

KEEPING IN TOUCH (KIT) DAYS GUIDANCE

(Applicable to Maternity/Adoption/Shared Parental Leave)

The University, as an employer, is allowed to make reasonable contact with staff who are on Maternity Leave, Adoption Leave, and Shared Parental Leave.

Whilst staff are not obliged to do any work or attend any work-related events during maternity / adoption / shared parental leave, they may, by agreement with their line manager, undertake up to 10 days work, referred to as 'Keeping in Touch Days (KIT days).

In the case of Shared Parental Leave (SPL) an employee can work up to 20 days work during SPL without bringing it to an end. These are called 'shared parental leave in touch' (or SPLIT) days. These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave. For the purposes of this document KIT days will refer to both SPLIT and KIT days as the rules governing the use of both are the same.

This provision in the legislation aims to make things easier for both the University and the member of staff by easing the return to work and facilitating a smoother reintroduction to the team. This note clarifies key points about KIT days.

Key Points

- a) These days are optional and the decision to undertake a KIT day must be made by agreement between the manager and the member of staff (there is no obligation for either the University to provide these days or for the member of staff to accept any days offered).
- b) Staff who are unable, or decline the opportunity, to work any KIT days will not be disadvantaged or suffer any detriment for doing so.
- c) Children must not be brought into the workplace on any days that will be considered as KIT days. Staff will be responsible for making childcare arrangements for KIT days .
- d) There can be up to 10 KIT days taken during the period of maternity/adoption leave and an additional 20 SPLIT days in the case of Shared Parental Leave.
- e) Each KIT day can be an agreed amount of working time rather than the usual standard daily working hours, however whether a member of staff works for one hour or a whole day, this will still count as one KIT day.

- f) Any KIT day taken will not bring a member of staff's maternity /adoption /shared parental leave period to an end.
- g) KIT days are not an entitlement and they do not extend the maternity / adoption / shared parental leave period in any way as they form part of the whole maternity / adoption /shared parental leave package and can only be taken during maternity / adoption / shared parental leave.
- h) KIT days can be taken at any point during adoption / shared parental leave, and at any point during maternity leave except for the first two weeks directly after the baby is born (known as compulsory maternity leave).
- i) KIT days can either be taken as blocks of days, or as individual days.

Advantages of Keeping in Touch Days

Keeping in touch days can provide a number of advantages for both the University and the member of staff for the smooth transition back after maternity/ adoption/ shared parental leave.

- a) Important projects can benefit from continued input from staff with valued skills, particularly with projects nearing completion.
- b) Training and development can continue during maternity / adoption / shared parental leave. (For example, a training course could take place during the maternity / adoption / shared parental leave that might be important to the member of staff's role);
- c) Staff can stay in touch with workplace issues and changes.

Payment for Keeping in Touch Days:

Payment for KIT days will not exceed full pay and will only be made for work undertaken that is agreed, in advance, between the manager and member of staff. Payment will be made after completion of the work undertaken as follows:

- a) Staff in receipt of Occupational Maternity / Adoption Pay¹ receive normal pay so no additional payment will be made for working a KIT day.
- b) Whilst staff are in receipt of SMP/SAP/ShPP², they will receive payment for agreed hours worked.
- c) Alternatively, providing it does not take the individual below the National Minimum Wage, the accrual of time off in lieu can be considered instead of receiving payment for the hours worked during KIT days. Line managers should refer any such requests to the relevant HR Co-ordinator prior to agreeing any time off in lieu arrangements. Please note, time off in lieu cannot be considered when the member of staff is in a non-pay period.

¹ Occupational Maternity Pay: weeks 1-18 of maternity Leave. Occupational Adoption Pay: weeks 1-18 of Adoption leave.

² SMP/SAP/ShPP subject to eligibility criteria. Under the Occupational schemes: weeks 19- 39 (maternity); 13-39 (adoption). Under the Statutory Schemes: weeks 1-39 for both maternity and adoption and weeks 3-39 of Shared Parental Leave.

- d) If the member of staff works for less than their normal full day, this will count as one KIT day for the purposes of the maximum of 10 KIT days permitted, although payment will only be made (or time off in lieu accrued) for actual hours worked.

N.B. Managers **must** notify the relevant HR Administration team, by email, of the date and actual hours worked. This should be done on the day of, or immediately following, the KIT day being worked to ensure the member of staff's record is updated accordingly and any relevant payments are made.

Further advice/guidance can be obtained from the HR and/or Payroll departments.

Keeping In Touch Days: Frequently Asked Questions

Can my Line Manager ask me to come into work? If so, do I have to agree?

The University, as an employer, is allowed to make reasonable contact with a member of staff whilst they are on maternity / adoption / shared parental leave. You are not obliged to do any work or attend any work related events during maternity / adoption / shared parental leave however if you and your line manager both agree, then you can work up to a total of 10 days during your leave (plus an additional 20 days during shared parental leave).

