

## Maternity Leave Procedure

<b>Enabling Policy Statement; Executive Owner; Approval Route:</b>	Our Colleagues – Chief Operating Officer – Operations Committee
<b>Is the Procedure for internal use only (Non- disclosable) ?</b>	Disclosable
<b>Associated Policy Statements:</b>	N/A
<b>Authorised Owner:</b>	Human Resources Director
<b>Authorised Co-ordinator:</b>	Associate Director (People Services)
<b>Effective date:</b>	04 July 2024
<b>Due date for full review:</b>	04 July 2027
<b>Sub documentation:</b>	N/A

### Approval History

Version	Reason for review	Approval Route	Date
1.0	Migration to the POPP structure	Operations Committee (Chair's Action)	04 July 2024
2.0	Addition of Neonatal Leave following 06 April 2025 legislation changes	Operations Committee (Chair's Action)	27 March 2025

## 1. Purpose

- 1.1.** The purpose of this document is to outline the main provisions relating to maternity leave. Regarding dates in this procedure, it does not matter when the baby is/was actually born; the important date is when it is due. Please contact your Human Resources representative if you wish to discuss any aspect of this procedure.

## 2. Scope and Exceptions to the Procedure

- 2.1.** This procedure applies to all employees at the University of Surrey and its subsidiaries.
- 2.2.** The University has other related policies that may be of interest to its employees or their partners who have or are expecting children. The Maternity Procedure, and the procedures listed below apply equally to same-sex and opposite sex couples.
- Leave Procedure
  - Flexible Working procedure
  - Adoption Leave
  - Parental Leave procedure
  - Paternity and Partners' Leave procedure
  - Shared Parental Leave procedure
- 2.3.** This procedure does not form part of any employee's contract of employment. It may be amended from time to time with appropriate consultation with recognised trade union representatives.
- 2.4.** The University recognises the challenges that face colleagues during their pregnancy and following the birth of their child. All employees have access to our wellbeing support through the University Employee Assistance Programme, more details can be found on the My Pay and Benefits page.

## 3. Definitions and Terminology

- 3.1. MATB1** This is the medical certificate which confirms that you are pregnant and the date your baby is due. It will be given to you by your doctor or midwife when you are 20 weeks into your pregnancy. You must let your HR representative have this certificate as soon as possible, but in any case, before you start your maternity leave.
- 3.2. Expected Week of Childbirth** The EWC is defined as the week beginning midnight between Saturday and Sunday in which it is expected that the child will be born. It is used to calculate entitlement to maternity leave and pay.
- 3.3. Qualifying Week** The Qualifying Week or QW is the 15<sup>th</sup> week before the EWC. It is used to calculate entitlement to the type of maternity leave an employee is entitled to, and the right to SMP.
- 3.4. Ordinary Maternity Leave** an entitlement to 26 weeks' OML. OML can start any time from the beginning of the 11<sup>th</sup> week before the EWC.
- 3.5. Additional Maternity Leave** Employees who have taken 26 weeks' OML are entitled to a further 26 weeks' AML.

- 3.6. University Maternity Leave** UML may encompass either, or both, OML and AML and it may exceed these statutory entitlements. UML is specific to the University of Surrey. UML includes commitments to continued salary payments equivalent to full pay or half pay, according to the provisions stated within this Procedure.
- 3.7. Statutory Maternity Pay** Subject to average weekly earnings of not less than the lower National Insurance earnings limit, employees with at least 26 weeks' service at the Qualifying Week are entitled to receive 39 weeks SMP. The University pays SMP through the payroll and it is subject to tax and National Insurance deductions. The SMP rate is available [here](#) or can be discussed with the HR Operations team.
- 3.8. Statutory Maternity Allowance (SMA)** If an employee is not eligible for SMP and has paid at least 26 weeks' National Insurance contributions over the preceding 66 weeks (ending with the week before the EWC) then they may be entitled to SMA or some other payment. This can be claimed from the Jobcentre Plus/Social Security Office.
- 3.9. Shared Parental Leave** Once the compulsory two weeks have expired, an employee can opt to curtail their Maternity Leave and take Shared Parental Leave in order to share childcare responsibilities with their husband or partner. Further information can be found in the Shared Parental Leave Procedure on the HR website.
- 3.10. Miscarriage** A miscarriage is the loss of a pregnancy before 24 weeks.
- 3.11. Stillbirth** A stillbirth is when a baby is born dead after 24 completed weeks of pregnancy
- 3.12. Neonatal Leave** is a day one right for employees whose baby has been born prematurely and is hospitalised. The baby must be born on or after 06 April 2025 and require at least 7 consecutive days of neonatal care within the first 28 days of life. The University will pay up to 12 weeks additional pay for neonatal care, which must be taken within 68 weeks of the child's life.

