

# Family Leave - Guidance for Managers, Principal Investigators and Research Group Leaders

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## Introduction

Four in five people will become parents during their working life. At the University, in an average year around 250 staff take maternity or adoption leave, around 100 take paternity leave and a growing number of parents are taking shared parental leave. These life events are often very positive, but are also times of enormous change, and staff may need particular support.

This guide aims to give managers and supervisors of all staff the practical information that you need to support staff during their pregnancy, period of family leave, and return to work. It also provides specific advice for managers and supervisors of research staff, for whom there may be additional considerations.

Detailed information about the University's family leave schemes is available at <https://hr.admin.ox.ac.uk/family-leave>

This document gives an **overview** of the schemes only, and staff wishing to take leave **must read the full guidance** on the website, which will always be the most up-to-date source of information. Where there is any conflict between the information given here and the information in the full guidance, then the latter will prevail.

## The Equality Act 2010

Under the terms of the Equality Act 2010 being pregnant or on maternity leave is a “protected characteristic”. This means that treating a woman less favourably because of her pregnancy (or a pregnancy-related illness) or because she is exercising her right to take maternity leave is considered discrimination under the terms of the Act.

## Statutory entitlements to family leave and pay

Parents in the UK<sup>1</sup> have statutory entitlements to certain types of family leave and pay, subject to eligibility criteria. Entitlements to family leave apply regardless of marital status. The main types of leave and pay are summarised below:

### Statutory maternity leave and pay

All employed women are entitled to take 52 weeks of maternity **leave** as long as they give their employer the correct notification. Subject to further eligibility criteria, they may also be entitled to statutory maternity **pay** (SMP) of 6 weeks at 90% of salary followed by 33 weeks at a fixed rate of around £145 a week (this changes each year – the latest rates can be found at [www.gov.uk/maternity-pay-leave/overview](http://www.gov.uk/maternity-pay-leave/overview)). Women who do not qualify for SMP may be entitled to claim Maternity Allowance.

### Statutory adoption leave and pay

For those who are adopting, entitlements are identical to maternity leave for the primary adopter. The provisions apply equally to same sex couples, so the primary adopter may be male.

### Statutory shared parental leave and pay

A scheme enabling mothers/primary adopters to curtail their maternity or adoption leave and share the remaining portion of leave and pay entitlement with the other parent.

### Statutory paternity leave

The biological father or the mother's partner, provided that they have caring responsibilities for the child, may be entitled to two weeks' leave, taken in blocks of a minimum of one week, which may be paid at a statutory rate of around £145 a week (the latest rates can be found at [www.gov.uk/paternity-pay-leave/pay](http://www.gov.uk/paternity-pay-leave/pay)). This must be taken in the first year after the child is born.

### Statutory unpaid parental leave

Each parent may also take up to 18 weeks' unpaid leave for each child between birth and their 18<sup>th</sup> birthday, taken in blocks of a minimum of one week, to a maximum of 4 weeks per year. The scheme is intended to help families to deal with issues such as settling a child into a new school, etc.

For full details of these schemes see: <https://hr.admin.ox.ac.uk/family-leave> or speak to your local HR contact.

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<sup>1</sup> If your member of staff plans to take any of their leave abroad, or has a partner who works abroad, please ensure they speak to your HR contact as soon as possible as they may not have the same entitlements to payments or leave options: eligibility for statutory payments is sometimes dependent upon earnings in the UK.

Statutory benefits are paid via the University's payroll system and are then claimed back from Government (and the funds re-credited to departmental accounts).

## The University's enhanced benefits

The University offers a range of enhanced, **contractual** family leave schemes, which are intended to be a retention benefit and which supplement the social benefits provided by the statutory schemes. Staff must meet relevant eligibility criteria which a firm intention to return to work and a current and ongoing contract of employment. (See below for an explanation of how this applies to staff on fixed-term contracts.

In order for employees to be able to claim these benefits, appropriate **notifications** must be given according to a prescribed timetable. Full details of the eligibility and notification requirements are at: <https://hr.admin.ox.ac.uk/family-leave>. The website includes pro-forma documents (maternity, adoption, paternity and shared parental leave plans) which, when completed and submitted, fulfil the notification requirements.

### The University's contractual maternity and adoption leave scheme

Eligible mothers or primary adopters can take up to 52 weeks' leave made up of:

- Up to 26 weeks' leave paid at the rate of full pay followed by
- Up to 13 weeks' leave paid at the rate of Statutory Maternity/Adoption Pay followed by
- Up to 13 weeks' unpaid leave.

### The University's contractual paternity leave scheme

Eligible fathers or partners can take two weeks' leave (in blocks of a minimum of one week and within the first year after the child is born) at the rate of full pay. The provisions apply equally to same sex couples.

Fathers/partners who wish to take paternity leave must complete the notification paperwork (paternity plan) which can be found at (<https://hr.admin.ox.ac.uk/family-leavepaternity-leave>). The paternity plan asks the father/partner to indicate when they plan to take the leave, but flexibility is needed to recognise the fact that many fathers will wish to take leave at the time of the birth, which may be unpredictable.

