

# Maternity Leave - Guidance for Managers

*This guidance is designed to be read and used by line managers. The pregnant staff member is also advised to read the guidance so she can have clear expectations of her line manager.*

*The checklist at the end of the guidance acts as a summary of the key essential elements to follow and should be reviewed as the pregnancy/maternity period progresses. It should be completed by the line-manager in collaboration with the staff member – any copies should be retained and do not need to be passed on to HR.*

## 1. Introduction

Approximately 200 female staff go on maternity leave from King's each year. This guidance is designed to provide you (the manager), with the practical and essential information you need to support female staff that are pregnant, are on maternity leave or are returning from maternity leave. The aim is to create a working environment and culture which supports these staff during this period.

This document is intended as guidance and should be read in conjunction with the [Occupational Maternity Leave Scheme](#). In the unlikely event that there is a discrepancy between this guide and the College's Occupational Maternity Leave Scheme, the latter shall take precedence.

Being pregnant or on maternity leave is a "protected characteristic" under the Equality Act 2010. This means that discrimination occurs in employment if a woman is treated differently or adversely because of her pregnancy, a pregnancy-related illness or because she is on maternity leave. If you have any concerns or queries you should contact your local [HR Adviser](#).

Staff members on fixed term contracts have the same rights to maternity leave and pay as those on open ended contracts. If the staff member is employed on a fixed term contract, more information about her rights to maternity pay or leave can be found on the [Parenting and childcare](#) web pages and in the [Guidance on the Use and Management of Fixed-Term Contracts](#).

## 2. On notification of the pregnancy

Normally the staff member should inform you, (the line manager), of her pregnancy as soon she feels comfortable enough to do so, at which point any necessary measures to ensure a safe working environment can be taken. **In order to protect her right to maternity pay and leave, the latest the staff member can inform you of her pregnancy is 15 weeks before the baby is due (also known as the Expected Week of Childbirth, EWC).**

You should consider the following when the member of staff informs you that she is pregnant:

2.1 Congratulate her on her pregnancy (as appropriate).

- 2.2 Find out when she would like to share news of her pregnancy with others. The staff member is entitled to confidentiality and she may wish to share her news with colleagues immediately, or keep it confidential for as long as possible.
- 2.3 Provide her with a link to or copy of the College's [Occupational Maternity Leave Scheme](#) and suggest she speaks to her [HR Adviser](#), if is she has any queries in relation to her maternity pay/leave entitlement.
- 2.4 Arrange to conduct a [Health and Safety Risk Assessment for New and Expectant Mothers](#). A risk assessment of the staff member's work activities should have already been conducted. **It is your responsibility to update this once you become aware that the staff member is pregnant**, to check that specific risks are sufficiently controlled (this is especially important where the staff member is undertaking shift work, physically demanding work or working with substances that may have health risks for pregnant women). The assessment may raise Health and Safety issues relating to the pregnancy which will need to be addressed.

### 3 During the pregnancy

- 3.1 Allow the staff member time off for any ante-natal appointments (all pregnant staff members have a statutory right to request time off for these - the College's [Occupational Maternity Leave Scheme](#) provides more information).
- 3.2 Ensure the staff member takes her lunch breaks and sufficient rest breaks (see section 4.1 of the [Health and Safety Risk Assessment for New and Expectant Mothers](#) for more information).
- 3.3 Ensure the staff member has submitted her MATB1Form (available from her midwife or doctor between the 15<sup>th</sup> and 25<sup>th</sup> week of pregnancy) to HR at least 15 weeks before the baby is due. She must provide notice of the date she intends to start maternity leave and, where possible, an indication of whether and when she intends to return to work, to protect her right to maternity leave and pay.
- 3.4 On receipt of the MATB1, HR will confirm these arrangements in writing to the staff member and provide both of you with a range of useful guidance and resources (by email) to help prepare for the period ahead.
- 3.5 Discuss with the member of staff the dates she proposes to start and end her maternity leave. 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 her [HR Adviser](#) as soon as is reasonably practicable.
- 3.6 It is recommended that you hold regular meetings during the course of the pregnancy in order to work through any issues, including tracking the progress of any work priorities that the member of staff has agreed to complete prior to maternity leave.
- 3.7 The College is committed to supporting staff that are pregnant or on/returning from maternity leave and has developed several policies, schemes and resources in this regard. You may wish to share the following with the member of staff:
  - [Childcare Voucher Scheme](#)
  - [Dependents Leave](#)
  - [Flexible working](#)

- [Parent Buddy Scheme](#) - established so that staff can offer and receive mutual support before, during and after a period of maternity, paternity or adoption leave.
  - [Employee Assistance Programme](#) – a free, confidential service entirely independent from the College which provides a wide range of information, support and resources for staff, including that pertinent to expectant and new parents.
- 3.8 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 Adviser](#) as soon as possible. If the absence is pregnancy related, and occurs during the 4 weeks prior to the due date, this will automatically trigger the start of the staff member's maternity leave.