## 4. Procedural Principles

### 4.1. Maternity Leave Scheme/Options

- 4.1.1 All pregnant employees are entitled to 26 weeks' ordinary maternity leave followed immediately by 26 weeks' additional maternity leave, totaling 52 weeks. Collectively this leave is referred to as University Maternity Leave (UML)
- 4.1.2 All staff are entitled to UML from day one of employment. After taking UML, an employee needs to return to work for the University for at least three months. If they do not, the University has the right to reclaim the whole of the non-statutory element of Maternity Pay. If it is unclear whether an employee will be able to fulfil this requirement, then they may defer receipt of University Maternity Pay (UMP) until they have completed three months post maternity leave service.

### 4.2. Pay/Benefits During Statutory Maternity Leave

- 4.2.1 Employees with 26 weeks continuous service by the end of the 15th week before the EWC will be entitled to receive 39 continuous weeks of Statutory Maternity Pay (SMP). SMP will be paid for up to 39 weeks of maternity leave.

- 4.2.2 The employee must have normal weekly earnings of not less than the lower earnings level for National Insurance purposes and be pregnant or have given birth 11 weeks before the start of EWC.
- 4.2.3 SMP may commence on any day of the week to allow the start of the payments to begin at the same time as the maternity leave.
- 4.2.4 Where an employee has less than 26 weeks continuous service with the University, they will not be eligible for SMP. In this circumstance, the University will cover any SMP that would have been paid during the course of the maternity period. No monthly payment will exceed an employee's normal monthly pay. If the employee does not want to receive this, they may still be able to claim Statutory Maternity Allowance (SMA) from Jobcentre Plus. Further details on this are provided in Section 4.4 below but they should contact HR as soon as possible, to confirm dates and discuss the process.

### **4.3. Pay/Benefits During University Maternity Leave**

- 4.3.1 UMP is offered at the following rate from day one of employment:
- 8 weeks leave on full pay, including SMP
  - 16 weeks leave on half pay, plus SMP
  - 15 weeks SMP
  - 13 weeks without pay
- 4.3.2 Where an employee works for less than 52 weeks in each year, (e.g. during semester periods only), maternity leave and pay will run continuously from the start date of maternity leave (rather than following the pay or working patterns of when the employee is not on maternity leave).
- 4.3.3 Where UMP is paid at the employee's full weekly rate, it will include any relevant SMP. Where it is paid at half the employee's full weekly rate, it will exclude any SMP entitlement (which is then paid in addition). No monthly payment will exceed an employee's normal monthly pay under full pay (inc. SMP), half pay (plus SMP) or SMP only.

### **4.4. Procedure for Taking Maternity Leave**

- 4.4.1 An employee must provide written notice of pregnancy, stating the EWC, and the proposed starting date for maternity leave. This should be sent to their Line Manager and copied to the HR Representative no later than the 15th week before the EWC.
- 4.4.2 As part of this notification process an original MATB1 (which confirms the expected date of childbirth) will need to be included. These are issued by midwives after 20 weeks. In some cases, they may be issued later than this so in these situations the employee should provide their MATB1 after the initial notification but no later than the 15th week before EWC. HR are responsible for notifying Payroll and Pensions of the employee's leave dates as well as sending the MATB1 form to Payroll.
- 4.4.3 In order to assist the University in discharging its responsibilities for the health and safety of the pregnant employee and their unborn child, written notification should be made as early as possible.
- 4.4.4 If an employee later wishes to change the intended start date of their leave, they will

have to give at least 28 days' notice before the employees amended start date (or as soon as is reasonably practicable).