In addition, expectant fathers/partners who have completed the relevant notification paperwork are entitled to take unpaid leave to accompany their partner to up to two **antenatal appointments**. Many researchers work relatively unstructured hours so it is likely to be relatively easy for them to 'make up' time lost for such appointments. However, in the event this isn't possible, for example because the mother's appointment is a long way away, the father/partner can choose to use annual leave, or take unpaid leave for this purpose. Expectant and new fathers can also use annual leave or request up to 10 days [additional annual leave](#) if they would like to take further time off. In the event that you need to organise deductions from pay (for unpaid leave) you will need to speak to your HR contact.

## The University's contractual shared parental leave scheme

The shared parental leave scheme is complex and not easily summarised, but in essence the mother or primary adopter **must** take a minimum of two weeks' maternity or adoption leave immediately after the birth or placement of the child. After that they may curtail their leave at any point they choose (with appropriate notice) and convert the remaining balance of entitlements into shared parental leave, which can be **shared** between the two parents. Under the statutory scheme this would give up to a maximum of 37 weeks at the rate of Statutory Shared Parental Pay followed by up to 13 weeks unpaid leave which the parents can choose to share.

The University's contractual scheme reflects the enhanced entitlements of the maternity leave scheme. Allowing for the compulsory two week period that the mother/primary adopter must take, a University employee who is taking Shared Parental leave may be entitled to up to a maximum of 24 weeks' leave at the rate of full pay, up to 13 weeks' leave at the rate of statutory shared parental pay and up to 13 weeks' unpaid leave, depending upon the amount of leave taken by the other parent.

Eligible parents have considerable flexibility about how they share the leave between them. Parents can opt to take the leave in single or multiple blocks. They can even take a period of leave together if they wish, but this will mean that the leave is used up in a shorter block of time. If anyone is considering shared parental leave it is essential that they read the full guidance at <https://hr.admin.ox.ac.uk/family-leave>. This includes some worked examples which may be helpful in understanding what is possible under the scheme.

## Annual leave

Throughout any period of family leave, in line with national legislation, staff continue to accrue their full annual leave entitlement, which they may choose to add onto the leave period, with their manager's agreement. Some departments also offer [additional annual leave schemes](#), giving up to 10 days further leave through a salary sacrifice scheme which minimises the cost (as compared with taking unpaid leave).

## Fixed-term contract staff

Staff who are employed on fixed-term contracts have the same rights to statutory and contractual family leave schemes as those on open-ended or permanent contracts, and are subject to the same eligibility criteria.

In order to be eligible for the contractual family leave scheme, the individual must either:

- have a contract which continues **throughout** the intended period of leave and for a minimum of three months beyond their return to work,
- or, if the contract is due to end during the period of leave,
- express the intention to return to work (for a period of at least three months) where work can be offered

Where a contract is due to end during pregnancy, or a period of family leave, or within 18 months of the child being born or placed in the case of maternity/adoption leave adoption leave or a block of

shared parental leave which lasted at least six weeks, the department should consult with their HR Business Partner. Employees who are pregnant, on leave or recently returned from these types of leave will be eligible for enhanced protection from redundancy under legislation, and should therefore be given priority consideration for any suitable redeployment opportunities which arise during the period in which they are considered to be at risk of redundancy (typically the final 3 months of the contract during which period they are considered to be a priority candidate). However, please note that whilst every effort should be made to support redeployment, there is no guarantee of suitable redeployment being found: suitable alternative employment (ie where the postholder meets at least the minimum essential selection criteria for the role) may not arise during the relevant period of time. If the staff member seeks redeployment but is not able to secure continued employment then they will be entitled to the enhanced benefits of the contractual family leave schemes for the remaining period of their contract only. After **their contract end date** they may still be eligible to receive statutory benefits. Where this is the case, the University will normally pay the outstanding balance in one lump sum at the contract end and reclaim this cost from Government in the normal way. Redundancy payment may also be due.

If the staff member would **not** be willing to accept a contract extension if offered, or does not wish to seek redeployment within the University (e.g. because they are intending to relocate, or are planning an extended period at home, or a career change) then they will **not** be eligible for the enhanced contractual scheme, in the same way that a permanent employee who did not wish to return to work at the University would be ineligible. However, they may be eligible for statutory payments.

## Practical management issues

### Planning for the staff absence

Discussions and planning should start as soon as an employee informs you of their intention to take leave since it will take time to gather necessary information and set in place any necessary arrangements. You should support them, with your department administrator or HR representative, to make practical arrangements for their pregnancy and family leave and think through their future career plans.

It is your responsibility - not the employee's - to make arrangements for covering their work in their absence and to liaise with funding bodies where necessary, although you should involve them in any discussions.

### Supporting the individual

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I think that a member of my team is pregnant, but they have not yet said anything, what should I do?

