the qualifying criteria.

Contractual pay is the pay that the University pays over and above the statutory minimum.

To qualify for SMP, the woman must have been continuously employed with the same employer for at least 26 weeks continuing into the qualifying week (the 15th week before the week her baby is due) and have average weekly earnings above the National Insurance lower earnings limit. There are other qualifying conditions relating to SMP that depend on individual circumstances, but payroll can confirm whether a woman is eligible for SMP at the appropriate time.

SMP is paid over the first 39 weeks of maternity leave at the rate of:

90% of average weekly earnings (this figure is worked out at the qualifying week) for each of the first six weeks of maternity leave, followed by

33 weeks of flat rate SMP (£138.18 a week from 6 April 2014) or 90% of average weekly earnings if that is less than £138.18 a week. The flat rate is subject to review every April.

As the University Maternity Scheme pays full pay for the first 26 weeks' maternity leave, any SMP which is due to the employee is automatically incorporated into the first 26 weeks' full pay. It is not paid in addition to full pay. For the next 13 weeks, the University pays SMP only.

For the final 13 weeks of maternity leave under the University Maternity Scheme no payments are made.

In the case of a multiple birth, the employee is entitled to the same benefits as though she were having one child.
If a woman does not qualify for the University maternity scheme

If an employee does not meet the qualifying criteria for the University Maternity Scheme, she still has certain rights, which are set out below.

All pregnant employees are entitled to 52 weeks' unpaid maternity leave, or as much of that period as they wish to take, no matter how long they have worked for the University. The purpose of maternity leave is to allow the mother to give birth and to recover from giving birth to her baby, as well as to bond with, and care for, her new child.

University maternity leave i.e. the leave that all women, regardless of their length of service with the University, and whether or not they qualify for the University Maternity Scheme, are entitled to is made up of:

- 26 weeks' Ordinary Maternity Leave (OML) followed immediately by
- 26 weeks' Additional Maternity Leave (AML)

While it is up to the individual employee to decide how much maternity leave she wishes to take, up to the 52 weeks' maximum, the law requires that a minimum of two weeks' leave must be taken. This is known as compulsory maternity leave.

A woman can choose when to start her maternity leave. This can usually be any date from the beginning of the 11th week before the week the baby is due. The woman must give the correct notice to her department.

Women who are not entitled to SMP may be entitled to claim up to 39 weeks' Maternity Allowance (MA), from their JobCentre Plus office, dependent upon meeting qualifying conditions based on their recent employment and earnings records. Payroll will issue an SMP1 form to any woman who is not entitled to SMP and this will give information to the woman on how to apply for MA.

A woman who does not qualify for SMP or contractual pay, but who wishes to take maternity leave, still needs to provide a MATB1 and fill in a Maternity Leave Plan.

Notification before going on maternity leave

Although the law only requires the woman to tell her department that she is pregnant and will take maternity leave by the end of the 15th week before the expected week of birth, she and her department will both benefit if she shares the news as early as possible before then. This will mean that her department knows that she is entitled to time off for antenatal appointments and that particular health and safety rules apply. It will also help the department to plan ahead and make arrangements for covering the period while the woman is on leave.

To claim maternity leave and pay under the University Maternity Scheme, an employee should notify her department no later than the fifteenth week before the expected week of childbirth of:

1. the fact she is pregnant
2. the expected week of childbirth
3. the date when she intends to start taking leave
4. her intention to return to work after the birth of her baby

Last updated: October 2014
A Maternity Leave Plan is provided for employees and departments to use to collect this information and other details relating to the proposed maternity leave period. If the Maternity Leave Plan is completed fully by the employee and the department this will ensure that the notification requirements are met.

The employee should also provide her department with a copy of her MATB1 form that she will have been given by her healthcare provider (usually the GP or midwife) sometime around the 25th week of pregnancy.

**When leave can begin**

A woman may choose to start her maternity leave any time after the beginning of the 11th week before the expected week of childbirth. Maternity leave will start automatically if she gives birth before her notified date, or if she is ill for a pregnancy-related reason during the last four weeks of her pregnancy.

If an employee does not give her department the required notification for the start of her maternity leave, she may lose her right to start maternity leave on her chosen date. Departments are only required to make exceptions to this where it was not reasonably practicable for the notice to have been given any earlier.

If the department and employee fill in the Maternity Leave Plan then this will satisfy the notification requirements in this respect.

**Changing the start of maternity leave**

Once a woman has notified her department of the date she wishes to start her maternity leave, she can change this date as long as she notifies her department of the new start date by whichever is the earlier of either 28 days before the date she originally intended to start her leave or 28 days before the new date she wants to start her leave.

If it is not reasonably practicable for her to give this much notice (for example if the baby is born early and she has to start her leave straight away) then she should tell her department as soon as she can. The notification does not have to be in writing unless the department requests it.

**Confirmation by the department of the end date of leave**

Once an employee has provided the necessary notice of the intended start date of her leave, her department should in turn notify the employee of the date on which the leave will end. This will normally be 52 weeks (one year) from the start of maternity leave, except where an employee has already stated her intention to take only a portion of the 52 week entitlement. There is a Maternity Leave Plan and letter which can be used for this purpose.

