



SCOTTISH QUALIFICATIONS AUTHORITY

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Part A — Policy

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1. Introduction

This policy sets out your rights and responsibilities if you are pregnant, expecting a baby or have recently given birth.

We recognise that you may not identify with the term 'maternity,' so we have added the term 'pregnant parent' into this policy to ensure inclusivity. However, for simplicity, and in line with legislation, the term 'maternity' will still be used in this policy and in our forms and system. Please know that when used, this term includes all pregnant people.

If you are going to be new parent by adopting a child or through a surrogacy arrangement, your entitlements are set out in our Adoption Policy.

2. Scope

This policy applies to members of staff only.

Staff are defined as people who work for us under a contract of employment. Any other worker, for example agency workers and inbound secondees, will be covered by their substantive employer's rules and policies. Contractors will be governed under the terms and conditions of their contract with SQA.

2.1 Contractual obligations

This policy does not form part of your contract of employment; however, it does impose obligations on you that you must observe and comply with.

We may amend this policy and its application at any time through consultation with our trade unions. Please ensure you are using the latest version as currently published on the intranet.

3. Purpose and standards

The purpose of this policy is to inform you of your rights and responsibilities relating to pregnancy and maternity leave.

We recognise that you may need additional support if you are pregnant and that you have a statutory right to time off work (paid and unpaid) relating to pregnancy and maternity leave. We want to ensure you can easily find the appropriate information about time off work and our associated procedures. We value you and, in this policy and procedure, we have set out provisions for time off to support you with parental responsibilities.

We encourage open discussion to ensure that questions and problems can be resolved as quickly as possible. As maternity provisions can be complex, you should speak to HR Shared Services before applying for maternity leave so that you are informed about how it all works.

Your [employment rights](#) are protected while on maternity leave. This includes your right to:

- ◆ pay awards
- ◆ build-up (accrual) of annual and public holiday leave
- ◆ return to work

We have set out your rights and responsibilities, developing the policy in line with relevant legislation.

4. Support

HR support can be sought by contacting the HR Shared Services Team at hr.shared.service@sqa.org.uk or by calling 6060.

The [Employee Assistance Programme](#) can provide you with confidential support and guidance, 24 hours a day, seven days a week.

Trade union representatives can provide members with advice, help and support. Information about Unite and Unison can be found on the intranet homepage under [A-Z](#).

Additional advice and support can be found here: [Maternity and paternity benefits and leave — NHS \(www.nhs.uk\)](#).

Mental Health First Aiders are available for first-point-of-contact-support: [SQA Mental Health First Aiders \(sharepoint.com\)](#).

5. Key definitions

Here are some terms to explain maternity leave:

- ◆ **Expected week of childbirth** (EWC) means the week (starting on a Sunday) during which the employee's doctor or midwife expects the employee to give birth.
- ◆ **Qualifying week** means the 15th week before the EWC.
- ◆ **Childbirth** is defined as the birth of a living child, or a stillbirth after 24 weeks of pregnancy.
- ◆ **Statutory maternity pay** (SMP) is the pay you are entitled to if you are eligible (see section 6.1).
- ◆ **Statutory maternity leave** is made up of **ordinary maternity leave** and **additional maternity leave** and totals 52 weeks. You do not have to take 52 weeks, but you must take two weeks' leave after your baby is born (see section 6.1).
- ◆ **Compulsory maternity leave** is the two weeks of leave you must take after your baby is born.
- ◆ **Maternity allowance** is standard leave period and pay every pregnant parent must take.

6. Policy

6.1 Maternity leave entitlements

6.1.1 Statutory maternity leave

You are entitled to a total of 52 weeks of statutory maternity leave, regardless of the hours you work or length of service, provided you notify us in writing by at least the end of the 15th week before the EWC. Statutory maternity leave is made up of:

- ◆ Ordinary Maternity Leave: first 26 weeks and

- ◆ Additional Maternity Leave: last 26 weeks

You do not have to take 52 weeks of leave, but you must take two weeks' leave after your baby is born, known as **compulsory maternity leave**.

Your contract of employment continues to apply during the period of both ordinary maternity leave and additional maternity leave.

You can choose to start your ordinary maternity leave from eleven weeks before the EWC.

Your maternity leave date will start before your chosen date, if:

- ◆ you give birth earlier; your maternity leave will start the day after the birth
- ◆ you are off work for a pregnancy-related illness in the four weeks before the EWC (Sunday to Saturday)

In all cases, you are required to notify your line manager in writing or by email of the date of birth as soon as reasonably practicable.

