

# Maternity Leave - Guidance for Managers

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## Introduction

Approximately 100 women go on maternity leave from Newcastle University every year. This guidance is designed to give you all the practical and essential information you need to support women who are pregnant, who are on maternity leave or are returning from maternity leave.

Being pregnant or on maternity leave is a “protected characteristic” of 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; of pregnancy-related illness; she is on compulsory maternity leave (2 weeks) or she is exercising her right to take ordinary or additional maternity leave. If you have any concerns or queries you should contact your local [HR Adviser](#).

Employees on fixed term contracts have the same rights to maternity leave and pay as those on open-ended contracts. If your staff member is employed on a fixed term contract, the rules around what will happen are explained in the [maternity policy](#).

It is essential that staff inform their line manager of their pregnancy as soon as possible in order to ensure any measures can be taken to ensure that the working environment is safe. **The latest your staff member can inform you of her pregnancy is 15 weeks before the baby is due. If she fails to do this she will lose her right to maternity pay and leave.** The overall environment in the unit should be one of celebrating pregnancy, staff should not be made to feel that they are causing problems or difficulties through their maternity leave.

For research active staff pregnancy and maternity leave are grounds for submission of a reduced number of outputs for submission to the [REF](#).

### **My staff member has told me she is pregnant. What do I need to do?**

- Congratulate her (if appropriate) on her pregnancy.
- Find out at what point she wishes to share news of her pregnancy with others. Your employee is entitled to confidentiality and she may wish to share her news with colleagues first hand, or keep it confidential for as long as possible, for example to get through the early months of pregnancy without mishap.
- Provide her with a copy of the University's [Maternity Policy](#).
- Discuss her plans for maternity leave start and return dates. At this stage, plans will be subject to change, so avoid going into too much detail. This is especially relevant where she has not had her first scan.
- Do not share any concerns you have about arranging cover or your budgets with your staff member. Conversations of this type are matters to be addressed in unit management discussions and are entirely inappropriate with the member of staff concerned at this point. Your line manager should be able to clarify budgeting arrangements for you.
- Arrange for your staff member to have a Pregnancy Risk Assessment by Occupational Health. 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). Referrals are made by the on-line referral form on the [Occupational Health website](#). The assessment may raise Health and Safety issues relating to the pregnancy which will need to be addressed and must be referred to the University Safety Office.
- **Ensure your staff member has submitted their MATB1Form (available from their midwife after week 26) to Human Resources along with their [Maternity Leave Request Form](#) (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?**

- Allow your staff member time off for any ante-natal appointments (all pregnant employees have a statutory right to time off to attend ante-natal appointments. Apart from the first appointment, you may request evidence of appointments if you feel this is necessary. Employees are encouraged to arrange appointments outside of work hours or, where this is not possible, at times to minimise disruption to their work).
- Encourage your staff member to take rest and lunch breaks.
- Make arrangements for maternity cover as soon as possible and communicate your plans with your staff member, 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 make a surprise early appearance. In this case the maternity leave will automatically start on the day after the baby's birth. If this happens, the staff member must notify their HR Team as soon as is reasonably practicable.
- Discuss whether your team member wishes to change her working pattern upon her return from maternity leave.
  - Employees do not have a legal right to return from maternity leave on a different hours but they do have right to request Flexible Working Arrangements (refer to the Flexible Working Options leaflet, [available on the HR website](#) .

- Decisions do not have to be made in advance of maternity leave starting but it is wise to remind them that any requests must be submitted at least 8 weeks before the date of return from maternity leave.
- Ask your employee about contact arrangements when they will be on maternity leave. It is good practice to maintain “reasonable contact” with your staff member whilst she is on leave, you are permitted to do so 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 what format would be best but be flexible to change if necessary. Even if your staff member requests no contact during her maternity leave, you have a duty to keep her informed about any major changes to her working environment, e.g. restructure.
- Openly discuss Keeping in Touch Days (KIT) prior to your staff member starting maternity leave. KIT days allow your staff member to work up to 10 days during any period of their maternity leave with no adverse impact on their maternity pay. KIT days can be extremely beneficial to both parties but can only be worked by mutual agreement. For further information about KIT Days please read the appropriate section below.

## Planning for maternity leave

It is essential that managers start to plan for a period of maternity leave within their team as soon as possible. Uncertainty over what will happen to their work when an employee is on maternity leave can be an unnecessary source of stress and anxiety.

### **There are a significant number of things to consider:**

- Are you providing a replacement member of staff 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 (approval by a PVC or the Registrar is required for all posts)? 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 leave period will be and what will happen upon return.

