**Maternity Leave - Guidance for Managers**

This guidance reflects the University’s commitment to help working parents to balance work and family life and should be used in conjunction with the University Family Leave Policy and Procedure. This guidance summarises:

* The rights of the pregnant employee.
* Your responsibilities as a manager during your employee’s pregnancy, maternity leave and return to work.

Your employee is required to notify the University formally of the pregnancy and the intended start date of maternity leave by no later than the 15th week before the expected week of childbirth, known as the ‘Qualifying Week', which is around week 25 of their pregnancy.

Subject to the correct length of service, your employee is entitled to a total of 52 weeks’ maternity leave, which is made up of 18 weeks’ Occupational Maternity Pay (OMP) with full pay and an additional 21 weeks’ leave paid at the lower rate Statutory Maternity Pay (SMP) and, 13 weeks’ unpaid leave.

If your employee is not entitled to SMP, they may be able to claim Maternity Allowance from the Jobcentre Plus.

It is compulsory for an employee to take a minimum of 2 weeks Maternity leave after birth.

**What to do - As soon as your employee tells you they are pregnant.**

1. Congratulate your employee (if appropriate) on their pregnancy and ask them at what point and how they intend to advise others in the team to ensure no-one breaches confidentiality.

2. Your employee should arrange a meeting with their HR Officer as soon as possible to discuss their pregnancy requirements and entitlements. The HR Officer will also carry out a risk assessment to identify any hazards to your employee’s health or that of the unborn child. HR may also want to consult Occupational Health for specialist advice and guidance.

3. Your employee is legally entitled to paid time off to attend ante-natal and medical appointments relating to their pregnancy. Where possible, this time off should be taken at the beginning and end of the working day so as to cause as little disruption as possible. You may request that the employee provides evidence of these appointments, with the exception of the first appointment.

4. Meet with the employee to discuss their plans for maternity leave. Avoid going into too much detail about start and return dates for maternity leave, especially before the first scan is completed at approximately 12 weeks. Have a brief discussion at an early stage about whether they are considering returning to work in the University after the birth. This must be handled sensitively and tactfully. Bear in mind that your employee does not have to make any firm commitment at this stage.

5. Agree any annual leave arrangements prior to maternity leave commencing wherever possible. The employee will accrue annual leave during the entire maternity leave period. However, annual leave should be taken in the appropriate annual leave year. An employee can only carry 5 day’s holiday (pro rata if part time) entitlement forward from one leave year to the next, subject to management approval. Therefore, employees should be advised to either take outstanding leave for the current year before commencing their maternity leave or immediately following it. The whole period of absence should not exceed 52 weeks in total wherever possible.

6. Consider how you will manage your employee’s absence during their maternity leave (Note: The employee’s annual leave before and after maternity leave cannot be covered). Will you be able to reallocate the work within the Department/School or will you need to take on a temporary member of staff? (Note: If you take on a temporary member of staff, your HR Officer will complete a maternity relief fund application. Maternity relief is available for all positions within the University including research staff on fixed term contracts). In any case, if your employee has indicated that they wish to return to work, you must ensure that they can return to their original role after 26 weeks’ Ordinary Maternity Leave. If your employee returns during or at the end of Additional Maternity Leave (27-52 weeks) they have the right to their original job or a suitable and appropriate alternative job (if it’s not reasonably practicable to give them their old job).

If your employee is on a fixed term contract that expires during maternity leave, their contract of employment will still end on the original end date. 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.

Be prepared to discuss this with your employee as they may wish to know how their role will be covered in their absence.

7. If your employee is absent from work during their pregnancy because of illness unrelated to pregnancy, normal sick leave provisions will usually apply. However if the illness is directly related to pregnancy and the absence occurs four weeks before the week the baby is due, maternity leave should automatically commence the following day. Contact your HR Officer for advice.

**What to do – If your employee is funded by a Research Grant**

Subject to the provisions of GC9, Research Council funding may be available to pay for Maternity, Paternity, Parenting or Adoption Pay and Leave if the staff member fulfils the relevant qualifying conditions of the employing Research Organisation. Contact your HR Officer for advice.

