

2/04/24

Maternity Policy

Context

The University of Cambridge aims provide maternity benefits which comply with both the letter and the spirit of the law on maternity rights and are in excess of these statutory requirements.

This policy aims to inform employees of their contractual and statutory maternity rights, and to ensure that those rights are understood.

Eligibility

This policy applies to all female employees, regardless of their length of service and entitlement to statutory maternity benefits.

An employee, male or female, who is the prime carer and adopts a child aged under 5 shall have the right to receive leave equivalent to maternity leave; the arrangements for leave for a member of staff who adopts a child aged over 5 shall be at the discretion of the HR Committee, but will be no less than the statutory provision. Please see separate [Adoption policy](#).

Policy ownership and status

The HR Division will be responsible for reviewing this policy on a regular basis in light of any changes in legislation and in consultation with the Unions.

Statement of Policy

This document states the University's policy on maternity leave and pay available to all eligible employees and provides additional guidance on issues surrounding maternity leave.

The legislation relevant to this policy is:

- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024
- Equality Act 2010.
- Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2008 (SI 2008/1966).
- Work and Families Act 2006.
- Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006 (SI 2006/2014).
- Statutory Maternity Pay, Social Security (Maternity Allowance) and Social Security (Overlapping Benefits) (Amendment) Regulations 2006 (SI 2006/2379).
- Statutory Maternity Pay (General) (Amendment) Regulations 2005 (SI 2005/729).
- Employment Act 2002.

- Maternity and Parental Leave (Amendment) Regulations 2002 (SI 2002/2789).
- Maternity and Parental Leave (Amendment) Regulations 2001 (SI 2001/4010).
- Employment Relations Act 1999.
- Maternity and Parental Leave etc Regulations 1999 (SI 1999/3312).
- Employment Rights Act 1996.

Maternity Leave

Leave Duration

Employees may apply for a maximum of 52 weeks maternity leave.

Start of Leave

Maternity leave may not start earlier than 11 weeks before the expected week of childbirth, and must extend for at least two weeks after the birth.

In exceptional circumstances, the University may grant permission for maternity leave to commence prior to the 11th week before the expected week of childbirth. The Human Resources Division will consider such requests, taking into account individual circumstances.

An employee may choose not to begin maternity leave until shortly before the birth. If the baby is born before the date requested, maternity leave and pay will automatically commence on the earlier date.

Sickness Absence

An employee absent from work due to illness unrelated to pregnancy can remain on sick leave until she starts maternity leave on the date previously requested.

However, an employee on sick leave due to pregnancy-related illness at the beginning of the 4th week before the expected week of childbirth will commence maternity leave at that date and will transfer from sick pay to maternity pay. If an employee becomes sick with a pregnancy-related illness after the beginning of the 4th week before the expected week of childbirth her maternity leave will commence on the first day of illness.

Early or Stillbirth

An employee whose baby is born prior to the 11th week before the expected week of childbirth, will commence maternity leave and pay immediately. Employees should inform the relevant authority as soon as possible after the birth.

If a pregnancy sadly ends in stillbirth after the 24th week of pregnancy, the employee remains entitled to maternity leave and pay commencing from the date of birth.

Maternity Pay

An employee taking maternity leave will receive maternity pay, starting from the first day of leave, as follows:

- 18 weeks' paid leave during which they will receive their normal rate of pay.
- 21 weeks' during which they will receive Statutory Maternity Pay (if entitled).
- 13 weeks unpaid leave.

Payment during the first 18 weeks comprises contractual maternity pay provision and any Statutory Maternity Pay (SMP) to which she is entitled. If the amount due is less than the SMP provision, only SMP will be payable. An employee may opt to hold over the 18 weeks contractual maternity pay that is in excess of her statutory entitlement and receive this pay in full once she has returned to work for a period of not less than three months.

Maternity pay is subject to the condition that no work is undertaken during the paid period of leave (up to 39 weeks) other than 'keeping in touch days' (see below).

Payment will normally be made through the payroll on the employees normal pay date.

Eligibility to SMP

To qualify for SMP an employee must have been:

- Employed by the University continuously for at least 26 weeks into the 15th week before the week their baby is due (the qualifying week).
- Earning on average an amount which at least equals the lower earnings limit which applies on the Saturday at the end of the qualifying week.

An Employee that satisfies these conditions will be entitled to SMP for a maximum period of 39 weeks.

