

# Maternity and Parenting

**This document outlines the Scottish Prison Service Policy in relation to Maternity and Parenting.**

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**Unlocking Potential - Transforming Lives.**

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**Corporate Services**

**Policy Scope:**

**All SPS employees**

**Links to Other Policies:**

**[Shared Parental Leave Policy](#)**

**[Special Leave Policy](#)**

**[Secondary Employment Policy](#)**

**[Attendance Management Policy](#)**

**[Flexible Working Policy](#)**

**[Equality, Diversity and Human Rights Policy](#)**

**[Career Break Policy](#)**

**[Employee Code of Conduct](#)**

**[Protecting the Personal Data of Staff Members and Others](#)**

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## 1.0 Introduction

The Scottish Prison Service (SPS) recognises its responsibility to ensure that support is available to employees as they combine their career and family responsibilities.

There is legislation in place to support employees with parenting responsibilities. The SPS has produced this policy in partnership with our Trade Union Partners to fully comply with family friendly legislation relating to Maternity, Paternity, Adoption and Parental leave.

This policy forms part of the employee contract of employment and sets out the maternity and parenting rights and benefits.

This policy and procedure should also be read in conjunction with the HSE Guidance relating to 'New and Expectant Mothers' which can be found on the HSE website.

Above all, SPS is committed to reducing any risk at work to the health and safety of employees and their babies and we will continue to be proactive in assessing that risk to both employees and to contractor staff.

## 2.0 Aim

The aims of this policy are to:

- Provide a formal framework to manage the rights and obligations of employees with parenting responsibilities
- SPS aims to treat all employees in a fair and equitable manner and to ensure that employees taking maternity or other forms of leave associated with parenting are not disadvantaged as a consequence.
- Comply with all relevant legislative requirements, including Health and Safety legislation.

## 3.0 Policy Statement

The SPS recognises the importance of supporting its employees in a way which promotes and sustains positive, productive, and safe working environments. Directly relevant to this is the provision of Maternity, Paternity, Adoption and Parental leave, where the SPS offers in excess of the statutory provision for employees and expects employees and line managers to ensure that full use is made of these entitlements to support a positive work-life balance.

Unless otherwise specified, all communications by employees must be intimated in writing to their line manager and copied to the local HR Department. Failure to do so may result in the loss of rights and other benefits.

## 4.0 Scope

This policy applies to all employees in all groups and areas of SPS who qualify and are entitled to Maternity, Paternity, Adoption and Parental leave as defined under statute and through their statement of terms and conditions of employment.

Everyone working on or visiting SPS premises, whether employees, contractors, or otherwise, must comply with the parts of this policy which pertain to health and safety. The final say in matters of health and safety will remain with SPS.

Secondees to SPS from other employers and members of the Senior Civil Service are excluded from this policy. However, a multi-disciplined approach with SPS must be taken when considering all matters of health and safety such as individual risk assessments.

## 5.0 Definitions

For simplification, there is a dedicated glossary of terms and definitions in section 16.

## 6.0 Roles and Responsibilities

### 6.1 Governors and Management

Have the responsibility to:

- Make sure that their team and employees are fully aware of, and that they understand what is expected of them about this policy and associated procedures.
- Ensure they protect the health, safety, and wellbeing of their employees and that they carry out their duties in relation to this policy.
- Liaise with the HR Team in relation to more complex cases concerning maternity and other parenting leave within this policy.

- Liaise with health and safety to obtain specialist advice and guidance as required in relation to the application of this policy.

## 6.2 Employees

Have the responsibility to:

- Be aware of and understand this policy and associated procedure.
- Ensure their health and safety within the workplace at all times.
- Ensure they provide the correct information at the right time, as detailed within this policy.
- Failure to do so may result in the loss of these rights and other benefits. In addition, employees should note that any abuse of the provisions contained within this policy may be dealt with under the terms of the SPS Code of Conduct.