The department should normally confirm the end date of the employee's maternity leave with her within 28 days of the notification.

**The start of maternity leave**

The maternity leave period normally starts on the date the employee has notified to her department that she intends to start leave. There are some exceptions to this rule as follows:

(i) Absence due to childbirth before the intended start date
If the baby is born before the date the employee has notified that she wishes to start leave (or before she has had the opportunity to notify any date) the maternity leave period starts automatically on the day after the date of the birth. This happens even if the birth takes place before the 11th week before the birth was originally expected. In this circumstance the woman should give her department notice (in writing if the department asks for it) of the date of the birth if it has already taken place, and the date on which the baby was originally expected. The actual and expected dates of birth can be provided together on the maternity certificate (MATB1) if this is still to be issued by the time the baby is born.

In the unusual circumstance that the baby is born prematurely before the 15th week before the expected week of childbirth, the employee will be taken as satisfying the continuous employment rule for the University Maternity Scheme if she would have been continuously employed but for early childbirth. The maternity pay will be paid from the day following the birth of the baby.

In the very unfortunate circumstances that a baby is stillborn before the 25th week of pregnancy, the woman is not entitled to pay under the statutory or University pay provisions. Sick leave or compassionate leave should be considered in such circumstances. Departmental Administrators should seek advice from HR Business Partners should such a situation arise.

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

An employee who is absent from work due to illness will normally be able to take sick leave until she starts maternity leave on the date notified to her department. However, if the illness is related wholly or partly to her pregnancy, the maternity leave period will start automatically on the day after the first day of absence following the beginning of the fourth week before the expected week of childbirth.

(iii) Dismissal or resignation before the intended start date

If an employee resigns or is dismissed or her contract ends before the date she has notified to begin her leave, or before she has notified a date, she loses the right to contractual maternity leave. However, if she will still be employed after the 15th week before the expected week of childbirth she may still be eligible for SMP if she meets the other qualifying criteria. Departmental Administrators should seek advice from HR Business Partners should such a situation arise.

Work during the maternity leave period - Keeping In Touch (KIT) days

An employee may, by agreement with her department, do up to ten days' work - known as Keeping in Touch (KIT) days - under her contract of employment during the maternity leave period. Such days are different to the reasonable contact that departments and employees may have with each other, as during KIT days employees can actually carry out work for the department, for which they will be paid.

Any work carried out during the maternity pay period (39 weeks) or maternity leave period (52 weeks) will count as a whole KIT day, up to the ten day maximum. In other words, if an employee comes in for a one hour training session and does no other work that day, she will have used one of her KIT days.

The type of work that the employee undertakes on KIT days is a matter for agreement between the two parties. They may be used for any activity which would ordinarily be classed as work under the woman's contract but would be particularly useful in enabling her
to attend a conference, undertake a training activity or attend for a team meeting, for example.

This work during maternity leave may only take place by agreement between both the department and the employee. A department may not require a woman to work during her maternity leave if she does not want to, nor does a woman have the right to work KIT days if her department does not agree to them.

The KIT days can be undertaken at any stage during the maternity leave period, by agreement with the department with the exception that during the first two weeks after the baby is born (the compulsory maternity leave period) no work is permitted.

For payments during KIT days see During Maternity Leave

Health and safety at work

The University is required to protect the health and safety at work of all employees, including new and expectant mothers and mothers who are breastfeeding.

The Management of Health and Safety at Work Regulations 1999 require employers to assess risks to their employees, including new and expectant mothers, and to do what is reasonably practicable to control those risks.

The University is required to carry out a specific risk assessment paying particular attention to risks that could affect the health and safety of the new or expectant mother or her child. Once the department has been informed by the employee that she is pregnant, has recently given birth or is breastfeeding, the risk assessment should be carried out.

If the risk assessment identifies any specific risks that cannot be avoided, the University is required to follow a series of steps to ensure that the woman is not exposed to that risk. Ultimately, a risk assessment may result in suspension from work on full pay to protect an employee and her unborn child, but this is an extremely rare situation and advice should always be taken from the University Safety Office if such a situation is thought to exist.

There is no statutory right to time off work for breastfeeding mothers. However, on returning to work the employee should provide her employer with written notification that she is breastfeeding, so risk assessments can be carried out.

Time off for antenatal appointments

All pregnant employees are entitled to paid time off to attend antenatal appointments made on the advice of a registered medical practitioner, registered midwife or registered health visitor.

This entitlement applies regardless of the employee's hours of work or length of service and time off for antenatal care will be paid at the employee's normal rate of pay.

Antenatal care is not restricted to medical examinations related to the pregnancy. It could, for example, include relaxation classes and parentcraft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor.

With the exception of the very first antenatal appointments, departments are entitled to ask the employee for evidence of antenatal appointments and, on request, the employee must show her department an appointment card or some other document showing that an
appointment has been made.

