

Maternity Leave & Pay

Guidelines for Managers

Contents

Introduction

The University of the West of Scotland is committed to supporting employees to take time off work, paid or unpaid, to care of a child or make arrangements of the child's welfare. As a line manager, you play a key role in ensuring the transition to and from maternity leave a success for both the employee and your department.

You will be required to provide support to your employee at various stages of the maternity leave & pay process and these guidelines are designed to expand further on the 'Maternity Leave & Pay Procedure' as well as outline the support you need to provide as well as highlight the support available to you.

The following legislation governs Maternity Leave & Pay:

- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2002
- Work & Families Act 2006
- The Maternity & Parental Leave (Amendment) Regulations 2008
- Children & Families Act 2014

Employees are entitled to take up to 52 weeks' maternity leave, regardless of length of service, subject to satisfying the eligibility criteria which are defined by the legislation.

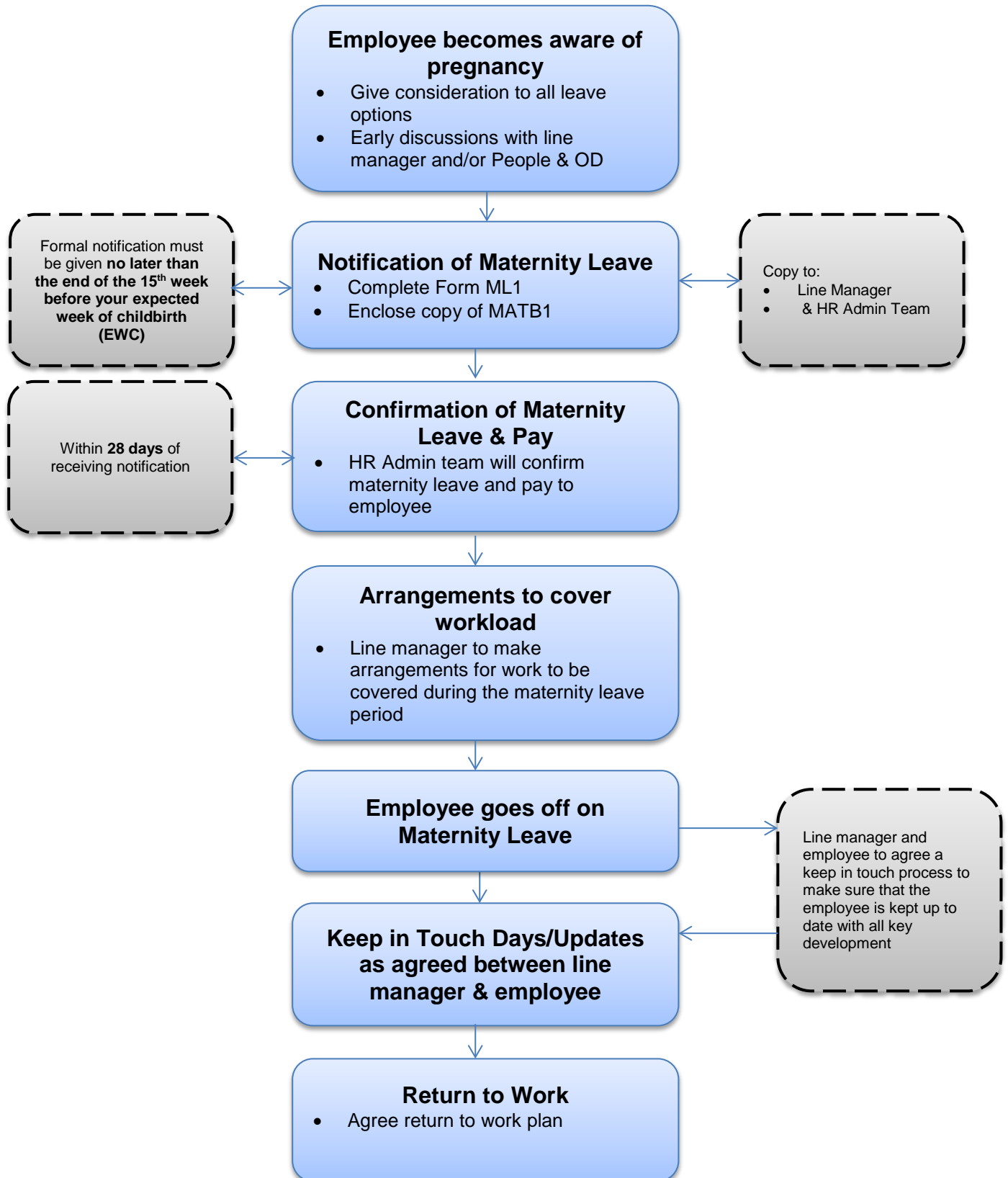
Eligible employees are also entitled to enhanced maternity pay for up to 39 weeks (same rates as enhanced adoption pay).

The Children & Families Act 2014 now allows mothers to curtail their maternity leave and opt into **Shared Parental Leave**.

ACAS Key points

- Pregnant employees have the right to 52 weeks maternity leave.
- 39 weeks could be paid which may be Statutory Maternity Pay, Maternity Allowance or contractual maternity pay (contractual pay may be more than statutory pay or could be paid for longer than 39 weeks - this will depend on the terms of employment).
- Pregnant employees are protected against unfair treatment and discrimination.
- During maternity leave an employee and employer can agree to have up to 10 keeping in touch days.
- Employees are entitled to paid reasonable time off for antenatal care.
- Women returning to work following Maternity Leave have the right to return to the original job or suitable alternative.

The Process....At a Glance



Maternity Leave & Pay Entitlements

Entitlement and length of statutory maternity leave

Statutory Maternity Leave

- Individuals are entitled to take up to 52 weeks' maternity leave regardless of their length of service with the University. This consists of 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave. Additional maternity leave must follow on immediately from ordinary maternity leave.
- Whilst individuals can determine how much of the 52 weeks' maternity leave they wish to take, they are required by law to take a minimum of two weeks maternity leave from the date their baby is born. We will assume that individuals will take the full 52 week entitlement unless they notify us otherwise.
- If the individual returns to work before the end of the 52 week entitlement, they can share the balance of leave with their partner, please refer to **Shared Parental Leave**.

Entitlement to Maternity Pay

Statutory Maternity Pay

Individuals will be entitled to up to 39 week's statutory maternity pay (SMP) if they satisfy the following requirements:

- Have average weekly earnings at or above the lower earnings limit for the payment of National Insurance contributions (calculated by looking at earnings in the 8 week period immediately before the 15th week before the EWC); and
- Have 26 week's continuous service at the 15th week before the EWC.

The Government sets the lower earnings limit and SMP rates on a yearly basis. These figures can be found on the [Government's website](#).

Maternity Allowance

If individuals do not qualify for SMP, they may still be entitled to Maternity Allowance, which is paid by Jobcentre Plus, for up to 39 weeks.

To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth. They can claim maternity allowance once they have reached 26 weeks of pregnancy, and payments can start 11 weeks before the baby is due.

To qualify, they must meet the following qualifying conditions in the 66 weeks before the baby is due:

- been employed or self-employed for at least 26 weeks (these need not be consecutive weeks).
- earned at least £30 a week, on average, in over any 13 of those 26 weeks.

Further information on eligibility and rates can be found on the [Government's website](#).

University Enhanced Maternity Pay Options

We offer an enhanced package of maternity pay to employees who qualify for SMP and:

- Continue to be employed by the University until immediately before the beginning of the 11th week before the EWC i.e. to the end of the 29th week of pregnancy; and
- Have more than 26 weeks continuous service; and
- Intend to return to work for a minimum of 3 months following maternity leave.

If they satisfy the criteria above, you have the option to choose which maternity pay package best suits their circumstances. These options are outlined overleaf.