Nothing. It is a personal decision for a mother as to when she feels comfortable to talk about her pregnancy and any plans. You must wait until she approaches you, or you are formally advised by another member of the department (for example your HR administrator). Your staff member can inform you of her pregnancy at any point she chooses, but the **latest date**

she can do this, if she wishes to claim any maternity benefits, is 15 weeks before the baby is due. If she fails to inform you by this date she will lose her right to maternity leave and pay.

A member of my team has advised me they are pregnant/have been matched with a child for adoption/intend to take shared parental leave - what do I need to do?

- **Congratulate** them (if appropriate - take your lead from them, and remember that circumstances vary).
- Remember that entitlements to family leave apply regardless of gender or marital status. Unless you are familiar with the individual's family circumstances, do not make any gendered assumptions about the mother's partner ('your husband must be pleased!') or about who will be the primary adopter or care-giver for the child.
- Allow them to talk to you about any **immediate needs**. For example, pregnant women may be experiencing extreme morning sickness and want to temporarily adjust the time they start or finish work.
- Ask the employee when and how they intend to **share the news with colleagues**. Some people like to share news with colleagues first hand as early as possible, and some prefer to keep it **confidential** for as long as possible. It is important to respect their wishes.
- The [University's family leave guidance](#) explains entitlements and eligibility in detail. Encourage your employee to read this guidance as soon as possible. Some of the schemes (in particular shared parental leave) are complex and it is important to read them thoroughly.
- *For pregnant employees:* Arrange for your staff member to have a **pregnancy risk assessment**, as soon as possible. This is especially important where the work is physically demanding or involves equipment, substances or overseas travel that may have health risks for pregnant women. If the risk assessment indicates that adjustment of duties is required, speak to your HR contact urgently. In extreme circumstances, your staff member may be unable to continue to work in the same job for the duration of her pregnancy; in such circumstances the University would normally seek alternative work for the employee. Should this not be possible it may be necessary for her to remain off work (on full pay).
- Ask your employee whether they **intend to return to work at the University** after the birth/placement of their child – or, in the case of fixed-term staff whose contracts are due to end during leave or within three months of their return to work, whether they would return if a post were available. This is important to establish. Since the contractual schemes are a retention benefit, an employee who does NOT intend to come back to work is not entitled to enhanced pay (they may still be entitled to statutory payments.)
- Speak, without delay, to your departmental HR contact. If your employee intends to return you need to establish who will complete the **Maternity plan/Adoption plan/Shared Parental leave plan** with the employee (available on the [Personnel Services website](#)). This document collects all the important information about the planned leave, and contains pro-formas for the notifications that need to be given in order to claim entitlements. If your employee does not intend to return your HR contact can advise about eligibility for statutory benefits.
- *For pregnant employees:* After the 26<sup>th</sup> week of pregnancy your staff member will be given a form by her midwife called a **MATB1**. This is the formal confirmation of the pregnancy. If she

gives this to you, please forward it to your HR contact. The form must be submitted no later than 15 weeks before the baby is due.

- A [timeline](#) document is available to remind you of key dates that must be adhered to.

### How do I best support my staff member who is pregnant or adopting?

- *For pregnant employees:* Allow time off for **ante-natal appointments**: pregnant employees are entitled to paid time off for ante-natal appointments (and may be entitled to time off to attend other appointments such as relaxation classes if they have been formally advised by a doctor or midwife). As with any other medical appointment, it is reasonable to ask your employee to arrange appointments outside of work hours or, where this is not possible, at times to minimise disruption to their work. Apart from the first appointment, you may ask for evidence of appointments (for example an appointment letter) if you feel this is necessary.
- *For adoptive parents:* Primary adopters are entitled to paid **time off for up to 5 adoption appointments**.
- **Firm up maternity/adoption/shared parental leave start and return dates** with your employee but note that an employee may change that date as long as they give appropriate notice (for some changes this is 28 days, and for some 8 weeks notice is required) in advance of the proposed new date.
  - The earliest that maternity leave can commence is 11 weeks before the baby is due (leave starts automatically when the child is born).
  - The earliest that adoption leave can commence is 14 days before the placement date (leave starts automatically when the child is placed).
  - The earliest that shared parental leave can commence is 2 weeks after the birth/placement of the child.
- To help you and the expectant parent to **plan for the future** you may want to discuss whether they expect to return to work on the same **working pattern** after their leave, on either a temporary or permanent basis, although you can't require them to make any decisions at this point. There is no legal right to return from family leave on a different working pattern, but all employees do have the right to request [Flexible Working](#) (a permanent change to working patterns) and have that request considered. They may also wish to consider a phased return to work, for example by using up some accrued annual leave to work shorter hours or a reduced number of days for a period of time.
- Make sure you have up-to-date **contact details** and talk to your employee about contact arrangements during their leave. Consider the amount of contact they wish to have whilst on leave and the most appropriate means of contact. It is good practice to **maintain reasonable contact** with your staff member, and many colleagues find it helpful to be kept aware of changes going on in the workplace and, for example, to be invited to social events. However, this is a personal choice. Even if your staff member would prefer to have no contact with the workplace, you have a duty to keep them informed about any major changes to their working environment (e.g. a restructuring).
- Discuss **Keeping in Touch (KIT) and Shared Parental Leave in Touch (SPLIT) days** (see below) prior to your staff member starting leave.
- Advise them to consider making childcare arrangements as soon as possible - nursery places for very young babies are often oversubscribed so it is important not to delay considering



childcare arrangement. The University's own Childcare Services team [www.admin.ox.ac.uk/childcare/](http://www.admin.ox.ac.uk/childcare/) can advise on University nursery places. The University also subscribes to [My Family Care](#) which can provide expert advice about other types of childcare, as well as a range of family related issues.

