

Returning to work

A guide for employers



With thanks to our sponsors



Our thanks go to all those working mothers, line managers and organisations that contributed to creating this guide. Thank you for your time and for sharing your experiences.

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Introduction

Women make up nearly half of the workforce in the UK and more than 80% will become mothers during their working life. With the average age of motherhood in the UK being 30, most women at work over this age will also be working parents.

Returning to work after having a baby is a transition. It is part of a process that begins as soon as an employee becomes pregnant. As with all change, effective preparation will help you, your employee and the wider organisation to benefit from a smooth transition with a positive outcome for everyone.

This guide provides the tools, tips and advice that will help you to develop good working practices for maternity leave.

My employee has told me she's pregnant

Finding out one of your employees is pregnant need not be a daunting or negative prospect.

Laying the foundations for a smooth return early on, will facilitate an easier transition back into the workplace after maternity leave.

This section covers:

- Checklist for employers
- Has your employee told you in writing that she is pregnant?
- Basic maternity rights
- Completing a risk assessment
- Antenatal appointments
- Administering Statutory Maternity Pay (SMP)
- Holiday entitlement

"We want to support our employees in all phases of their lives. In return they support us. Recruiting and training people is costly, it doesn't make sense to lose people".

Irene Allen, Founder and HR Director at Listawood

Checklist for employers

- Agree a date to meet with your employee to start planning a smooth transition
- Check employee knows their obligations of what to provide in writing and when
- Agree a date for a risk assessment
- Ask your employee if there is any specific advice from their doctor or midwife relating to work
- Identify key dates:
 - > Baby's due date
 - > Dates of antenatal appointments
 - > Dates for maternity leave
 - > Date returning to work
- Give your employee a copy of the booklet "Back to work: a guide for parents"
- Provided information on organisations maternity policy and flexible working policy
- Schedule time to research or develop your organisation's maternity policy and flexible working policy if you do not already have them
- Scheduled time to research your legal obligations if you do not already know them

Has your employee told you in writing that she is pregnant?

As with all medical conditions, your employee does not need to tell you she is pregnant. However, if she wishes to take maternity leave she is obliged to provide written notice of when she wants to take maternity leave no later than the end of the 15th week before the week in which her baby is due unless this is not reasonably practicable. The 15th week is known as "the qualifying week" at which time she will be about 25 weeks pregnant. The week in which the baby is due is known as the "Expected Week of Confinement" or EWC.

Often an employee will inform you verbally well before this date enabling you to work together in planning a smooth transition. As soon as you know your employee is pregnant it is a good idea to agree a date to start the planning process.

The earliest a woman can start her maternity leave is 11 weeks before the baby is due. Many people don't know when or how they have to give notice, so it's helpful to explain to your employee what information you need from her.

When you receive the notice, you should write back telling her when she is due back from maternity leave. This is 52 weeks after she starts it. You are supposed to give this notice within 28 days of the notification of maternity leave.

A woman can change her start date if she gives you at least 28 days' notice before

the earlier date. It will help if you talk about this – you can be more flexible if you feel this is manageable. More information about maternity leave arrangements you need to make is on the Business Link website www.businesslink.gov.uk

If an employee has not notified you she is pregnant in writing, you may have no specific obligations, but if you suspect an employee is pregnant you must not discriminate against her because of this. Any less favourable treatment of a woman because she is pregnant is sex discrimination. You do also need to have a general risk assessment in place.

Basic maternity rights

Your employee is entitled to 52 weeks maternity leave, regardless of length of service or the number of hours worked. Maternity leave is divided into two halves:

- First 26 weeks is known as Ordinary Maternity leave (OML)
- Second 26 weeks is called Additional Maternity Leave (AML)

There are slightly different rights to return to work depending on whether your employee returns during or at the end of OML or AML. If your employee wants to claim Statutory Maternity Pay (SMP) or Maternity Allowance (MA) then she needs to provide you with written evidence of her due date, this should be done no later than 28 days before she wishes to be paid, that is 5 weeks before her due date. This evidence

My employee has told me she's pregnant

is usually a maternity certificate or MAT B1 signed by her midwife or GP. The MAT B1 certificate is usually available on request by the expectant mother from week 20 of her pregnancy. For more detailed information please see the Working Families fact sheet Maternity Leave and Pay.

Completing a risk assessment

All workplaces should have a general risk assessment which includes making sure that it is a safe place for pregnant women and new mothers to work, and which identifies any risks to women of childbearing age who could be pregnant in the future. As part of this, you should make sure that women are aware of the need for notification of their pregnancy if they feel a specific risk assessment is needed.

Once you are notified in writing that a woman is pregnant, and there is a potential risk, you must carry out a specific risk assessment. This could include the factors you already know about from the general risk assessment, and anything raised by the woman's doctor or midwife. If you identify any risks, you must take steps to remove them by adjusting your employee's working practices or hours of work – with no loss to pay. You can find more information about health and safety for pregnant women at www.hse.gov.uk

You may need to carry out further risk assessments during the pregnancy, as risks will change over time depending on

how a woman's pregnancy affects her, and what tasks are carried out in your workplace. You can make this easier by offering to have a meeting a few weeks after the implementation of the steps from a risk assessment, to see how things are going. You can also make it clear that your employee can approach you at any time if she feels that different risks have arisen or steps which have been taken are not working to remove the risk.

