Pregnancy, maternity and returning to work:
A guide for managers

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Introduction

This guidance is designed to give you the practical and essential information you need to support women who are pregnant, who are on maternity leave or who are returning from maternity leave.

For full details of the University's Maternity provision, this guide must be read in conjunction with the University’s Maternity Policy.

Being pregnant or on maternity leave is a “protected characteristic” under the Equality Act 2010. This means that pregnancy and maternity-related discrimination can occur in employment if a woman is treated unfavourably because: of her pregnancy; or pregnancy-related illness; if she is on compulsory maternity leave (2 weeks) or if she is exercising her right to take ordinary or additional maternity leave. If you have any concerns or queries you should contact your link HR Officer/Manager.

Whilst this guide is not intended to specifically cover adoption leave many of the sections, may also apply.

* For the purposes of this document, ‘Department’ shall mean Department, School, Centre and Section.
My staff member has told me she is pregnant. What do I need to do?

- Congratulate her on her pregnancy.
- Find out at what point she wishes to share news of her pregnancy with others. Your member of staff is entitled to confidentiality and she may wish to share her news with colleagues immediately, or she may wish to keep it confidential for as long as possible.
- Provide her with a copy of the University’s Maternity Policy which includes full details of the University’s benefits including information relating to maternity pay.
- All pregnant employees are entitled to take up to 52 weeks maternity leave, regardless of how long they have worked for the University. They don’t have to take 52 weeks but they must take the first two weeks after the baby is born (this is known as compulsory maternity leave)
- Do not share any concerns you have about arranging cover or your budgets with her. Conversations of this type are inappropriate with the member of staff concerned.
- Your link HR Officer/Manager should be able to clarify budgeting arrangements for you.
- Complete a Pregnancy Risk Assessment with your member of staff. It is the line manager’s responsibility to ensure that all pregnant employees have an assessment. This is especially important where she is undertaking shift work, physically demanding work or working with substances that may have health risks for pregnant women. If you need help completing the risk assessment, please refer to the guidance or speak to your link HR Officer/Manager.
- If the risks cannot be controlled in a few cases it may be necessary to adjust her work conditions or hours or give her alternate work. If you think this may be necessary speak to your link HR Officer/Manager.
- You may also need to discuss with her what facilities will be provided should she need to rest at work.
- Your Department’s DSE facilitator should assess her work station to ensure she is sitting comfortably.
- Ensure she has submitted her MATB1 Form (available from their midwife after week 26) to Human Resources along with her written application for maternity leave. This needs to be submitted no later than 15 weeks before the baby is due.
How do I best support my staff member during her pregnancy?

- All pregnant staff have a statutory right to paid time off to attend antenatal appointments. Apart from the first appointment, you may request evidence of appointments if you feel this is necessary. Individuals should be encouraged to arrange appointments outside of work hours or, where this is not possible, at times to minimise disruption to their work.

- Encourage her to take rest and lunch breaks.

- Consider if she needs any reasonable adjustments to be made to her work environment (e.g. new chair to prevent back ache). Contact Occupational Health for advice.

- Make arrangements for maternity cover as soon as possible and communicate your plans with her, including them in decisions wherever possible.

- Discuss her plans for maternity leave start and return dates.

- The earliest she can start her maternity leave is 11 weeks before the baby is due. She may change her mind about the start date providing she notifies you at least 28 days in advance of the proposed new start date. Obviously some babies are premature. In this case the maternity leave will automatically start on the day after the baby’s birth. If this happens, she must notify her HR Officer/Manager as soon as is reasonably practicable.

- Discuss whether she wishes to change her working pattern upon her return from maternity leave.

- She does not have a legal right to return from maternity leave on a different hours but she does have the right to request Flexible Working Arrangements (please see Flexible Working Policy).

- Decisions about her return to work do not have to be made in advance of maternity leave starting but it is wise to remind her that any requests must be submitted at least 8 weeks before the date of return from maternity leave.

- Ask her about contact arrangements when she is on maternity leave. It is good practice to maintain “reasonable contact” with her whilst she is on leave, and many women find it helpful to be kept aware of changes going on in the workplace and to be invited to social events. Agree how you will communicate e.g. by email but be flexible to change if necessary. Even if she requests no contact during her maternity leave, you have a duty to keep her informed of any major changes to her working environment, e.g. any restructure, new jobs etc.
Planning for maternity leave

It is essential that you start to plan how you are going to cover a period of maternity leave within your team as soon as possible.

Uncertainty over what will happen to the absent member of staff's work when she is on maternity leave can often be an unnecessary source of stress and anxiety for your staff.