Continuous Service	Option 1 (intend on returning to work)	Option 2 (intend on returning to work)	Option 3 (do not intend on returning to work)
More than 26 weeks continuous service (at the beginning of the 15th week before EWC)	Entitled to up to 52 weeks maternity leave <ul style="list-style-type: none"> • First 16 weeks at full normal pay (to include SMP) • Following 23 weeks at SMP only or 90% of weekly earnings (whichever is less) • Up to 13 weeks of unpaid maternity leave 	Entitled to up to 52 weeks maternity leave <ul style="list-style-type: none"> • First 8 weeks at full normal pay (to include SMP) • Following 16 weeks of the maternity leave at half pay (to include SMP) • Following 15 weeks at SMP only or 90% of weekly earnings (whichever is less) • Up to 13 weeks unpaid maternity leave 	Entitled to up to 52 weeks maternity leave <ul style="list-style-type: none"> • First 6 weeks at 90% of average earnings (to include SMP) • Following 33 weeks at SMP only or 90% of weekly earnings (whichever is less) • Up to 13 weeks unpaid maternity leave <p><i>N.B If you do return to work, the University will pay the difference between Option 3 and Option 1 or 2</i></p>
	Individuals are required to pay back 10 weeks full normal pay if they do not return to work for at least three months following maternity leave.		

If the individual is unsure what option is best for them, you can refer them to their HR Business Partner for further support.

Pregnant Employees Rights

The law provides protection for pregnant employees and entitlements for paid time off, these are highlighted below and you should be aware of these to ensure the University is not in breach of the legislation.

Paid Time off work for antenatal care

- Pregnant employees are entitled to paid time off to attend antenatal appointments
- Therefore, you cannot ask the employee to make the time up or unreasonably refuse time off

Protection Against Discrimination

Do not subject the employee to any type of unfavourable treatment because

- Of pregnancy
- She is ill as a result of pregnancy
- She is taking or proposes to take maternity leave

Unfavourable treatment amounts to direct discrimination and is unlawful.

Pregnant employees should not experience;

- Exclusion from training, appraisal or other normal activities
- Demotion
- Detrimental changes to job duties
- Removal of responsibility
- Denial of sick pay if absent as a result of pregnancy related illness
- Pressure to resign or dismissal
- Abuse or derogatory remarks

Dismissal because of pregnancy illness as a result of pregnancy, or maternity leave is automatically unfair and discriminatory.

Employees may bring a tribunal complaint of detriment or dismissal irrespective of length of service

Notification of Pregnancy

Formal Notification

Individuals need to formally notify you of their intention to take maternity leave using the **ML1 Form** at least 15 weeks' before their baby is due. They are required to inform us:

- That they are pregnant (and include a copy of your MATB1 Form)
- The expected week of childbirth
- When they wish to start your maternity leave
- When they wish to end your maternity leave (if known)
- Your preferred Maternity Pay option

The maternity leave should begin no earlier than the beginning of the 11th week before their expected week of childbirth (EWC).

Individuals can take their leave anytime thereafter taking into consideration their own personal circumstances, needs, health and wellbeing.

What we will do once we receive their notification

Once notification has been received, P&OD will write to them within 28 days setting out your specific maternity leave and pay details.

If they change their mind on the date they intend returning to work, you must give us eight weeks' notice by completing and returning the **ML2 Form**.

What you should do will do once you receive their notification

You should firstly familiarise yourself with the Maternity Leave and Pay Procedure and associated Guidelines.

You should arrange to meet with the individual to discuss plan, concerns etc. It is important that you continue to engage them in meetings, decisions etc.

You must also arrange a risk assessment, see the '**New and Expectant Mums Procedure**'.

The following pages provide advice and guidance on a step by step guide to a successful maternity leave.

Change in circumstances following formal notification

As we know, not all things in life go to plan. The baby could be born earlier than planned or individuals may become unwell during their pregnancy. In these circumstances, the maternity leave will start on whichever date is the earlier of:

- The day after you give birth
- The day after any day on which you are absent for a pregnancy-related absence in the 4 weeks before the EWC.

Step by Step Guide: Successful Maternity Leave

Here is a summary of the step by step guide that you should follow to make sure the maternity leave process is a success for your employee and you!

Step 1 Have initial discussions!!



When your employee shares their good news with you, an initial discussion with them is important to:

- Firstly, congratulate your employee, this is fantastic news!
- Direct the employee to the Maternity Leave & Pay Procedure & Guidelines for Employees so they have the relevant information on their entitlements
- Remind the employee of their right to Shared Parental Leave & Pay and direct them to the Procedure covering this
- Remind the employee if they have any questions regarding their entitlements or their obligations under the Procedure that they can ask you or their HR Business Partner
- Discuss how you can support the employee before their leave – different people will require different support so this needs to be a two way conversation!
- Identify any appointments they need to attend before they commence their leave and discuss how you can support them to attend as appropriate (remember, employees are entitled to paid time off to attend appointments arranged by the maternity agency)
- Book an appointment with the employee for a pre-maternity leave meeting (see guidance on pre-maternity leave meeting)
- Book an appointment with your employee to review their performance and complete the performance paperwork

Step 2 Help employee to plan before they go off



It is important that you help your employee plan for their leave and the handover of their responsibilities. You should consider the following:

- Review the employees work priorities and identify any work which cannot be completed before the leave starts
- Re-allocate or get some support to complete work which cannot be completed before the leave starts
- Work together to prepare a handover plan and if appropriate a return to work plan
- Where possible, allow for an overlap between the employee starting their leave and the person who will be covering taking on the work
- Discuss how they will update their colleagues and/or customers that they will be taking a period of maternity leave

Step 3 Make arrangements to cover workload



You will know by now how long the employee is expected to be off on maternity leave. You should decide how to cover workload by considering:

- If workload could be covered by any other team members by re-arranging priorities for the team?
- Could it be a secondment opportunity?
- Do you need to advertise for a fixed-term temporary backfill or agency worker?

Top tip..... Top tipTop tip..... Top tip.....

Build in any handover period so the employee has the opportunity to hand over the outstanding work commitments to the person who will be taking it forward.

Step 4
Arrange a pre-maternity meeting

It is good practice to carry out a meeting with the employee before they go on maternity leave.



Step 5
Carry out the pre-maternity meeting

The purpose of the pre-maternity leave meeting is to discuss the practicalities of the employee's maternity leave. The employee should already have been informed by this stage of his/her maternity leave and pay entitlement. Key points to discuss during the pre-maternity meeting:

- Provide the opportunity for the employee to raise any issues or concerns they might have
- At the meeting, discuss and agree **arrangements for staying in touch** with the employee during the maternity leave, including keeping-in-touch days.
- Identify what kind of information the employee would be interested in receiving
- The meeting could also include discussion of other practicalities such as the employee's **annual leave** entitlement and arrangements for when he or she will take this.
- This is also an opportunity for you to discuss cover arrangements and finalise workload handover and agree how to take this forward
- If the return to work date is known, book the 'Return to Work' meeting
- Agree any specific arrangements whilst they are on leave, for instance, reschedule any training booked whilst on maternity leave
- Discuss opportunity for shared parental leave
- Discuss the other family friendly policies available including career break, parental leave and flexible working.



Step 6
Arrange collection & send off!

Going off on maternity leave is a significant part of an employees' life. It is a time for them to bond with their new family and adapt to a new life. Many people may feel apprehensive about this!

It is up to you as a manager to make them feel that this transition is a happy one and that they will be missed during their time off!

It is good practice for you to arrange a collection and a gift from the team and for a card for everyone to sign.

When it is time for them to finish up, make it special!! You could do a short presentation with all the team present and hand over their gift.



Step 7
Keep in Touch!!