Antenatal appointments

Pregnant employees have the right to paid time off for antenatal appointments. As well as scans and appointments with the midwife, this can include relaxation and parentcraft classes. If an appointment has been made on the advice of a GP, nurse or midwife, it counts as antenatal care. After the first appointment, your employee must provide proof of the appointment and of her pregnancy.

You cannot unreasonably refuse paid time off for antenatal care. A woman must also be paid for additional time which she may spend waiting for and travelling to and from an appointment.

Administering Statutory Maternity Pay (SMP)

The earliest an employee may start maternity leave is 11 weeks before the week the baby is due (about 29 weeks pregnant). This provides you with a minimum of four weeks notice. An

employee can work right up to the birth if they wish. There is a compulsory two weeks period of leave after an employee has given birth (unless they work in a factory, when they must take four weeks off after birth). For more detailed information please see the Working Families fact sheet Maternity Leave and Pay. She doesn't have to give you notice for statutory maternity pay until 28 days before she wants it to be paid, but it's much easier if she does this at the same time as giving you notice to take maternity leave, which should be by the end of the 'qualifying week', when she will be about 25 weeks pregnant.

There is much more information on how to administer SMP on the Revenue website (www.hmrc.gov.uk) and from their employer helplines **0845 60 70 143**.

If your employee is not entitled to SMP you must issue form SMP1.

Holiday entitlement

Your employee may want to take holiday before her maternity leave starts, including some of the holidays she will accrue during her maternity leave. It's much better to talk about this in advance. Discuss whether you will allow holiday to be carried over into the next leave year, and what will happen to holidays if the baby is born early whilst she is on annual leave.

More information about holiday entitlement during maternity leave is available on

www.businesslink.gov.uk, which also includes useful information about how to manage your pregnant employee.

Tips:

- **DO** congratulate your employee.
- **DO** agree a date and time for the next meeting to discuss how to prepare for a smooth handover.
- **DO** provide her with any written policies you may have on pregnancy, maternity leave and flexible working. If you do not have these, then agree a timeframe in which you can either find out who knows about these things in your organisations or have time to develop them.
- **DO** Keep a record of phone calls, emails and meetings etc.
- **DO** encourage your employee to start thinking about how she will want work and family to fit together in the next phase of her life.
- **DO** agree a date quickly for a risk assessment.

Avoiding the bumps

The more preparation and thought put into managing maternity the smoother the return to work will be. The best way of avoiding the bumps is to work with your employee to build a plan which suits you both.

This section covers:

- Job assessment
- How to tell other people at work
- Maternity cover and handover plans
- Keep in touch plan
- Performance review
- Back to work plan
- Creating a phased start back into work
- KIT days
- Concerns
- The final send off
- Pre-maternity leave checklist

Job assessment

The impact of maternity leave will depend on the role your employee does. If the role involves contact with external stakeholders, clients or suppliers, the handover plan will be different from a role that is internally focussed. Either way, a detailed analysis of the role will enable you to identify the options and competencies needed for maternity cover, build a plan of who to tell and when and also a handover plan and re-induction plan. It will also be a useful starting point for understanding the feasibility of flexible working if this is requested. For further information you can download the Working Families Job Assessment tool.

How to tell other people at work

Other employees will probably have questions or concerns about changes to their own work or the level of service that may be brought about by pregnancy and maternity leave. Other factors that may affect when and how you and your employee tell people is the culture of your organisation and the known or anticipated ambitions of colleagues.

As an employer, you need to be aware that some relationships with people within or outside of your organisation may change after announcing pregnancy. In a small number of instances you may find that your employee is deliberately or inadvertently excluded from key meeting or decisions. This often happens because people are

making decisions that they think are in the pregnant employee's best interests. If you have concerns or worries about your employee's ability or willingness to do tasks because of her pregnancy, then it is always better to ask. Exclusion will erode the trust and loyalty of your employee and could be seen as discrimination.

It is also natural for people to feel protective or curious about a woman's growing bump. Your pregnant employee may be fine with this; on the other hand it may make them feel uncomfortable. Ensure that your employee is confident in approaching you for support if unwanted attention becomes a problem. If it is not dealt with and causes stress then it could make it difficult for the employee to work, cause health problems or be considered harassment.

Maternity cover and handover plans

There are many options for covering maternity leave. What you need to do will depend on the employee's job, the length of maternity leave, other people's responsibilities and the demands of the workplace and also the size and resources of your organisation.

If your employee plans to return to work during or at the end of OML then she has the right to return to the job she was doing before maternity leave. The plans for maternity cover should reflect the temporary nature of maternity cover.