6.1.2 Compulsory maternity leave

You are legally required to take a minimum of two weeks' maternity leave immediately following the birth of your child.

You must follow the notification requirements detailed in sections 1.1 and 1.2 of the accompanying Procedure, to be eligible for maternity leave and pay.

6.2 Maternity pay entitlements

Eligibility to receive contractual or SMP is based on several factors, including:

- ◆ your length of service
- ◆ your contract type and continuity of employment
- ◆ your intentions following maternity leave
- ◆ your average earnings

Maternity pay, where applicable, will be paid directly into your bank account each month (on SQA's salary date). Normally, the **maternity pay period** will start on a Sunday, but you can decide to start your maternity pay period on any day.

6.2.1 If you have at least 26 weeks' service

You are entitled to up to 39 weeks' SMP. To qualify, you must:

- ◆ have average weekly earnings in the eight weeks up to and including the qualifying weeks at or above the lower earnings limit for the payment of National Insurance contributions
- ◆ have 26 weeks' continuous service with SQA, assessed at the 15th week before the EWC
- ◆ still be pregnant 11 weeks before the EWC (or have already given birth)

- ◆ provide a MAT B1 form (from your doctor or midwife) confirming your EWC (this is usually only issued to you 20 weeks before your due date)

You will be paid:

Ordinary maternity leave (26 weeks) and additional maternity leave (13 weeks) pay, detailed below as:

- ◆ Weeks one to 26 of ordinary maternity leave: will be paid at full pay (this pay includes SMP) and is subject to normal pay deductions.
- ◆ Weeks 27 to 39 (the first 13 weeks of additional maternity leave): SMP only.

The remaining period of additional maternity leave (weeks 40 to 52) will be unpaid.

6.2.2 Statutory maternity pay (SMP)

SMP is treated as earnings and is therefore also subject to PAYE and National Insurance deductions, and to other contractual and statutory deductions, eg pension.

Payment of SMP cannot start before the 11th week of the EWC. SMP can start from any day of the week in accordance with the date you start your maternity leave.

SMP is payable whether you intend to return to work after your maternity leave or not.

6.2.3 If you have less than 26 weeks' service

If you do not qualify for SMP, you might qualify for Maternity Allowance: this is based on your recent employment and earnings record and is a state benefit which is payable for 39 weeks. To qualify, you must:

- ◆ have been employed or self-employed for at least 26 weeks of the 66 weeks ending with the week before your EWC
- ◆ earn at least a specified amount per week on average in any 13 weeks in the test period

You can find specific details about statutory entitlements here:

[Statutory Maternity Pay and Leave: employer guide: Entitlement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/statutory-maternity-pay-and-leave-employer-guide-entitlement)

You may be eligible to curtail your maternity leave and take shared parental leave with your partner. For more information on this, please refer to our Shared Parental Leave Policy.

There are separate leave arrangements applicable if your child is stillborn. Please see the Compassionate Leave Policy.

6.3 Notification

To qualify for up to 52 weeks of maternity leave, by the end of the qualifying week or as soon as reasonably practicable afterwards, you must write to SQA to confirm:

- ◆ that you are pregnant
- ◆ your EWC

- ◆ the date on which you intend to start maternity leave

If you feel comfortable, you can tell us about your maternity leave sooner than the timescales shown in section 1.1 of the accompanying Procedure.

Having an early and informal conversation can:

- ◆ be a good opportunity to talk about when you would prefer to take leave
- ◆ help you to plan your leave
- ◆ ensure you know about other support we may be able to offer you
- ◆ start a discussion about future flexible working options

6.4 Starting your maternity leave

Maternity leave can start at any time after the beginning of the 11th week before the EWC (unless your child is born prematurely before that date, in which case it will start earlier).

Maternity leave will start on whichever of these dates is the earliest:

- ◆ Your chosen start date.
- ◆ The day after you give birth.
- ◆ The day after any day you are absent for a pregnancy-related reason in the four weeks before the EWC (see section 6.6 for more information).

If your baby is born before maternity leave was due to start, you must notify SQA either in writing or by e mail of the date of the birth as soon as reasonably practicable.

You are permitted to either bring forward or postpone your maternity leave start date, provided you advise SQA either in writing or by e mail at least 28 calendar days before the new start date, or if that is not possible, as soon as is reasonably practicable.