You should have agreed at your pre-maternity meeting how you are going to keep in touch – so please do what you said you were going to do!!

This will make sure that the employee knows you haven't forgotten about them and will make it easier on their return to work!

Additionally, you also have an **obligation** to keep in touch regarding any changes in the university or vacancies that might come up which may be of interest to the employee, make arrangements to post or e-mail these.

Refer to the 'How to stay in touch' guide within this pack.



Step 8
Prepare to Welcome
employee back



It is important to bear in mind how the employee might feel coming back to work after a period of maternity leave. Not only might they have been absent from work for a long period of time, they now have a child at home to care for and therefore their lifestyle may have changed somewhat. You must also consider the following:

- Be mindful that employees returning from maternity leave have the right to return to the same job. Or where this is not possible due to organisational changes, to a suitable alternative role. You will know the situation before the employee returns but make sure you take guidance from your HR Business Partner in the event that you need to offer a suitable alternative role.
- You must give absolute serious consideration to any flexible work requests from those returning from maternity leave. You might already have an indication of this based on your discussion you have with your employee through the maternity leave period.
- Discuss with your employee how you can support them and their transition back into the workplace
- Should an employee request a 'phased return' following maternity leave, you should give this due consideration. Employees may be able to use accrued annual leave to support this.

Step 9
Return to Work Meeting



You should where possible have a return to work meeting with your employee before they actually return (although, they are not obliged to attend work during maternity leave and where this is the case, you should arrange the meeting for their first day back). During this meeting you should:

- Discuss and direct the employee to the family friendly policies available to them including the Career Break Policy, Parental Leave Policy and the Flexible Working Policy.
- Discuss how you can support the employee on their return to work
- Discuss their preferred work arrangements and/or phased return to work
- Discuss any training you feel they may need upon their return to work

Step 10
Re-integrate employee
into workplace

Be mindful that it can be daunting returning to work after a long period of time.

- Make sure you are prepared for the employee returning.
- Make sure their workstation is intact and they have pc, email and telephone access
- Have a meeting with them on their first day back to welcome them and to update them on any key issues
- Make sure there is an appropriate handover of work
- It might be a good idea for the employee to use their accrued annual leave from when they were off to integrate them into the workplace easier, i.e. phased return
- Make sure employees know all the flexible work options and additional unpaid leave options that are available to them

Supporting the employee before their leave

Health & Safety During Pregnancy

If a pregnant employee's job is likely to cause her harm, you should take the appropriate steps to remove the risk. You must arrange for a risk assessment to be carried out as quickly as possible and you can do this by consulting the '**New & Expectant Mothers Procedure**' which has all the information you will need, along with a risk assessment pro-forma.

What am I responsible for?

As the line manager of an employee on maternity leave you play an absolutely key role in supporting your employee before and during their leave as well as ensuring their transition and re-introduction to the workplace on their return happens as smoothly as possible.

A summary of your responsibilities are outlined below:

- Familiarise yourself with the maternity leave & pay policy and this managers' guidance pack
- To treat employees fairly and without discrimination on the grounds of maternity
- Review the 'New & Expectant Mothers' Policy and arrange a risk assessment in a timely manner
- Know your responsibilities in relation to allowing paid time off for ante-natal appointments
- To consider and plan for the resourcing implications of employees going on maternity leave
- Support and guide your employee through their leave both before, during and after and ensure that you continue to consider them as an integral part of your team during their leave

You should also be aware that pregnant employees are protected against unfair dismissal and detrimental treatment on pregnancy related grounds.

Discussions with employee before their leave

General hints and tips for consideration are as follows;

- Consider how the employee is feeling – be careful not to jump to conclusions!
- Are there any health issues that need to be considered??

Initial Discussions

When your employee shares their good news with you, an initial discussion with them is important to:

- Firstly, congratulate your employee, this is fantastic news!
- Direct the employee to the Maternity Leave & Pay policy so they have the relevant information on their entitlements
- Remind the employee of their right to Shared Parental Leave & Pay and direct them to the policy covering this
- Remind the employee if they have any questions regarding their entitlements or their obligations under the policy that they can ask you or their HR Business Partner
- Discuss how you can support the employee before their leave – different people will require different support so this needs to be a two way conversation!
- Identify any appointments they need to attend before they commence their leave and discuss how you can support them to attend as appropriate (remember, employees are entitled to paid time off to ante-natal appointments)
- Book an appointment with the employee for a pre-maternity leave meeting (see guidance on pre-maternity leave meeting)
- Book an appointment with your employee to review their performance and complete the performance paperwork

Helping an employee to plan before they go on leave

It is important that you help your employee plan for their leave and the handover of their responsibilities. You should consider the following:

- Review the employees work priorities and identify any work which cannot be completed before the leave starts
- Re-allocate or get some support to complete work which cannot be completed before the leave starts
- Work together to prepare a handover plan and if appropriate a return to work plan
- Where possible, allow for an overlap between the employee starting their leave and the person who will be covering taking on the work
- Discuss how they will update their colleagues and/or customers that they will be taking a period of maternity leave

Illness Prior to Maternity Leave

If your employee is ill and the illness is not pregnancy related, they are able to take sick leave until the date that has been agreed to begin their maternity leave.

Your employee should inform you of any illness and follow the established procedure as detailed in the sickness absence management policy.

If your employee is unfit to work as a result of a pregnancy related illness within 4 weeks of the expected week of childbirth, maternity

leave will automatically start the day after the first day of absence.

You will need to make sure that i-trent is updated to reflect all absences including sickness and maternity leave.

Pre-maternity Leave Meeting

The purpose of the pre-maternity leave meeting is to discuss the practicalities of the employee's maternity leave. The employee should already have been informed by this stage of his/her maternity leave and pay entitlement. Key points to discuss during the pre-maternity meeting:

- Provide the opportunity for the employee to raise any issues or concerns they might have
- At the meeting, discuss and agree **arrangements for staying in touch** with the employee during the maternity leave, including keeping-in-touch days.
- Identify what kind of information the employee would be interested in receiving
- The meeting could also include discussion of other practicalities such as the employee's **annual leave** entitlement and arrangements for when he or she will take this.
- This is also an opportunity for you to discuss cover arrangements and finalise workload handover and agree how to take this forward
- If the return to work date is known, book the 'Return to Work' meeting
- Agree any specific arrangements whilst they are on leave, for instance, reschedule any training booked whilst on maternity leave
- Discuss opportunity for shared parental leave
- Discuss the other family friendly policies available including career break, parental leave and flexible working.

Whilst the Employee is absent on Maternity Leave

Contact During Maternity Leave

It is important that you keep in touch with your employee whilst they are on maternity leave. You should have agreed what level and the type of contact during your 'pre-maternity leave meeting'. An employee should still be very much considered as part of the team.

Should a re-structure or change to the employees job occur during their period of maternity leave, the legislation states that they must be consulted with and kept them informed of any such changes. Further guidance on this is contained within the 'How to stay in touch with employees on maternity leave'. You should also take advice from your HR Business Partner on how to best manage a situation like this.

Keeping in Touch (KiT) Days

The legislation allows for an employee to do up to 10 KiT days whilst on maternity leave. Both you and the employee have to agree for this to happen and agree on the work to be done. KiT days can include training, attending meetings/conferences or undertaking work that would be part of their contract of employment. Employees are not obliged to participate in KiT days and must not suffer any detriment if they choose not to use any of their KiT days.

Pay for KiT Days

Employees are entitled to be paid their normal rate of pay for the KiT day worked. You should notify the HR Admin Team and Payroll Team of any KiT days worked to ensure that appropriate payment is made to the employee in a timely manner.

Preparing to Welcome the Employee Back!

What am I responsible for?