Common options for maternity cover are:

- Temporary replacement with a single person; this could be a transfer from another part of the organisation, allowing a junior member of the team to step up or recruitment of a temporary employee or contractor. Ensure that this is understood as a temporary position from the outset.
- Dispersal of responsibilities throughout the remaining team. Breaking a role down like this can be useful if the employee wants to return on a part-time basis.
- Postponement of activities.

Work with your employee to build a handover plan that includes when and who will take on each part of her role. This will also enable the person picking up the role to prepare and to have a suitable amount of time for shadowing if required. Your employee may want to use holiday to reduce the number of days she works per week at the end of her pregnancy. This is useful if she has been advised by her doctor or midwife that she is likely to be very large or there is a risk of premature birth. Your employee can use health and safety rights or sick leave, instead of holiday. There are advantages for both of you if she chooses to do this. There is a lower risk of unforeseen absence and her confidence and a good level of performance is more likely to be retained.

Avoiding the bumps

“I had never managed a pregnant or returning mother prior to Kate and knew nothing about what was involved. Luckily Kate had worked in HR in the past and was able to guide me through most of the process. I took a very logical and practical approach to managing maternity, planning it out like a project and ensuring a three month handover at the beginning and end of Kate’s maternity leave”.

Paul Smith, Manager at DHL

“The biggest challenge was covering maternity leave. I would definitely do a proper job assessment before leave. Then I would use this to divide up the job and create a planned and transparent handover with clear roles and responsibilities.”

Nigel Daly, a manager at Capita Symonds

Keep in touch plan

Whilst on maternity leave your employee is still an employee. You have a duty to keep her informed – as with any other employee – of things like organisational changes, changes to practices and policies and information such as vacancies. Agree with your employee how she would like to be informed, e.g. by phone call, email or letter.

There are only two things that an employee is required to do legally to keep in touch whilst on maternity leave:

- Inform her employer of her birth if this comes before her maternity leave starts or she returns to work within 6 months of the birth.
- If she plans to return to work before the end of her statutory entitlement of 52 weeks, then she needs to provide eight weeks formal notice.

Anything else to keeping in touch is up to you and your employee.

Discuss and agree with your employee how she would like to keep in touch. This could be a phone call every month, meeting up socially or it could be popping in to work to show off her new baby. Remember that in the first few weeks, she will be a new parent and quite possibly preoccupied, learning new skills and coping with sleepless nights. More information on contact with your employee during her maternity leave is available from www.businesslink.gov.uk

Performance review

You may find it useful to do a performance review prior to going on maternity leave. This will provide a good baseline for which to return to work and also ensure that any performance related pay and benefits are received as appropriate. Your organisation may have a formal process for conducting performance reviews, if not you can use the [career assessment tool](#).

Back to work plan

One way of managing a smooth return to work is to create a phased start that refreshes skills and rebuilds relationships and confidence. It is also very common for a returning mother to have feelings of anxiety about coping with her new responsibilities and ability to do the job.

If you have a good relationship with your employee, then now is a good time to talk informally about possible flexible working options. At the very minimum, you should make sure that your employee is informed of your flexible working policy and knows how to request flexible working should she

want to. There is more about this in the next section of this guide.

The back to work plan should also include a period of handover from the maternity cover. This will probably be a reversal of the handover that happened prior to maternity leave. A back to work plan should also include:

- A personal welcome back from the line manager
- Time to rebuild social contacts
- Time to refresh skills
- Time to get up to speed on process changes and project status
- Opportunity for informal feedback to rebuild confidence
- Informal review with line manager at two weeks
- Formal review and objective setting with line manager at two months

Creating a phased start back into work

Creating a phased start has been shown to be one of the best ways to get back into the swing of working; this can be done by starting mid-week or using KIT days towards the end of maternity leave. Accrued holidays can also be used to temporarily create part-time working after your employee’s official start back to work. There is no obligation to do this, so it is best to discuss the options with your employee.

“It felt really odd going back to work, I was really nervous as I knew it would be completely different from being at home. But, after I got in a round of coffees, it was as if I had never been away.”

Sarah, finance clerk

Avoiding the bumps

KIT days

Keeping in Touch, or KIT days, are days within the maternity leave period which do not break maternity leave. An employee may work for up to 10 days without bringing maternity leave to an end or losing Statutory Maternity Pay (SMP) or Maternity Allowance (MA). These days are known as Keeping In Touch days (KIT days) and can only take place if both you and your employee would like them to.

An employee cannot be made to work during maternity leave, nor can they demand to have work during maternity leave. The new regulations on KIT days do not say anything about how much an employee should be paid for working. However, there are other rules about pay – under the National Minimum Wage Act and the Equal Pay Act and your employment contract - which you must stick to. SMP is paid as normal during the week in which an employee works a KIT day. It will then be a matter for agreement between you as to how much they get paid on top of that. Many employers will probably top up the SMP for the day on which they have worked in order to make it up to a normal day's pay, or they may just pay a normal day's pay on top of SMP.