Keeping in Touch Days (KIT)

If you and your staff member agree they can do up to 10 days work, known as Keeping In Touch (KIT) Days. Keeping in Touch Days can only be taken during the maternity leave period (paid or unpaid) but not during the first two weeks (known as compulsory maternity leave) or any period of annual leave added on to the end of their maternity leave period.

You can decide with your staff member how many hours they will work on a KIT Day and they will be paid for the appropriate number of hours worked. KIT days are paid at the rate of full pay for the time worked. Payment for Keeping in Touch days will be made on return of the appropriate KIT days form. KIT days can be worked either in a block or as individual days. There is no obligation for either the staff member or the University to agree to a KIT day.

You and your staff member must agree in advance what they will do during KIT Days. KIT days may be used for any activity which would ordinarily be classed as work under their contract, but they could also be used to enable staff to attend a conference (which may be particularly important for research active staff), undertake training activities or attend team meetings. Staff should not use a KIT day to undertake paid work for another employer (e.g. external examining for another University). N.B. staff are only permitted to work a maximum of 10 KIT days (for example they cannot work 20 half days as an alternative).

There are a significant number of things to consider:

- Are you intending appointing someone to cover the maternity leave? Or will you be able to re-allocate existing resource? Or will it be a combination of both?
- Do you have approval to recruit a replacement? If not, what other options are available? Can the work be postponed? Can it be shared out amongst others?
- When does the temporary cover need to be in place? How long will it take to recruit a suitable person and will they need to give notice?
- Do you need, and can you afford, to have a handover period? Will you have a handover prior to the maternity leave and upon return?
- It is important to set expectations with other team members about the how long the absent member of staff expects to be on maternity leave and what will happen upon return.
Issues relevant to grant funded research staff

- Some funding bodies are prepared to suspend or extend grants to allow for maternity leave. The Principal Investigator should check the terms and conditions of the relevant funding bodies. Further advice may be sought from the Research and Enterprise Office.

- Women who have taken maternity leave must not return to work on less favourable terms. With this in mind, it is important to set expectations around the following areas:
  
  - Who will take over supervision of PhD students? Will the supervision be temporary?
  - Who will assume interim responsibility for supervising technicians or researchers on externally funded projects?
  - Where the member of staff is a Principal or Co-investigator on a grant it may be necessary to inform the grant funding body of interim arrangements, and in some cases seek their consent.
  - Does the research staff member wish to use KIT days to continue to work on ongoing projects?

Staff on fixed-term contracts

- Maternity leave
  Staff employed on fixed-term contracts have the same entitlement to maternity leave as other staff, 52 weeks commencing any time from the 11th week before the baby is due (also known as the Expected Week of Childbirth, EWC) to the actual date of birth.

- Maternity pay If the fixed-term contract ends before the 15th week before the baby is due, the staff member will not be entitled to maternity pay from the University but may be entitled to Maternity Allowance from the Government.

- If the contract ends after the 15th week before the baby is due, the University will honour the staff member’s entitlement to pay under the Maternity Policy. The contract of employment will still end on the original end date. Contracts are not usually extended unless an extension can be agreed for other reasons.

- If the contract expires whilst on maternity leave, and the staff member cannot return to the University because of the expiry of their fixed-term contract, providing they state their intention to return to work before commencing maternity leave, their maternity pay will be calculated on the basis that they will be returning to work, therefore they will not need to repay the occupational element of the pay.

For further information please speak to your link HR Officer/Manager.
During Maternity Leave

- With the exception of KIT Days, employees who are on maternity leave are not allowed to work. You must not allow, expect or encourage them to work during their maternity leave.

- We know that many research staff will wish to continue to read and keep up to date with their study area but this must be their own decision, it must not be seen as a University requirement.

- You will have already established the method and how regularly you will stay in touch with your staff member. Stick to this if you can.

- Invite your team member to social events. They may not wish, or be able to, come but it’s nice to be asked and can help to combat feelings of isolation.

- Remember that having a child is a life changing experience. People’s feelings and circumstances can and do change once the baby arrives. People may change their minds about their wishes to return to work or their working hours. Be flexible when reviewing their requests in the light of University policy.

- If in any doubt consult your link HR Officer/Manager.

- Remember that the contract of employment continues during the period of maternity leave; it is important that staff continue to receive any formal communications as well as the more informal, social ones and that they continue to be included in any planning exercises.

- Give sympathetic consideration to requests to return on a part-time, or flexible basis. Your staff member has the right to request a change to working conditions and you have a duty to seriously consider the request. Note that applications must be dealt with following a set procedure and timescale. Further information can be found in the Flexible Working Policy.
Returning from maternity leave

- Your staff member may have provided you with a return to work date already. If they change their mind about their return date they must give 8 week’s notice of the change.