It is important to bear in mind how the employee might feel coming back to work after a period of maternity leave. Not only might they have been absent from work for a long period of time, they now have a child at home to care for and therefore their lifestyle may have changed somewhat. You must also consider the following:

- Be mindful that employees returning from maternity leave have the right to return to the same job. Or where this is not possible due to organisational changes, to a suitable alternative role. You will know the situation before the employee returns but make sure you take guidance from your HR Business Partner in the event that you need to offer a suitable alternative role.
- You must give absolute serious consideration to any flexible work requests from those returning from maternity leave. You might already have an indication of this based on your discussion you have with your employee through the maternity leave period.
- Discuss with your employee how you can support them and their transition back into the workplace.
- Should an employee request a 'phased return' following maternity leave, you should give this due consideration.

Employees may be able to use accrued annual leave to support this.

The Return to Work Meeting

General points to consider during the return to work meeting are:

- Consider how the employee might be feeling
- How do they feel about returning to work?

You should where possible have a return to work meeting with your employee before they actually return (although, they are not obliged to attend work during maternity leave and where this is the case, you should arrange the meeting for their first day back). During this meeting you should:

- Discuss and direct the employee to the family friendly policies available to them including the Career Break Policy, Parental Leave Policy and the Flexible Working Policy.
- Discuss how you can support the employee on their return to work
- Discuss their preferred work arrangements and/or phased return to work
- Discuss any training you feel they may need upon their return to work

Work Considerations before Return to

You must also consider a number of points for the employee returning to work to make sure it is a smooth transition, including:

- Make sure you are prepared for the employee returning.
- Make sure their workstation is intact and they have pc, email and telephone access
- Have a meeting with them on their first day back to welcome them and to update them on any key issues
- Make sure there is an appropriate handover of work
- It might be a good idea for the employee to use their accrued annual leave from when they were off to integrate them into the workplace easier, i.e. phased return
- Make sure employees know all the flexible work options and additional unpaid leave options that are available to them

What if the employee does not want to return to work?

If the employee does not want to return to work they need to give proper contractual notice. Any accrued unused annual leave will be paid in their final salary. If they have opted for the enhanced University Maternity Pay then they will be required to pay back 10 weeks full pay which will be deducted from their final salary. If the employee is unfit to return to work due to illness, the normal sickness absence management procedures apply.

Consider how you might cover the work

Once you are made aware of an employee who wishes to take maternity leave, you must give full consideration as to how that employees' work will be covered.

Consider if it is possible to re-allocate and re-prioritise work amongst the team or whether or not you require temporary cover. If you decide you need temporary cover, you must make sure you have sufficient budget and follow the normal vacancy approval processes.

Remember.....Remember..... Remember.....Remember.....Remember.....
Employees on maternity leave have the right to return to the same job unless there has been organisational change.

Frequently Asked Questions!

maternity leave has started?

- A1. If an employee gives birth before her maternity leave has started, her maternity leave will be triggered automatically and begins on the day following the one on which she gave birth.

The employee is required to inform the employer as soon as reasonably practicable that she has given birth and of the date on which the birth occurred. The notice must be in writing if the employer so requests.

The employer must write to the employee confirming the new end date of her additional maternity leave. It must do this within 28 days of receiving the employee's notification that she has given birth early.

Q2. How should an employer respond if an employee's maternity leave is triggered by a pregnancy-related reason?

- A2. An employee's maternity leave will be triggered if she is absent from work in the four weeks before her expected week of childbirth for a pregnancy-related reason, such as a pregnancy-related illness or suspension on medical grounds.

In these circumstances, the maternity leave will commence on the day following the first day after the beginning of the fourth week before the expected week of childbirth on which she is absent for this reason.

The employee is required to inform the employer as soon as reasonably practicable of her absence for a pregnancy-related reason and the date on which it began. The notice must be in writing if the employer so requests.

The employer must write to the employee confirming the new end date of her additional maternity leave. It must do this within 28 days of receiving the employee's notification that she is absent for a pregnancy-related reason.

Q3. If an employee resigns while on maternity leave, is she entitled to notice pay?

- A3. According to ss.87 and 88 of the Employment Rights Act 1996, if an employee resigns while on maternity leave, in certain circumstances the employer must pay the employee her normal full pay during the statutory notice period (which is one week for employees with continuous service of one month or more). The employer can offset the employee's maternity pay against her full pay. The employer does not have to make this payment until the employee's employment has ended.

However, s.87(4) provides that the employer's liability to pay the employee in full for the statutory notice period does not apply if the employee's contract requires the employer to give at least one week more than the statutory minimum notice to terminate the contract. Statutory minimum notice for the employer to terminate the contract is one week's notice where the employee has been employed for at least a month but less than two years, and then one week's

notice for each year of service up to a maximum of 12 weeks' notice. The Employment Appeal Tribunal has acknowledged that the effect of this provision may seem odd, but nonetheless, in these circumstances, the employee is not entitled to full pay during the statutory notice period.

Therefore, where an employee who resigns while on maternity leave would be contractually entitled to at least one week more notice than the statutory minimum from her employer, she will be entitled only to maternity pay during her notice period, unless her maternity pay period has already expired, in which case she will not receive any pay.

Q4. What is direct pregnancy and maternity discrimination?

A4. Under s.18 of the Equality Act 2010, direct pregnancy and maternity discrimination occurs if, during the protected period, in relation to a pregnancy of hers, a person (A) treats a woman unfavourably because of her pregnancy or because of illness suffered by her as a result of pregnancy. A also discriminates against a woman if A treats her unfavourably because she is on compulsory maternity leave; she is exercising or seeking to exercise the right to ordinary or additional maternity leave; or she has exercised or sought to exercise the right to ordinary or additional maternity leave.

Section 18(6) provides that the "protected period" in relation to a woman's pregnancy begins "when the pregnancy begins" and ends: if she has the right to ordinary and additional maternity leave, at the end of the additional maternity leave period or (if earlier) when she returns to work after the pregnancy (s.18(6)(a)); or if she does not have the right to ordinary and additional maternity leave (for example, because she is not an employee) at the end of the period of two weeks beginning with the end of the pregnancy (s.18(6)(b)).

Q5. Can an employee change her mind about when she wants her maternity leave

A5. Yes, provided that she notifies the employer of the revised start date at least 28 days before the earlier of the new date and the original date. If it is not reasonably practicable for her to do so, she must provide this notification as soon as is reasonably practicable. The employer can request that notification of any revised date be provided in writing.

The date that she selects to start her maternity leave cannot be before the start of the 11th week before the expected week of childbirth.

Q6. Is an employer obliged to carry out an individual risk assessment for all new mothers returning to work from maternity leave?

A6. An employer should carry out an individual risk assessment for an employee returning to work from maternity leave where:

- the employer's risk assessment under reg.16(1) of the Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) shows that the work is of a kind that poses a potential risk to the health and safety of new or breastfeeding mothers or their infants from the employer's processes, working conditions, or physical, biological or chemical agents; and
- the employee notifies the employer that she has given birth within the last six months or is breastfeeding.

It is not a legal requirement to carry out an individual risk assessment for a mother who returns to work more than six months after the birth of her child and has not notified the employer that she is breastfeeding.

However, even where the employer does not have a specific duty to do so, carrying out an individual risk assessment helps to ensure that potential risks are avoided or minimised.

If an employer fails to conduct an individual risk assessment for an employee who is a new mother, and there are identifiable risks where protective or preventative measures should have been taken, it could face a claim for automatic discrimination because of pregnancy and maternity for failing to safeguard the employee's health and safety.

Q7. Can an employer prevent an employee returning to work early from maternity leave because she is still breastfeeding?