Concerns

In the same way that you may have concerns about the impact of maternity on the performance of your team or organisation, your employee may be concerned about their role. Many organisations are now realising the very strong business case of employing women at all levels and work hard to build a culture that is inclusive.

The final send off

How you mark your employee's last day before maternity leave will depend on the culture of your organisation. Every positive action will reinforce the employee's feelings of being a valued member of the team and motivate her to return. Thank her for her contribution and ensure that the send off reflects the temporary nature of maternity leave. Allow time during her last day for her to gain closure with her key stakeholders, as this will complete the handover process,

"Working KIT days was really important. I had an agreement with my line manager and my colleague who was covering me that if there was extra work that needed doing, I would try to pick it up. I kept a record of my hours and this came out of the 10 days KIT allowance. It meant that we got the work done, Happy didn't suffer and I kept in touch!"

Vicky Hull, maternity returner at Happy

Remind the stakeholders that this is a temporary situation and ensure that she is seen as professional. It is common to organise a small collection, good luck card and cakes.

Tips:

- **DO** assess the relationship you have with your employee prior to any discussions about maternity leave and flexible working.
- **DO** keep a written record of all meetings and phone calls that discuss maternity leave, flexible working and returning to work.
- **DO** manage this process like a work project, with tasks and responsibilities and a clear plan for managing all stakeholders.
- **DO** plan how to communicate pregnancy to the different people you work with.
- **DO** encourage your employee to plan financially. Useful tools include:
 - > Money for mums www.moneyformums.co.uk
 - > The Financial Services Authority "Money Made Clear" www.moneymadeclear.fsa.gov.uk/guides/family/having_a_baby.html
 - > Directgov www.direct.gov.uk

Pre-maternity leave checklist

- Ids and password written
- Payroll informed of OML start date
- Back to work plan agreed
- Keeping-in-touch plan agreed
- Performance review completed
- Handover completed
- Employee is aware of flexible working policy and how to request flexible working.

"We used keep in touch days to ensure that the technical skill and knowledge was kept up to date. This really helped to get her and the team up to speed when she came back".

Nigel Daly, a manager at Capita Symonds

"Throughout my career I've experienced first hand the benefits of employing women at all levels. The positive impact on industrial relations, productivity, innovation and absenteeism is often immediate."

Andy Rushton, HR director at Minerals Technologies

What do to if an employee requests flexible working?

Many returning employees want to change their working hours in order to help them balance their family and work commitments. This is particularly true of women who are returning from maternity leave.

This section covers:

- The business case for flexible working
- Handling flexible working requests
- Assessing a role for flexible working
- What to do if someone makes a request

“If an employee that has done the job previously turns around and says to me that they can no longer do the job because of work-life balance issues, I feel that I have failed and so has the organisation.”

Paul Smith, Manager at DHL

The business case for flexible working

Why should organisations and businesses, small and large, welcome back women from maternity leave? Apart from legal obligations, what is the business case for doing so? Identifying sound business reasons for a maternity returners strategy will address concerns that some organisations have about maternity issues. It will also provide an opportunity to look at and make positive changes in the way work is organised – the win-win situation which mutually benefits the business and the employee.

There are a range of benefits which accrue, and which can have a real impact on the bottom-line and these are set out opposite. It is important to remember that the business case for maternity policies may work well in tandem with other company initiatives, like wellbeing programmes, for example. And it is vital to appreciate that the employee who left to go on maternity leave still retains the knowledge and skills that not only allowed her to do her job, but also the intangibles like her relationships with colleagues and understanding of the company culture and ethos which can be of huge value in effective working.

- 1 Keeping skills and experience
- 2 Boosting morale by giving people more choice and control over their hours
- 3 Keeping a successful team intact
- 4 Having staff you know and can trust to delegate to
- 5 Saving time and money recruiting and developing a replacement
- 6 Aligning work time with individual peak-productivity time
- 7 Keeping people on board once they start a family or take on other caring responsibilities
- 8 Increasing diversity to reflect customer/client base
- 9 Strengthening the business by having a mixture of talent and leadership styles
- 10 Flexibility to cover a wider span of hours to meet 24/7 demand
- 11 Lowering stress and/or the impact of personal issues on productivity
- 12 Reduction in travel expenses, office space costs and impact on the environment
- 13 Improving employee wellbeing as a result of a good balance between work and home life. This can positively impact on absenteeism rates, discretionary effort, loyalty, motivation and morale

Handling flexible working requests

Which type of flexible working arrangement employees might want will depend on their own circumstances and choices. They might wish to remain as full-time employees, but work part of the time from home. They may wish to shift their hours, perhaps starting and finishing work earlier. Or they might want to reduce their working hours. There are a wide range of flexible working arrangements in practice, and it is not unusual for an employee to combine different types of flexible working to create a personalised working pattern. For a full discussion of the different types of flexible working, Working Families has a free fact sheet you can download.