- 4.4.5 Once the request for maternity leave has been received, a written response will be made within 28 days. This will set out the expected date of return which, unless advised differently, will be set as 52 weeks after the advised commencement date.
- 4.4.6 Formal notification of the baby's actual date of birth should be made to the HR Representative as soon as reasonably practicable after the birth.
- 4.4.7 If the employee does not comply with the above or does not notify the University as soon as reasonably practicable that they are absent because of the birth of their child, then the employee will not have the right to maternity leave.
- 4.4.8 For those employees who are not eligible for SMP and do not want to receive UMP, they will need to notify HR. HR will send their MATB1 to payroll and confirm the Maternity Leave dates. Payroll will then provide an SMP1 form and letter to HR for the employee, which may enable the employee to claim SMA from Jobcentre Plus.

#### **4.5. Health & Safety**

- 4.5.1 The [Management of Health and Safety at Work Regulations](#) require the University to assess workplace hazards and take measures to protect people from them so far as is reasonably practicable. They are also required to take particular account in their risk assessments of possible risks to new and expectant mothers.
- 4.5.2 Once an employee has provided written notification of pregnancy, a risk assessment must be completed. Human Resources will send a copy of the new and expectant mothers risk assessment template for completion by the employee and line manager. The risk assessment template has been developed to guide managers through the assessment process, thus ensuring that risk mitigations are implemented to protect both mother and baby. Further guidance is available on the Health and Safety [Frequently Asked Questions webpages](#), and assistance with completing risk assessment for more hazardous roles can be obtained from the Faculty/Professional Services Health and Safety Managers/Advisors.
- 4.5.3 Once completed a signed copy of the risk assessment should be sent to the HR representative. Any actions identified as part of the risk assessment will also need to be shared with the action owners and completed within the required timeframes. The risk assessment will need to be reviewed on a regular basis by the employee and their line manager. Frequency will depend on individual circumstances; however, it is recommended at least every trimester or if medical or workplace circumstances change.
- 4.5.4 If the employee is returning to work or starting a new role within 6 months of giving birth or they will be breastfeeding on their return, the risk assessment will be completed with their line manager as part of the return to work process.
- 4.5.5 Where the risk cannot be removed, consideration will be given to changing the parent's working conditions/hours or providing alternative suitable work. If these options are not available, it may be necessary to suspend the employee on full pay if it is deemed necessary to protect the employee and/or their unborn child.

#### **4.6. Fertility Treatment**

- 4.6.1 The University recognises the emotional and physical challenges which may arise from undergoing fertility treatments and supports colleagues who wish to undertake such treatment. In support of the employee, whether they are the mother to be and/or the father/partner. Wellbeing support can be accessed through the University Employee Assistance Programme, more details can be found on the My Pay and Benefits [page](#).
- 4.6.2 Staff undergoing IVF will be supported by the University through local flexibility via discussions with local management. Line managers are required to be flexible in supporting attendance of these appointments where possible.
- 4.6.3 Fathers and/or partners of an individual going through IVF will also be supported to attend appointments, but this will be offered on an unpaid basis. Line managers are required to be flexible in supporting attendance of these appointments where possible.
- 4.6.4 In the case of IVF, once a fertilised egg has been implanted in the uterus, the woman is deemed legally to be pregnant and is covered by all associated rights. At that point the University support of the colleague will fall under the current procedure (Maternity Policy).