- A7. No, unless the employer can suspend her on "maternity grounds". It is permissible to suspend a breastfeeding employee on maternity grounds only where a risk assessment identifies risks to the breastfeeding mother and/or her child and those risks cannot be overcome by adjusting her working conditions or hours of work. Section 67 of the Employment Rights Act 1996 further provides that a breastfeeding mother has the right to be offered suitable alternative employment, where available, before she can be lawfully suspended on maternity grounds.

In addition, the employer has certain legal obligations to support an employee who is continuing to breastfeed. Under the Management of Health and Safety at Work Regulations 1999 (SI 1999/3242), the employer is required to assess the risks to a breastfeeding mother or her baby of any process, working conditions or substances to which they might be exposed, and take practical action to control those risks. Further, the Workplace (Health, Safety and Welfare) Regulations 1992 (SI 1992/3004) require the employer to provide suitable facilities for breastfeeding mothers to rest. Guidance from the Health and Safety Executive goes further and recommends that employers provide a private, healthy and safe environment for nursing mothers to express and store milk, and states that it is not suitable to use toilets for this purpose.

If an employer refuses to allow a woman the flexibility she may need to breastfeed or express milk, this may be indirectly discriminatory, unless the employer can objectively justify its policy.

How to.....

Stay in touch with employees on maternity leave

Summary

- Be aware that the maternity legislation provides that "reasonable contact" during maternity leave is permitted.
- Take into account that what is "reasonable" contact during maternity leave will vary according to the wishes of the individual employee, her position and the type of work that she does.
- Note that, regardless of her seniority or type of work, no employee is obliged to maintain contact with you during her maternity leave.
- Agree the level of contact during maternity leave, the types of issues that might be discussed, the means of contact and who will initiate it at a pre-maternity-leave interview.
- Remember that an employee is under no obligation to maintain contact during her maternity leave at the level discussed if she does not wish, or is unable, to do so.
- Avoid less favourable treatment of employees on maternity leave by offering the same opportunities for training, career development and promotion that other members of staff receive.
- Take care that contact during maternity leave does not lead to an employee feeling under pressure to return to work early or to confirm if she will be returning.
- Contact an employee on maternity leave during a redundancy or reorganisation exercise, or if there are any changes to her job.
- Remember that, in a redundancy situation, an employee on maternity leave has the right to be offered any suitable alternative job that is available.

Reasonable contact

The Maternity and Parental Leave etc Regulations 1999 (SI 1999/3312) state that employers may make reasonable contact with employees on maternity leave. Reasonable contact will not bring the maternity leave to an end, and the employer can make contact regardless of whether or not the employee does any work during her leave under the separate arrangements for keeping-in-touch days.

What constitutes "reasonable" contact will vary according to the circumstances and the individual concerned. The amount of contact that an employee would like should be discussed and agreed at a pre-maternity-leave interview. Some employees may wish to stay in close contact and will not mind frequent communication. They may wish to be kept up to date with all developments affecting their work. Others may not want frequent contact, or may not be able to keep up to date once they have a small baby to look after. The frequency and nature of the contact will depend on a number of factors, such as the type of work and the employee's position.

Care should be taken that contact is not forced, leading the employee to feel under pressure to stay in touch or to contact work on a regular basis. An employee should not have to come into work for any reason - for example, to collect her maternity pay - if she does not wish to.

A senior employee may wish to maintain close contact, but should not be made to feel that she should still be working.

Contact can be made in any way that is suitable, including by telephone, letter or email, or through workplace visits.

Employers should consider keeping in touch with employees about changes at work, job vacancies, training, and other work or social events that they may wish to attend. Employees may wish to receive company newsletters, minutes of staff or team meetings, or information on particular projects or pieces of work. Reasonable contact can help an employee continue to feel part of the workplace and may make her return to work easier. However, it should not replace any return-to-work induction or training programme, and is separate from keeping-in-touch days.

Pre-maternity-leave Meeting

Employers will find it helpful to discuss arrangements for staying in touch before the start of an employee's maternity leave. A pre-maternity-leave interview could include discussion about the means of contact, how often it will occur, and who will initiate it. It might also cover the reasons for making contact and the types of issues that might be discussed. Employers should also consider who will be responsible for maintaining contact. For example, this might be the employee's line manager or the HR department.

The contact arrangements could be recorded in writing. However, there should be flexibility over the arrangements: an employee who indicated a wish to maintain a high level of contact may, for example, find that she is unable to stay in touch for some time after the birth of her baby. An employee is not under any obligation to maintain contact at the level discussed if she does not wish, or is unable, to do so.

Unfavourable treatment

Employees on maternity leave must not be treated unfavourably or disadvantaged because of their absence from the workplace. For example, an employee on maternity leave should be offered the same opportunities as other staff for training, career development and promotion. If her annual appraisal is due before she goes on maternity leave, or during her maternity leave, the employer should make arrangements to conduct the appraisal before she goes on leave, or soon after her return to work.

Making contact to discuss returning to work

An employer is most likely to want to make contact with an employee to discuss and plan her return to work. Regulation 12A(4) of the Maternity and Parental Leave etc Regulations 1999 specifically states that "reasonable contact from time to time between an employee and her employer which either party is entitled to make during a maternity leave period (for example to discuss an employee's return to work) shall not bring that period to an end".

It would, therefore, be appropriate for an employer to contact an employee towards the end of her maternity leave to make arrangements for her return - to discuss any training needs, for example. However, employers should take care that contacting employees about their return to work does not make them feel under pressure to return early or to confirm whether or not they will be returning.

Employers do not have a statutory right to ask employees to confirm if they intend to return to work, and employees have no obligation to reply to such a question. There are numerous reasons why a woman might have difficulty confirming her return to work. She might have problems finding suitable childcare or settling her baby into it, or there might be uncertainty about whether or not her request for flexible work can be accommodated. In many cases it will be difficult for a woman to be sure that she is in a position to return to work until close to her return date when arrangements for childcare and flexible work have been finalised.

Employers are best advised to assume that employees will take the full leave to which they are entitled, and plan accordingly. All employees are entitled to 52 weeks' statutory maternity leave.

An employer must notify an employee of the date her maternity leave will end within 28 days of the day she gives notice of the date on which she intends to start her maternity leave. If the employee intends to return to work before the end of her maternity leave period, she must give at least eight weeks' notice of her date of return to allow her employer to make any necessary arrangements. However, if the

employer failed to notify her of the date her leave would end, the employee is not required to give notice of an early return.

If an employee decides that she will not be returning to work she must resign in the normal manner, giving the notice period required by her contract. Her notice can run during her maternity leave. For example, an employee who must give a month's notice can resign a month before the end of her leave. She should be treated in the same way as any other employee who resigns. This might include an invitation to attend an exit interview, for example.

How to.....

Ensure employees smooth reintroduction to the workplace

Summary

- Bear in mind that returning to work after a long period of absence on maternity leave can be a daunting experience for an employee.
- Remember that maintaining contact with an employee on maternity leave can help her to stay in touch with the workplace and ease her return to work.
- Check that you have notified the employee of the date that her maternity leave will end and consider sending her a courtesy letter to remind her of her expected date of return from maternity leave.
- Consider what changes need to be made to her workload if the employee is returning to work from maternity leave on reduced hours and what arrangements need to be made if she is going to be working with a jobshare partner.
- Make sure that the employee's workstation is ready for her return from maternity leave and that she has the materials necessary to do her job.
- Arrange meetings to update the employee and discuss any training needs or necessary support for her to get back up to speed with her job.
- Ensure that an employee who has returned to work from maternity leave is not treated less favourably because she has been out of the workplace for some time.
- Carry out a risk assessment if an employee has returned to work from maternity leave within six months of the birth of her baby or is still breastfeeding.
- Provide suitable facilities for a breastfeeding employee to rest, and remember that it is good practice to provide a clean, private room, access to a fridge and time off to express milk.