- For health and safety reasons, your staff member cannot return to work within two weeks of the birth (this is known as compulsory maternity leave).

- Your staff member is entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, or if that is not reasonably practicable, to a similar job.

- You cannot retain the temporary cover and move the returning employee elsewhere (without their agreement) or refuse to accept them back into your team.

- Do not assume that your team member can “pick up where they left off”. They may have been away from their jobs for a significant period of time. There may have been office changes that need to be explained. Allow them some time to catch up.

- It is recommended that you carry out a “re-induction” to the workplace and an Appraisal and Personal Development Review introducing them to any new members of the team, providing updated policies and information about any major changes that have taken place whilst they’ve been away. As part of this review you should also clarify job requirements, work expectations and priorities for the next 6 months so that the individual knows what is expected of them. This is particularly important if the individual is returning to a new role.

- If your team member has returned from maternity leave to work part-time after previously working full time, you may need to help them plan their workload and agree what their priorities should be. If someone is working 60% FTE, remember that their workload should be 60% of a full time person’s.

- Discuss their personal development needs with them and be prepared to think creatively about their development. Would they benefit from mentoring or coaching activities or any other form of career development? They may not be as able to attend conferences or training as they were in the past. How can you ensure this does not impede their career aspirations?

- Learning and Development offers a wide range of services for all staff including advice, training, delivery of workshops, mentoring programmes.

- Where the member of staff has been a Principal or Co-investigator on a grant or an employee on a grant, there may be issues to discuss with the funder regarding changes to working conditions. The Research and Enterprise Office can advise.

- Some eligible staff may wish to take an extended period of Parental Leave after their Maternity/Adoption Leave period. Parental Leave is a right to take time off work to look after a child or to make arrangements for a child’s welfare. Parents can use it to spend more time with children and to achieve a better balance between their work and family commitments. The leave is unpaid.
Issues specifically relevant to academic staff returning from maternity leave

It can be extremely stressful being away from the highly competitive academic work environment for any period of time.

The demands of an academic career combined with family commitments can be challenging for men and women alike. As women are more likely to be the primary carer for children, it is important that you consider the following issues carefully to ensure that women do not inadvertently suffer a detriment in terms of career development:

- Are there any issues that may inhibit her team member continuing to be research active upon her return from maternity leave? How can you help her to remain research active? If you agree with her that this is not possible, are there other career pathways which may be suitable?

- For research active staff taking a period of maternity leave entitles her to a reduction in the required research outputs of one. Please speak to your link HR Officer/Manager for more information.

- Consider if the balance of teaching, research and administration duties is appropriate.

- If returning on a part-time basis, this should be taken into account in the workload model.

- If she is having difficulty attending or are unable to attend some conferences on her return to work because of childcare issues, are there any alternatives you can explore?

- How can you support her so she can continue to produce the quality of publications required to be selected for any research assessment exercise e.g. the Research Excellence Framework

- Has she been fairly acknowledged for their contribution to publications, even if they have had a recent period of maternity leave?
Breastfeeding

If your team member advises you that they intend to breastfeed or express breast milk after they have returned to work, including during the KIT days, you will need to undertake a risk assessment and take any action to control the identified risks.

As the line manager you will need to make arrangements to ensure their timetable/workload includes suitable rest periods. There is no legal right for workers to take time off to breastfeed, however it is important to be as flexible as possible in order to support a mother’s decision to breastfeed her baby.

Note that a refusal to allow a woman to express milk or to adjust her working conditions to enable her to continue to breastfeed may amount to unlawful sex or pregnancy/maternity discrimination. Any concerns should be raised immediately with your link HR Officer/Manager.
Accrual of annual leave

Annual leave entitlement will accrue as usual during both paid and unpaid maternity leave.

With your agreement, annual leave may be taken immediately prior to, or immediately following maternity leave. Additionally, following paid maternity leave your staff member may wish to take annual leave instead of unpaid maternity leave, to enable them to spend more time with their baby while receiving pay.

Staff are expected to take all of their holiday entitlement during the holiday year in which it accrues. However, if it is not practicable due to operational reasons or exceptional circumstances, in some cases the HoD may agree that up to a maximum of 5 days leave can be carried forward into the next holiday year but this must be taken at the end of the maternity leave period, immediately prior to their return to work.

Your staff member is entitled to be credited for Bank Holidays and University Closure Days that fall on their normal days of work during their maternity leave. These days must be taken either prior to, or immediately following the end of the maternity leave period before your staff member returns to work. Part time workers are advised to use the Leave Calculator to work out their pro-rated annual leave entitlements.