Fathers and partners of pregnant women do not have the right to time off to accompany their partners to antenatal appointments, as the legal provision applies only to pregnant employees. Time off that might be required to accompany pregnant women to appointments should be requested as annual leave in the normal way from the employing department.

Annual leave

Contractual annual leave (including bank holidays and fixed closure days) will accrue throughout the full 52 weeks of maternity leave.

Departments may wish to ask women to take any accrued annual leave prior to their maternity leave. You may also ask that a woman takes at least 28 days' annual leave (the annual statutory holiday requirement) before she goes on maternity leave if she will not return to work before the end of the current leave year. In the event that a maternity leave period crosses over two annual leave years, you may ask a woman returning to work to use up the balance of her annual leave from the leave year that has ended at the end of her maternity leave period.

However, departments retain the right to make annual leave arrangements with their employees to fit in with operational requirements. Women may wish to consider retaining some of their annual leave to allow them to take time off as required to look after their children should they be ill, or need some additional support whilst settling into a nursery or with new childcarers.

It should be clarified early on that whilst a small amount of paid leave is available to staff for dealing with domestic emergencies this is not intended to cover foreseeable domestic problems such those outlined above, and in most cases it would be anticipated that annual leave would be used to cover such circumstances. It may be necessary to clarify that the University sick leave scheme only covers the sickness of the employee and not sickness suffered by any of their dependents.

Other benefits

During the whole period of maternity leave the employee is entitled to receive all her contractual benefits with the exception of remuneration. This includes all non-cash benefits such as childcare vouchers.
**DURING THE MATERNITY LEAVE**

This section explains:

- what an employee has to tell her department while she is on maternity leave
- what contact is permitted between department and employee during maternity leave
- what work can be undertaken when an employee is on maternity leave

**Action required by employee**

If you have agreed with your department that you would like to work Keeping in Touch days during your maternity leave, you will need to make sure that you respond when your department offers you this work.

If you wish to change the date of your planned return to work, you will need to give eight weeks’ notice of the changed date to your department.

**Action required by department**

If you have agreed with the employee that she will be offered Keeping in Touch days during her maternity leave, make sure that you give as much notice as possible of the work that you would like the employee to do and clarify what she will be paid for the work she does.

Think about the return to work plan for the employee - it can be difficult returning particularly after a year off.

If the employee changes her return to work date, confirm the changed date with her.

**Contact during maternity leave**

During the maternity leave period, a department may make reasonable contact with an employee and, in the same way an employee may make contact with her department. The frequency and nature of the contact will depend on a number of factors such as the nature of the work and the employee’s post, any agreement that the employer and employee might have reached before maternity leave began as to contact and whether either party needs to communicate important information to the other, such as, for example, news of changes at the workplace that might affect the employee on her return.

The contact between department and employee can be made in any way that best suits either or both of them. For example, it could be by telephone, email, letter, involving the employee making a visit to the workplace, or in other ways.

Departments should note that they must, in any event, keep the employee informed of information relating to her job that she would normally be made aware of if she was working.

Departments and their employees will often find it helpful, before maternity leave starts, to discuss arrangements for staying in touch with each other. This might include agreements on the way in which contact will happen, how often, and who will initiate the contact. It might also cover the reasons for making contact and the types of things that might be discussed.

What constitutes “reasonable” contact will vary according to the circumstances. Some women will be happy to stay in close touch with the department and will not mind frequent contact. Others, however, will prefer to keep such contact to a minimum.
There is a section on the Maternity Leave Plan for the employee to note her preferences in this respect.

**Payment for keeping in touch (KIT) days**

As KIT days allow work to be carried out under the employee's contract of employment, the employee is entitled to be paid for that work. The rate of pay is a matter for agreement with the department, but may be agreed on a case-by-case basis.

It is suggested that if a woman attends for work, she is paid the equivalent of her normal hourly rate for the hours she works on the day in question. Therefore during the period that she is being paid at the rate of full pay, no further payment would be due.

It is suggested that if a woman works a KIT day in a week in which she is receiving SMP only, then her pay should be made up to the equivalent of full pay for the hours worked over and above the amount received under SMP rules. She will continue to be paid her SMP for the week in which the work is done.

There is a maximum limit of ten KIT days allowed under the new regulations and once a woman has used up her ten KIT days and she does any further work, she will lose a week's SMP for the week in the Maternity Pay Period in which she has done that work.

The hours to be worked and the pay for those hours must be agreed in advance between the department and the employee.

Any questions from departments about payment during KIT days should be directed to their HR Business Partner.

**Notification of change of return to work dates while on maternity leave**

Unless otherwise notified, the date on which an employee returns to work will normally be the first working day 52 weeks after her maternity leave began. This is because all employees are entitled to 26 weeks’ OML and 26 weeks’ AML.

(i) Return to work before the end of the maternity leave period

If the employee wishes to return to work before the end of her full maternity leave period (this will normally be the end date that the department confirmed to her before she went on leave), she must give her department eight weeks' notice of her return to work. This notice requirement applies during the full period of leave. The notice period is the minimum that the department is entitled to expect, but the department may, at its discretion, accept less notice.