6.5 Time off for antenatal appointments

Once you have advised us that you are pregnant, you are entitled to take reasonable paid time off work, without the loss of flexitime or annual leave, where applicable, to attend antenatal appointments as advised by your GP, registered midwife, or registered health visitor. Your partner and/or the other parent of the baby has the right to unpaid time off work to attend two antenatal appointments (time off is capped at six and a half hours for each appointment).

Except in the case of the first appointment, you should show some evidence of your appointments, such as a medical certificate or appointment card, to your line manager. Antenatal care may include scans, relaxation, and parent craft classes in addition to medical examinations.

You should try to give your line manager as much notice as possible of these appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

6.6 Health and safety

You can choose to work as far into your pregnancy as you are comfortable with as long as you are fit and well and are working in a post which would not be detrimental to you or your baby's health and safety, or the health and safety of other employees. We have a duty to take care of the health and safety of all members of staff. We are also required to conduct a risk assessment to assess workplace risks to pregnant people, those who have recently given birth, or who are breastfeeding.

You will be required to complete a risk assessment questionnaire and return this to the Health and Safety Officer. We will then provide you with information on any risks identified in the risk assessment. If the risk assessment reveals that you would be exposed to health hazards in performing your normal duties, we will take the necessary and practical steps to avoid those risks. In some cases, this may mean offering you suitable alternative work (if available) on terms and conditions that are not less favourable.

If it is not possible for us to alter your working conditions to remove the identified risks to your health, and there is no suitable alternative work available to offer on a temporary basis, we may suspend you from work on maternity grounds until such time as there are no longer any risks to your health. This suspension may be for the remainder of your pregnancy until your maternity leave starts. Your employment will continue during the period of the suspension, and it does not in any way affect statutory or contractual employment and maternity rights. You will be paid your normal salary and contractual benefits during the period of suspension unless you unreasonably refused an offer of suitable alternative employment.

6.7 Sickness absence

If you are on sick leave while pregnant, you will receive normal sick pay, if you have not begun ordinary maternity leave.

However, if you are absent from work due to a pregnancy-related illness **after** the beginning of the **fourth week** before your EWC, your ordinary maternity leave will start automatically, regardless of when you told us you wanted maternity leave to start. This is to ensure we support you and your baby's health and safety, so it is essential that you advise us if you are sick wholly or partly due to your pregnancy during this period.

6.7.1 If you are having a difficult pregnancy

You should talk to us if your pregnancy is affecting your work, for example you may be experiencing severe morning sickness, pain, or mental health issues. We want to support you wherever practicable and will look at temporary changes to do this, such as:

- ◆ different start and finish times
- ◆ an occupational health assessment
- ◆ time working from home
- ◆ extra breaks when you are feeling unwell

6.8 Contact during maternity leave

We think it is particularly important to maintain reasonable contact with you during your maternity leave. Your line manager will contact you to see if we can offer you any support, or

simply to update you on important developments at work or to discuss plans for your return to work. We will mainly communicate by email, but also in any other way that is practicable and agreeable with you.

6.9 ‘Keeping in touch’ days

We recognise that attending training events, meetings or other activities while you are on maternity leave may make a return from maternity leave easier for both you and the team you are part of. We describe attending these type of events during maternity leave as ‘keeping in touch’ days.

‘Keeping in touch’ days are limited to a maximum of ten days during ordinary or additional maternity leave. They may not be used during the first two weeks after childbirth, and they do not extend throughout the duration of your maternity leave.

You and your line manager (with approval from the head of service, where required) must both agree to the ‘keeping in touch’ days. You are not required to take ‘keeping in touch’ days and we are not obliged to offer them.

You will be paid your normal hourly rate for hours worked during ‘keeping in touch’ days. Payment will be made in the next monthly salary payment, depending on the proximity to the salary cut-off date (15th of the month). Pension contributions continue as normal for ‘keeping in touch’ days.

6.10 Returning to work

You do not have to notify us if you are returning to work at the end of your agreed full period of maternity leave entitlement, but you must tell us if you are returning to work before this date or are unable to attend work due to illness or injury. If you decide to resign, you must follow the notice period detailed in the terms and conditions in your contract of employment.

More detail on returning to work is in section 1.3 of the accompanying Procedure.

