

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA070217-1840

7 March 2017

Dear [REDACTED]

Thank you for your request for information which the GLA received on 7 February 2017. Your request has been dealt with under the Freedom of Information Act 2000.

Our response to your request is as follows:

1. *What tangible processes does the organisation have in place to ensure that staff do not incur maternity discrimination at the GLA and thus return to commensurate roles (as in the legal definition to include status) following maternity leave?*

The GLA has a maternity policy (see attached) which contains Return to Work provisions at section 14.

2. *How does the GLA ensure these policies are implemented?*
3. *Is any guidance or training offered to managers as a matter of course?*

The maternity policy is readily available on the GLA intranet and the GLA offers a management induction on an informal 121 basis with all new managers which covers HR policies. Managers are also encouraged to seek HR advice on all maternity related issues. Those going on maternity leave will be contacted by an HR Officer to confirm the way in which they would like to be paid their maternity pay entitlement, and to arrange a risk assessment. Together with the line manager, the HR Officer remains a point of contact throughout the pregnancy and maternity leave, should the employee have any queries.

4. *What is the GLA's policy or guidelines regarding keeping in touch with staff whilst on maternity leave? How does the GLA ensure this is implemented?*

Section 14 of the maternity policy refers to KIT days. This is managed locally by the manager and the member of staff. It is not managed by HR because KIT days are not paid (time off in lieu is granted instead).

5. *How many women have taken maternity leave each year at the GLA?*

Year ending	Number of women who have taken maternity leave each year at the GLA
March 2016	<ul style="list-style-type: none"> • 27 commenced maternity leave • 1 non returner
March 2015	<ul style="list-style-type: none"> • 19 commenced maternity leave • 2 non returners
March 2014	<ul style="list-style-type: none"> • 21 commenced maternity leave • 1 non returner
March 2013	<ul style="list-style-type: none"> • 29 commenced maternity leave • 1 non returner
March 2012	<ul style="list-style-type: none"> • 24 commenced maternity leave • 1 non returner
March 2011	<ul style="list-style-type: none"> • 21 commenced maternity leave • 0 non returners
March 2010	<ul style="list-style-type: none"> • 13 commenced maternity leave • 0 non returners
March 2009	<ul style="list-style-type: none"> • 18 commenced maternity leave • 0 non returners
March 2008	<ul style="list-style-type: none"> • 21 commenced maternity leave • 0 non returners

6. *How many women who left the GLA stated issues regarding their treatment and role changes following maternity in their exit interviews?*

We have no evidence to suggest that any of the 6 women who resigned following maternity leave left due to reasons surrounding their treatment/role changes as the question suggests. All 6 were voluntary resignations. The exit interview questionnaire does not capture this data and so it would only be known if those 6 women who left following maternity leave had raised grievances, which they have not.

7. *How many temporary employment contracts for maternity cover were extended even when staff had returned from maternity?*

8. *What were the reasons for those and why did the organisation decide on an extension of the contract rather than other measures?*

We only hold information to this part of your request from 2014 onwards. Unfortunately, we have estimated that the cost of complying with this part of your request would exceed the “appropriate limit” specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

Section 12 of the Act provides that a public authority is not obliged to comply with a request if the cost of determining whether we hold the information, locating and retrieving it and extracting it from other information would exceed the appropriate limit. The aforementioned Fees Regulations stipulate that this limit is £450; calculated at £25 per hour for every hour spent on the activities described and equates to 18 hours of work.

There are approximately 67 records which the GLA would need to perform searches against. We have estimated that it would take approximately 67 hours of work to comply with your request as a significant amount of time would be needed to retrieve and extract the specific information

you have requested from our records, including separating it from other information which is not directly related to your request.

Our estimation assumes all 67 maternity covers were like-for-like backfill and that the backfill duplicate position is created in the same month in which the maternity leave starts. However, the establishment lists are done on a monthly basis so if backfill does not occur in the same month then we will need to access spreadsheets for the surrounding months until we find it (and in the case of non-direct backfills until we don't find it). It also assumes that our manual database is updated with the exact return date, if we can't be sure of the return date we would need to contact payroll at LFEPA who would confirm when the pay was reinstated. If anyone has left the GLA then we will need to find which boxes their personal files are within the archives and then request that they be brought back so that we can check the post-maternity annual/other leave (some individuals have chosen to take periods of sabbatical following their maternity leave and they would have officially returned to work and switched to another type of leave. This could alter the information regarding extension of fixed term contracts past the return from maternity leave). Therefore we anticipate it could take considerably longer to fully determine the record for some individuals and therefore take much longer than 67 hours to provide you with the information for this part of your request.

We have therefore refused this request under the cost limit provisions of section 12 of the Freedom of Information Act and this letter therefore constitutes a refusal notice under section 17(1) of the Act.

9. What efforts does the GLA make to understand whether staff have faced/face maternity discrimination, especially in light of the knowledge that a large proportion of maternity discrimination is not formally reported?

A Return to work meeting is held between the employee and HR when the employee returns from maternity leave. Also, some managers, at the request of the employee on maternity leave, begin discussions about their return to work before they come back into the office to ensure a smooth transition back to the workplace. We also have the grievance procedure in place for anyone who feels that they have been discriminated against (and the GLA Code of Ethics and Standards describes what discrimination is) - a copy can be found at:

https://www.london.gov.uk/sites/default/files/code_of_ethics_and_standards_for_staff.pdf

Please refer to section 3 as this section specifically refers to our equal opportunities standards.

There has been 1 formal grievance / complaint about maternity discrimination in the past.

10. What is the GLA's exact understanding of maternity discrimination? Against what criteria would a grievance on maternity discrimination be assessed? What guidance does HR provide to grievance hearing officers to ensure this is the case?

The GLA understands that, under section 18 of the Equality Act 2010, pregnancy and maternity discrimination occurs where an employer treats a woman unfavourably:

- During the protected period because of her pregnancy or because of an illness suffered by her as a result of her pregnancy. The protected period starts when a woman's pregnancy begins and ends either:
 - (a) at the end of the additional maternity leave period or (if earlier) when she returns to work if she has the right to ordinary and additional maternity leave; or

- (b) if she does not have that right, at the end of the period of two weeks beginning with the end of the pregnancy;
- Because she is on compulsory maternity leave; or
- Because she is exercising or seeking to exercise, or has exercised or sought to exercise, the right to ordinary or additional maternity leave.

If a grievance was raised about maternity discrimination, then it would be assessed by considering whether the individual has been treated unfavourably as set out above looking at all of the circumstances of the case including what has happened, why it has happened, the impact on the individual and any relevant changes within the wider team. The grievance hearing officer would be advised to assess the grievance in that way and would be supported by HR throughout the process.

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely

Paul Robinson
Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:
<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>