If the employee tries to return to work without having given the appropriate eight weeks’ notice, the department may postpone her return until the end of the eight weeks’ notice period. However, the department may not postpone her return to a date later than the end of her maternity leave period.

(ii) Return to work later than previously notified

An employee who has notified her department that she wishes to return to work before the end of her 52 weeks’ entitlement to maternity leave, is entitled to change her mind. However, in these circumstances, she should give her department notice of this new, later date at least eight weeks before the earlier date.

Last updated: October 2014
(iii) Employees who do not wish to return to work after maternity leave

An employee who does not wish to return to work after her maternity leave must give her department the notice of termination required by her contract of employment. However, if a woman is in the position to do so, it would be helpful to her department if she can give as much notice as possible of her intention to leave her employment.

Please note: If a woman does not return to work for at least three months following her maternity leave period, departments may reclaim the whole of the non-statutory element of maternity pay. If a woman cannot return to work because her fixed-term contract has ended, it would not be expected that she would be required to repay any of her maternity pay.

Being paid

Women on maternity leave will be paid on the last working day but one of the month by credit transfer direct to her named bank or building society account, in exactly the same way that her salary would be paid if she were at work. Whilst on full-pay maternity leave Statutory Maternity Pay is included within the full-time pay made. It is not paid in addition to full-pay.

The woman's pay slip will be sent to her department and the employee can ask her department to forward it to her home address.

If an employee is sick during her maternity leave, she cannot claim sick pay. If the employee is sick when her maternity leave is due to end, she will be deemed to be an employee who has returned to work but who is on sick leave under the University sick pay scheme.

End of contract during maternity leave

If a woman's contract is due to end during her maternity leave period normal arrangements for ending contracts will apply. However, it is recommended that the administrator contacts his/her HR Business Partner for guidance on the appropriate procedures.

If the woman has provided written confirmation that she wishes the department to seek suitable alternative employment for her within the University, this should be sought in the normal way. If it has not been possible, under the normal University rules, to redeploy her, then University pay and rights under the university maternity scheme end on the same day that her contract expires, although she would continue to receive any remaining statutory maternity pay, if she qualifies.

Annual leave

It is not possible for an employee to take annual leave at the same time as maternity leave but you may wish to ask women to take any accrued annual leave prior to their maternity leave. You may also ask that a woman takes at least 28 days' annual leave (the annual statutory holiday requirement) before she goes on maternity leave if she will not return to work before the end of the current year.

In the event that a maternity leave period crosses over two annual leave years, you may ask a woman returning to work to use up the balance of her annual leave from the leave year that has ended at the end of her maternity period. This will assist you in managing the larger amounts of annual leave that will be accrued during maternity leave. However, departments retain the right to make annual leave arrangements with their employees to fit in with operational requirements. Women must agree when they will take annual leave in advance.
with their department.

If a woman wishes to take annual leave at the end of her maternity leave period, she is deemed to have returned to work at the notified date and then she may take her annual leave as agreed with her department.

**Other benefits**

During the whole period of maternity leave the employee is entitled to receive all her contractual benefits with the exception of remuneration. This includes all non-cash benefits such as childcare vouchers.
AFTER THE MATERNITY LEAVE

This section explains:

- an employee’s rights on returning to work following maternity leave
- the health and safety provisions which apply to new mothers at work
- what happens to pensions contributions during maternity leave
- matters relating to taking time off to care for sick dependents or domestic emergencies

Rights on return to work

An employee who returns to work after maternity leave is entitled to return to the same job on the same terms and conditions as if she had not been absent, unless a redundancy situation has arisen.

In addition, if there is a reason other than redundancy which means that it is not reasonably practicable for the University to take her back to the same job, she is entitled to be offered suitable alternative work, if this can be identified.

Employees also have the right to request flexible working and the employing department has a duty to seriously consider that request. If an employee wishes to work a flexible working pattern on a temporary basis to ease her return to work, she should discuss this with her department as soon as possible.

Employees returning from maternity leave also have a separate entitlement to parental leave which is a period of unpaid leave. See also Additional Paternity Leave.

A woman who is pregnant, has recently given birth or is breast-feeding, and is unable to continue in her post on designated health and safety grounds, will be offered alternative work or, where none is available, be suspended on full pay until such times as she is able to resume her duties.

Health and safety

The University is required to protect the health and safety at work of all employees, including new and expectant mothers and mothers who are breastfeeding.

The Management of Health and Safety at work Regulations 1999 require employers to assess risks to their employees, including new and expectant mothers, and to do what is reasonably practicable to control those risks.

The University is required to carry out a specific risk assessment paying particular attention to risks that could affect the health and safety of the new or expectant mother or her child. Once the department has been informed by the employee that she is pregnant, recently given birth or is breastfeeding, the risk assessment should be carried out. For further information please contact the University Safety Office.

There is no statutory right to time off work for breastfeeding mothers.
Changing hours of work

Temporal changes: If an employee requests a temporary return to part time work at the end of maternity leave, the department should, subject to operational needs, consider allowing employees the opportunity to return to full time work on a phased basis.