The amount of SMP received depends on an employee's earnings. The first 6 weeks of SMP are earnings related with a weekly rate equal to 90 per cent of the employee's average weekly earnings (there is no upper limit). The remaining 33 weeks are paid at the weekly standard rate SMP (currently, £139.58 with effect from 6 April 2015) or the earnings related rate if this is less than standard rate SMP.

Ineligibility to SMP

It will be assumed that an employee not eligible to SMP is entitled to Maternity Allowance unless she shows proof to the contrary. Therefore, a member of staff not entitled to SMP, will have any salary payable in the first 18 weeks reduced by the amount of any Maternity Allowance to which she is entitled to receive.

Maternity Allowance

Employees that satisfy the employment and earnings rules set by the Department of Work and Pensions, will be entitled to Maternity Allowance for a maximum period of 39 weeks. The amount of Maternity Allowance an employee will receive depends on their gross average weekly earnings. Employees will receive the standard rate of Maternity Allowance, (currently £139.58 a week, with effect from 6 April 2015) or 90 per cent of their gross average weekly earnings, if this calculation results in a figure which is less than the standard rate.

Keeping in Touch Days

An employee may, with the agreement of her Head of Department, carry out up to 10 days' work during her maternity leave without bringing her maternity leave to an end. In accordance with legislation, any work carried out on any day shall constitute a full day's work. This provision does not apply during the two week period commencing on and including the day on which childbirth occurs.

Work means any work done under the contract of employment and may include training, attending meetings and committees or any activity undertaken for the purposes of keeping in touch with the workplace.

It should be noted that this provision does not confer any right on the Institution concerned to require work to be carried out during the maternity leave period, nor any right on an employee to request work during this period. There is no obligation on either the department or the employee to make use of these days.

Any days' work carried out will not have the effect of extending the maternity leave period.

Payment of KIT days

An employee will receive full pay (at the appropriate rate according to their salary spine point), inclusive of statutory maternity payment, for the hours worked during a KIT day. Therefore, any payment made depends on when during maternity leave the KIT day is worked, as follows:

During the first 18 weeks (if taking contractual maternity pay)	No additional payment.
During the SMP period	Paid for the hours worked less any SMP for that day.
During nil pay	Full pay for the hours worked

Alternatively, an employee may choose to take 'time off in lieu' (TOIL) instead of payment for hours worked. Therefore, an employee who takes a KIT day may choose to receive no additional payment for that day beyond their SMP but instead choose to gain an additional day's annual leave to be taken after their return to work.

Contact during Maternity Leave

Reasonable contact between an appropriate colleague in the Institution concerned and the employee on leave is encouraged to facilitate communication. Under legislation, either party is entitled to initiate this during the maternity period (for example to discuss the employee's return to work or potential work related issues that may concern them) and such contact will not bring the maternity period to an end.

Cover during Maternity Leave

Funding

- For academic staff, substitute teaching funds may be provided. There is no provision for cover for the administrative or other non-teaching duties of a UTO.
- For assistant staff posts funded by central University funds and for academic-related staff, funding may be sought for a temporary appointment from the relevant school (Resource Management Committee for non-school institutions).
- For contract research staff, the sponsor bears the cost of any substitute cover.

It may be possible to offer a development opportunity to another employee by asking them to cover the duties of the employee on maternity leave. If a junior employee is asked to cover

duties, an additional responsibility payment is made and in addition it may be appropriate to seek funding from the relevant body for a temporary appointment at a lower level.

Any person temporarily appointed to cover for maternity leave will have a clause in his/her contract stating that the contract will end on the return or resignation of the employee on maternity leave.

Alternatively, if possible, the work of the employee on maternity leave may be redistributed among existing employees.

External Sponsors

Where a position is funded by an external sponsor, it is the responsibility of the Head of Department to inform the sponsor that the employee is taking maternity leave. The sponsor's maternity provision should be checked, for example, whether they would provide additional funding to make a substitute appointment to compensate for the whole, or part, of a period of paid maternity leave, or to extend the duration of a grant for a period of leave equivalent to the maternity leave taken by employee so that the project may be completed.

Risk Assessment

Risk assessments of working environments in the University are routinely carried out in order to protect the safety of mother and child for any employee who is, or may become, pregnant. Should a pregnant employee's working environment or duties pose a threat to her health and safety, the duties will be modified or alternative work of a suitable nature found. Should this not be possible the employee will be suspended from work on full pay on medical grounds until the start of her maternity leave.