Sickness during pregnancy

Absence due to sickness during pregnancy will be considered under the Sickness Absence Policy.

If you have any concerns or queries, you must speak to your link HR Officer/Manager as soon as possible. If the absence is pregnancy related, and occurs during the 4 weeks prior to the due date (expected week of childbirth – EWC), this will automatically trigger the start of your staff member’s maternity leave with effect from the day following the complete first day of absence.
Maternity – Checklists

For Managers

- Provide copy of Maternity Leave Policy
- Complete pregnancy risk assessment form (available on the OH website)
- Seek specialist advice from HR (if applicable)
- Allow time off for ante-natal appointments
- Discuss maternity leave and return dates
- Agree contact arrangements for the leave period
- Plan and organise maternity cover
- Discuss/agree Keeping in Touch (KIT) Days
- Keep in contact with team member during the leave as agreed.
- Arrange re-induction which may include:
  - Introductions to new members of staff.
  - Information about new policies or those that have changed during the leave period.
  - Discussions about any changes to work patterns.
  - Follow up on any agreed change in hours/ inform HR/Payroll
  - Risk assessment for KIT days or return to work, if breastfeeding
  - Arrange payment for KIT days.
  - Discussed workload priorities, especially if changing hours.

For academic colleagues

- Discuss supervision of PhD students and agree what will happen upon return from maternity leave.
- Discuss who will assume interim responsibility for supervising technicians or researchers on externally funded projects
- Inform the grant funding body of interim arrangements (or seek consent if appropriate)
- Use the Department’s workload model to discuss the balance of research, administrative and teaching duties and agree priorities with staff member.
Useful websites

**University webpages:**
- Adoption Leave
  - [www.essex.ac.uk/hr/policies/adoption-leave.aspx](http://www.essex.ac.uk/hr/policies/adoption-leave.aspx)
- Childcare Vouchers
  - [www.essex.ac.uk/hr/policies/childcare-vouchers.aspx](http://www.essex.ac.uk/hr/policies/childcare-vouchers.aspx)
- Day Nursery (Colchester campus)
  - [www.essex.ac.uk/nursery](http://www.essex.ac.uk/nursery)
- Equality and Diversity
  - [www.essex.ac.uk/equality/](http://www.essex.ac.uk/equality/)
- Flexible Working
  - [www.essex.ac.uk/hr/policies/docs/flexible-working.pdf](http://www.essex.ac.uk/hr/policies/docs/flexible-working.pdf)
- Keeping In Touch Days (KIT) Information
  - [www.essex.ac.uk/hr/policies/KITdays.aspx](http://www.essex.ac.uk/hr/policies/KITdays.aspx)
- Maternity Leave
  - [www.essex.ac.uk/hr/policies/docs/HR_maternity_policy.pdf](http://www.essex.ac.uk/hr/policies/docs/HR_maternity_policy.pdf)
- Paternity Leave
  - [www.essex.ac.uk/hr/policies/docs/HR_paternity_policy.pdf](http://www.essex.ac.uk/hr/policies/docs/HR_paternity_policy.pdf)
- Parental Leave
  - [www.essex.ac.uk/hr/policies/docs/HR_parental_leave_policy.pdf](http://www.essex.ac.uk/hr/policies/docs/HR_parental_leave_policy.pdf)
- Protection During Pregnancy
  - [www.essex.ac.uk/ohsas/occ_hlth/services/pregnancy.htm](http://www.essex.ac.uk/ohsas/occ_hlth/services/pregnancy.htm)
- Time off for Dependants
  - [www.essex.ac.uk/hr/policies/docs/HR_time_off_for_dependants.pdf](http://www.essex.ac.uk/hr/policies/docs/HR_time_off_for_dependants.pdf)

**External websites:**
- Benefits Calculator
  - [www.turn2us.org.uk](http://www.turn2us.org.uk)
- Citizens Advice
  - (Helping to solve legal, money and other problems through free, confidential advice)
  - [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)
- Directgov
  - [www.direct.gov.uk](http://www.direct.gov.uk)
- Family and Childcare Trust (Advice on finding day care for your child)
  - [www.familyandchildcaretrust.org.uk](http://www.familyandchildcaretrust.org.uk)
- Gingerbread (a charity supporting single parents)
  - [www.gingerbread.org.uk](http://www.gingerbread.org.uk)
- Health and Safety Executive
  - [www.hse.gov.uk/mothers](http://www.hse.gov.uk/mothers)
- Maternity Action
  - [www.maternityaction.org.uk](http://www.maternityaction.org.uk)
- National Childbirth Trust (NCT) Organisation
  - [www.nct.org.uk](http://www.nct.org.uk)
- Working Families
  - [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)