6.11 Rights on and after your return to work

On resuming work after statutory or ordinary maternity leave, you are entitled to return to the same job that you occupied before maternity leave, on the same terms and conditions of employment.

If you are returning to work after additional maternity leave, you have the same entitlement, however if it is not reasonably practicable for you to return to the same job (eg if there has been organisational restructure), we will offer you suitable alternative work, on terms and conditions that are no less favourable than would have applied had you not been absent.

If you worked full-time prior to maternity leave, you have no automatic right to return to work on a part-time basis, or to make other changes to your working pattern. However, all requests for part-time work or other flexible working arrangements will be considered as detailed in our Flexible Working Policy.

If you have short-term challenges on returning to your agreed working pattern, it may be useful to consider section 6.1 of the Compassionate Leave Policy and discuss this with your line manager.

6.12 Breastfeeding

We provide support and facilities to new parents transitioning back to work. If you are working from the office, you will be provided with access to the First Aid rooms in our Dalkeith and Glasgow offices. As well as providing privacy, these rooms have fridges and hand-washing facilities which will be useful you if you wish to express milk during office hours. Regardless of your working arrangements, you should feel supported to:

- ◆ rest when you feel tired
- ◆ express milk
- ◆ express milk and store it conveniently

We are obliged to conduct risk assessments on the work processes conducted by expectant, new, and breastfeeding parents, and on any substances to which you might be exposed. Having identified any health and safety risks, we must take the necessary steps to eliminate or reduce those risks.

We must ensure that you are not required to perform any work that could place your health and safety at risk.

Before these measures are implemented, you have a responsibility to inform us that you are breastfeeding. You should inform the Health and Safety Officer: [Facilities — Home \(sharepoint.com\)](#).

You can choose to breastfeed for as long as you wish —SQA does not impose any time limits for periods of breastfeeding during office hours.

6.13 Annual leave and public holidays

All maternity leave counts as worked time for the purposes of continuous service. Annual leave and public holiday entitlement will continue to accrue during maternity leave.

We explain how your leave entitlements will be managed in section 1.4 of the accompanying Procedure.

6.14 Your pension

Pension contributions will continue during any period when you are receiving maternity pay, but not during any period of unpaid leave.

Your contributions will be based on actual pay, while our contributions will be based on assumed pensionable pay (where this is higher than your actual pensionable pay received). This ensures you will continue to build up a pension as if you were working normally and receiving your normal salary. More information about your pension is shown in section 2 of the accompanying Procedure.

7. Roles and responsibilities

Your role and responsibilities, as well as those of managers and HR are defined below.

We will ensure all managers involved in this process are aware of this policy and their responsibilities under it.

You	Your line manager	Human Resources
<ul style="list-style-type: none"> ◆ be aware of the types of leave available and any associated payments, conditions, and rights during leave periods ◆ notify us of your intent to take leave within the correct timeframe ◆ provide us with any documentation associated with your entitlement to leave ◆ be aware of the internal process linked to the type of leave you are requesting ◆ advise us of any change to your leave request within the appropriate timescales 	<ul style="list-style-type: none"> ◆ comply with this policy and take advice from HR, as appropriate, when staff request leave ◆ be aware of the internal processes for dealing with leave requests ◆ inform HR upon receiving notice from your employee that they intend to take maternity leave 	<ul style="list-style-type: none"> ◆ provide advice and guidance based on this policy ◆ check eligibility for leave, leave payments, conditions of leave, and rights during leave periods ◆ ensure the provisions of this policy are applied consistently

8. Associated policies

Other policies may be invoked where they are deemed more appropriate to the circumstances. The HR policies can be found [here](#):

- ◆ Adoption Leave
- ◆ Attendance Management
- ◆ Compassionate Leave
- ◆ Flexible Working
- ◆ Flexitime
- ◆ Paternity Leave
- ◆ Parental Leave
- ◆ Shared Parental Leave
- ◆ Staff Leave

Part B — Procedure

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1. Procedure

1.1 Notification

You must notify the HR Shared Services Team at hr.shared.service@sqa.org.uk and your line manager of your pregnancy by the end of the 15th week before your EWC, or as soon as reasonably practicable. Your notice in writing needs to cover:

- ◆ that you are pregnant
- ◆ your EWC
- ◆ the date on which you intend to start your maternity leave

You must provide HR with a MAT B1 form or alternative medical evidence. You get this from your doctor or midwife when you are 20 weeks' pregnant.