## 4. Planning for maternity leave

It is strongly recommended that you start to plan for a period of maternity leave within your team as soon as possible after being informed by a member of staff that she is pregnant.

### 4.1 Maternity cover

- 4.1.1 Where possible you should involve the staff member and relevant colleagues in discussions about maternity cover as early as possible, to enable all those affected to provide input and feel confident about how responsibilities will be handled. However, these discussions should not put undue pressure on the staff member concerned.
- 4.1.2 Issues to consider when planning cover:
- What tasks is she intending to complete prior to her leave?
  - Are you intending to provide 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? Might a secondment or 'acting up' opportunity be suitable?
  - Can the work be postponed?
  - When does any temporary cover need to be in place? How long will it take to recruit a suitable person and what is their notice period?
  - 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 how long the leave period will be and what will happen upon return.
  - Additional considerations for the provision of cover for academic/research staff are provided in section 4.4 below.
- 4.1.3 It is advisable to have an open and transparent discussion with all the staff affected to ensure they are on board with arrangements, and that any developmental opportunities arising as a result of the cover have been offered to all those who are eligible and allocated fairly.
- 4.1.4 **Please note:** Maternity, additional paternity and adoption pay are all funded from a dedicated central budget at King's for ALL staff (with 26 weeks continuous service at 15 weeks before the baby is due). This means that the individual's salary budget will be available to contribute towards the costs of cover, although arrangements for cover may differ for [externally funded staff](#). The budget holder will be responsible for allocating these funds and in most cases they will automatically be used for this purpose. Where this is not the case, the budget holder should be strongly encouraged to consider using the funds towards the cover. If you require further advice on this matter, please contact your [HR Adviser](#).

## **4.2 Contact arrangements**

Ask the staff member about her preferred contact arrangements for whilst she is on maternity leave. It is good practice to maintain “reasonable contact” with the staff member during the period, and many women find it helpful to be kept aware of changes occurring in the workplace and to be invited to social events. Agree the regularity and preferred format but be flexible to change if necessary. Even if the 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. a restructure.

## **4.3 Keeping in Touch Days (KIT)**

Openly discuss *Keeping in Touch* (KIT) days prior to the staff member starting maternity leave. During maternity leave, she may return to work for up to 10 KIT days which do not have to be consecutive. There is no obligation for the College to offer KIT days, nor does an employee have to accept such an offer. They can be extremely beneficial to both parties but can only be worked by mutual agreement.

- 4.3.1 If you and the staff member agree, she can work up to 10 KIT days, during the maternity leave period (paid or unpaid) with no adverse impact on her maternity pay.
- 4.3.2 Using the KIT days does not extend her period of either paid or unpaid maternity leave, and the days cannot be worked during any period of annual leave added on to the end of her maternity leave period.
- 4.3.3 Any KIT days are paid as full days (regardless of the numbers of hours worked). The staff member will receive payment for the KIT days during her maternity leave and you must notify HR of any KIT days worked on a monthly basis.
- 4.3.4 You and the staff member must agree in advance what she will do during KIT days. Where possible KIT days should reflect her role responsibilities, for example balancing research, teaching and administrative activities.
- 4.3.5 KIT days may be used for any activity which would ordinarily be classed as work under her contract, but they could also be used to enable her to attend a conference (which may be particularly important for research active staff), undertake training activities or attend team meetings.
- 4.3.6 It is possible that the member of staff may wish to express milk during her KIT days and you will need to consider making appropriate arrangements for this – see section 6.2 below on Breastfeeding.
- 4.3.7 **Please note:** KIT days are available to all staff, however arrangements for the funding of KIT days may vary for externally funded staff – please see section 4.4.1 below.