## 6.3 Human Resources

Have the responsibility to:

- Monitor and review this policy, and associated procedure, in consultation with Trade Unions Partners.
- Provide advice to managers and employees on more complex cases concerning maternity and other parenting leave within this policy.
- Provide advice and guidance to all employees in relation to their maternity and parenting rights and entitlements.
- Ensure that all related paperwork is processed promptly once it has been submitted by the employee.

# 7.0 Maternity Leave

## 7.1 Eligibility for Leave

Pregnant employees are entitled to 52 weeks' unpaid maternity leave irrespective of their length of service. There are three types of maternity leave: ordinary, additional, and compulsory. Maternity leave is divided into two halves:

- **First 26 weeks** (weeks 1 – 26) is known as ordinary maternity leave (OML). Compulsory maternity leave (CML) constitutes the first 2 weeks directly following the birth and forms part of ordinary maternity leave.

- **Second 26 weeks** (weeks 27 – 52) is known as additional maternity leave (AML).

As long as employees give proper notice (section 7.2) they can take this no matter how long they have worked for the SPS, how many hours they work, or how much they are paid.

### ***MAT B1 Certificate***

The MAT B1 certificate is issued to pregnant employees by a doctor or midwife and confirms the expected week of childbirth (EWC). It is usually issued after the 20<sup>th</sup> week of pregnancy. The certificate is required for the payment of Statutory Maternity Pay (SMP) and used to calculate maternity pay. 15 weeks prior to the EWC, employees are required (unless they are unaware of their pregnancy) to provide evidence of the baby's due date by providing HR with their MAT B1 certificate as soon as it is provided.

### ***Qualifying Week***

The qualifying week is the 15<sup>th</sup> week before the week in which the baby is due. The qualifying week can be worked out as follows:

- Find the Sunday at the beginning of the EWC
- Count back 15 Sundays (do not include the Sunday of the EWC)
- The 15<sup>th</sup> Sunday is the beginning of the qualifying week.

Generally, the definition of a week in this guide is a period of seven days that begins at midnight between Saturday and Sunday; but, if the SMP starts on a day of the week other than a Sunday, then a week in the employees Maternity Pay Period (MPP) means a period of seven days starting from the day of the week the MPP began. For example, if the MPP started on a Thursday, the weeks in the employees MPP run from Thursday to Wednesday.

## **7.2 Notification to take Maternity Leave**

To take maternity leave employees should, no later than the end of the 15<sup>th</sup> week before the baby is due (or as soon as is reasonably practicable), inform their line manager in writing (by completing the [Notification Form - Pregnancy & Maternity Leave](#)) of the following:

- that they are pregnant
- date of the EWC
- when they intend to start their maternity leave.



Employees can change the date they commence maternity leave as long as they give at least 28 days' notice, in writing, to their manager of the date they intend to start their maternity leave, subject to the following constraints:

- The maternity leave period cannot start before the 11th week before the EWC
- The latest date maternity leave can start is the date of childbirth.
- The maternity leave period will be automatically triggered if the employee is absent from work wholly or partly because of pregnancy after the beginning of the fourth week before the EWC.
- The maternity leave period will be automatically triggered if your baby is born early, in which case maternity leave will start the day after the day on which the baby is born.
- If childbirth occurs before the notified date or before any date has been notified, the employee must notify SPS as soon as reasonably practicable to preserve the right to maternity leave and statutory maternity pay.

### 7.3 Eligibility for Pay

Payment of maternity pay commences once an employee's maternity leave has begun. It is paid for complete weeks only, processed through payroll and treated in the same way as any other earnings for the purposes of tax, NI, etc.

To qualify for paid maternity leave the employee must have completed at least 26 weeks of continuous service with the SPS by the qualifying week (i.e., the 15<sup>th</sup> week before the baby is due).