#### **4.7. Ante-Natal Care**

- 4.7.1 Permission to take paid time off for recommended antenatal check-ups during the course of the pregnancy will be granted.
- 4.7.2 With the exception of the first ante-natal appointment, the employee must be prepared to show if requested:
- a certificate from a registered medical practitioner, midwife or health visitor to confirm they are pregnant;
  - an appointment card to show an appointment has been made.
- 4.7.3 Fathers and partners and intended parents in a surrogacy situation have the right to take time off work (unpaid) to accompany a pregnant woman at an antenatal appointment on two occasions. Employees are entitled to be absent for the appointment time, up to a maximum of 6.5 hours on each such occasion and the appointment must be on the advice of a registered medical practitioner, midwife or nurse. The University may require the employee to provide a signed declaration confirming the appointment ahead of approval. Where further appointments are required colleagues should discuss this with their line manager and can consider taking annual leave.

#### **4.8. Stillbirth or Early Birth or Miscarriage**

- 4.8.1 If the baby is stillborn after the 24th week of pregnancy, or if the baby is born alive at any stage of the pregnancy but subsequently does not survive the employee will be entitled to their full maternity rights including pay and leave. The employee's entitlement to opt for the University's Maternity Leave Scheme also applies.
- 4.8.2 If the employee miscarries before the 24th week of pregnancy, they will not be entitled to full maternity rights including pay and leave. However, the University recognises the impact that this may have on a colleague and will support the colleague and propose assistance, including offering Occupational Health and wellbeing support. Any

subsequent time away from work will be deemed as sick leave but will not be considered in any formal sickness procedures.

- 4.8.3 The University also recognises the impact that this may have on the father or partner and will support the colleague and propose assistance, including Occupational Health and Wellbeing support. Any subsequent time away from work will be deemed as sick leave but will be viewed compassionately when considered as part of any sickness trigger. Please see the Paternity and Partners' Leave Procedure.
- 4.8.4 Requirements to provide 8 weeks-notice of early return from maternity leave will be waived in the case of a stillbirth, miscarriage or the child not surviving.

#### **4.9 Neonatal leave**

- 4.9.1 The University recognises the emotional and financial difficulties which arise from premature births and situations where a newborn is immediately hospitalised after birth.
- 4.9.2 Employees who are entitled to maternity leave under this procedure, and from day one of their employment, will also be entitled to an additional period of leave to add to the end of their maternity leave or shared parental leave if their baby is in hospital for at least 7 days following birth and within the first 28 days of life.
- 4.9.3 Employees in a parental relationship with the child (including birth parents, adoptive parents, intended parents via surrogacy, and their partners) are entitled to take Neonatal Leave.
- 4.9.4 Employees will be entitled to neonatal leave on full pay, equivalent to the number of days that their baby has been in hospital for, immediately following birth, for at least 7 days. This leave is capped at 12 weeks and must be taken within the first 68 weeks of the child's life.
- 4.9.5 If there are multiple babies (e.g. twins), the total maximum leave is still 12 weeks, even if more than one child requires neonatal care.
- 4.9.6 Neonatal leave must be taken before the employee returns to work and must not be taken in conjunction with any other type of parental leave, or annual leave.
- 4.9.7 Employees who are eligible to take neonatal leave should notify their line manager as soon as possible after the birth of the baby to let them know that there have been complications. During their maternity leave, they should confirm to their line manager how many weeks their baby was in the hospital and give their line manager 8 weeks' notice of when their maternity leave will cease and therefore when their neonatal leave will commence.
- 4.9.8 Neonatal leave does not need to be agreed by the Line Manager or HR because it is an automatic entitlement, providing the criteria are met. However, the employee must still request the leave with their manager and HR in order that the pay can be processed, and it is clear to the University that the employee has not yet returned to work.

#### **4.10 Starting Maternity Leave**

- 4.10.1 An employee may commence maternity leave at any time from the 11th week before the EWC, up to the day of the birth.