Introduction

Returning to work after a long absence on maternity leave can be daunting for an employee - she may feel out of touch and lacking in confidence, and may have concerns about whether or not she will be able to breastfeed after her return to work. Employers should, therefore, take steps to ensure that the reintroduction to the workplace of employees who have been absent on maternity leave is as smooth as possible.

Contact during maternity leave

It is good practice for an employer to maintain contact with an employee on maternity leave, as this can help her stay in touch with the workplace and ease her return to work. An employee may work up to 10 keeping-in-touch days during her maternity leave without losing her statutory maternity pay or bringing her maternity leave to an end. Keeping-in-touch days can be used for any work-related activity, including training, conferences and meetings. Although there is no obligation on employers to offer keeping-in-touch days, or for employees to work them, they can be used to help an employee refamiliarise herself with the workplace before her return to work, or for her to attend team meetings or a training course.

The Maternity and Parental Leave etc Regulations 1999 (SI 1999/3312) clearly state that employers may make reasonable contact with employees on maternity leave. The level of contact will vary according to an individual's wishes, and this should have been discussed and agreed before the start of her maternity leave. Some employees may have stayed in close contact with the workplace, while others may have had little or no contact throughout their leave. In any event, an employer is likely to want to make contact with an employee on maternity leave to discuss her return to work. Discussions could cover any training or updating that the employee will require, or whether or not she is likely to want to change her hours on her return. However, the employer should ensure that it does not put the employee under pressure to return to work early or confirm whether or not she will be returning.

The return date

Employees on maternity leave do not have to confirm whether or not they intend to return to work. An employer should notify a pregnant employee of the date on which her maternity leave will end within 28 days of the date she notifies it of her intention to take maternity leave. The employer should then assume that the employee will take the full leave to which she is entitled (all pregnant employees are now entitled to 52 weeks' statutory leave). She will be required to give at least eight weeks' notice if she decides to return to work early, or her contractual notice if she decides to resign.

The employer may, however, wish to send the employee a courtesy letter reminding her of her expected date of return, and giving information about to whom she should report on her first day back. She may also need up-to-date information about accessing the workplace - for example details of any new entry system - and these can be included in the letter.

Flexible working arrangements

Employees on maternity leave often request that they return to work under some form of flexible working arrangements, for example on a part-time basis. If flexible working arrangements have been agreed, the employer will need to make changes to the employee's workload, perhaps redistributing some of her work. If the employee is to return on a jobshare arrangement, the employer will need to consider how the work will be distributed between the two employees, and how they will communicate if they are working different hours or days. Any arrangements should be made in plenty of time for the employee's return.

It would be wise for the employer to plan a review after an initial period to discuss how the new arrangements are working.

The return to work

The employer should ensure that the employee's workstation is ready for her return to work, and that she has the materials necessary to do her job. In relation to an office job, this may include contacting the information technology department to ensure that she has access to her computer and email account. She may also need reminding about procedures and passwords - or to be issued with new passwords.

The employer should arrange catch-up meetings to update the employee on any workplace developments about which she has not already been informed - such as new or amended systems of work, and any new members of staff or staff departures. It will also need to discuss any training needs that the employee may have, and ensure that arrangements are put in place to address these as soon as possible. The employee may have missed out on an appraisal review or a meeting to set new objectives for the year. If so, this should be held on her return. Introductions between the employee and any new members of staff should also be made.

Where the employee's work has been covered by other members of staff, or temporary cover, a handover should be arranged. The employer will need to check that the work has been completed satisfactorily, and that it is aware of anything outstanding at the point of handover.

Depending on the employee's job, it may be appropriate that her work is handed back to her on a gradual basis. A date by which she is expected to be back up to speed with her work should be set. Her progress should be reviewed, and any necessary support provided. Where the employee has returned to work on a part-time basis, the employer should ensure that her workload is in proportion to her hours.

Avoiding discrimination on the employee's return

The employer should ensure that, on her return, the employee is offered the same opportunities as other staff members for career development, training and promotion. She should not be treated less favourably because she has been absent on maternity leave.

The employee may also have a significant amount of leave to take before the end of the leave year. The employer should treat any requests from the employee to take this leave in the usual way - a refusal to allow a request for annual leave because she had recently been absent for a long period on maternity leave would amount to pregnancy and maternity discrimination under the Equality Act 2010.

Health and safety for new and breastfeeding mothers

The Government recommends that babies should be exclusively breastfed for the first six months, and that breastfeeding should continue until they are 12 months old.

In many cases employees returning to work after maternity leave will have stopped breastfeeding. However, some employees may still be breastfeeding at this stage, or expressing breast milk during the day to give to their baby later on - which also counts as "breastfeeding".

The law does not give a "right" to breastfeed at work - although it might be indirectly discriminatory to refuse to allow a breastfeeding employee the flexibility that she needs to continue, eg reduced hours or breaks to express milk. The law does, however, protect the health and safety of a mother and baby (Management of Health and Safety at Work Regulations 1999). While it is unlikely that the health of a baby over 12 months old would be put at risk if it was not breastfed, there might be a health and safety risk if the baby was at risk from certain allergies and, as a result, the mother had been advised to continue breastfeeding.

Where an employee has returned to work within six months of the birth of her child or is still breastfeeding, the Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) require a risk assessment to assess if there are any risks to her health and safety or that of her baby. Where risks are identified, the employee should be given information on the risks and any steps being taken to remove them. If a risk remains, she is entitled to reasonable adjustments to her working hours or conditions. If this is not possible, she should be given suitable alternative work, or, if none is available, suspended on full pay. There are few direct risks to breast milk, other than exposure to hazardous substances such as lead.

The Workplace (Health, Safety and Welfare) Regulations 1992 (SI 1992/3004) require employers to provide suitable rest facilities for employees who are breastfeeding on their return to work. It is good practice for employers to provide a private, clean environment in which milk can be expressed, such as a spare office or a room ordinarily used by the occupational health department, and a fridge in which to store the milk. It would not be appropriate to expect an employee to express milk in a toilet. An employee may require flexibility over lunchtimes or break times so that she can express milk. Employers might wish to appoint a breastfeeding coordinator to advise employees about the facilities available. Any request for suitable facilities should be kept confidential.

How to.....deal with the holiday entitlement of a woman taking maternity leave

Summary

- Recognise that annual leave rights are in addition to maternity leave and that maternity leave cannot be treated as annual leave.
- Be aware that you cannot pay employees in lieu of their statutory annual leave entitlement except on termination of the employment.
- Be aware that you have more freedom to deal with contractual annual leave in excess of the minimum statutory entitlement, with regard to, for example, paying in lieu.
- Ensure that employees do not lose out on their holiday entitlement if their maternity leave coincides with the workplace annual shutdown.
- Remember that statutory annual leave under the Working Time Regulations 1998 accrues during both ordinary maternity leave and additional maternity leave.
- Take into account that employees are entitled to the benefit of all their non-remuneration terms and conditions throughout additional maternity leave as well as ordinary maternity leave. This includes accrual of contractual holiday above the statutory minimum.
- Consider the allocation of annual leave as part of planning for maternity absences.
- Although the law is unclear on the subject of carry-over of statutory holiday from one year to the next where an employee on maternity leave has been unable to take it in the leave year in which it falls due, take into account that good practice and least legal risk would point towards allowing carry-over in these circumstances.

Introduction

Under reg.13 of the Working Time Regulations 1998 (SI 1998/1833), workers are entitled to four weeks' leave in each leave year. Regulation 13A, brought into force by the Working Time (Amendment) Regulations 2007 (SI 2007/2079), introduced entitlement to a period of 1.6 weeks' additional annual leave, bringing the total annual entitlement to 5.6 weeks.