Further advice, together with a guidance leaflet and risk assessment form is available from the Occupational Health Service (ext 36594) or from your Departmental Safety Officer. The leaflet published by Occupational Health is also available in hard copy from the Human Resources Division or from the Safety Office website.

Ante-natal Appointments

An employee is entitled to time off with pay in order to attend ante-natal appointments, which may include classes. The relevant authority may require her to produce an appointments card from her clinic.

Benefits during leave

During maternity leave the contract of employment continues in force. All terms and conditions of the contract continue with the exception of stipend or salary. Continuity of service is maintained, and any standard incremental progression taking place during the maternity leave will be implemented.

Effect on sabbatical leave

For academic staff with an entitlement to leave under Statute D,II,5, all terms on maternity leave are counted as reckonable service for sabbatical leave purposes.

Pension Implications

For members of both the USS and the CPS during any period of paid maternity leave, pension benefits are accrued as if the member is at work. The following paragraphs give general information about the procedures operating in the two pension schemes available to staff in the University. However this does not cover all individual circumstances and any

member of staff who has queries on her pension entitlement should contact the Pensions Office for information.

For members of USS, contributions are maintained in full for any period when the member is in receipt of any pay, whether contractual or SMP. Where a member is not entitled to contractual maternity pay or to SMP, contributions also have to be maintained for the first 39 weeks of maternity pay or the period up to two weeks after the baby's birth if this is longer. The member's contributions during this period are based on her actual income and any shortfall is made up by the University. A member of USS on unpaid leave is treated as being on suspended membership of the scheme and does not receive any service credits. On her return she may, if she wishes, buy in this service by paying both employer and employee contributions.

For members of CPS, contributions are paid based on the salary actually received. When a member goes on unpaid leave she ceases to accrue service for the period of that leave. On her return she may buy in the missing service, and is required to pay only the employee's contributions.

Annual leave accrual

Annual leave entitlement as stated in the relevant contract of employment will continue to accrue as normal for the entire period of maternity leave. All accrued annual leave must be taken within three months of returning to work following maternity leave.

- [Annual leave calculator](#)

Support during Maternity

An employee who is due to go on, or is currently taking maternity leave, is entitled to access all of the usual support networks available to staff. This includes within their Department (e.g. Departmental Administrator), within HR (e.g. HR Business Manager/Adviser) the Occupational Health Service and Counselling Service.

Protection from Redundancy

An employee on maternity leave and who is at risk of redundancy is legally entitled to be offered a suitable alternative vacancy where one exists before it is offered to other employees (including those who also at risk of redundancy).

This additional protection starts when notice of the pregnancy is given and lasts until 18 months after either:

- the date of the child's birth, or
- the week of expected birth if notice of birth is not provided.

This includes where the employee suffers a miscarriage after 24 weeks of pregnancy.

Where an employee is pregnant but suffers a miscarriage before 24 weeks, this additional protection ends two weeks after the end of the pregnancy.

The alternative role should in all cases be offered before the end of the original contract and begin the day immediately following the day on which their original contract comes to an end. The new post must be suitable and appropriate for the employee in the circumstances and the new contractual provisions must not be substantially less favourable than those of the previous contract.

Redeployment support and advice is available from the relevant HR Adviser to an employee on maternity leave and returning from maternity when their contract ends.

Further information on protection from redundancy and redeployment is available from your HR Business Partner.

Fixed Term/Open Ended Contracts and Maternity Leave

If an employee is on maternity leave when their contract is due to cease, the [Procedures for Ending Fixed Term Contracts](#) must be followed. In these circumstances the relevant HR Business Manager/Adviser can be contacted in advance of the contract end date for guidance on the consultation process.

Redeployment

Redeployment support and advice is available from the relevant HR Adviser to an employee on maternity leave when their contract ends. Details of vacancies within the University and guidance on applications will be offered.

Effect on Maternity Pay

Where a fixed term contract ceases after the qualifying week (15th week before the expected week of childbirth) or during paid maternity leave, any contractual maternity pay will cease with effect from the contract end date. The University will continue to pay SMP, if eligible, through the University Payroll for the remainder of the provision.

Return to work

The University has specific policies in place to support staff returning from maternity leave to plan, in liaison with their institution, a flexible and smooth return to work, whilst maintaining an appropriate work/life balance.