If an employee would like to return to work gradually at less than her normal full-time hours, she should discuss this possibility with her department before she begins her maternity leave. This will allow departments time to arrange cover. Departments are asked to consider such requests favourably where at all possible, but any arrangement will depend on the operational needs of the department.

It is important to note that this flexibility of return does not allow an employee to choose from week to week what hours she would like to work. The intention is for employees and departments to agree a regular timetable of hours to help an employee to return to full time work as smoothly as possible. Any arrangements must be agreed with the Head of Department so that they fit into the operational requirements of the department and/or group with whom the employee works. For the period of part time work, employees will be paid at the appropriate pro rata rate. This will have implications for pensions contributions which employees may wish to discuss with the Pensions Office.

Permanent changes: Following maternity leave, an employee's legal right is to return to the job which she held prior to her maternity leave. If an employee decides that she would like to return to her job permanently on a part-time basis, she may apply to her department under the University's flexible working procedures. The department should seriously consider the possibility of a return on a different basis, which might include shorter hours working or working fewer weeks of the year, but agreement to this type of request is dependent upon the operational requirements of the department. For any period worked part-time, pay and pensions contributions will be adjusted on a pro rata basis.

Sickness during maternity leave

The university follows the same rules as are applied to statutory payments and sick pay cannot be claimed at the same time as maternity pay, employees are therefore disqualified from receiving sick pay until the period of paid maternity pay has ended.

If an employee comes to the end of maternity leave and is too ill to return to work, whether this is because of childbirth or some other reason, she should still notify the department in the normal way that she wishes to return to work. If she remains too ill to return to work after the date on which she was intending to return to work, she must provide the department with a medical certificate and should be treated as though she had returned to work and was absent from work due to sickness.

Pensions

When an employee is on maternity leave, her normal employee contributions to her pension will continue to be deducted at the appropriate rate while she is on full pay and when she is on statutory maternity pay. The University will also continue to make its contributions at the appropriate rate. When the employee is on zero pay, no contributions are payable by either her or the University.

If, when she returns to work, she would like to make up the pensions contributions that she did not pay because she was on reduced or zero pay during maternity leave, the employee
may do so and the University must pay its corresponding share. The Pensions Office will be able to advise the employee on her individual situation.

**Annual leave/ caring for those who are sick, and dealing with domestic emergencies**

In the early days of settling a very small child into a new care arrangement, in a nursery or with a childcarer, there are often quite a number of matters which may require new mothers to be absent from the workplace, such as minor illness to be dealt with, or teething problems with new care arrangements. New mothers may wish to consider retaining some of her accrued holiday leave to enable them to deal with these situations.

Whilst absence from work to attend to an emergency such as the sickness of a member of your immediate family or equivalent, or to attend to a family or domestic emergency will normally be paid in the first instance, it is intended that this is to enable employees to make the necessary arrangements for continued care or attention. Such paid leave will therefore normally be very limited (from half a day to no more than two days) and is not intended to cover repeated absences for minor problems, but rather to deal with exceptional circumstances. Additional leave, which will normally be unpaid or taken as annual leave, may be granted. In certain exceptional circumstances your department may grant a further limited period of paid leave for these purposes. It is important that these provisions are not abused and departments will monitor the frequency of leave requests.

Wherever possible employees must apply in advance to the Departmental Administrator, or Head of Department, or to the person to whom she would normally report sickness absence, and should not leave her place of work without having obtained permission from an appropriate person.
SUMMARY OF THE MATERNITY LEAVE SCHEME

Application
All women employed by the University who meet the relevant qualifying criteria, and regardless of their staff group, grade or hours worked, will be eligible for the provisions of the University maternity leave scheme.

Qualification
In order to qualify for the University maternity leave scheme, at the 15th week before the expected week of childbirth an employee should:

1. hold a current contract of employment with the University; and
2. have at least 26 weeks' continuous service with the University; and
3. provide her department with the correct notification of her intention to take leave, and
4. intend to return to work following the birth of her baby.

Note that contractual pay will only apply where you have a current contract of employment with the University. Therefore if your contract with the University of Oxford is due to end during your planned periods of Maternity Leave, the right to any contractual payments will end on the contract end date. If you are in any doubt about your entitlement to pay and leave, contact your Departmental Administrator or equivalent for clarification.

Benefits
If she meets all these requirements, the employee will be eligible to receive the benefits of the University maternity leave scheme as follows:

26 weeks' full pay (inclusive of any statutory maternity pay which is due); followed by

13 weeks' statutory maternity pay (if a woman does not meet all the statutory qualification rules for statutory maternity pay, she will only receive pay for the first 26 weeks of maternity leave); followed by

13 weeks' unpaid leave

Total = 52 weeks' leave

Notice periods
To claim maternity leave and pay under the University maternity scheme, an employee should notify her department no later than the 15th week before the expected week of childbirth of:

1. the fact she is pregnant
2. the expected week of childbirth
3. the date when she intends to start taking leave
4. her intention to return to work after the birth of her baby.