- 4.10.2 An employee's maternity pay period will begin the day after they give birth if that day is before the day specified in the notice to their employer.
- 4.10.3 Maternity leave may start on any day of the week.
- 4.10.4 If the employee is absent from work because of a pregnancy-related reason in the four weeks before the EWC, the maternity leave will start automatically the day after the first date of absence.

#### **4.11 Contact During Maternity Leave**

- 4.11.1 Reasonable contact is permitted from time to time between an employee and the employer (for example for departmental updates or to discuss an employee's return to work).
- 4.11.2 The contact between employer and employee can be made in any way that best suits both of them (for example it could be by email, by letter, or involving the employee making a visit to the workplace). This should be agreed before the employee goes off on Maternity Leave.
- 4.11.3 The employee will be kept informed of any promotion opportunities or vacancies which arise in their department during maternity leave. The employee is also encouraged to visit the job vacancies webpage on the University's website, to view job vacancies across the University.

#### **4.12 Working Whilst on Maternity Leave**

- 4.12.1 An employee may, by agreement in advance with their Line Manager and in conjunction with their HR representative, do up to 10 days work, known as Keeping In Touch days (KIT days), under the contract of employment during the maternity leave period. KIT days may be used for any activity which would ordinarily be classed as work under the employee's employment contract (for example attend a conference, a team meeting or a training event). These days may be undertaken at any stage during the maternity leave period, except during the first two weeks after the baby is born.
- 4.12.2 This regulation does not confer any right on an employer to require that any work be carried out during the statutory maternity leave period, nor any right on an employee to work during the statutory maternity leave period. For the purposes of this regulation, any activity carried out on any day shall constitute one day's attendance. Any such KIT day shall not have the effect of extending the maternity leave period. If an employee completes more than 10 KIT days during the maternity leave, this will bring an immediate disqualification from SMP and UMP for the week in which the work was carried out.
- 4.12.3 Because KIT days allow work to be done under the employee's contract of employment they will attract contractual payments and in this way are different to the reasonable contact that employers and employees may make with one another. The employee will be paid their contractual rate of pay for the hours actually worked during the KIT day, not for a full day's work (i.e. if an employee attends a two-hour meeting on one day this will count as one KIT day, but will only be paid for 2 hours work). Any SMP and/or UMP for the week in which the work is done will be counted towards the contractual pay. The University will pay the shortfall between the maternity pay and the employee's contractual rate of pay for each agreed KIT days. If a KIT day falls during the paid period of maternity leave pension scheme contributions will be deducted accordingly. Where an

employee is in a no pay period, but receives pay for KIT days, pension contributions may be deducted. This will be dependent on the pension scheme rules appropriate to their membership.

- 4.12.4 If the employee carries out any paid work for another employer or for the same employer that is not under the current contract of employment and therefore is not a KIT Day this will bring an immediate disqualification from SMP and UMP for the week in which the work was carried out and if paid work continues will result in permanent disqualification.
- 4.12.5 In order for payment to be arranged for KIT days the employee's Line Manager needs to notify HR of the dates and exact hours worked. HR will then need to notify Payroll.

#### **4.13 Returning to Work after Maternity Leave**

- 4.13.1 Where an employee takes maternity leave, the University will presume they will take their full entitlement (52 weeks) unless they have notified the University of their intention to return earlier.
- 4.13.2 An employee returning from maternity leave within the first 26 weeks is entitled to return to work in the same job on the same terms and conditions as if they had not been absent, unless a redundancy situation has arisen, in which case they are entitled to be offered a suitable alternative vacancy. The rights of an employee returning from after 26 weeks are similar unless it is not reasonably practicable for them to return to the same job. In which case, they should be offered a similar job on terms and conditions which are no less favourable than their original job.
- 4.13.3 An employee returning from maternity leave will be entitled to benefit from any improvements as if they had not been away, such as pay rises.
- 4.13.4 It is expected that the employee will return to work at the end of 52 weeks i.e. on the first working day immediately following the day on which the 52 weeks end.
- 4.13.5 Where a member of staff on the research and teaching pathway has been on maternity leave from the University, it is the expectation that their teaching and administration loads will be reduced for three months after their return to work. This is not a reduction in hours or overall workload, but a temporary adjustment to the normal workload balance, intended to facilitate staff reaching their research targets. Each potential case will be judged on its own merits. The details of the reduction in teaching and administration duties will be discussed with their Head of Department (or equivalent) or Executive Dean of Faculty as appropriate and must be considered in the light of their teaching and administrative commitments prior to them starting their period of maternity leave. Line managers should make staff on the research and teaching pathway preparing for and returning from maternity leave aware of this provision and plan Department workloads accordingly.