1.2 After you notify us

You must complete a risk assessment questionnaire which can be obtained from HR. This form must be completed and returned to the Health and Safety Officer who will then conduct a risk assessment.

The Health and Safety Officer will provide you and your line manager with information as to any risks identified in the risk assessment. We will then take necessary steps to avoid these risks.

HR will arrange to meet with you to go through your options for maternity leave.

HR will respond to your notification of your plans for leave within 28 days, confirming the date on which you are expected to return to work.

A copy of your maternity leave dates will be given to your line manager by HR.

If you wish to bring forward or postpone the start date of your maternity leave, you must give your line manager at least 28 days' notice in writing before the new start date or, if this is not possible, as soon as is practicably possible. You or your line manager must notify HR of any change to the start date of your maternity leave period.

1.3 Returning to work

If you intend to return to work at a pre-agreed date or at the end of your full period of maternity leave entitlement (this may include time off for annual leave and public holidays), you will not be required to give us any further notification.

If you are unable to attend work at the end of your maternity leave due to sickness or injury, our normal arrangements for sickness will apply as outlined in our Attendance Management Policy.

If you want to return to work before the end of your full period of maternity leave entitlement, or before the previously agreed return date, you must give us at least eight weeks' notice of the date you wish to return to work. This should be given in writing to your line manager.

Where less than eight weeks' notice is given, we may have to postpone your return until the eight weeks' notice period is complete, although any postponement may not extend beyond the full 52-week entitlement period.

In any other case, late return without prior agreement may be treated as unauthorised absence.

If you are breastfeeding when you return to work, you have a responsibility to inform the Health and Safety Officer to ensure that you are not performing any work that could place your health and safety at risk.

If you decide not to return to work, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after maternity leave has ended, we may require you to return to work for the remainder of the notice period.

Any requests for flexible working arrangements will be considered, in line with our Flexible Working Policy.

1.4 Annual leave and public holidays

During maternity leave, you continue to accrue both statutory and any additional contractual annual leave throughout the full period of your absence.

Statutory leave is 28 days' paid leave, pro rata if you are part-time (including public holidays). This is the minimum leave you must take in any one leave year. See: <https://www.gov.uk/holiday-entitlement-rights> for more information.

Any additional leave is called 'additional contractual annual leave' and it is not statutory that you use it.

1.4.1 Before you start maternity leave

Your line manager will discuss with you the amount of leave you currently have and what you will accrue while on maternity leave. They will then agree with you when you will take your annual leave entitlement. You may use some or all your annual leave entitlement either prior to the immediate start date of your maternity leave, or at the end of your maternity leave.

This has a number of advantages:

- ◆ It could help your line manager to plan for the absence.
- ◆ It may minimise interruption to your work when you return from maternity leave.
- ◆ It could help you to extend the period that you are on leave.
- ◆ It will help to prevent an excessive build-up of untaken annual leave.

1.4.2 Returning from maternity leave

Any unused statutory leave entitlement may be carried forward to the following leave year.

If you have outstanding additional contractual annual leave entitlement, you may carry forward a maximum of five days.

You will be paid for any remaining unused additional contractual annual leave entitlement in your January pay.

2. Pension and salary sacrifice schemes

If you are a member of the Strathclyde Pension Fund, you must discuss with HR any impact that your maternity leave period may have on your pensionable service before starting your maternity leave.

Any period of unpaid maternity leave will not count towards your pension, unless you elect to pay additional pension contributions (APCs) when you return to work. This would involve purchasing the equivalent amount of pension contributions that you lost out on during that period of unpaid absence.

If you wish to purchase the amount of pension contributions you lost out on, and make the election within 30 days of the end of the scheme year, the cost of the APCs will be split between you and us. You will pay 1/3 of the cost and we will pay the rest. You can pay these additional contributions in a one-off lump sum or through regular payments from your salary. If you make the election after 30 days of the end of the scheme year, you will be liable to pay 100% of the cost of the APC and we will have no obligation to pay part of the cost.

If you take advantage of any salary sacrifice schemes, you must discuss with HR any impact these schemes may have on your maternity pay, prior to starting your maternity leave.

If you are a member of the Scottish Teachers' Superannuation Scheme, you may wish to purchase additional pension to cover the period that was unpaid. The minimum number of days' additional pension that can be purchased is 250. Please refer to the Scottish Public Pension Agency website for further information: pensions.gov.scot.

3. Flowchart