Each type of flexible working has its own strengths and areas where careful planning is required. Some jobs lend themselves more easily to certain types of working arrangement than others, and it is important that both you and your employee plan accordingly. The process of dealing with a flexible working request encourages both sides to take a considered approach, but it is worthwhile setting aside some time for you to both work out how the job will be done in any proposed new pattern.

What do to if an employee requests flexible working?

Assessing a role for flexible working

Below are some guidelines which might help you and your employee assess what type of flexible working might work best in their role.

| Type of role | Flexible working considerations |
|--|--|
| Team player | Does the job involve working as part of a team with demanding short-term service delivery constraints? Some flexibility will be possible but it will need to take account of service cover requirements and be negotiated as a team so that there is always cover and everyone's needs are met. |
| Project worker | Is the work more project based, with long-term deadlines and less reliance on other team members? This sort of work allows for a relatively autonomous form of flexibility, such as occasional or regular homeworking – but watch out for the person becoming isolated and losing visibility in your team. |
| Supervisory role | Is it a supervisory role where an important part of their day-to-day role is to guide their staff or troubleshoot problems? If full-time cover is important, then consider job-sharing – or is it possible to create an opportunity for someone else to deputise? Remember too, that much supervisory work at senior level is already done remotely – especially if the role is a global one or covers more than one site. |
| Client facing/ public relations | Is this an outward-facing role, with a lot of time devoted to external contacts? Day-to-day flexibility could be a distinct advantage in this role, with report writing completed in transit or catching up from home. |
| Process driven work | Is a lot of processing and analysis required? Are there peak times that require extra cover? Annual hours or flexibility tailored to the business cycle could work well. Would quiet space, free from interruptions make these tasks suited to occasional homeworking? Might there be any confidentiality issues to overcome? |

“With every request for flexible working, the assumption of possibility is our start point.”

Martin Tiplady, HR Director at Metropolitan Police

“I often find that some returning mothers want less responsibility. I also know that for many this is a temporary phase.”

Irene Allen, Founder and HR Director at Listawood

What to do if someone makes a request

Employers are required to take a request made under the Right to Request flexible working seriously and give them proper consideration. Full guidance is available from Business Link. It is important that the correct procedure is followed:

- The employee has to make an application to work flexibly. They need to make the case for doing this, in writing, specifying the type of flexible work that would be involved, and how it would not have an adverse impact on the business of the employer.
- Within 28 days, the employer must arrange a meeting with the applicant to consider the application.
- Within 14 days, the employer must make a decision about whether to grant the application to work flexibly.
- If the application is granted, arrangements must be made to put it into practice. If not, an appeal process may come into play. The refusal must be in writing and based on valid business grounds, must be phrased in plain English and include relevant and accurate facts.

What do to if an employee requests flexible working?

The business grounds must be from amongst the following reasons:

- > Burden of additional costs.
 - > Detrimental effect on ability to meet customer demand.
 - > Inability to reorganise work among existing staff.
 - > Inability to recruit additional staff.
 - > Detrimental impact on quality.
 - > Detrimental impact on performance.
 - > Insufficiency of work during the periods the employee proposes to work.
 - > Planned structural changes.
- If the employee is dissatisfied with the employer's decision, they may appeal. Initially this is an internal procedure. The appeal should be in writing, setting out the reasons why the applicant thinks the decision is wrong.
 - Within another 14 days the employer must arrange an appeal meeting.
 - A decision must be made within 14 days.
 - In the event of a refusal, if the employee does not accept the decision, they may appeal through any of the following three routes:
 - > Employer's own grievance procedure
 - > ACAS arbitration scheme
 - > Employment Tribunal

"The team was changing responsibilities, we sat down and worked out lots of different scenarios, then talked about what would be best for the team and for her."

Paul Smith, Manager at DHL

Getting ready for a returning employee

Prior preparation ensures that the basics are in place and also the employee feels valued because they are expected and welcomed back.

This section covers:

- Keeping in touch during maternity leave
- Welcome back checklist
- Breastfeeding at work

Keeping in touch during maternity leave

In addition to the formal keep in touch plan and use of KIT days, informally staying in contact can increase the ease of transitioning back to work.

Many employees will have done their planning and know how long they will take off. However, things change which could lead to an earlier return or there may be problems with the mother or baby's health which could mean a longer leave. Keeping the lines of communication open informally will ensure that you get as much notice as possible of changes in return dates and also get to understand your employee's plans for things like breastfeeding. Remember, your employee has a new baby and will probably be preoccupied or very tired during the first few weeks.

"Our managers believe in our culture, vision and purpose and this guides everything they do, from day to day tasks to supporting an employee returning from maternity leave. We want to really welcome back our returning employees – it is often a tough decision to leave your child and come back to work. We want to make sure that our returning employees feel valued and know that they have made a good decision."