#### **4.14 Returning to Work Early**

- 4.14.1 If an employee decides they want to return to work before the end of the 52-week period, they must give at least 8 weeks' notice of their intention to return to work.
- 4.14.2 An employee who has notified the University that they wish to return to work before the end of the 52 weeks period is entitled to change their mind and to extend their maternity

leave. However, they will need to notify the University of the new, later date of return at least 8 weeks prior to the original return date.

- 4.14.3 If the employee fails to give at least 8 weeks' notice of their intention to return, the University may delay the return to work by up to 8 weeks or until the end of the 52-week period – whichever is the shortest.
- 4.14.4 As Maternity Pay is paid based on a full week, if an employee returns to work part way through the week, they will not be paid any of that week's UMP payment. Therefore, the employee should consider this impact if planning their return before the end of Maternity Leave.

#### **4.15 Returning to Work Part-Time**

- 4.15.1 Whilst returning to work part-time is not a right, the University will give consideration under the terms of the statutory rights to flexible working which are detailed in the separate Flexible Working Procedure available via the HR procedure page on [SurreyNet](#).

#### **4.16 Not Returning to Work**

- 4.16.1 An employee who does not wish to return to work after the birth of their child is still entitled to receive SMP or SMA if they qualify for these payments.
- 4.16.2 The notice period of an employee not returning to work should be in accordance with the notice requirements set out in their Principal Statement.
- 4.16.3 Where an employee on a permanent contract has decided, after the birth of the child, not to return to work, the employment is terminated at the end of the paid maternity leave, unless an earlier date is requested by the employee. They will remain in the Pension Scheme until their paid maternity leave period comes to an end or until the date of the resignation or the end of the contract if this is earlier.
- 4.16.4 Where an employee resigns from their employment after the 11th week before her EWC but before the maternity leave is due to start, then the maternity leave period will start the day after the day the employment ends. There will be no pension contributions due to the pension scheme and their membership will cease from the date of resignation.
- 4.16.5 Where an employee resigns from employment before the 11th week before the EWC then there is no obligation to pay pension contributions and the member will be deemed to be a leaver from the Pension Scheme.

#### **4.17 Staff on Fixed Term Contracts**

- 4.17.1 If you are employed on a fixed-term contract or an open ended fixed funded contract and this contract expires or the funding ceases during your maternity leave period, your contract of employment will be terminated as normal and you will receive a lump sum payment, within your final payslip, for any outstanding enhanced University Maternity Pay and/or Statutory Maternity Pay. Please note, you will not be required to repay any University or Statutory Maternity Pay received in your maternity period prior to, or at the point of, your contract ceasing. Please see the Fixed Term Contract procedure for further information on how the end of contracts are managed. Procedures are available on the HR procedure page on [SurreyNet](#).

#### **4.18 Annual Leave and Maternity Leave**

- 4.18.1 An employee should take advice from their HR Representative about their annual leave entitlement as the terms on which it is taken will differ in each circumstance.
- 4.18.2 Accrued annual leave should normally be taken prior to an employee going on maternity leave.
- 4.18.3 Annual leave will continue to accrue for as long as the employee is on maternity leave, whether this is paid or unpaid. There is a legal entitlement to paid annual leave during maternity leave, which the employee may use directly prior or after the maternity leave. Bank holidays and University closure days will be accrued during the maternity leave period.
- 4.18.4 Annual leave will be the employee's contractual leave entitlement.