A Maternity Leave Plan is provided for employees and departments to use to collect this information and other details relating to the proposed maternity leave period. If the Maternity Leave Plan is completed fully by the employee and the department this will ensure that the notification requirements are met.

The employee should also provide her department with a copy of her MATB1 form that she will have been given by her healthcare provider (usually the GP or midwife) sometime around the 25th week of pregnancy.
Start of maternity leave/pay
A woman can choose to start her maternity leave any time after the beginning of the 11th week before the expected week of childbirth, and may change her chosen start date by giving 28 days notice.

Maternity Leave will start automatically if she gives birth before her notified date or is ill for a pregnancy-related reason during the last four weeks of her pregnancy.

During maternity leave
The employer may make contact with the employee (and vice versa) while she is on maternity leave, as long as the amount and type of contact is not unreasonable (e.g. to discuss plans for returning to work or to keep her informed of important developments in the workplace).

Work during the maternity leave period - keeping in touch days
The employee can undertake up to a maximum of ten days' work under her contract of employment during her maternity leave, as long as both she and her department have agreed for this to happen, and agree on what work is to be done and how much she will be paid for it.

Returning to work
It is assumed that an employee will return to work at the end of her full 52 weeks of maternity leave unless she has told her department that she wishes to come back at any other time.

The employee can return to work earlier than the full 52 weeks of maternity leave, or can change the date of her return to work, as long as she gives eight weeks' notice to her department.

If an employee decides not to return to work at the end of her maternity leave, or returns to work for less than three months, the University reserves the right to reclaim all or part of the payments made under the University scheme, minus any statutory maternity pay element to which the employee was eligible.

End of contract during maternity leave
If a woman's contract is due to end during her maternity leave period normal arrangements for ending contracts will apply. However, it is recommended that the Administrator contacts his/her HR Business Partner for guidance on the appropriate procedures.

If the woman has provided written confirmation that she wishes the department to seek suitable alternative employment for her within the University, this should be sought in the normal way. If it has not been possible, under the normal University rules, to redeploy her, then University pay and rights under the University maternity scheme end on the same day that her contract expires, although she would continue to receive any remaining statutory maternity pay, if she qualifies.
This checklist should be used as a guide to ensure that all aspects of an employee's maternity leave have been addressed.

**a) When your employee tells you she is pregnant**

1. Arrange a workplace assessment.

Employers are required by law to protect the health and safety of employees who are pregnant, have recently given birth, or who are breastfeeding. Protection on these grounds starts as soon as you know your employee is pregnant, so the assessment should be made as a priority following notification of the pregnancy.

2. Explain your employee's right to time off for ante-natal care, and that except in the case of her first appointment, the employee must be prepared to show you evidence of such appointments.

3. Explain the time scales for notification and direct your employee to the information on maternity on the Personnel Services.

**b) At the qualifying week (15 weeks before the baby is due)**

1. Check that you have issued a university for completion

Completing the maternity plan is not a legal requirement to be able to claim maternity leave and pay, but it will give you all the information which you will need. If you can go through the form with your employee it will help you to ensure that your employee also understands her entitlements and obligations. Make sure that you use the maternity tables to check the correct dates for the qualifying week.

2. Check that you have received a MAT B1 form to notify you that an employee is pregnant.

MAT B1 medical certificates are issued to pregnant women at approximately the 25th week of pregnancy. However, depending on appointment dates, the date the certificate is received could be a little later. You should ask your employee to give you her certificate as soon as she receives it.

3. Ensure that you have gone through the University maternity plan with your employee to make sure you are aware of:

   - her intentions with regard to returning to work,
   - the date of the expected week of childbirth (EWC), and
   - her intended maternity leave start date.

When you have received the MAT B1 certificate you can, check the qualifying week dates on the maternity tables or if you wish, check with the payroll section to ensure that you have the right date for the qualifying week

4. Check that you have kept a copy of the maternity plan for your records and that you have given the member of staff a copy.
5. Check that you have acknowledged receipt of the plan with an acknowledgement letter within 28 days of receiving it.

6. Discuss the employees wishes regarding arrangements for keeping contact during the maternity leave.

7. Discuss the option of 'Keeping in Touch' days, what these might entail and how payment for these will be arranged.

**c) 28 days before the intended date of commencement of maternity leave**

1. Ensure that you have an up to date record of all information relating to the employee's maternity leave.

2. Check that you have notified payroll about any changes in the start date notified to you by the employee.

3. Check that you have completed and sent a payroll notification form, together with the MAT B1 certificate to payroll so that they can calculate pay and leave entitlements.

4. Confirm with your employee her expected date of return to work.

**During the maternity leave**

1. Keep in contact with the employee about any changes in the workplace or regarding their employment, as previously agreed with them.

2. If 'Keeping in Touch' (KIT) days are worked, ensure that the employee is notified well in advance of these and that payment is made, as appropriate.

3. If the employee contacts you to request a change to a return to work date, ensure that you have been given eight weeks' notice of the new date and confirm the new date in writing within 28 days of the notification.