It is advisable to keep written records of any agreements you have made to avoid misunderstandings at a later date. This need not be overly bureaucratic or onerous – for example, a simple email confirming the main details of your discussions would be sufficient.

### Annual leave

Entitlement to annual leave (including bank holidays and fixed closure days) will accrue as usual during both paid and unpaid family leave. Staff are usually expected to take all of their holiday entitlement during the holiday year in which it accrues, so where family leave will straddle two holiday years you can ask your employee to take at least the statutory portion (28 days) of their holiday entitlement before starting their family leave. However, if it is not practicable for them to do this for operational reasons, as a line manager you may agree that the leave can be carried forward into the next holiday year.

Your staff member may wish to request to take their accrued annual leave at the end of their family leave period, instead of taking the final portion of their leave as unpaid. This would enable them to spend more time with their child while continuing to receive pay, or to facilitate a phased return to work. However, you might wish to ask them to retain some accrued leave that they can take leave to deal with teething problems that might arise with childcare arrangements or if their child is unwell (there is no entitlement to paid leave to manage this sort of issue, leave is either annual leave, unpaid leave, or the time can be made up, by agreement.).

For part-time workers speak to your HR contact to work out pro-rated annual leave entitlements.

### Sickness during pregnancy

Absence due to sickness during the first eight months of the pregnancy is considered under the University's normal sickness absence arrangements, and records of sickness absence should be kept as normal. If the sickness is frequent, or long-term, speak to your HR contact as soon as possible.

If the absence is pregnancy-related, and occurs during the 4 weeks prior to the due date (expected week of childbirth – EWC), then maternity leave will start automatically with effect from the day following the complete first day of absence. It is important to advise your HR contact as soon as possible.

### Miscarriage and still birth

In the very unfortunate circumstances that a pregnancy ends prematurely, where this occurs before 24 complete weeks of pregnancy this is referred to as 'miscarriage', and after the 25<sup>th</sup> week it is termed 'still birth'.

**Still birth:** one in every 200 births results in a still birth. In the event of still birth, the mother retains her full entitlement to maternity leave and pay. It will be for the mother to decide whether she wants to alter her plans, but she should be reassured that her entitlement to continue with her leave as planned remains. An appropriate person (which may be the line manager, departmental

administrator, HR contact or Head of Department) should also communicate with the mother to agree how she would like the news to be shared with colleagues.

**Miscarriage:** it is estimated that one in every six pregnancies ends in miscarriage. In the event of miscarriage the mother is not entitled to maternity leave or pay. However, sick leave or compassionate leave should be considered in such circumstances. Many pregnancies end in miscarriage before the 13<sup>th</sup> week and, as a manager, you may have been unaware of the pregnancy; however, this can be a very difficult time and sensitivity and consideration are needed. If the news of the pregnancy has been shared with colleagues, you should discuss with the mother how she would like to communicate with them about the miscarriage. See our guidance on [Pregnancy Loss](#)

## Considerations for research staff

### Career advice and support

Any prolonged absence from the workplace will have an impact on an individual's career, and this is often a particular area of concern for research staff. Discussion and planning before they go on leave can help to minimise this. However, as every individual has different concerns and aspirations it can be a difficult conversation to manage. You may need to talk through different scenarios and the individual's personal priorities.

- A 'buddy' can be very useful to help individuals think through their options and priorities before they talk through practicalities. If your employee would be interested in this and you aren't able to identify someone to act as 'buddy' then contact your HR team, who will try to help.
- Try not to make assumptions about how your employee might want to continue their career – inside or outside of University research/academia, and on what basis. Take your prompt from them and tailor your advice accordingly, for example:
  - o If your employee is an established researcher who wishes to maintain their career trajectory towards a more senior role, how can the impact of the absence be minimised? How can your researcher be supported to maintain their visibility with networks, or conferences? (My Family Care can arrange childcare all across the UK).
  - o If your researcher is thinking about making a next step towards a fellowship, a family leave break can provide an ideal opportunity to take a step back and think about how they want to specialise. How can you support them to consider their options?
  - o If your researcher is happy in their current role, focus your support on establishing appropriate contact during the absence and facilitating a smooth return to work. Think about how they might be involved in any future funding plans.
- Your advice may also vary according to the stage the research is at:
  - o Should and can it be put on hold? If it is to be continued, what agreements do you need to make about authorship? If it is to be put on hold what are the implications for maintaining competitiveness in the field?
  - o Is the work ready to be presented? Could KIT or SPLIT days be used for this purpose? Should someone else do this on their behalf?