Cathy Busani, MD at Happy

Getting ready for a returning employee

Welcome back checklist

- Building security informed/access control validated
- Desk/equipment set up
- Payroll advised of return date and any changes to work hours
- Flexible working agreement in place (if required)
- Contracts updated to reflect changes to working hours (if required)
- Breastfeeding/expressing facilities available
- Line manager organised to be on site for welcome and update meeting
- Share back to work plan so that everyone involved knows what to do and when
- Arrange health and safety re-induction (if required)
- Arrange any training refreshers required
- First day welcome back arranged

Breastfeeding at work

The business case for supporting mothers to breastfeed

Employers who increase the support they provide for breastfeeding mothers have found that there are benefits to the company as well as to families. Studies have found that formula-fed babies had more frequent and severe illnesses and their mothers needed more time off work than mothers who were breastfeeding their babies. It is therefore in your interest to support breastfeeding, as well as in the best interest of the baby and your employee.

Your responsibilities as an employer

Health and Safety at Work legislation provides protection for the breastfeeding relationship. Employers should not interfere with a woman's ability to continue breastfeeding. Risk assessments should be carried out to review whether there are any changes that need to be made to the work environment.

For women who want to express breastmilk at work, employers should provide a clean, private room, preferably with an electrical socket and a fridge where breastmilk can be stored safely.

In Scotland, public sector employers are expected to conform to guidelines laid down by the Scottish executive. The Scottish Executive also provides examples of good practice policies.

It is very helpful to have a Breastfeeding Policy Statement for employees. This makes the organisation's position clear to all employees and shows commitment and support from the employer.

Display a clear statement of support for breastfeeding for visitors. Notices should make clear that breastfeeding is welcome throughout the premises. Notices should highlight any private facilities available for breastfeeding mothers and babies who may prefer this, but should not imply that women must use these facilities or hide the fact that they are breastfeeding.

What can you do?

Some mothers may hesitate to ask about facilities and breaks, so it helps to:

- Ensure you have a clear statement or policy supporting breastfeeding for visitors if your organisation is accessible to members of the public.
- Ensure your premises provide facilities for women who want to express milk at work or breastfeed in private.
- Make sure any employees are aware of their entitlements regarding breaks for breastfeeding or expressing.

You can get advice and support on this from the Equality and Human Rights Commission or the Health and Safety Executive (HSE).



The first weeks and months back

Going back to work can feel like culture shock. Your employee will get back up to speed quicker and smoother if they are provided with the right support from their first day back.

This section covers:

- How will I manage
- If things go wrong
- Have a backup plan
- Career planning and objectives setting

“If any manager said to me there was no need to personally welcome back my returning employee or plan a period of handover/re-induction I’d say they were incompetent – I’d ask them how they would feel starting a new job, or a new project if the boss wasn’t there to say hello? There have been big changes for her and for us whilst she has been away. You wouldn’t start a new project without making sure everyone was on boarded properly and knew what they were doing”.

Les Adams, Manager at National Grid

How will I manage it?

It is normal for the employee to feel a sense of culture shock, as the demands of looking after a baby and the workplace are often very different. Even fundamental concepts such as time are different when you are around young children compared to the work place. It is normal to take a short while to adjust.

If your employee is feeling stressed and anxious then a hands-on directive and supportive style may be appropriate. On the other hand, if an employee is feeling confident and in control then a participative style is often more suitable. Taking time to consider the appropriate management style will pay huge dividends as your employee will feel valued and get up to speed more quickly.

Lots of managers are understandably concerned about managing women when they return from maternity leave, especially if they are coming back to a new working pattern or way of working. However, there are a number of things which can really help:

- Have a clear vision: make sure everyone buys into your aims as a team and that they understand the benefits of achieving them.
- Set objectives that have clear outcomes – remember to celebrate milestones and measure success by outcomes.

- Put your trust in people and expect the best from them. They will be more committed so you are freed up to get on with the big picture stuff.
- Treat people as you would want to be treated – get to know them as individuals, find out what makes them tick and be open to any good ideas they may have.
- Deal with individual concerns and disciplinary issues promptly – everyone will respect you for this.
- Hold regular reviews to check progress against your goals and make any necessary adjustments to keep things running smoothly.
- Make sure your communications are effective if you are working with flexible workers: hold regular team meetings to map progress and tackle any issues before they turn into problems.
- Keep people motivated by curbing excessive work hours and promoting training and development opportunities.
- Foster a flexible ‘can-do’ culture – one in which there is give-and-take on both sides, shared responsibility for getting the job done and shared credit for successful outcomes.

“I knew that I needed to reinforce self-confidence in my returners and make sure that they felt valued and wanted”.

Maria Block, line manager at large ex-public sector organisation

“I was quite nervous about going back, a bit like first day at school. My line manager was really supportive. He was certain from the outset. He said “Do this for a week, and next week do that” he allowed me to work shadow until I felt comfortable. It was almost like being a new starter. I got up to speed really quickly. It made me feel great”.

Kate, sales manager

The first weeks and months back

If things go wrong

With planning and preparation major things will probably run smoothly. Sometimes, a mother can feel tearful, isolated or very distressed about going back to work. This could be triggered by something else happening in life or may be a symptom of postnatal depression (PND).