In *Merino Gómez v Continental Industrias del Caucho SA [2004] IRLR 407 ECJ*, the European Court of Justice (ECJ) made it clear that maternity leave is not to be treated as holiday. The law has been clarified to show that a woman is entitled to her annual leave rights under the Working Time Regulations 1998 in addition to the time that she takes off for maternity leave.

As maternity leave does not count towards a woman's 5.6-week annual leave entitlement under the Working Time Regulations 1998, her annual leave must be planned in addition to her maternity leave. The Working Time Regulations 1998 make it clear that there can be pay in lieu of annual leave entitlement only on termination of employment. This means that, where a woman is returning to work after maternity leave, it is not possible to pay for her statutory annual leave entitlement instead of allowing the time off.

An employer cannot insist that annual leave be taken at the same time as maternity leave. A woman must be allowed to take her annual leave at some other time, because the purpose of paid annual leave is different from that of maternity leave.

Fixed periods of holiday

In certain industries there may be a company-wide shutdown, say for a couple of weeks over the summer or, more commonly, at Christmas, where the days off are counted towards annual leave entitlement. The ECJ has also made it clear that a woman on maternity leave cannot be made to sacrifice that annual leave entitlement just because her maternity leave coincides with the annual shutdown. That annual leave entitlement must remain available to her.

Minimum statutory holiday entitlement

The minimum 5.6-week entitlement to annual leave under the Working Time Regulations 1998 accrues during both ordinary and additional maternity leave.

Additional contractual entitlement

During both ordinary and additional maternity leave, employees are entitled to the benefit of all terms and conditions that would have applied but for their absence (except for terms and conditions regarding remuneration). This includes accrual of contractual holiday entitlement.

Planning

Annual leave entitlement is a matter that should form part of planning for an employee's maternity leave. The employee's manager should arrange a meeting with the employee prior to her maternity leave to discuss how this aspect will be treated. The employee's annual leave entitlement should be confirmed in that meeting and the manager should explain that annual leave cannot be taken at the same time as maternity leave. The employee can be asked whether she wishes to take her leave before or after maternity leave. She could, for example, delay the start of her maternity leave by taking a period of annual leave first. Alternatively she could extend her absence from work by adding annual leave to the end of maternity leave.

However, the employee has no express right to add annual leave to the beginning or end of maternity leave. The employer is still entitled to apply its normal rules on taking holiday and the Working Time Regulations 1998 give employers the right to object to leave being taken on particular days.

How to.....

Deal requests for time off for antenatal care

Summary

- Be aware that pregnant employees have the right to paid time off work for antenatal care.
- Take into account that you are entitled to ask for evidence that an employee is pregnant and to see her appointment card, except in the case of the first appointment.
- Although antenatal care is not expressly defined, take into account that the safest course would be to assume that relaxation and parentcraft classes are included within the definition.
- Do not ask the employee to make up the lost working time.
- Encourage part-timers to make antenatal appointments outside working hours but appreciate that employees cannot always control appointment times.
- Understand that the reasonableness of a refusal will be a question of fact in each case, depending on the amount of time off requested, the employee's health and whether or not she could have attended appointments outside working hours.
- Be aware that the time off includes the employee's travelling and waiting time.
- Be aware that an expectant father, or the partner of a pregnant woman, is entitled to unpaid time off to accompany the pregnant woman to two antenatal appointments.
- Appreciate that an unreasonable refusal of paid time off for a pregnant employee could result in claims for the pay related to the time off, constructive unfair dismissal and sex discrimination.

Introduction

A pregnant employee has the right to take paid time off work for antenatal care. The legal right to paid time off work for antenatal care is contained in ss.55 to 57 of the Employment Rights Act 1996. The right applies only to employees and not to workers who do not have a contract of employment with the employer.

The employee must be pregnant and must have an appointment for antenatal care on the advice of a registered medical practitioner, registered midwife or registered nurse. For a second or subsequent appointment the employer may ask for a certificate showing that the employee is pregnant and an appointment card for the antenatal appointment.

Meaning of "antenatal care"

The legislation does not define "antenatal care" so questions have arisen as to whether appointments that are not directly connected with the health of the woman or her unborn child are covered. The most obvious examples are relaxation classes and parentcraft classes. As there is no ruling from the Employment Appeal Tribunal on these matters, there is some legal uncertainty as to whether or not such classes come within antenatal care. On balance it is suggested that these matters could be included and an employer's safest course of action is to allow a reasonable amount of time off for such appointments. Antenatal scans would clearly be covered.

The right to paid time off for antenatal care applies to a pregnant employee. By definition this does not include a woman who is undergoing fertility treatment and is not pregnant. However, care should be taken to consider sick pay rules and other aspects of discrimination law in relation to such employees.

"Reasonable refusal" of time off

The right is to take paid time off during working hours and the employee should not be asked to make the time up at another time. Part-time employees should be encouraged to make their appointments outside working hours but the employer will need to bear in mind that employees do not always have control over the timing of appointments with medical professionals.

Questions can arise when, for example, antenatal classes are scheduled in both the daytime and the evening, so that it might be reasonable for the employee to opt for a class that does not clash with her working hours. Employers will not, however, always have knowledge of the schedule of antenatal classes or of other restrictions that may prevent an employee attending outside working hours (such as the requirement to care for other children). In *Gregory v Tudsbury* [1982] IRLR 267 IT, the tribunal said that "there may be circumstances where it may be reasonable for an employer to refuse time off if the employee can reasonably make arrangements outside normal working hours", but it did not go on to give guidelines as to when those circumstances might apply. In this case the employer had allowed the time off but had refused to pay the employee. The tribunal said that, in allowing the time off for antenatal care and relaxation classes, the employer had accepted that it was reasonable and should have paid the employee.

An employee can bring a tribunal claim if her employer "unreasonably" refuses her request for time off. The reasonableness of a refusal will be a question of fact in each case, depending on the amount of time off requested, the employee's health during the pregnancy and whether or not she could have attended appointments outside working hours.

The employee is to be allowed time off to enable her to keep the antenatal appointment and this, therefore, covers not just the time of the appointment but also travelling and waiting time.

Legal risks

If the employer unreasonably refuses a pregnant employee time off for antenatal care, she can complain to a tribunal, which can award an amount of twice the pay that the employee would have received for the time off requested (prior to 1 October 2014, the award was an amount equal to that she would have received for the time off requested). She may claim constructive unfair dismissal and say that this is on the grounds of her pregnancy and/or that she asserted her statutory right to time off. She would not require any period of qualifying service in respect of this category of unfair dismissal. She is also likely to claim pregnancy and maternity discrimination, which can give rise to an award for injury to feelings.

External Sources of Guidance

You can also find additional information relating to Adoption Leave by accessing the following links.

ACAS

<http://www.acas.org.uk/maternity>

Government

Maternity Leave calculator

<https://www.gov.uk/maternity-paternity-calculator>

The statutory entitlement to leave & pay

<https://www.gov.uk/maternity-pay-leave>

Forms & Letters

Form ML1 APPLICATION FOR MATERNITY LEAVE

Maternity Leave: Application	
Name:	
Job Title:	
Department:	
Section A: Confirmation of Dates	
I am advising the University that I am pregnant and my expected week of childbirth is:	
I wish to take my maternity leave commencing on: (Sunday when maternity pay period will commence)	
I wish my maternity leave to end on (if this is known):	
Section B: Payment Option	
I have more than 26 weeks continuous service and can confirm that I choose option (1, 2 or 3):	
I have less than 26 weeks continuous service and understand that I do not qualify for statutory maternity pay.	
Section C: Declarations	
<ul style="list-style-type: none">• I understand that if I wish to change my maternity leave commencement date, I must give the University at written notice of at least 28 days.• I understand that if I wish to return to work before the end of the maternity leave period, I must give the University a minimum 8 weeks written notice.• I understand and confirm that I will return to work and remain for 3 months following my maternity leave.• I understand that should I fail to return to work or remain for 3 months the University will reclaim 10 weeks full normal pay, which I received as part of the Maternity Pay Scheme. I authorise this reclaim.	
Signed:	Date:

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Please give a copy of this form to your Line Manger & HR Admin Team

FORM ML2 KEEPING IN TOUCH REQUEST
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Section A: Maternity Leave – Keeping in Touch
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Name:	
Job Title:	
Department:	

I am aware of my statutory entitlement to request up to 10 Keeping in Touch days to be worked throughout my maternity leave.