An employee may request to return from maternity leave in graduated steps ([Graduated Return](#)) or part time (under [Flexible Working Policy](#)), provided that her department can make arrangements to cover her duties at no extra cost to the University. If an employee wishes to discuss any change in working arrangements on her return to work following maternity leave, she should contact her Head of Department or Departmental Administrator at the earliest opportunity and, where possible, no later than eight weeks before she returns to work. Any agreement to a change in working arrangements (e.g. to work part time) will be considered on the basis of the operational requirements of the department.

These schemes are available to all employees, including contract research staff supported on outside funds. In the case of contract research staff, any arrangements will be subject to the needs of the project on which they are employed and the willingness of the sponsor to make the flexible arrangements which will be necessary. The employee should first discuss the situation with her research project supervisor before applying for any changes through the appropriate formal channels.

Statutory entitlements on return to work

Emergency leave

All employees have a statutory right to short periods of unpaid leave in order to make arrangements to deal with family emergencies. In addition to this statutory provision Heads

of Department have discretion to grant compassionate leave where circumstances justify so doing.

Ordinary Parental leave

Employees who have a year's service have a statutory right to ordinary parental leave.

Flexible working

All employees have a statutory right to apply to work flexibly.

Non-return to work

If an employee is unable to return to work at the end of her maternity leave because she is medically unfit, she should report her sickness absence and submit medical certification in the usual way. She will transfer from maternity leave to sick leave. Subsequently, normal sickness procedures will be followed.

If an employee does not return to work following a period of maternity leave, her job remains open and she does not automatically lose her right to return. However, her absence will be treated as unauthorised absence under the University's disciplinary policies for that category of staff.

Repayment

If an employee decides not return to work after maternity leave, or returns to work but subsequently decides not to continue in the employment of the University for a period of at least three months, the University has the right to reclaim any contractual maternity pay that she received that is in excess of any SMP that she has received.

If an employee returns to work but does not subsequently continue in employment for a period of at least three months, the amount deducted will be a proportion of the excess pay as follows:

Up to one month	All maternity pay
One month up to two months	Two-thirds of maternity pay
Two months up to three months	One-third of maternity pay

In exercising this right to reclaim pay, the University will take into account personal circumstances.

Recourse to Grievance Procedure

An employee who is dissatisfied with any decision made in respect of her maternity rights will have recourse to the relevant [grievance procedure](#).

Other Family Friendly Policies

- [Adoption Leave](#)
- [Childcare salary exchange schemes](#)
- [Flexible Working Policy](#)

- [Graduated Return from Maternity Leave](#)
- [Ordinary Parental Leave](#)
- [Paternity Leave](#)
- [Returning Carers Scheme](#)
- [Shared Parental Leave](#)

Procedure

Notification

An employee should give notice of her intention to take maternity leave, and the intended start date, by the 15th week before her expected week of childbirth (using form [CHRIS/60](#)), unless this is not reasonably practicable, in which case she should give as much notice as is reasonably practicable.

When submitting their CHRIS/60 form the applicant should attach a formal certificate from a doctor or midwife stating the expected week of childbirth (form Mat B1).

An employee may subsequently change her mind about when she wants to start her leave providing she gives at least 8 weeks notice (unless this is not reasonably practicable in which case she should give as much notice as is reasonably practicable).

Grant of leave

On receipt of the formal application the Human Resources Division will write to the applicant granting leave within 28 days confirming the date on which the applicant's maternity leave is expected to end (employees have a right to up to 52 weeks' maternity leave).

The Human Resources Division will also write to employees where there have been any changes that have affected their maternity leave (for example, changes to start date, limit of tenure).

Notification of return to work

A CHRIS/61 form should be completed to advise of the date of return from Maternity Leave. If an employee wants to extend her maternity leave or return earlier than a date previously specified, then she is required to give 8 weeks' notice of this intention. If an employee gives less than 8 weeks' notice, her maternity leave may be extended for 8 weeks after the date of giving notice of return, to allow her institution to make any necessary arrangements.

If an employee does not wish to return to work, then she should give notice of resignation in the usual way in accordance with her contract.

Although there is no legal requirement to give advance notice of an intention to return at the end of the 52 week maternity leave period, an employee who intends to do so is urged to keep her Head of Institution informed of her intentions so that appropriate cover arrangements can be made and workloads can be planned.