- Consider how much leave they intend to take and whether this is compatible with the amount of involvement they wish to have with the workplace (see section below on working while on leave). While this is a personal matter, which you should not seek to influence, it is worth remembering that only the first two weeks of maternity or adoption leave are compulsory. After this, it is entirely up to the individual to decide how much leave to take and whether to share leave with their partner.
- Think through what level of communication during leave is most appropriate to support their aspirations, and how to maximise the benefit of KIT and SPLIT days.
- Work together to put in place a plan for how their work will be covered during their absence (see below).
- Support your staff member to put in place a plan for their return to work in advance, in order to get back up to speed quickly and focus on the most important areas of work.
- Consider whether an application to the [Returning Carers' Fund](#) would support them with their goals.

### Supporting your research needs – the Framework for the management of family leave for research and academic staff

In all cases where a member of your team is going to be away from the workplace for an extended period of time you will need to think through the practicalities of how the work they do will be covered in their absence or completed on their return.

The University's Framework for the management of family leave for research and academic staff (see appendix to this guide) outlines the agreed process for reaching such decisions, which should be based on operational need rather than financial considerations.

## During Maternity, Adoption and Shared Parental Leave

### Communicating with staff whilst on leave

Whilst your employee is absent from the workplace you should keep in touch with them, as agreed in advance. If your team hold social events consider inviting any staff who are on leave (unless they've previously indicated they'd prefer not to). Some people can feel isolated whilst on leave and continuing to be involved in social activities can be welcome and ease the return to work.

Remember that the contract of employment continues during the period of family leave; it is important that your employee continues to receive any formal communications and that they continue to be included in any planning exercises.

### Working whilst on leave

With the exception of KIT and SPLIT days (see below), employees who are on maternity, adoption or shared parental leave are not allowed to work, without compromising their entitlement to payment. **You must not allow, expect or encourage a staff member to work during a period of family leave, except on mutually agreed KIT or SPLIT days.**

However, the University does recognise that some employees wish to remain more engaged with work whilst they are on leave. If this is the case:

- Individuals are allowed to maintain ‘reasonable contact’ and should determine for themselves how much they wish to keep up-to-date with their area of research or with the workplace.
- Only the first two week period of maternity or adoption leave is compulsory. Following this period, it is entirely up to the individual to determine how much leave they wish to take.
- Maternity or adoption leave cannot be stopped and restarted – once an employee has returned to work, any further leave must be taken as holiday or unpaid leave. Shared parental leave is more flexible and be taken in discontinuous blocks, and also offers a greater number of ‘in touch’ days.
- A phased return to work, where this can be accommodated, can also offer greater flexibility. This might involve returning to work but using accrued annual leave entitlement to work shorter hours for a short period to enable them to get back to their research at a point that feels right to them, whilst still spending time with their family.

### Keeping in Touch (KIT) Days

During a period of maternity or adoption leave employees may do up to 10 days’ work, known as Keeping in Touch (KIT) days. This can be beneficial to help your employee keep up to date with the work they will be returning to, for example to attend team meetings, or attend training or a conference. However, there is no obligation for an employee to work whilst on leave and no obligation for you to agree to an individual’s request to work a KIT day. You and your employee must agree in advance what they will do during any KIT days.

Any day on which the individual works, even if for only a few hours, counts as one KIT day. The individual should be paid, if appropriate, but never more than their normal full time rate of pay. So, for example, if a KIT day falls on a day during the full-paid leave period no additional payment would be due. However, if the day falls on a day during the period of statutory pay or unpaid leave, then you should ask your HR contact to make sure that the employee receives their normal rate of pay for the work they have done. You may need to check that funding is available to pay for KIT days before agreeing them, particularly where a maternity/adoption/shared parental leave cover has been recruited.

### Shared Parental Leave in Touch (SPLIT) Days

In addition to any KIT days taken during maternity or adoption leave, if parents choose to take up the option of shared parental leave, then each parent has an additional entitlement to up to 20 Shared Parental Leave in Touch (SPLIT) days. The principles governing working and pay for KIT days apply equally to SPLIT days.

### Changing plans

Having a child is a life changing experience and people’s circumstances and feelings about work can and do change once the baby arrives, particularly if the mother or child are unwell, or the adopted child has difficulties settling.

If an employee wishes to change their planned return to work date then they must give a minimum period of notice (this will be explained in the detailed guidance for the relevant scheme – see <https://hr.admin.ox.ac.uk/family-leave> ).