**Return to work**

1. Consider a return to work plan, it can be difficult for an employee to return to work after a long break

2. Give serious consideration to any request for flexible working
EMPLOYEES’ MATERNITY LEAVE PLAN

Before completing this form you must read all the guidance on maternity leave available from the Personnel Services website.

You should complete this form together with your Departmental Administrator.

Telling your Departmental Administrator you are pregnant

You can tell your Departmental Administrator you are pregnant as soon as you want to. This can be before you have decided when to start maternity leave, and before you give your Departmental Administrator this form. You will need to tell your Departmental Administrator if you want to take paid time off for antenatal appointments. The latest date you can inform your Departmental Administrator of your pregnancy is the 15th week before your expected week of childbirth (the qualifying week). Form MATB1, which you will receive from your midwife or doctor will tell you the date your baby is due. Your qualifying week can then be worked out. Your Departmental Administrator can help you with this.

Your Departmental Administrator needs to make health and safety checks (e.g. about DSE, manual lifting, etc.) when he or she knows you are pregnant in order to protect you and your baby, so the earlier you feel able to tell your department, the sooner these checks can be made.

Telling your Departmental Administrator when you want to take maternity leave

You must tell your Departmental Administrator by the 15th week before your expected week of childbirth the date on which you want to start your maternity leave and begin to receive maternity pay. You should therefore give this completed form to your Departmental Administrator at the latest during the 15th week before your expected week of childbirth.

If you then wish to change the date on which you want to start your maternity leave you must give your Departmental Administrator 28 days’ notice of the new date.

How to use the plan

The plan is in three parts: notes to help you complete it are given in the right hand column of the form.

**Part A** will help you to work out whether you qualify for the University’s maternity leave scheme. You will find it helpful to have a calendar or diary handy when you are filling out the form.

**Part B** should be used to set out when you would like to begin your maternity leave and to indicate when your expected date of return to work will be.

**Part C** should be used if you decide to return to work before the end of your planned maternity leave.
PART A – WORKING OUT YOUR ELIGIBILITY FOR LEAVE AND PAY

TO THE DEPARTMENTAL ADMINISTRATOR

I am giving you this form to let you know that I am pregnant and to notify you of when I want to start my maternity leave and to begin receiving maternity pay (if eligible).

Personal Details
1. Name: ………………………………
   Department: ………………………………
   …………………………………………
   Departmental Administrator’s name:
   ……………………………………………..
   ………………………………………………

Guidance Notes

When the baby is expected
2. My baby is due in the week beginning:
   Sunday ……………………. (date of expected week of childbirth)

Expected week of childbirth
The expected week of childbirth is the week, beginning Sunday, in which it is expected you will have your baby. This is the date on your MATB1 form that your doctor or midwife will give you.

Certificate
Your doctor or midwife will give you a MATB1 form which will give you the expected week of childbirth. You must give this to your Departmental Administrator at least 28 days before you wish to start your leave.

Qualifying for the University’s maternity scheme
Filling in this section of the form will enable you and your administrator to see if you qualify for the university maternity scheme and statutory maternity pay.
4. The 15th week before my expected week of childbirth (the date given in Question 2) is the week beginning:  
Sunday …………………………..  

Use the Maternity tables to work this out (available on the Personnel Services Maternity Leave web pages). This date is important for working out how much maternity leave you qualify for.

5. On this date I will have worked for the university continuously for at least 26 weeks  
Yes  □  tick box (go to part B)  
or  
No  □  tick box (see box below)  

Your length of employment usually runs from the first day you started work with the University of Oxford to the present day. If there are any gaps in your employment consult your Departmental Administrator.

If you have ticked ‘No’ above then you do not qualify for the University Maternity Scheme or Statutory Maternity Pay from the University. However, you are still entitled to 52 weeks’ unpaid leave. In addition, you may still be able to claim Maternity Allowance. Your Departmental Administrator will advise you on this. You still need to complete part B of this form.

IMPORTANT: please note that if your contract of employment is due to terminate during your maternity leave, your entitlement to benefits under the University's contractual schemes will end on the contract end date. However, you will continue to be paid any remaining statutory maternity pay to which you are eligible. Your contract of employment will not automatically be extended because you are on maternity leave.
PART B – MATERNITY LEAVE