**What to do - Whilst your employee is on maternity leave.**

1. You and your employee can make reasonable contact during maternity leave. What constitutes reasonable will vary according to the individual circumstances and this should be agreed between the manager and employee prior to the commencement of the employee’s maternity leave. In any case, you should ensure that your employee is kept up-to-date with changes in the workplace and of any vacancies and promotion opportunities that may arise during their maternity leave.

2. By agreement with the Head of Department/Dean of School/Line Manager and the member of staff, employees may work up to maximum of 10 days during their maternity leave period, without bringing the period of leave to an end, known as Keeping in Touch days. (Note: Employees are not obliged to work these days, which would be subject to management agreement). Full details of keeping in touch days can be found in the University Family Leave Policy and Procedure.

**What to do - Before your employee returns to work.**

1. If your employee intends to return to work before the end of their full maternity leave period (52 weeks) or they wish to change their original return to work date, they must give you eight weeks' notice, in writing, of their intention to return. If your employee fails to do this, you may delay their return until the appropriate notice is served. Notify your HR Officer as soon as possible confirming your employees return to work details.

2. You should ensure that you have discussed with your employee any concerns they may have relating to their return. Your employee does have the right to request flexible working i.e. Part-time working, Term-time working, Compressed hours or Job-sharing for which there are guidelines available in the University Family Leave Policy and Procedure (Note: Employees do not have an automatic right to flexible working). If a request is made under this right, then you should always consider such a request carefully and comply with the procedural guidance and timings stipulated under this process (Note: The University is committed to accommodating such requests wherever possible). If you refuse a request you must objectively justify why. If the employee’s flexible working proposal is accepted or you wish to seek further advice on the proposal, you should contact your HR Officer.

(Note: Managers are able to vary the hours of posts provided that they remain within their current budget allocation for Grades 1-5. Managers should seek Operations Committee approval for any posts graded at 6 and above).

3. If you have taken on a temporary member of staff to cover the maternity leave period, HR will ensure that they are given the appropriate notice to end their fixed-term contract.

4. If your employee is breastfeeding on their return to work you must talk to them about any arrangements you will need to make i.e. a private, clean accessible room for them to breastfeed or express milk (NOT a toilet) and access to a suitable storage facility. Your HR Officer can provide further advice and involve Occupational Health to undertake a risk assessment and remove any risks found.

**What to do – During your employee’s first weeks and months back**

1. Welcome your employee back to work on their first day and be ready to bring them up to date with changes in the workplace. Your employee’s return to work will be easier if they are provided with the right support, time to refresh their skills and rebuild relationships. To implement this, you could create a back to work plan that includes the following:

i) Where possible, a period of handover from the maternity cover to resume responsibilities, or comprehensive handover notes.

ii) Time to refresh skills. This may include assigning a support mentor or buddy, considering training and development opportunities or providing informal feedback to rebuild confidence.

iii) Time to get up to speed on process changes and project status if necessary.

iv) Time to rebuild social contacts internally and external, where appropriate.

v) For academic staff, time to re-establish research activities before resumption of full teaching load.

(Note: For academic staff returning with reduced hours, you must ensure that revised workload is appropriate to the reduction in hours).

2. You should book a meeting 2-3 months after your employee’s return to work in order to discuss objectives and revisit their performance and development review (PDR) for which there are guidelines available on the Human Resources A-Z.

3. You should encourage and support your employee’s career re-engagement after maternity leave and ensure opportunities are available to support career development and progression.

**What to do – If your employee does not return to work**

1. If your employee does not intend to return to work OR if your employee has given notification of their intention to return to work, but fails to do so for a minimum of 3 months after maternity leave then they will be liable to repay their Occupational Maternity Pay (OMP).

**If further advice is required, please contact your HR Officer**

**Additional links**

Pensions Frequently Asked Questions:

<http://www.lboro.ac.uk/services/hr/a-z/pensions-faq.html>

Pensions and Payroll:

pensions@lists.lboro.ac.uk

Family Leave Policy and Procedure / Flexible Working:

<http://www.lboro.ac.uk/services/hr/a-z/family-leave-policy-and-procedure---page.html>

Childcare Voucher Scheme

<http://www.lboro.ac.uk/services/hr/a-z/>

**Gov.UK**

Holidays, time off, sick leave, maternity and paternity leave:

<https://www.gov.uk/browse/working/time-off>

Tax credits:

<https://www.gov.uk/browse/benefits/tax-credits>