#### **4.19 Sickness Absence**

- 4.19.1 Where an employee is absent due to a pregnancy-related illness following the fourth week before the EWC the maternity leave will automatically commence on the day after the first day of absence.
- 4.19.2 If the illness is not pregnancy-related the employee can remain on sick leave until the date they have notified as the start date for their maternity leave, or the day after the date of childbirth whichever is sooner.

#### **4.20 Calculation of Weekly Earnings**

- 4.20.1 Average weekly earnings are calculated in accordance with the Employment Rights Act 1996 [sections 221-229] - full details are available from the Payroll Office or HR Department. Because of the way maternity pay is calculated the amount of pay may fluctuate each month.
- 4.20.2 Please note that any Maternity calculations that Payroll provide will be gross, rather than net.

#### **4.21 Pension Arrangements**

- 4.21.1 **Contributors to University of Surrey Pension Plan**  
Employees contributing to the University of Surrey Pension Plan (UPP) are required to pay pension contributions whilst in receipt of maternity pay whether UMP or SMP. The employees' contributions will be calculated on the basis of the actual pay received. The University will maintain the appropriate employer contributions during the paid maternity period only.
- 4.21.2 No contributions are due during unpaid maternity leave unless the employee elects to make these contributions or works a KIT Day during this period. Pension contributions will be deducted automatically, based on the level of pay received for a worked KIT Day. An employee may elect to increase their contributions for the unpaid maternity leave period when they return to work, to make up for any loss of payments while they were not contributing. Where this election is made the employer will also pay their standard contributions for the same period. If an employee is not entitled to receive any payment

during the maternity leave period and is not eligible for SMP, the University will pay the employer contributions to the Scheme for the statutory period.

**4.21.3 Contributors to Surrey County Council (SCC) Superannuation Scheme**

Employees contributing to the Surrey County Council (SCC) Superannuation Scheme are required to pay superannuation contributions whilst in receipt of maternity pay whether UMP or SMP. The employees' contributions will be calculated on the basis of the actual pay received. The University will maintain the appropriate employer contributions during the paid maternity period only.

4.21.4 No contributions are due during unpaid maternity leave unless the employee elects to make these contributions or works a KIT Day during this period. Pension contributions will be deducted automatically, based on the level of pay received for a worked KIT Day. An employee may elect to pay contributions on unpaid maternity leave to buy the lost pension. Where this election is made within 30 days of their date of return to work from maternity leave, the cost to purchase the amount of lost pension is split between the employee and the employer. If no election is made on their return to buy the lost pension, the period will not count for pension purposes.

4.21.5 If an employee is not entitled to receive any payment during the maternity leave period and is not eligible for SMP, the University will pay the full employer contributions to the Scheme for the statutory period. The employee will be credited with full benefits for the statutory period.

**4.21.6 Contributors to the Universities Superannuation Scheme (USS)**

It should be noted that pension contributions do NOT have to be paid by the employee during the maternity leave period, and the employee can elect to stop such contributions. Where the employee elects to do this, the employer contribution will not be paid, and the membership will be suspended for the period. Any election not to maintain pension scheme contributions should be made in writing to the University Pensions Department prior to the commencement of maternity leave.

4.21.7 Unless an election is made prior to the commencement of maternity leave not to maintain contributions, employees contributing to the Universities Superannuation Scheme (USS) are required to pay superannuation contributions whilst in receipt of maternity pay whether SMP or UML. The employees' contributions will be calculated on the basis of the actual pay received. The University pays the shortfall of the employees' contributions and continues to maintain the full employer's contributions.

4.21.8 No contributions are due during unpaid maternity leave and membership of USS is suspended. Where an employee receives pay for a KIT Day during a no pay period, no pension contributions will be deducted from any amount paid for the KIT day. The member may elect to repay additional contributions following their return from maternity leave, to cover any unpaid maternity leave. Application should be made to the University Pensions Department. They will calculate the cost and method of payment. If the additional contributions are not made following the employees' return from maternity leave, the unpaid period will be treated as non-pensionable.