## **4.4 Issues relevant to academic/research staff members**

### **4.4.1 Issues specific to externally funded staff**

- 4.4.1.1 If the staff member is funded externally, some funding bodies are prepared to suspend or extend grants to allow for maternity leave, others will make provision for maternity cover. The Principal Investigator should check the terms and conditions of the relevant funding body in this respect as early as possible. Further advice may be sought from the [Research Grants and Contracts Post Awards Team](#).
- 4.4.1.2 Likewise for externally funded staff, arrangements for the payment of KIT days may vary and again the Principal Investigator should explore these arrangements with funders.

#### **4.4.2 General issues**

- 4.4.2.1 Remember that for research active staff, pregnancy and maternity leave are grounds for submission of a reduced number of outputs for submission to the [REF](#).
- 4.4.2.2 Women who have taken maternity leave must not return under arrangements which they could consider are less favourable compared with when they left. With this in mind, it is important to set expectations around the following for academic/research staff:
- Who will assume responsibility for the day-to-day supervision of PhD students during the leave period? The interests of the students 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?
  - Who will be responsible for attending any conferences on her behalf, writing up her work and what agreements have been reached about authorship? It is beneficial to explicitly identify and record any agreements reached.
  - 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 be sought from the [Research Grants and Contracts Team](#).
  - Does the staff member wish to use KIT days to continue to work on ongoing projects?
- 4.4.4.3 The College operates a [Parenting Leave Fund](#) for academic / research staff at King's who are returning to work after a period of maternity, paternity or adoption leave. Eligible staff can apply for funds to support them in their work on their return.
- 4.4.4.4 Individual Schools may run additional specific support initiatives for returners, please check with your local [Athena SWAN](#) team.

### **5. During maternity leave**

- 5.1.1 With the exception of KIT days, staff members who are on maternity leave are not allowed to work. This expectation should be communicated to the member of staff.
- 5.1.2 Many academics/researchers will wish to continue to keep up to date with their study area or maintain contact with the students they supervise during their leave. This must be the staff member's decision; it is not a College requirement.
- 5.1.3 You will have already established the method and frequency of contact with the staff member. Only in circumstances where it is justified should you depart from the agreements made.
- 5.1.4 It is important that the member of staff continues to feel part of the team. It is therefore recommended that you continue to invite her to social events and other team activities. She may not wish or be able to come but it is a good way to keep her involved.
- 5.1.5 Remember that the contract of employment continues during the period of maternity leave. It is important that the staff member continues to receive any formal communications as well as the more informal, social ones and that she continues to be included in any planning exercises.
- 5.1.6 Some new mothers may want to bring their new baby to work to be welcomed into the broader community. In this instance, she may need to breastfeed or change a nappy

and appropriate arrangements should be made – see section 6.2 below on Breastfeeding.

- 5.1.7 Should the staff member's formal [Performance Development Review](#) meeting fall whilst she is on maternity leave, she can if she wishes be reviewed remotely. The timing of the meeting can be adjusted, with the intention of holding it as close to the end of the Performance Development Review cycle as possible. Objectives set on the staff member's return should be realistic and appropriate and take into account her pregnancy/maternity leave.
- 5.1.8 The staff member should be considered for recognition pay in the usual way.
- 5.1.9 As standard, for academic staff the formal Performance Development Review meeting should include a conversation about academic promotion.

## **5.2 Flexible working**

Having a child is a life changing experience. Feelings and circumstances can and do change once the baby arrives and the staff member may change her mind about her wishes to return to work, or may need to consider a change to her working hours. This is a critical time in a woman's career, when flexibility and support can really make a difference to the likelihood of her continuing her career.

- 5.2.1 The staff member does not have a legal right to return from maternity leave on different hours, but she does have the right to request [flexible working arrangements](#). It is wise to remind her that any request should be submitted with sufficient notice in order that it can be carefully considered and, if approved, appropriate arrangements put in place.
- 5.2.2 It is a legal duty that you give careful consideration to any requests to work flexibly (which include part-time working or job-shares). The 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. Further information can be found on the [Flexible Working](#) webpages. If in any doubt consult your [HR Adviser](#).
- 5.2.3 Where the member of staff has been funded by a grant, there may be issues to discuss with the funder regarding changes to working conditions. The [Research Grants and Contracts Team](#) can advise.
- 5.2.4 Be alert to the impact of reduced working hours on redundancy pay. Staff on fixed-term contracts who have 2 years' continuous service are entitled to a redundancy payment. The formula for calculation of this payment is set out in the [College's Severance Scheme](#) and is based on the individual's salary and the duration of their contract at the time of the redundancy. Any recent reduction in salary will therefore not be reflected in the final redundancy payment.

