



The Scottish Parliament  
Pàrlamaid na h-Alba

# Maternity, Adoption, Paternity and Shared Parental Leave

Fòrladh Màthaireachd, Athaireachd,  
Uchd-mhacachd agus Fòrladh  
Pàrantach Co-roinnte

*31 July 2018*



# Introduction

This policy sets out the provisions in place to assist SPS staff who take:

- Maternity Leave;
- Adoption Leave;
- Paternity Leave; and/or
- Shared Parental Leave

to keep in touch with the business and in returning to work. It also outlines the impact of taking these forms of leave on terms and conditions of employment.

\* Where the term 'leave' is used in this document, it refers to all four of these forms of leave unless stated otherwise.

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# Impact on Terms and Conditions of Employment

## **How does taking leave impact on my continuous service?**

You continue to be employed by the SPCB during paid and unpaid leave. This period therefore counts towards your period of continuous employment for the purpose of your entitlement to other statutory and contractual employment rights. This includes service reckonable for pay progression purposes and access to childcare vouchers.

## **What is the impact on my Annual Leave?**

Whilst you are on Maternity, Adoption, Paternity or Shared Parental Leave, you will continue to accrue Annual Leave in accordance with your normal contractual entitlement. Furthermore, you will be credited with a day in lieu for public/privilege holidays which fall within your period of Maternity, Adoption, Paternity or Shared Parental Leave and to which you would otherwise be entitled.

Annual Leave should normally be taken within the appropriate leave year. You will only be permitted to carry over a maximum of 10 days' leave, including public and privilege holidays, to the new leave year. Consequently, it is important that you make arrangements, through discussion with your line manager, to take outstanding Annual Leave prior to the commencement of and/or immediately following your Maternity, Adoption, Paternity or Shared Parental Leave period.

During your period of leave, your salary will be adjusted as normal to take account of any salary progression or cost of living increase which would have applied had you been at work. Any increase will be taken into account in calculating your pay.

## **How is my pension affected?**

Pension contributions will continue to be deducted from your salary as normal during the period in which you are in receipt of contractual and statutory Maternity, Adoption, Paternity or Shared Parental Pay.

Unpaid leave does not qualify for pension purposes and there will, therefore, be a corresponding break in your pensionable service.

On your return to work, your pension contributions and your pensionable service will recommence. If you wish to make additional contributions to make up for the period of unpaid leave, you should contact the Department of Work and Pensions for advice on making the necessary arrangements.



## Reasonable Contact and Keeping In Touch (KIT) Days

### **Will my manager maintain contact with me during my period of leave?**

Your line manager will wish to maintain contact with you at regular intervals throughout your period of leave in order to keep you abreast of developments at work and to discuss, for example, arrangements for your return. Prior to the commencement of your period of leave, you should agree with your line manager an appropriate method and frequency of contact.

### **What are Keeping in Touch (KIT) Days and how do these work?**

Keeping in Touch (KIT) Days are applicable to Maternity and Adoption Leave only. Separate provisions exist on Shared Parental Leave In Touch (SPLIT) Days and these are set out in the Shared Parental Leave Policy.

We want to ensure that you have the opportunity to keep in touch with the business and are able to maintain your knowledge and skills during your absence from work. On a voluntary basis, you may, with the agreement of your line manager, work up to a maximum of 10 Keeping-in-Touch (KIT) days during your period of Maternity or Adoption Leave.

KIT days allow you to participate in activities designed to keep you up to date. This might include learning and development activities, meetings and staff days. These days do not need to be worked consecutively and any part of a day worked will be counted as one day.

KIT days form part of your Maternity or Adoption Leave period and do not extend it. You will be paid in accordance with your normal contractual salary for work undertaken during KIT days. In the case of maternity, you may not work a KIT day in the two weeks immediately following childbirth. Should you wish to work KIT days, you should discuss this informally in the first instance with your line manager to consider what work you might undertake.

# Returning to Work

## What will my return to work date be?

For planning purposes and unless you have indicated otherwise, we will consider your return to work date to be the next working day following the conclusion of the full Maternity, Adoption or Shared Parental Leave period to which you are entitled. If, however, you do not wish to exercise your full right to Maternity, Adoption or Shared Parental Leave, you must give your Head of Group/ Office eight weeks' notice in writing of your expected date of return. This provision does not apply to Paternity Leave.

If you do not intend to return to work after your Maternity, Adoption or Shared Parental Leave, you must give proper notice as set out in your written statement of terms and conditions of employment.

## Will I return to the same role?

At the end of a period of paid Maternity, Adoption or Paternity Leave you have the right to return to the same job you had before, at the same place and in the same capacity. The same right applies where the amount of Shared Parental Leave you have taken in total (inclusive of any Maternity, Adoption or Paternity Leave taken first) is less than 26 weeks. In exceptional circumstances, where your existing role is no longer required you may be offered another suitable vacancy at an equivalent level. This provision does not affect your statutory rights.

After unpaid Maternity or Adoption leave or where you have taken more than 26 weeks Shared Parental Leave in total (including any Maternity, Adoption, or Paternity Leave taken first), and it is not reasonably practical for you to return to the same job, we may give you a suitable alternative job on terms and conditions that are no less favourable.

## What support is available to assist me in returning to work?

Prior to your return, your line manager will discuss with you any support you may require to assist you in making an effective transition back to work. Support measures will be agreed with you in advance and will be tailored to your individual needs and those of the business. Measures which may be considered include:

- a mini re-induction programme;
- buddying and mentoring arrangements for an agreed period of time;
- learning and development opportunities; and
- planning the use of any outstanding annual leave in such a way as to allow you to return on a phased basis over a reasonable period of time.

If you wish to request a change to your hours or pattern of work on your return to work, you should discuss your options with your line manager at as early a stage as possible and make a request in accordance with the SPCB's Flexible Working Procedure.

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***For further information contact:***

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