<table>
<thead>
<tr>
<th>Starting maternity leave</th>
<th>Guidance Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6.</strong> I intend to start my maternity leave on:</td>
<td><strong>Start date</strong></td>
</tr>
<tr>
<td>...........................................(date)</td>
<td>It is your decision when you start your maternity leave, except that you cannot start it earlier than the 11th week before your expected week of childbirth. You should notify your Departmental Administrator of your intended start date by the 15th week before the expected week of childbirth. If you wish to change this date you must give your Departmental Administrator at least 28 days' notice of when you want to start your maternity leave.</td>
</tr>
<tr>
<td>(NB this can be any day of the week)</td>
<td>If you are absent from work for a pregnancy-related reason in the four weeks before your expected week of childbirth, or if you give birth before the date you intended to start maternity leave, your maternity leave will start automatically.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Returning after maternity leave</th>
<th>End of maternity leave</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>7.</strong> My maternity leave entitlement will finish on:</td>
<td><strong>This is the end of the 52nd week from when you start your maternity leave. For example, if you started your maternity leave on a Wednesday, the last day will be Tuesday 52 weeks later. Your Departmental Administrator will help you calculate this date.</strong></td>
</tr>
<tr>
<td>...........................................(date)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8. Return date: complete either A or B below.</th>
<th>The University Scheme offers:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> I would like to take my full 52 weeks entitlement and I am due back to work on:</td>
<td>- 26 weeks on full-pay, plus</td>
</tr>
<tr>
<td>...........................................(date)</td>
<td>- 13 weeks Statutory Maternity Pay, plus</td>
</tr>
<tr>
<td></td>
<td>- 13 weeks unpaid leave.</td>
</tr>
<tr>
<td>If you have ticked ‘yes’ in section 5, you will be entitled to the above. Even if you are not entitled to this pay, you can still take up to 52</td>
<td></td>
</tr>
</tbody>
</table>
B. I have already decided not to take my full 52 weeks' entitlement and will return to work on:  

………………………..(date)

weeks unpaid leave. It is your decision how much of this leave you wish to take. 

You may already know that you wish to take all or only some of your leave entitlement and should state your current wish by completing either 8A or 8B as appropriate.

I understand that if I want to change this date, I must give you 8 weeks’ notice of the date on which I want to return.

Changing your mind: If you change your mind about the date that you want to return to work you must give your Departmental Administrator at least 8 weeks’ notice before your intended return date. You can use Part C of this form for this purpose.

9. Contact during maternity leave

I would like to be told about changes happening at work during my maternity leave

YES □

NO □

If yes, I would prefer to be contacted by:

………………………………………………

(e.g. email, phone, etc)

If you do not mind how your department contacts you please tick here □

You and your department may make reasonable contact during your maternity leave. Keeping in touch with work in this way can help to make it easier when it is time to return as you will be aware of what has been going on in your department.

Even if you choose not to be told about changes happening at work during your maternity leave, your Departmental Administrator will still contact you about any matters relating to your employment.

10. Keeping in Touch (KIT) days

Would you like the opportunity to work, attend a particular event or take up a training opportunity during your maternity leave?

YES □

NO □

If so, you can agree with your department to consider up to a maximum of 10 days’ work

As well as staying in contact with your department during your maternity leave, if you and your department both agree, you can undertake up to 10 days’ work during your maternity leave. These are known as Keeping in Touch (KIT) days. They are not limited to your usual job and could be used for training or other events.

This work can only take place by agreement between both the department and the
| on KIT days during your maternity leave. | employee. A department may not require a woman to work during her maternity leave, and you cannot be penalised for refusing to take up a KIT day. Similarly, a woman does not have a right to work KIT days if the department doesn’t agree to them. If you and your department agree that you will work some KIT days then you should agree in advance including what you will be doing and how you will be paid. |
Maternity plan signature page

You have now completed all the parts of the form necessary before starting your maternity leave. You should now sign the form and give it to your Departmental Administrator. Don’t forget to keep a copy of it for yourself.

IMPORTANT NOTICE

In signing this form, you confirm that:

- your attention has been drawn to the right of the University to reclaim the whole or part of the non-statutory element of maternity pay if you fail to return to work after your maternity leave and continue in employment for at least three months following your return.

- you understand that if your contract of employment is due to terminate during your maternity leave, your entitlement to benefits under the University’s contractual schemes will end on the contract end date. However, you will continue to be paid any remaining statutory maternity pay to which you are eligible. Your contract of employment will not automatically be extended because you are on maternity leave.

Signed: …………………………………………………………………(employee)

Full Name…………………………………………………………

Date: …………………………………………………………………

Signed:………………………………………………………………(Departmental Administrator)

Date: …………………………………………………………………
PART C – RETURNING TO WORK EARLY/LATE

You will be expected back at the end of your maternity leave, on the date that you have specified in part 8 of the maternity leave plan.

If you want to return earlier or later than this date (the maximum entitlement is 52 weeks) you must give your Departmental Administrator at least eight weeks' notice of this change.

If you do not give eight weeks’ notice your Departmental Administrator is entitled to postpone your return until eight weeks' notice has expired.

To: The Departmental Administrator

Department:............................................

---

Changing your notified return to work date

I would like to change my return to work date, and now intend to return to work on:

...........................................(date)

Guidance notes

Complete this section only if you want to return to work early.

Compulsory maternity leave.
The law requires that all women take two weeks maternity leave immediately after the birth of their baby. Your Departmental Administrator cannot let you return before your compulsory maternity leave period is up.

You should sign the form now and send it to your Departmental Administrator. Don’t forget to keep a copy of it for yourself.

You should talk to your department in good time if you want to try to agree a different working pattern to the one you worked before your maternity leave.

Signed: .............................................................

Full Name:..........................................................

Date: ..............................................................