

## **Managing Fixed-Term Contracts and Maternity Leave**

### **General Advice**

- Departmental/Institutional Administrators are asked to ensure that staff who will be going on maternity leave are provided with the intranet link to the full maternity policy and procedure at the time the individual first notified them of their pregnancy, <http://www.admin.cam.ac.uk/offices/hr/policy/maternity.shtml>
- It is also very important to ensure that as a member of staff goes on maternity leave their address and contact details are updated in good time and used for all contact/correspondence going forward.
- Where an individual moves house during their maternity leave, then it is their own responsibility to inform the University of the change of address. It may be helpful to remind staff of this where appropriate.
- If in any doubt, the default address to be used for those on maternity leave should be the home address. However, if any post is delivered to the Department/Institution during maternity leave, then it should be forwarded to the home address of the individual concerned as soon as possible.
- In addition, it is good practice to agree with the individual how/whether they would like to be contacted during their leave (taking into account KIT days) and the best method to do so, eg phone, personal email etc. It may be helpful to discuss KIT days before going on leave and agree provisional dates.
- Where there is a change of Departmental/Institutional Administrator, it is important to ensure that particular care is taken to hand over any maternity leave cases and ideally let the person on maternity leave know of the change in Administrator. This means that all updated contact details and contract agreements can be passed across to ensure a smooth continuation of support for the person on maternity leave.

### **Redundancy during pregnancy and maternity leave**

- It is important to carry out the full consultation procedure to the defined timescale with all documentation completed, even where there is a hope/expectation that funding will be found to extend a fixed-term contract (FTC). Guidance can be found at <http://www.admin.cam.ac.uk/offices/hr/policy/ftc.html>.



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- Where the FTC roleholder is on maternity leave it may even be helpful, if it is operationally possible, to build in a longer consultation timescale, to allow for the additional constraints on their availability for meetings.
- Where an employee is at risk of redundancy, it is important to offer redeployment support. Where a member of staff is on maternity leave, the support offered should be particularly flexible to the individual's needs as far as possible in terms of the time/location of any redeployment meetings.
- In particular, the job opportunities email should be forwarded to any employees on maternity leave at risk of redundancy.
- Line managers should also ensure that FTC roleholders are aware of the location of information on the intranet if they have any queries with regard to the FTC or what happens when it ends (<http://www.admin.cam.ac.uk/offices/hr/policy/fixes/policy.html>).
- An employee on maternity leave or additional paternity leave has the right to be offered any suitable alternative vacancies that exist before they are offered to other employees. The employee therefore has priority over other employees who are also at risk of redundancy (Regulation 10 of the Maternity and Parental Leave Regulations, 1999).
- The new contract must be offered before the end of the original contract and it must take effect immediately on the ending of the original contract, although the employee may remain on maternity or paternity leave at the start of the new contract. In respect of the new contract offered to the employee:
  - work to be done by the employee must be both suitable and appropriate for them to do in the circumstances; and
  - terms and conditions of employment must be no less favourable to the employee than if they had continued to be employed under the original contract.

### Maternity pay

- If an employee is made redundant during maternity leave, the leave will come to an end. If however the employee meets the qualifying conditions for Statutory Maternity Pay (SMP), she will be entitled to receive SMP for the remainder of the full SMP period (being 39 weeks), as SMP is not dependant on remaining in employment.
- If an employee's position is made redundant before her 'qualifying week' (i.e. the 15th week before the expected week of childbirth) she will not qualify for SMP. The employee may however be able to claim Maternity Allowance from JobCentre Plus.

### Notice pay

- An employee on maternity leave will be entitled to full notice if she is made redundant. If an employee is made redundant whilst on maternity or additional paternity leave, they are entitled to redundancy pay as if they were not on maternity or additional paternity leave.



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However, if the employee unreasonably refuses an offer of suitable alternative employment she may forfeit her right to a redundancy payment).

- If however the employee's contractual notice entitlement is not at least one week more than the statutory notice entitlement, then the employee will be entitled to full pay during the statutory notice period.

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