## **5.3 Annual leave**

- 5.3.1 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.
- 5.3.2 Following paid maternity leave the staff member may wish to take annual leave instead of unpaid maternity leave to enable her to spend more time with her baby while receiving pay. Or she might consider using her leave to facilitate a phased return to work, to help with the transition through a shortened working week.

- 5.3.3 The staff member is expected to take all of her 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.
- 5.3.4 The staff member is entitled to accrue time off in lieu of bank holidays equivalent to that which they would have been entitled to had they been at work. However as the College concessionary (or customary) days are not a contractual entitlement they not accrued.
- 5.3.5 If she is part-time, she is advised to use the [Annual Leave Calculator](#) to work out her pro-rated annual leave entitlement.

## **6. Returning from maternity leave**

- 6.1.1 The staff member will have provided HR with a return to work date on notification of her pregnancy. If she changes her mind about her return date, she must give 8 weeks' notice of the change.
- 6.1.2 For health and safety reasons, the staff member cannot return to work within 2 weeks of the birth.
- 6.1.3 See the [Occupational Maternity Leave Scheme](#) for information regarding the staff member's entitlement to return to the same job.
- 6.1.4 Do not assume that the staff member can "pick up where she left off". She will have been away from work for a significant number of months. There may have been significant developments during this time that need to be explained. Allow her some time to catch up and bring herself up to speed, even if this is only for a day or two.
- 6.1.5 It is recommended that you carry out a "re-induction" to the workplace, introducing her to any new members of the team and sharing any new or revised policies and updates on major changes that have taken place whilst she was away.
- 6.1.6 Consider with her whether her work commitments are realistic and reasonable, firstly during the settling in period and then again longer term.
- 6.1.7 If the staff member has returned from maternity leave to work part-time after previously working full time, you may need to help her plan her workload and agree what her priorities should be. If she is working 60% FTE, remember that her workload should be adjusted to 60% of a full-time person's. You will need to agree whether this reduction occurs evenly across the spectrum of her work or in relation to specific activities. It will be important to avoid a situation where an inappropriately revised workplan contributes to delayed career progression.
- 6.1.8 To minimise any disruption to the staff member's progression due to the absence, training and development should be prioritised on her return. However she may not be as able to attend conferences or training in the same way as in the past. Consider how you can ensure this does not impede her career aspirations.
- 6.1.9 Discuss her personal development needs with her (this should form part of her [Performance Development Review](#) meetings in any case) and be prepared to think creatively about her development. For example, would she benefit from mentoring or coaching activities or any other form of career development?
- 6.1.10 The College offers a wide range of [development opportunities](#) for all staff members including advice, training and mentoring programmes.
- 6.1.11 The College has a [Dependants Leave Procedure](#) which may be used for (amongst other reasons), to deal with an unexpected disruption or breakdown in care arrangements for

a child; provide assistance when a child falls ill; or make longer term care arrangements for a child who is ill.

- 6.1.12 Consider when you hold regular meetings/events in the team and whether the staff member and other colleagues who work flexibly or who have childcare commitments at the start/end of the day are able to participate. If not, perhaps some/all of these arrangements could be moved into core office hours.

## **6.2 Breastfeeding**

- 6.2.1 The staff member may wish to continue to breastfeed or express<sup>1</sup> breast milk after she has returned to work, including during the KIT days. If so, you will need to update the earlier [Health and Safety Risk Assessment for New and Expectant Mothers](#) and address any issues that are raised. You will also need to make arrangements to provide suitable rest periods, with facilities such as a private room and access to a refrigerator for the staff member to store expressed milk. More information about the College's provision for [breastfeeding/expressing](#) can be found on these webpages.
- 6.2.2 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 under the Equality Act 2010, which makes it unlawful for women to be treated less favourably in regards to their need to breastfeed/express. Any concerns should be raised immediately with your local [HR Adviser](#).