If your employee asks to return on a different basis (eg to work different weekly hours), give sympathetic consideration to the request. Your staff member has the statutory right to formally request a permanent change to working conditions and, whilst you do not have to agree a change, you do have a duty to seriously consider the request and give reasons for any request that is turned down. Under the University's Flexible Working procedure applications must be dealt with following a set procedure and timescale. It may also be appropriate to consider an informal request for temporary change to working patterns or a phased return to work. Further information can be found in the Flexible Working section of the HR website (<https://hr.admin.ox.ac.uk/flexible-working>).

If the employee decides they do not want to return to work at all, contact your HR contact as soon as possible to make arrangements. In such circumstances any contractual pay will normally be reclaimed from the employee since it is only payable to employees who return to work for a minimum of three months after their period of leave. The statutory element is not reclaimed.

## Returning from maternity, adoption or extended shared parental leave

### General principles

Your staff member will have informed you of their intended date of return to work in their maternity, adoption or shared parental leave plan.

For health and safety reasons, your staff member cannot, in law, return to work within two weeks of the birth or placement of a child.

If your staff member is returning during or at the end of the first 26 weeks of family leave they are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent. After more than 26 weeks' leave they are entitled to return to the same job on the same terms and conditions of employment or, if that is not reasonably practicable, to a similar job. You cannot refuse to accept an employee back to your team. (NB this provision does not apply where a fixed term contract has ended during the period of family leave).

### Helping returners to settle back into the workplace

Do not assume that your team member can "pick up where they left off". They may have been away from their job for a significant number of months. There may have been workplace or procedural changes that need to be explained. Allow them some time to catch up and bring themselves up to speed, even if this is only for a day or two.

It is recommended that you carry out a re-induction to the workplace and introduce any new members of the team. You may need to provide updated policies and information about any major changes that have taken place whilst they've been away. You should also arrange a handover of any work tasks that have been covered during the leave period.

It may be beneficial to hold regular one-to-ones during the first few weeks and arrange a PDR meeting to agree priorities, plan workload and consider any training or development needs. This will help your staff member to maintain focus on the most important aspects of work and not feel overwhelmed by their return. They may also find it helpful to speak to a mentor, coach or buddy to help them adjust to balancing the demands of work and family, and explore whether their feelings

about their career have changed. If your team member has returned from leave to work part-time (or on an agreed phased return) after previously working full-time, you may need to help them plan their workload and adjust everyone's expectations.

You should also consider and agree when you hold team meetings and ensure they are within core office hours to enable participation by new returners (and other team members with caring responsibilities).

## Breastfeeding

If your team member advises you that they intend to breastfeed or express breast milk after they have returned to work (including during KIT/SPLIT days), you should undertake a risk assessment. Very rarely, specific workplace hazards will mean that a woman cannot return to her normal role whilst breastfeeding. If this should be the case, contact your HR Business Partner in Personnel Services for advice.

You should also make arrangements for access to facilities such as a room where they can be private (not a toilet/bathroom) and space in an appropriate refrigerator for the employee to store expressed milk.

There is no legal right for workers to take time off to breastfeed, but you should be as flexible as possible to accommodate such requests. The Equality and Human Rights Commission recommends that you should permit breastfeeding employees to take additional breaks of up to one hour per full working day to feed their baby or to express their breast milk. Note that a refusal to allow a woman to express milk or to adjust her working conditions to enable her to continue to breastfeed may amount to unlawful sex discrimination. However, there is no right to bring the baby into the workplace to be fed, and bringing children into University facilities would need a careful risk assessment to be in place and for eg insurance arrangements to be checked and safeguarding issues to be addressed. Any concerns should be raised immediately with your local HR team.

## Other family issues

### Taking time off to look after a child

It is common for children to have difficulties settling into childcare arrangements and for them to pick up minor illnesses. New parents should consider what back-up arrangements they have for occasions when they will need to care for a sick child. It may be appropriate to encourage your employee to save up some of their accrued annual leave entitlement to deal with occasions where they are unable to attend work for childcare reasons. To avoid later misunderstanding, it is helpful to ensure that your employee understands that sick leave entitlements only cover illness of employees, not their dependents' illnesses, and that the provisions for paid leave to deal with domestic emergencies cover only unexpected, genuine emergencies.

See <https://hr.admin.ox.ac.uk/leave> for further information.

Guidance for employees who are parents and carers is available at <https://hr.admin.ox.ac.uk/support-for-parents-and-carers>

If holiday entitlement has been exhausted, then unpaid leave can be granted, or it may be possible to look at whether there is flexibility for working from home, or making up the lost time. Where leave can be planned (for example, where it is needed due to planned medical treatment) staff may request unpaid leave through statutory unpaid parental leave scheme

<https://hr.admin.ox.ac.uk/unpaid-parental-leave>

## **Fertility Treatment**

It is common for people to be worried about telling their employers that they are having fertility treatment due to concerns about confidentiality or about the impact that this may have on their career prospects, or they may simply think that they won't be taken seriously. One in seven couples in the UK is thought to be affected by infertility and the emotional impact of going through tests and treatment should not be underestimated. Couples undergoing fertility tests or any form of treatment will have to attend a variety of medical appointments and investigations to discover the cause of the problem, which may take months or even years. The timing of appointments may not be very flexible and an employee may need to take time off during their normal working hours to attend appointments. Allowing some flexibility, particularly in roles where hours of work are flexible, is important.