Do I have to agree in advance my intention to come to work for a Keeping in Touch Day?

Yes, you and your line manager should agree in advance when you are going to attend work for one of your Keeping in Touch Days, and for how many hours, to allow both parties to make any necessary arrangements. Your manager must also notify the HR department of the date and actual hours worked to ensure your record is updated accordingly and any relevant payments are made.

If I attend work for half a day or less is this classed as one of my Keeping in Touch Days?

Yes, as soon as you start work, even if it's for only a few hours, this is counted as one of your 10 KIT days allowed. The number of hours that you attend work can be up to the maximum of the full time equivalent, however, payment will only be made (or time off in lieu accrued) for the hours you actually work.

Will I be placed at a disadvantage on my return if I don't come into work prior to the end of my maternity / adoption / shared parental leave?

Staff are encouraged to make use of KIT days as a positive way to keep in contact with developments in their workplace. As work during maternity / adoption / shared parental leave may only take place with the agreement of both parties, you will not be at any disadvantage regarding the options you choose. If you are unable or

decline the opportunity to work any KIT days, then you will do so without suffering any detriment.

What type of work will I be expected to undertake whilst in work on a Keeping in Touch Day?

The purpose of these days is to allow you to be kept informed and up to date on developments within your own workplace or within the University. This may include attending a conference, undertaking training or a team event. It may also include any projects/work where specialist skills and/or knowledge will be beneficial.

I have been asked to be an external examiner for another University, can I use a Keeping in Touch Day to undertake this work?

No, because this is paid work for another employer and therefore will affect your maternity/adoption/shared parental leave pay arrangements.

I am the line manager of a member of staff, what do I need to do?

Before the member of staff starts maternity / adoption / shared parental leave, you should hold a meeting to discuss and agree any general contact / updating arrangements during the period of leave. You should also discuss KIT days and ask the member of staff whether they would wish to be offered any work and what type of work may be envisaged (e.g. training / development / individual or team meetings, etc), and arrangements for the member of staff to request KIT days (if you consider this to be an option).

During the maternity / adoption / shared parental leave, if you wish to offer an opportunity to work KIT day(s), you should mutually agree to any dates in advance and the arrangements for payment/time off in lieu.

Please contact your HR Co-ordinator to discuss the accrual of time off in lieu prior to agreeing any arrangements, in order that compliance with National Minimum Wage can be checked.

If payment is to be made, you must inform the relevant HR Administration team, by email, of the date and actual hours worked. This should be done on the day of, or immediately following, the KIT day being worked to ensure the member of staff's record is updated accordingly and any relevant payments are made.

Calculating Pay Entitlement – an Example

Kai is a Technician earning £19,000 pa, and is on maternity leave. Kai intends to take the full 52 weeks maternity leave and is entitled to the University Occupational Maternity Scheme and will receive 18 weeks normal pay, a further 21 weeks Statutory Maternity Pay (weeks 19-39), followed by 13 weeks on unpaid maternity leave (weeks 40-52).

Prior to commencing maternity leave Kai and their line manager met to discuss the handover of work and some planned changes in working practices that were due to take place whilst Kai was on maternity leave. They agreed that Kai would receive emails with anything relevant to stay informed of key changes / updates, and that if there was anything further Kai wished to discuss with their manager, then this could be arranged by email / telephone. Kai expressed an interest in attending update training on the changes (subject to being available and able to arrange childcare) and they agreed that Kai's line manager would make contact at the time to discuss working a KIT day.

During Kai's maternity leave, the following KIT days are worked:

Half-day in week 17: As Kai was in receipt of Occupational Maternity Pay, there was no entitlement to additional payment for working this day. Kai and their line manager agreed that a half-day would be accrued instead, to be taken following return from maternity leave. As Kai has used a whole day's KIT allowance, there is only a maximum of a further 9 days available to be worked.

Half-day in week 24: Kai was in receipt of Statutory Maternity Pay (at £172.48³) for this week. Kai's daily rate of pay is £137.86. The option of receiving payment or taking a lieu day for this day was discussed between Kai and the line manager, and Kai chose to accrue a lieu day to be taken upon return from maternity leave. As Kai has used a whole day's KIT allowance, there is only a maximum of a further 8 days available to be worked.

2½ days in week 38: Kai received payment for these hours worked, which was at their normal rate of pay (which equated to £344.65), plus SMP of £172.48 for that week. As Kai has used 3 whole day's KIT allowance, there is only a maximum of a further 5 days available to be worked.

6 hours in week 45: As Kai is now in a non-pay period, and therefore time off in lieu cannot be considered, payment was made of £114.09 for the 6 hours worked. These hours are counted as a whole KIT day, and therefore Kai only has a maximum of a further 4 days available to be worked during the remainder of the maternity leave period.

³ SMP rate is correct as at 02 April 2023. The actual rate of pay will increase in line with any statutory changes.