As an employer you need to be aware that statistically one in ten mothers in the UK suffer from postnatal depression. It usually develops in the first four to six weeks after childbirth. However, in some cases it may take several months to develop. You can find out more about PND by contacting the NCT.

PND is a mental illness and, as with other forms of depression, it can be classified as a disability under the Disabilities Discrimination Act. As an employer you have a duty of care for your employee, even if you only suspect that your employee has PND and she has not formally told you. With the right treatment your employee will recover from PND and this recovery will be faster with support.

Occasionally there are employee relations issues brought about by the redeployment of maternity cover. Ensuring that you manage expectations right from the start will minimise the risk. Ensure that both you and those covering maternity understand the rights of the returning employee. Reflect the temporary nature in what you call the role. Do not make promises

you cannot fulfil. If in the unlikely event discussion does not work, then it may be necessary to use the disciplinary processes.

Non-return after maternity leave

It is a fact that a small number of mothers do not return for various reasons. If an employee does not want to return to work after maternity leave then they must formally notify you of their resignation as any other employee would need to. The notice required for a resignation depends on the legal minimum and also your employment contract. If an employee says that they feel forced to resign because of your actions as an employer then you should seek legal advice immediately.

If your employee does not resign and does not return to work on the date they are due to return and does not notify you that they are unwell to work with in the required timescale, then the absence could be considered for disciplinary action. If you are considering disciplinary action it is advisable to seek legal advice first. If you do not have an internal disciplinary procedure then visit www.businesslink.gov.uk for a template disciplinary process.

Resignation after return from maternity leave

Sometimes an employee may find that circumstances at work cannot be managed effectively. Keeping an open dialogue and supportive environment will minimise the risk of this happening and also enable any

minor problems to be sorted out early on. If an employee resigns because they feel they are treated unfairly then in most circumstances they need to show that they have raised this before resignation. For more information then visit www.businesslink.gov.uk

Have a backup plan

Depending on the job it can take a couple of weeks or months for an employee to get back up to speed. There may also be hiccups, for example with childcare or with the baby's health. Creating a phased re-induction with a period of part-time working using KIT days prior to the official return date and holiday days afterwards can minimise the impact and help things to settle down more quickly. Identify where you can get legal support should you need it.

Career planning and objectives setting

Allowing things to settle down before talking about job ambitions and objectives will mean that your employee is able to focus on the future rather than the immediate problems of the present. The timing of when you can have a useful discussion about objectives will depend on the job and also how quickly your employee adapts. For some this may take a couple of weeks, for others a two monthly review maybe more appropriate.

A short review at two weeks is useful to make sure that the back to work plan is

progressing, especially if there has been a change in working patterns. You may find that your employee is ready to take on increased responsibility more quickly than planned. It is also useful to ask your employee how things are going. Many women will not want to raise problems in case they are seen as unprofessional. Building a regular dialogue will enable small problems to be sorted out quickly before they become larger issues.

Tips:

- **DO** welcome your employee back personally.
- **DO** provide work that has short-time deadlines during the first few weeks back before setting longer-term objectives.
- **DO** adapt your management style to meet the requirements of your returning employee.
- **DO** provide lots of positive feedback to rebuild confidence.
- **DO** be aware of other factors that may affect performance such as PND.

FAQs and myth buster

Isn't it true that most women don't come back to work after maternity leave?

No, most women want to come back to work. Being supportive and open about arrangements will also encourage your employee to tell you early on if they are deciding not to return.

Working mothers are less committed to the workplace

Working mothers are amongst the most committed employees. They value their work as a break from family life and often have improved time management skills, more focus, and more commitment.

Working mothers are always taking time off because their children are sick

It's true that young children are often sick and there can be problems with childcare arrangements too, but most mothers want to avoid this as much as possible. Parents have the right to time off for dependents. Make sure you have a clear arrangement about how this time is reported. If things are getting out of hand, arrange a meeting to discuss issues with your employee – perhaps a temporary change to the way a mother works can help to avoid the need for time off.

Flexible working requests are resented by other employees

It can be difficult to successfully negotiate flexible working which suits both you and your returning employee. One issue may be how other colleagues feel about part-time work. Discuss what your employee wants and needs out of her return, and the needs of the business. Other employees are more likely to resent flexible working if they feel that their own needs are not being listened to and they have to work harder as a result.

Working mothers take advantage of their status to take more time off – and always want the school holidays as annual leave

Most working mothers do not want to take more time out of the workplace once they return, but like everybody else, they want to make sure their annual leave can be spent with their children. Try to resolve problems before they arise by having a clear and fair system of booking holiday, with particular rules about how often people can expect to get school holidays off.

When new mothers come back to work it's a waste of time as they'll only be off again to have their second child

Some new mothers will think about having a second child soon, some won't, some will leave the decision for quite a lot longer. It would be completely inappropriate (and illegal sex discrimination) to interrogate employees about their plans, and it is also

illegal to disadvantage female employees because you think they might have more children. The more flexible and approachable you are, the more likely mothers are to return to work, and the more helpful they will be in thinking about the needs of the job as well as those of their family.