## 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 your maternity leave period (paid or unpaid) but not during any period of annual leave added on to the end of their maternity leave period. If it is agreed that your staff member can come in to work during any period of annual leave, the annual leave entitlement should be adjusted accordingly.

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. Keeping in Touch Days are paid at the rate of full pay for the time worked without any adverse impact on maternity pay. Payment for Keeping in Touch days will be made upon return from maternity leave via the KIT Form, available on the [HR Website](#).

Wherever possible KIT days should reflect the individuals workload balancing research, teaching and administrative KIT activities wherever possible.

You and your staff member must agree in advance what they will do during your Keeping in Touch 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.

**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).**

### Issues relevant to academic/research employees

- 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 relevant Faculty Grants and Contracts Team in [Research and Enterprise Services](#).
- 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? The interests of the student need to be balanced with the interests of the member of staff.
  - 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. Advice can again be sought from the relevant Grants and Contracts Team in Research and Enterprise Services
  - Does the academic staff member wish to use KIT days to continue to work on ongoing projects? When do you hold meetings? Are they within core office hours to enable participation by new returners?

### 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 (with the exception of 10 KIT days).
- We know that many researchers 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 members 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 HR team.
- Give sympathetic consideration to requests to return on a part-time or job-share 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 section](#) of the HR website.

- Remember that the contract of employment continues during the period of maternity leave; it is important that they 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.

## Returning from maternity leave

- Your staff member will have provided you with a return to work date on their Maternity Leave Request Form. 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 2 weeks of the birth.
- If your staff member is returning during or at the end of the first 26 weeks Ordinary Maternity Leave they are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.
- If they are returning during or at the end of Additional Maternity Leave they are 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 or refuse to accept her back to your team.
- Do not assume that your team member can "pick up where they left off". They will have been away from their jobs for a significant number of months. There may have been office changes that need to be explained. Allow them some time to catch up and bring themselves up to speed, even if this is only for a day or two.
- It is recommended that you carry out a "re-induction" to the workplace and a PDR introducing them to any new members of the team, providing updated policies and providing information about any major changes that have taken place whilst they've been away.
- Consider if their work commitments are reasonable. For example, ensure they are not expected to teach at 9.00am on their first day back.
- 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
- Consider your team member's personal 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? Discuss their personal development needs with them (this should form part of their PDR in any case) and be prepared to think creatively about their development. Would they benefit from mentoring or coaching activities or any other form of career development?
  - [The Staff Development Unit \(SDU\)](#) offers a wide range of services for all employees including advice, delivery of workshops, mentoring programmes for Research and Administrative employees.

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 relevant Faculty Grants and Contracts Team in [Research and Enterprise Services](#) can advise.

## Issues relevant to academic colleagues

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 extremely 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 your team member continuing to be research active upon their return from maternity leave? How can you help your team member to remain research active? If you agree with the member of staff that this is not possible, are there other career pathways which may be suitable?
  - 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 they are having difficulty attending or are unable to attend some conferences on their return to work because of childcare issues, are there any alternatives you can explore?
- How can you support them so they continue to produce the quality of publications required to be selected for any research assessment exercise e.g. the Research Excellence Framework
- Have they 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, the University will need to undertake a risk assessment and remove any risks found. You as line manager will need to make arrangements to provide suitable rest periods, with facilities such as a private room and access to a refrigerator for the employee to store expressed milk. 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. The Equality and Human Rights Commission recommends that you should permit breastfeeding employees to take additional breaks of up to one hour per full working day to feed their baby or to express their breast milk. 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 discrimination. Any concerns should be raised immediately with your local [HR team](#).

### **Annual leave**

Entitlement to annual leave 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, as line manager you may agree that the 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 the paid period of maternity leave. These days must be taken at 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 HR team 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

<b>Line manager checklist</b>	✓
Provide copy of <a href="#">Maternity Leave Policy</a>	
Arrange Pregnancy Risk Assessment	
Seek specialist advice (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 Days	
Keep in contact with team member during the leave as agreed.	
Arrange re-induction which may include: <ul style="list-style-type: none"> <li>• Introductions to new members of staff.</li> <li>• Information about new policies or those that have changed during the leave period.</li> <li>• Discussions about any changes to work patterns.</li> </ul>	
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.	
<b>For academic colleagues</b>	
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 week consent if appropriate)	
Use workload model to discuss the balance of research, admin and teaching duties and agree priorities with staff member.	