

Maternity / Adoption Keeping in Touch (KIT) Days

FREQUENTLY ASKED QUESTIONS

1. What are Keeping in Touch (KIT) Days for?

KIT days are an additional way of keeping the employee updated of any significant changes in the workplace. Although particularly useful for things such as attendance at training or team events, KIT days may be used for any form of work that the employee would have normally carried out. KIT days should make it easier for the employee to return to work after maternity or adoption leave.

The employee can work by agreement up to 10 days during their maternity leave without losing out on Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP), Maternity Allowance (MA) or ending their maternity or adoption leave.

2. When can KIT Days be taken?

KIT days need to be agreed between the employee and the manager and can be taken at any stage during the employee's maternity/adoption leave period (either during paid or unpaid periods), before or after childbirth/placement, with the exception of the first two weeks following the birth of the baby / placement of the child or once the employee has returned to work and the maternity leave period has ended (either because she has returned to work or has taken annual leave prior to returning to work).

3. Can KIT days be worked from home?

Each KIT day and the work to be undertaken must be approved in advance by the manager. The type of work may be normal day to day activity to assist the return to work process, attendance at a conference, undertaking a training activity or a team building event or attending a team meeting for example.

KIT days do not normally involve working from home such as checking emails, even if the employee is normally home based.

4. Does working a night shift take up two KIT days?

If work carried out on a KIT day spans midnight, this counts as one KIT day, as long as this is the employee's normal working pattern.

5. Does attending a one hour meeting count as half a KIT day?

No, it counts as one KIT day. Working for part of a day, no matter how long, will count as one day's work. Any work done on any day during the maternity/adoption leave period will count as a whole KIT day. In other words, if an employee comes in for a one-hour training session and does no other work that day, she will have used one of her KIT days.

6. How much will the employee be paid when attending work during their Maternity or Adoption Leave?

An employee will receive maternity/adoption pay at the appropriate rate (if still applicable at the time of the KIT day taking place), topped up to the level of their normal contractual full pay for any whole day actually worked.

If the employee is still receiving SMP or SAP this will not impact on or interrupt any SMP/SAP payments being made.

For example, if maternity pay has reduced to half plus SMP or SAP the employee's pay will be increased to their normal pay when a KIT day is used. If she is in the unpaid period of maternity leave her normal pay will be processed. This arrangement only applies to KIT days.

7. Will the employee be paid a whole day's pay for attending a half day conference?

An employee will receive maternity/adoption pay at the appropriate rate (if still applicable at the time of the KIT day). In addition, a top up, if appropriate, will be paid based on the hours they actually worked on their KIT day and considering their normal contractual pay. For example, if an employee, whose full time annual salary is £19,656, with an equivalent hourly rate of £10.80, is no longer receiving SMP or SAP and has attended 5 hours on their KIT day, then they would be entitled to a payment of £54 (gross).

8. Can the employee attend work on more than 10 days during their Maternity or Adoption Leave?

The Maternity and Parental Leave act and the Paternity and Adoption Leave (Amendment) Regulations 2006 provides for a maximum of 10 KIT days. If the employee does more than ten days' work during their maternity or adoption leave period, they are not entitled to SMP or SAP for any week in which they work if they have already worked all of their 10 KIT days.

9. I want my employee to attend our annual team building event, can I make her?

No, KIT days are optional during maternity/adoption leave so it is important these are agreed in advance where possible. However, the employee is not

obliged to make use of KIT days. Any work done during maternity/adoption leave is required to be with agreement between the line manager and employee and neither party can insist upon working.

Where KIT days are offered to the employee she is entitled to turn them down without suffering any consequences as a result. It is unlawful for an employee to suffer any detriment for not agreeing to work KIT days or for working them.

10. Do I have to inform Payroll of any KIT day attendances?

Yes. Services must inform Payroll of any KIT days taken by completing the Keeping in Touch Days (KIT) – Payroll Notification Form and forwarding this to Payroll.

Services should not use this for normal maternity leave; it is only for notifying Payroll of employees who have attended work using one of their KIT days.

11. If an employee comes to work purely to introduce her baby to her colleagues, would this count as a keeping-in-touch day?

No. An employer and employee may make reasonable contact with each other during the employee's maternity/adoption leave. Therefore, if an employee comes into work for a purely social visit to introduce her baby to her colleagues, this would be considered as reasonable contact rather than as a KIT day.

12. Can an employee extend her maternity/adoption leave by the number of KIT days that she works?

No. KIT days are worked during an employee's maternity/adoption leave, which continues to be a maximum of 52 weeks.

13. Do KIT days have to be used in a single block or can they be used as individual days?

Employers and employees are free to agree whether KIT days should be used as a single block or as separate days.

14. Do KIT days have to be agreed in advance?

The employee and her manager should agree in advance when she is going to attend work for one of her KIT days to allow both parties to make any necessary arrangements.