Where an individual discloses to you that they are undergoing investigation and/or treatment, then the normal arrangements concerning paid leave to attend medical appointments or treatment will apply. In addition, the University offers those undergoing fertility treatment up to two days' paid leave per twelve months to take where other sickness or treatment leave does not apply. For example, for normal medical appointments staff are expected to arrange appointments to have the minimum impact on the working day, but for a fertility intervention an individual may wish to take the whole day off.

For further information see <https://hr.admin.ox.ac.uk/fertility-treatment-leave>

## Checklists for Managers – Maternity, adoption or shared parental leave

*This checklist is non-exhaustive.*

*It only applies where individuals intend to return to work after their child is born/placed for adoption. In other cases the HR contact can advise on SMP and leaver arrangements.*

<b><i>On hearing from employee that they are expecting a child</i></b>	
Speak to HR about who will complete the relevant family leave plan	
Direct your employee to the full University Family leave guidance webpages	
<i>For pregnant women:</i> arrange a pregnancy risk assessment	
Discuss arrangements for time off for ante-natal or adoption appointments	
Agree when/how the individual wants to announce the news	
Identify a 'buddy' if appropriate	
<i>For fixed-term contracts</i> – will the contract end during or within 3 months of the planned period of leave? If so, ensure early consideration is given to possibilities for extension/redeployment	
Discuss the leave start and return dates	
Consider whether you need to organise cover for the post	
Inform sponsor of interim arrangements (or seek consent if appropriate)	
Advise the employee they can register for My Family Care	
<b><i>Before the leave begins</i></b>	
Agree whether accrued annual leave will be taken before leave	
Ensure MATB1 has been passed to HR contact	
Finalise plans regarding start and return dates	
Agree contact arrangements for the leave period	
Discuss/agree Keeping in Touch/Spared Parental Leave in Touch Days	
Have 'career support' discussion	
<b><i>During the leave</i></b>	
Keep in contact with team member during the leave as agreed	
If they work any KIT/SPLIT days, consider risk assessment if they are breastfeeding	
If they work any KIT/SPLIT days, arrange payment, if applicable	
Inform HR of any change of plans	
Arrange a re-induction (eg introductions to new members of staff, information about new or changed policies, discussions about any changes to work patterns)	
<b><i>When the employee returns to work</i></b>	
Consider PDR, regular meetings, other supportive career measures	
Will they be breastfeeding? If so, complete risk assessment and arrange private space and fridge space.	
Discuss workload priorities, especially if changing hours.	
Follow up on any agreed change in hours/inform HR/Payroll	



# Appendix: Framework for the management of family leave for research and academic staff

## Background

1. The University's staff benefits allow for employees to take extended periods away from the workplace for family reasons. For the purposes of this Framework, the term 'family leave' is used and intended to encompass maternity leave (up to 52 weeks), adoption leave (up to 52 weeks) and shared parental leave (up to 50 weeks)[\[1\]](#).
2. Whilst the extended absence of any member of staff creates difficulties within a workplace, there are particular financial, operational and contractual issues to consider in managing the absence of a researcher who has been engaged to work on a research project funded by an external sponsor, or of the principal investigator (PI) of such a project.
3. It is recognised that not every member of staff will wish to continue working after the birth or adoption of their child. It is also recognised that some research staff will be employed on projects which end during or soon after the family leave absence, making some of the provisions below irrelevant. This Framework focusses on arrangements for staff who will have an ongoing employment relationship with the University.

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[\[1\]](#) *The University also offers paternity leave, but since this is limited to two weeks no special considerations or provisions are required.*

## Aims and Principles

4. The purpose of the Framework is to minimise the impact of an extended period of family leave on a research project and wider team, and to ensure that the University is able to deliver on its research and teaching commitments.
5. The University also recognises the importance of supporting the career progression needs of the member of staff taking family leave. It has addressed this through providing [guidance](#) on the issues to consider and establishing the [Returning Carers' Fund](#) to support individual members of staff to re-establish their research following a period of family leave.
6. The University believes that all research and academic staff, regardless of their department or funder, should be treated equally in terms of the process that is followed to reach decisions about how the work they would otherwise have done is managed during a period of family leave. This Framework sets out that process.
7. The University recognises that each situation will be different and involve variables such as the rules of the funder, the size of the research group, the nature of the research and whether an individual's skills are readily replaceable. However, it recommends that a cover

post should be recruited or a contract extension equivalent to the period of leave taken be arranged where there is a clear operational need and it would be feasible to do so.

8. Decisions should not be influenced by financial considerations. Departments should contact their divisional office to discuss arrangements for meeting any additional costs.

### **Postdoctoral researchers and Research Fellows without direct reports**

9. Planning for a period of family leave should begin at as early a stage as possible to allow time for recruitment of a replacement where this is the desirable outcome.

