

# Maternity Support Leave and Pay Policy

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Revised Jan-21

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# Maternity Support Leave and Pay Policy

## 1 Policy Statement

The University of Strathclyde's Maternity Support Leave policy incorporates all relevant legislation and statutory entitlements with regard to paternity leave and pay.

The term 'Maternity Support Leave' is used by the University instead of 'Paternity Leave' to recognise that any employee who is the partner of an expectant mother, or of an adopter, or of a surrogate parent is entitled to leave under this policy. Eligible partners of those fostering with the expectation to adopt are also entitled to leave under this policy and for the purpose of this policy will thereafter be referred to as a partner of an adopter.

## 2 Purpose of Policy

This purpose of this policy is to:

- Outline the statutory entitlements for Maternity Support Leave and Pay
- Ensure that managers are aware of their responsibilities to employees who are covered by the policy
- Ensure that employees are clear on their rights and responsibilities prior to, during and after their period of maternity support leave

## 3 Eligibility

To qualify for maternity support leave an employee must meet the following criteria:

- Be the biological father of the child or be the mother's husband or partner. Alternatively the employee may be the partner of the adopter or the partner of the main surrogate parent.
- Expect to have responsibility for the upbringing of the child
- Be employed by the University on the date of the child's birth or at the date of adoption.

## 4 Maternity Support Leave and Pay

### 4.1 Maternity Support Leave Entitlement

All eligible employees are entitled to up to three weeks Maternity Support Leave, taken either as one, two or three consecutive weeks.

Leave can commence:

- From the date of the child's birth or date placed for adoption (whether this is earlier or later than expected); or
- From a chosen number of days or weeks after the child's birth or date placed for adoption (whether this is earlier or later than expected); or
- From a chosen date later than the first day of the week in which the baby is expected to be born or date placed for adoption.

All leave must be used within 56 days of the birth of the baby or from the date placed for adoption. If the baby is born earlier than expected then it must be used within the period of the actual date of the birth until 56 days after the expected date of birth.

Only one period of leave is available to employees irrespective of whether more than one child is born as a result of the same pregnancy.

## 4.2 Maternity Support Pay Entitlement

All eligible employees are entitled to three weeks at full pay. This payment will include the entitlement to Statutory Paternity Pay which is paid at the current flat rate

Employees whose earnings are below the Lower Earnings Limit for National Insurance Contributions are not entitled to SPP.

## 4.3 Notification

Employees are obliged to advise the University of their intention to take Maternity Support Leave by the end of the 15th week before the baby is due or when they have been notified that they have been matched for adoption with a child or as soon as is reasonably practicable.

The member of staff must advise the University of:

- The baby's expected date of birth or date the child will be placed for adoption
- The start date of the leave to be taken
- The duration of the leave to be taken i.e. one, two or three weeks
- The date of leave can be changed by giving 28 days' notice unless this is not reasonably practicable.
- Request for Maternity Support Leave form should be completed. This form is available on the [Family Friendly Policies](#) webpage.

OR

For adoption, provision of documentary evidence indicating that a child is being adopted via an adoption agency or local authority and showing: the name and address of the adoption agency or the local authority and the employee, the date that the child is expected to be (or was) placed for adoption and the date that the adopter was told by the adoption agency or local authority that they had been matched with a child.

OR

For surrogacy, notification can be in the form of providing a statutory declaration that the employee has obtained/has applied for/intends to apply for a Parental Order.

- The appropriate Maternity Support Leave form (SC3) should also be completed. This form is available from HMRC and can be downloaded from the following link <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>

## 5 Ordinary Parental Leave

If the employee requires additional time off to look after their child they may be able to take a further statutory unpaid period under the University's Ordinary Parental Leave Policy. Details can be found on the University [website](#) or by contacting [Human Resources](#).

## 6 Shared Parental Leave

Eligible employees will also have the option to take Shared Parental Leave and Pay with their partner at any time after the first two weeks of compulsory Maternity Leave or Adoption Leave. Details can be found on the University [website](#) or by contacting [Human Resources](#).

## 7 Rights during Maternity Support Leave

### 7.1 Extended Paid Leave due to complex care needs

If your child is born and requires to spend a prolonged period in hospital (a stay longer than 3 weeks) a request may be made for extended paid leave (at the relevant equivalent statutory rate) for each week the child spends in hospital up to a maximum of twelve weeks. For example, if a

baby remained in hospital for a period of 5 weeks, 5 weeks extended paid leave may be taken immediately following the 3 week maternity support leave period. Requests should be made to the individual's line manager and Human Resources.

## **7.2 Continuity of Employment**

Continuity of employment is maintained during maternity support leave which means there is no break in service during the employee's absence from work.

Individuals shall normally return to the job in which they were employed under the original contract of employment and on terms applicable to them as if they had not been absent.

## **7.3 Annual Leave and Public Holidays**

Throughout the maternity support leave period the individual accrues contractual annual leave and public holiday entitlement. This leave can be taken as agreed with the line manager.

## **7.4 Pension Benefit**

Pension benefits will be preserved during the period of paid leave.

Further information on specific provision under respective pension schemes can be provided by the Pensions Office.

## **8 Policy Review**

This policy will be reviewed and updated at periodical intervals to ensure continuing suitability for organisational needs and compliance with relevant legislation.