## **6.3 Issues relevant to academic/research staff members**

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 the staff member does not inadvertently suffer a detriment in terms of her career development:

- Are there any issues that may inhibit the staff member continuing to be research active upon her return from maternity leave? How can you help her remain research active? If you agree that this is not possible, are there other career pathways which may be suitable?
  - Consider if the balance of teaching, research, administration and, where appropriate clinical duties is appropriate.
  - If returning on a part-time basis, this should be taken into account in the workload model. Agree whether any reduction will occur evenly across all her activities or in certain areas. It will be important to avoid a situation where an inappropriately revised workplan contributes to delayed career progression.
  - If she is having difficulty attending or are is unable to attend some conferences on her return to work because of childcare issues, are there any alternatives you can explore? See the Carer's Career Development Fund below.
  - How can you support her so she continues 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 her contribution to publications?
- 6.3.1 The College has a [Carers' Career Development Fund](#) which is designed to help academic/research staff who are parents and carers with the additional care costs

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<sup>1</sup> Extracting milk for later feeding



incurred as a result of attending conferences or other important networking events, which fall outside of their normal working hours.

- 6.3.2 At an appropriate point during the annual cycle, ensure that you discuss the staff member's promotion plans with her. You can do this either informally and/or formally at her [Performance Development Review](#) meetings. Where the staff member is not yet ready to apply for promotion, measures should be put in place to prepare her to apply in future rounds.
- 6.3.3 If the staff member is ready to apply for promotion, then advise her that the impact of any absences (such as maternity leave) can be taken into account when considering the quantity of outputs and should be noted on the application form under Section L covering Personal Circumstances, should she wish these to be considered.
- 6.3.4 A pilot [mentoring programme](#) for female academics working in STEMM disciplines was launched in Autumn 2013 and is expected to be extended to all Schools and research staff in September 2014. For more information contact Organisation Development, email: [od@kcl.ac.uk](mailto:od@kcl.ac.uk)
- 6.3.5 If the member of staff decides to take an extended career break, she may wish to consider relevant schemes and fellowships such as those run by the Wellcome Trust and the Daphne Jackson Trust.

**We are keen to ensure that this guidance and checklist are as useful and relevant as possible. Please pass on any feedback, comments or suggestions for further development to this guidance to: [debbie.epstein@kcl.ac.uk](mailto:debbie.epstein@kcl.ac.uk) .**

**Any detailed queries in relation to the application of College policy should be referred to the relevant [HR Adviser](#).**

***We acknowledge with gratitude the contribution of Newcastle University to the drafting of this document.***

## Maternity – Manager’s Checklist

<b>Checklist</b>	✓
<b>1. On notification of the pregnancy</b>	
Provide copy of Occupational Maternity Leave Scheme	
Update risk assessment to include Health and Safety Risk Assessment for New and Expectant Mothers	
<b>2. During the pregnancy</b>	
Allow time off for ante-natal appointments	
Ensure staff member takes lunch breaks and sufficient rest breaks	
Ensure the staff member submits her MATB1 form at least 15 weeks before the baby is due	
Discuss maternity leave and return dates	
Provide relevant College policies including details of the Parent Buddy Scheme	
<b>3. Planning for maternity leave</b>	
Plan and organise maternity cover	
Agree contact arrangements for the leave period	
Discuss/agree Keeping in Touch Days	
<b>For academic/research staff:</b>	
Where the staff member is externally funded, check the terms and conditions of the funder	
Discuss how day-to-day supervision of PhD students will be managed	
Discuss who will assume interim responsibility for supervising technicians or researchers on externally funded projects	
Inform the grant funding body of interim arrangements	
Share information about the Parenting Leave Fund	
<b>3. During the maternity leave</b>	
Finalise arrangements for any agreed KIT days and arrange payment for these as they occur	
Keep in contact with staff member during the leave as agreed	
Undertake the staff member’s Performance Development Review if she wishes and notify her of the academic promotions round (if these fall during the maternity leave period)	
Communicate that any request to work flexibly should be submitted in good time so it can be carefully considered	
Agree how any accrued annual leave will be taken	
<b>4. On return from maternity leave</b>	
Arrange re-induction which may include: introductions to new members of staff, information on new/revised policies or changes that have occurred during the leave period	
Consider workload issues during settling in period and beyond	
Discuss and agree workload allocation and any changes in emphasis to the role	
Follow up on any agreed change in hours/inform HR/Payroll	
Update the Health and Safety Risk Assessment and make any necessary arrangements in relation to breastfeeding/expressing	
Consider development activities and support to minimise disruption to career as a result of the break	
<b>For academic/research staff:</b>	
Consider any steps that might be taken to help minimise the impact of the career break / childcare responsibilities on her career	
Consider the workload model and agree the balance of research, admin, teaching and, where appropriate clinical duties and priorities	
Provide relevant encouragement and support in relation to the academic promotions round	