4.21.9 If an employee is not entitled to receive any payment during the maternity leave period and is not eligible for SMP, the University must pay the full employee and employer contributions to the Scheme for the statutory period. These contributions will be based on the salary the member would have received if they were not absent due to maternity

leave.

#### 4.21.10 PensionPlus Salary Exchange Scheme

To protect employees, anyone only receiving statutory maternity pay, statutory adoption pay, or long-term statutory sick pay will be temporarily suspended out of the PensionPlus Salary Exchange Scheme. The employee will automatically rejoin if their earnings meet/exceed these amounts. Questions should be directed to the University's Pension department by email at [pensions@surrey.ac.uk](mailto:pensions@surrey.ac.uk)

#### 4.22 Miscellaneous Provisions

4.22.1 An employee has the right not to suffer any detriment on the grounds of pregnancy, childbirth or maternity.

4.22.2 The Employment Rights Act 1996 provides that where an employee exercises their right to return to work their continuity of employment is not broken by absence on maternity leave. In this connection, it is agreed that:

- pension rights and contributions shall be dealt with in accordance with the provisions of the relevant superannuation scheme.
- the employee shall be entitled to receive the normal annual increment on their scale in accordance with their contract of employment to take effect from the normal incremental date.
- the pregnancy lasts at least 24 weeks, there shall be no distinction between live and still births in the granting of any maternity leave or pay entitlements.

#### 4.23 Taking Maternity Leave Outside the UK

4.23.1 Staff can elect to take their Maternity Leave outside the UK. If they do, so they will need to be aware that any pay provided under the terms of this procedure may be subject to different tax arrangements and employees must discuss any intention to spend part or all of their maternity leave abroad in advance with Human Resources.

### 5. Governance Requirements

#### 5.1 Implementation: Communication Plan

The procedure was embedded when first published and is available on SurreyNet (HR Procedures Page) for all staff to access.

#### 5.2 Implementation: Training Plan

The procedure was embedded when first published. Further support will be provided to colleagues implementing the procedure when required.

#### 5.3 Review

This procedure will be reviewed every 3 years or sooner if required by a change in legislation or practice.

#### 5.4 Legislative Context and Higher Education Sector Guidance or Requirements

##### 5.4.1 Applicable Legislation

This procedure complies with the following legislation.

- Equality Act 2010
- Employment Rights Act 1996

- Employment Relations Act 1999
- Employment Act 2002
- Work and Families Act 2006
- Children and Families Act 2014
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- The Management of Health and Safety at Work Regulations 1999 (as amended)
- Workplace (Health, Safety and Welfare Regulations 1992

### 5.5 Sustainability

This procedure supports the United Nations Sustainable Development Goals (UN SDG's) in the following ways:

- SDG 3 Good Health and Well-Being – enabling a significant work/life balance for staff.
- SDG 5 Gender Equality – enabling staff to parent, whilst maintaining their work roles where required or desired
- SDG 8 Decent Work and Economic Growth – supporting parents to take parental leave in various forms and to remain economically active.
- SDG 10 Reduced Inequalities – offering opportunities for staff who may find it difficult to work and provide childcare.

## 6 Stakeholder Engagement and Equality Impact Assessment

**6.1** An Equality Impact Assessment was completed on **01 May 2024** and is held by the Authorised Co-ordinator.

**6.2** Stakeholder Consultation was completed, as follows:

Stakeholder	Nature of Engagement	Request EB Approval (Y/N)	Date	Name of Contact
Governance	Review of Version 1.0	N	196/02/2024	Kelley Padley
H&S	Review of Version 1.0	N	06/02/2024	Matt Purcell
Sustainability	Review of Version 1.0	N	05/04/2024	Martin Wiles

Appendix 1

Chart of Maternity Leave and Pay