I would like to request to work on the following date(s) for the purpose of Keeping in Touch:	
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Section B: Declarations

I give permission for this information to be shared with the payroll team to ensure appropriate arrangements are made in relation to my pay.

Signed:	Date:
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Please give a copy of this form to your Line Manger & HR Admin Team

Letter confirming maternity leave & pay

Use this model letter to respond to an employee who has notified her intention to take maternity leave.

Dear **INSERT NAME**

Thank you for sending us a copy of your Maternity Certificate (form MATB1) confirming your expected date of childbirth is **INSERT DATE**.

I also confirm that we have received your ML 1 form detailing your maternity leave dates and payment option.

Your statutory maternity leave entitlement consists of 26 weeks' ordinary maternity leave followed immediately by 26 weeks' additional maternity leave. During ordinary maternity leave and additional maternity leave, all terms and conditions of your contract, except normal pay, will continue. Please note that any annual leave requests must be agreed with your Manager. On your return to work you will accrue annual leave for each completed week of service to the end of the leave year.

We confirm that you are eligible to take maternity leave as requested in Form ML1 and therefore your maternity leave will start on **INSERT DATE** and end on **INSERT DATE**. If you wish at a later date to change the start date of your maternity leave, you must notify your line manager and HR Business Partner no later than 28 days before your intended revised start date.

As you have chosen Option 1, for the first sixteen weeks you will receive your normal full pay; for the subsequent 23 weeks you will receive Statutory Maternity Pay (SMP) only. You will be entitled to a further 13 weeks of leave, which would be unpaid.

OR

As you have chosen Option 2, for the first 8 weeks you will receive your normal full pay followed by 16 weeks at half pay and then 15 weeks at Statutory Maternity Pay (SMP) only. You will be entitled to a further 13 weeks of leave, which would be unpaid.

SMP is set by the government on a yearly basis and the current rate is £139.58

I can confirm your specific maternity leave and payments will be as follows:

Maternity Leave Commences:	INSERT DATE
16 weeks at full pay ends:	INSERT DATE
23 weeks at SMP ends:	INSERT DATE
13 weeks unpaid leave ends:	INSERT DATE
Or:	
8 weeks at full pay ends:	INSERT DATE
16 weeks at half pay ends:	INSERT DATE
15 weeks at SMP ends:	INSERT DATE
13 weeks unpaid leave ends:	INSERT DATE

Given the date you have chosen to start your maternity leave and have not provided a date that you wish your maternity leave to end, your additional maternity leave will end on **INSERT DATE** and you will have to return to work on the first working day after this date. If you decide to return to work before the end of your additional maternity leave, you must give eight weeks' notice of the date on which you wish to return. If you do not give this notice, or give insufficient notice, we will have the right to postpone your return date for a number of days equivalent to the unexpired portion of the eight weeks' notice period, or until the end of your additional maternity leave period if that occurs earlier.

Please note that should you fail to resume work or to remain for three calendar months at the end of your maternity leave, you will be required to repay 10 weeks of full pay (plus tax), which you received as part of the University Maternity Scheme.

If you contribute to the Pension Scheme, pension contributions will continue to be deducted for as long as you are in receipt of pay. Should you wish the unpaid part of your maternity leave to count as reckonable service for pension purposes, if you decide to take this, you should contact the pension fund directly or the University's Pension Officer to make the appropriate arrangements.

Should you decide during your maternity leave that you do not wish to return to work you will be required to repay **10 weeks full pay** to the University if you subsequently **do not return** to work for a period of three months and you have authorised the University to reclaim this in Form ML 1.

There is an opportunity for you to 'Keep in Touch' with your colleagues during your maternity leave. You may, by agreement with your Line Manager, do up to ten days' work under your contract of employment during the maternity leave period and these days will be paid at your normal rate of pay. In any event, the University reserves the right to maintain reasonable contact with you from time to time during your maternity leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

Finally, in order that our records are kept up to date, I would be obliged if you could notify me in writing of the date on which your baby is actually born at your earliest convenience.

Should you have any questions on the above, please do not hesitate to contact me by telephone on **INSERT NUMBER** or by e-mail **INSERT EMAIL ADDRESS**. In the meantime, I hope that all goes well over the coming months.

Yours sincerely

HR BUSINESS PARTNER

Letter inviting an employee to a pre-maternity-leave interview

Use this model letter to invite an employee to a pre-maternity-leave interview.

Dear **INSERT NAME**

As you are shortly going on maternity leave on **INSERT DATE**, I am writing to you to invite you to a pre-maternity leave interview on **INSERT DATE** at **INSERT TIME**.

The meeting will be to discuss the final arrangements for your maternity leave and it will also be an opportunity for you to raise any other issues that you would like to discuss. Issues that we would like to discuss with you include [list the appropriate points and expand on them as necessary]:

- how your work will be handed over to [your colleagues/name of individual doing maternity cover];
- how we will maintain contact with you while you are on maternity leave;
- the possibility of you working keeping-in-touch days while you are on maternity leave;
- how your holiday entitlement will be managed while you are on maternity leave.

Please let me know if this date is suitable for you to attend the meeting and please do not hesitate to contact me if you have any queries.

Yours sincerely

LINE MANAGER

Courtesy letter to an employee on maternity leave reminding her of her expected date of return

Use this model letter shortly before an employee is due to return from maternity leave to remind her of the due date of return and to set out any arrangements for her return to work.

Dear **INSERT NAME**

I hope that you are continuing to enjoy your maternity leave.

As you know, the arrangement was that you would take **INSERT NUMBER** weeks' maternity leave. As you commenced maternity leave on **INSERT DATE**, you are due to return to work on **INSERT DATE**, which is the next working day after the end of your maternity leave. I am therefore writing to remind you about your return date and to let you know about the arrangements for your forthcoming return to work.

You will be returning to the same role on the same terms and conditions of employment as if you had not been absent.

On your first day back at work, please aim to arrive at your normal start time and report to **INSERT LINE MANAGER NAME** so that **he/she** can ensure that you settle in smoothly.

If you have any queries prior to your return to work, please do not hesitate to contact me. Otherwise, we look forward to seeing you on **INSERT DATE**.

Yours sincerely

HR ADMIN TEAM

Model letter following request for keep in touch day

Use this model letter to respond to an employee's request to work during his or her maternity leave on a keeping-in-touch day.

Dear **INSERT NAME**

We refer to your letter dated **INSERT DATE** or to your telephone conversation regarding **Keeping in Touch Day request with your line manager**. We are delighted to hear that you are well and enjoying your maternity leave.

As you know, we are expecting you to return to work from your maternity leave on **INSERT DATE**. However, in accordance with statutory provisions, you have requested to attend work on **INSERT DATE(S)** for the purpose of attending a keeping-in-touch day.

The University is happy to agree to your request to attend work on **INSERT DATE(S)** and the payroll team have been notified in order that appropriate arrangements are put in place regarding your payment for these days.

Please be aware that once the 10 keeping-in-touch days have been exhausted, you would thereafter lose a week's statutory adoption pay for any week in which you agree to work for us during the statutory adoption pay period.

Yours sincerely

INSERT NAME
HR ADMIN TEAM