Maternity pay and covering maternity leave are costs to my business

Maternity pay need not be a cost to the business as employers are entitled to reclaim all, or most of Statutory Maternity Pay (SMP) from HM Revenue & Customs. You may pay occupational or contractual maternity pay on top of SMP, and can stipulate that this is repaid if a woman decides not to return to work (but only if this is stated in advance of maternity leave). You don't have to replace an employee who is on maternity leave and there may be other ways of covering the work which are affordable. More information about statutory maternity pay is always available from the HM Revenue & Customs, www.hmrc.gov.uk; they also have helplines for employers.

What if I get it wrong? I don't want to end up in an employment tribunal

Lots of managers are concerned about getting it right legally, especially if they don't have a dedicated HR person to guide them through the legislation around employer responsibilities. The good news is that

there is plenty of free help and advice for employer and employees.

Further resources and information

NCT

NCT helps over a million mums and dads each year through pregnancy, birth and early days of parenthood. It offers antenatal and postnatal courses, local support across 300 local branches and reliable evidence-based information to help all parents. NCT wants all parents to feel confident and informed about their maternity care.
www.nct.org.uk

Working Families

Working Families has extensive experience of advising working parents and employers about combining work and family. They offer free fact sheets which cover all aspects of pregnancy, leave, pay and working and also have a free phone legal helpline for parents who need advice.
www.workingfamilies.org.uk

The Chartered Institute of Personnel and Development

A range of resources for employers, some of which are free to non-members.
www.cipd.co.uk

Business Link

Provides resources and guidance for employers of all sizes.
www.businesslink.gov.uk

ACAS

Acas has online advice and guidance for employers, as well as a helpline.
www.acas.org.uk

Health & Safety Executive

Works to prevent death, injury and ill health to those at work and those affected by work activities.
www.hse.gov.uk

Equality and Human Rights Commission

The commission provides advice and guidance, working to implement an effective legislative framework and raising awareness of individual rights.
www.equalityhumanrights.com

The DayCare Trust

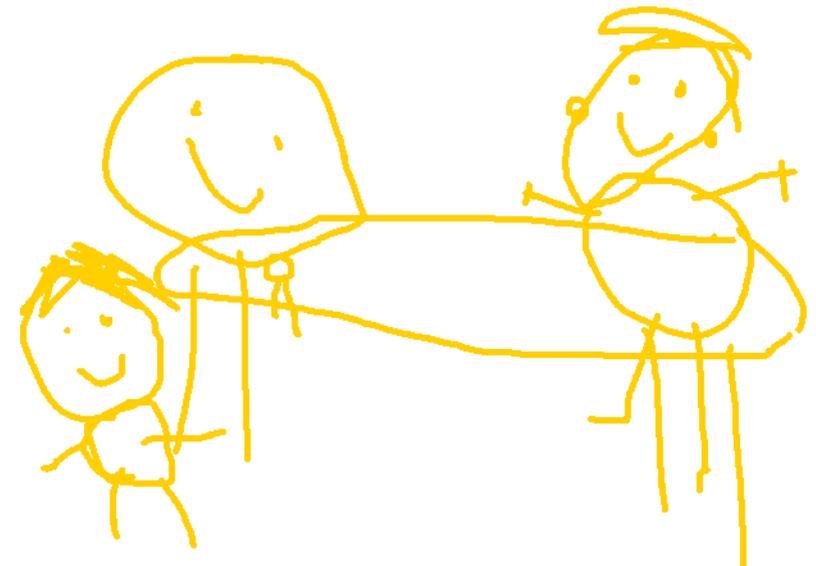
For advice and help in finding the right childcare.
www.daycaretrust.org.uk

Gingerbread

An organisation that provides advice and help for single parents.
www.gingerbread.org.uk

The Fatherhood Institute

Parenting is often a partnership and if women are to be seen as equals at work, then men need to be seen as equals at home. The Fatherhood Institute provides practical support and guidance to expectant and existing fathers.
www.fatherhoodinstitute.org



National Childbirth Trust

Alexandra House
Oldham Terrace
London W3 6NH

Pregnancy and birth line: 0300 330 0772

Early days line: 0300 330 0773

Breastfeeding line: 0300 330 0771

Enquiries: 0300 33 00 770

Fax: 0844 243 6001

email: advice@nct.org.uk

Registered Charity No: 801395

Registered Company No: 2370573

Registered in England and Wales

Registered address: Alexandra House,
Oldham Terrace, Acton, London W3 6NH.

Working Families

1-3 Berry Street

London

EC1V 0AA

Tel: 020 7253 7243

Fax: 020 7253 6253

Freephone helpline for low income families:

0800 013 0313

email: advice@workingfamilies.org.uk

Registered Charity No: 1099808

Registered Company No: 4727690

Registered in England

Registered address:

1-3 Berry Street, London EC1V 0AA