10. All decisions regarding whether to recruit a cover post or arrange a contract extension should be governed by operational need. The research programme, as agreed with the funding body, should be reviewed and a plan of the work that needs to be continued during the absence in order for the research to be completed as planned be drawn up. Factors to consider include:

- How long will the researcher be absent for?
- To what extent will their absence impact on the agreed timetable for the work?
- Do all aspects of their current work need to be continued or are some more critical than others?
- Can some or all of the work be redistributed without putting undue pressure on other members of the team?
- Is recruiting a replacement feasible in terms of likely availability of a researcher with suitable skills?
- Does a replacement need to be at the same grade or would a lower grade post be able to cover key aspects of the work?
- Would a contract extension for the post holder be appropriate?

11. All decisions should be made in close consultation with the individual going on leave to ensure the best possible outcome for all parties and where relevant include discussion with other members of the research team. Such discussions should be approached positively.

12. Responsibility for obtaining any necessary information on research funders' rules and processes, and for finding solutions to any difficulties caused by an absence, lies with the PI, with support from their departmental HR officer, administrator and finance/grants manager. For further guidance, see Communicating with Funders.

13. The University recognises that a period of absence impacts on the career of an individual. Every effort should be made to support the member of staff through thorough discussion and planning in advance of the leave period and adequate support on return to work. See the guidance document for managers and supervisors for a checklist of points to discuss.

### **Academic staff and Research Fellows with direct reports**

14. Research funders rarely allow costs relating to the maternity leave of PIs to be reclaimed, although rules vary and some may make allowances on a case-by-case basis.

15. The absence of a PI can have a significant impact on their own research and the future careers of those they supervise. Staff on family leave are not permitted to work, unless using Keeping in Touch (KIT) or Shared Parental Leave in Touch (SPLIT) days. Many PIs choose to use these for the purposes of providing some ongoing supervision and support to their research group but frequently do not find these to be sufficient. It should be noted that KIT and SPLIT days are optional and that there is no obligation for a member of staff to work during family leave if they do not wish to do so.

16. The individual going on leave is likely to be best placed to define what support is needed during their absence and return to work to keep their research on track. They should be allowed to guide decisions, with the support of their Head of Department or Faculty Chair.

17. It is unlikely to be possible to fund a like-for-like replacement but careful consideration should be given as to how to manage:

- The day-to-day administration of the research project, including meeting any reporting deadlines specified by the research funder;
- Management and direction of the research team;
- Supervision of DPhil students;
- Teaching responsibilities.

18. It is strongly recommended that wherever possible and desirable, some sort of cover is provided. This might include:

- Considering how the absence might act as a career development opportunity for others, e.g. allowing postdocs to gain experience of teaching or DPhil supervision;
- Paying one or more postdoc(s) an 'acting up allowance' to take on additional responsibilities;
- Asking another PI in the department to provide some mentoring for those taking on additional responsibilities;
- Recruiting a lower grade cover post to take on some of the responsibilities (to backfill either the PI or postdocs within the group who are 'acting-up').

19. Where cover is not possible, for example where an academic teaches a specialised subject, other solutions might include:

- Sharing responsibilities among colleagues (but only where this can be done equitably and without placing undue pressure on them; consider reducing their other responsibilities);
- Reducing other responsibilities (e.g. administrative duties) to allow a greater amount of teaching to be done before and/or after leave;
- Making use of existing mentoring arrangements to ensure that each member of the group has a source of personal support.

20. The PI should be mindful that other team members and students may be concerned about what will happen during their absence, and communicate with them clearly and regularly about the arrangements that are being put in place.

## Communicating with funders – advice for PIs

21. Different funders have different approaches to family leave, funders vary their approach (and often have different rules for their different schemes), and funders' rules frequently change. This being the case it is impossible to provide a clear and comprehensive overview of how our major funders treat family leave.

22. When a researcher on the grant informs you that they are expecting to take family leave you should contact the research funder to clarify their policy. While some funders request that you wait until the person returns from the absence, our advice is to contact the funder upfront to ensure that you understand all the options available for you to allow effective grant management.

23. Before contacting the funder you should go through the terms and conditions of your grant and/or associated award letter.

24. The following questions should be considered when looking at the terms and conditions and then clarified with the funder. Note: answers may be scheme-specific and some answers may be mutually exclusive for some funders.

- Can funding be used to meet net leave costs (the amount paid to the individual less the amount that can be recovered through Statutory Pay from HMRC)? If so, how should this be reported?
- Can the PI apply for additional funding to cover net leave costs? If so, when and how?
- Can the PI apply for a no-cost time extension where leave causes a delay in research? If so, when and how?
- Can funding be used to meet the costs of substitute appointments? If so, how should this be reported?
- Can the PI apply for additional funding to meet the costs of substitute appointments? If so, when and how?
- Does the grant need to be put into suspension? If so, when and how?
- What action can be taken if the post/project ends whilst the staff is on leave?
- How/whether to report leave and keep-in-touch days on timesheets (where relevant)?