



The Scottish Parliament
Pàrlamaid na h-Alba

Maternity Policy

Poileasaidh Màthaireachd

27 January 2022



Introduction

This policy sets out the provisions in place to assist SPS staff through the stages of Pregnancy, Maternity and Returning to Work.

The SPCB recognises that having a baby is a special and important time and that particular needs will arise which will impact on your working life. It aims to ensure that appropriate provisions are in place to assist you. In doing so, the SPCB will not only meet legal requirements but will enhance certain provisions in particular circumstances.

This policy applies to all pregnant members of SPCB staff and incorporates your statutory and contractual maternity rights.

Further Guidance and Support

This policy is supplemented by Guidance for Managers and Staff.

If you are expecting a baby, you are encouraged to speak informally to your line manager at an early stage. You can also meet with a representative from the People and Culture Office for additional advice and guidance if necessary.

The Parliament operates a Parent Mentoring Scheme which aims to guide and support staff - through pregnancy at work; preparing for an adoption; maternity/paternity/adoption/shared parental leave and in returning to work.

How much Maternity Leave am I entitled to?

If you are pregnant, you are entitled to 52 weeks statutory Maternity Leave. You are entitled to one period of Maternity Leave per pregnancy irrespective of how many children you are carrying.

Your Maternity Leave can start no earlier than the beginning of the 11th week before your due date. Your Maternity Leave will start automatically if you:

- are absent from work due to a pregnancy related illness after the beginning of the fourth week before your due date; or
- have your baby before your Maternity Leave is due to begin.

If you are eligible, you may choose to curtail your Maternity Leave and convert any remaining entitlement to Shared Parental Leave which may be used between you and your partner. Provisions on Shared Parental Leave are set out separately.

What Maternity Pay am I entitled to?

Pay provisions vary according to length of service. The SPCB has made provision for contractual maternity pay for eligible staff, which is inclusive of your statutory maternity pay entitlement. You may choose whichever entitlement is more favourable to you providing you meet the qualifying conditions.

Contractual Maternity Pay

You will qualify for contractual maternity pay at the following rates if you have been in continuous employment with the SPCB for a minimum of one year when your Maternity Leave commences:

- 26 weeks will be payable at your normal contractual salary;
- 13 weeks will be payable at the flat rate of Statutory Maternity Pay (reviewed annually by the UK Government); and
- 13 weeks will be unpaid.

Statutory Maternity Pay

If you do not qualify for contractual maternity pay but have:

- at least 26 weeks continuous service with the SPCB by the 15th week before your baby is due; and
- average weekly earnings at least equal to the Lower Earnings Limit (LEL) for National Insurance Contributions,

you will receive statutory maternity pay at the following rates:

- 6 weeks will be paid at 90% of your average gross weekly earnings;
- 33 weeks will be payable at the flat rate of Statutory Maternity Pay (reviewed annually by the UK Government); and
- 13 weeks will be unpaid.

If you do qualify for either contractual or statutory maternity pay, you may be eligible to claim Maternity Allowance through JobCentre Plus.

Once your entitlement has been established, the SPCB will pay you regardless of whether or not you intend to return to work after Maternity Leave.

What notification do I have to provide of my intention to take Maternity Leave?

You must tell your line manager and the People and Culture Office, in writing, that you intend to take Maternity Leave at least 15 weeks before the date your baby is due to be born. Your notification should include:

- the fact that you are pregnant and your due date; and
- the date you intend to commence your period of Maternity Leave.

To support your manager in planning to cover your leave, it would also be helpful if you were able to indicate at this stage how much Maternity Leave you wish to take and how you wish to use your annual leave entitlement.

Individual circumstances will be taken into consideration if you are unable to provide notice within the prescribed timescales.

If necessary, you may subsequently change the date on which you wish your period of Maternity Leave to start, by giving 28 days' notice.

Do I have to provide any supporting documentation?

You must submit your Maternity Certificate (MATB1) from your doctor or midwife to the People and Culture Office, normally at least 13 weeks before your due date. The SPCB cannot pay you contractual and/or statutory Maternity Pay without this certificate.

Will I receive confirmation of my Maternity Leave?

The People and Culture Office will acknowledge your notification in writing as early as reasonably practicable but no later than within 28 days of receipt, advising you of the end date of your Maternity Leave. Unless you have indicated otherwise, this date will be calculated on the basis that you will take the full period of 52 weeks Maternity Leave.

Can I take time off work for ante-natal care?

You are entitled to take reasonable time off with pay to attend ante-natal care appointments made on the advice of a registered medical practitioner, midwife or health visitor. Ante-natal care may include:

- medical examinations;
- appointments with your midwife;
- ante-natal classes;
- relaxation classes; and
- parent craft classes.

Time away from work should be cleared in advance with your line manager in the normal way. You should try, where possible, to arrange your appointments at a time which will not disrupt normal business.

How will any risks to my health and safety be dealt with?

Upon notification of your pregnancy, your line manager will carry out a pregnancy risk assessment to identify any potential risks you and your baby may be exposed to at work and to take steps to reduce or avoid any such risks.

If a significant risk is identified, all reasonably practicable measures will be taken to avoid the risk, with advice from the Health and Safety Adviser and the People and Culture Office. This may include temporary adjustments to your working conditions and/or finding you suitable alternative work. If neither is feasible, the SPCB will suspend you from work on full pay on maternity grounds.

What should I do if I wish to breastfeed on my return to work?

You should advise your line manager 4 weeks in advance. Your line manager will arrange a breastfeeding risk assessment via Occupational Health to ensure that neither you nor your child are exposed to risks that could impact on your health and safety.

Your line manager will discuss and agree with you any necessary adjustments to your working day to allow you to breastfeed at the appropriate times.

A private and comfortable room (TG.43) has been appropriately equipped to allow you to feed your baby or express your milk. The room contains a fridge where breast milk may be stored securely. Expressing equipment may also be stored at this location.

For further information contact:

PeopleAndCulture@parliament.scot