#### ***Occupational Maternity Pay (OMP)***

OMP is provided by the SPS to give enhanced benefits to staff who intend to return to work after maternity leave. To qualify, employees must have:

- At least 1 year and 15 weeks' continuous service with the SPS by the start of the EWC. OMP is made up of SMP topped up with OMP to full basic pay.
- Followed the notification procedures informing the SPS in writing (by completing the [Notification Form - Pregnancy & Maternity Leave](#)) they intend to return to work at the end of the period of maternity leave for at least 4 weeks (excluding sickness absence and extended unpaid leave).

OMP comprises of 27 weeks' full basic pay during the period of OML, followed by 12 weeks' statutory maternity pay (SMP), with the remaining 13 weeks as unpaid leave, for babies due on or after 1 April 2022.

Week Number	Entitlement
First 27 weeks (weeks 1 – 27)	Full Basic Pay
Next 12 weeks (weeks 28 – 39)	SMP
Remaining 13 weeks (weeks 40 – 52)	No Pay

To support the guidance detailed above the **Maternity: Line Managers Checklist** and the **Maternity: Employee Checklist** have been developed. Both the line manager and expectant employee should ensure they read the guidance and checklists in full to ensure action is taken in a timely fashion and all parties understand their responsibilities.

### **Statutory Maternity Pay (SMP)**

All eligible employees will receive SMP whether or not they intend to return to work after maternity leave. To qualify, employees must have:

- Completed 26 weeks of continuous service with the SPS by the qualifying week and have average earnings above the lower earnings limit for NI contributions.
- Provide evidence of the baby's due date (MAT B1 Certificate) within 21 days of the SMP start date.

The SPS do not have to pay SMP if they have not received proof of the due date 13 weeks after the SMP start date. SMP is a state benefit payable to employees on maternity leave for up to 39 weeks. The conditions for which, and the amount of which, are determined by the government, but it is paid by the SPS. SMP is calculated as follows:

Week Number	Entitlement
First 6 weeks	90% of normal weekly earnings
Next 33 weeks	SMP rate per week (or 90% of normal weekly earnings if lower)
Remaining 13 weeks	No pay

Normal weekly earnings are calculated by averaging the employee's pay per week over a statutory defined period prior to maternity leave:

- the last normal pay day on or before the Saturday at the end of the qualifying week, and
- the last normal pay day at least eight weeks before that date.

SMP may start on any day of the week. Contact your local HR team for details of current SMP rates.

Employees must be aware that working for another employer whilst in receipt of SMP may result in statutory maternity pay being ceased. Employees **must** inform HR if they intend to work for another employer whilst in receipt of SMP so that further guidance can be given in line with SPS Secondary Employment Policy.

If employees do not meet the above criteria for SMP, they should contact their local social security/Jobcentre Plus office to enquire about eligibility for Maternity Allowance (MA). Unlike SMP, it is not paid by the SPS, instead payment is made by the social security/Jobcentre Plus office.

### ***Maternity Allowance (MA)***

Employees may not be entitled to receive SMP either because they do not earn enough to pay NI contributions; they have made insufficient contributions during the qualified period, or they do not have 26 weeks' continuous employment with the SPS but would otherwise qualify for SMP.

If an employee is not entitled to SMP, the Pay, Pensions, and Relocation Services (PPRS) team will send an SMP1 form to the employee. This must be taken with the MAT B1 certificate to the Department of Social Security/Jobcentre Plus to make a claim for Maternity Allowance (MA).

## **7.4 Health & Safety**

The SPS is aware of their obligations to protect the health and safety at work of all employees, including new and expectant mothers, and those who are breast feeding.

### ***Risk Assessment***

Detailed guidance for line managers, in relation to the generic health and safety risk assessment process, is contained in [circular 32A/06 – Risk Assessment](#). Guidance for line managers specifically on undertaking a risk assessment on an expectant parent is contained within the [Health and Safety Line Managers Guidance](#). This must be consulted and followed once notification of pregnancy is received.

When SPS is notified in writing of an employees' pregnancy, appropriate action must be taken to remove hazards and reduce, or adequately control risks.

A [Pregnancy Risk Assessment](#) must also be completed and a [Pregnancy Safety Action Plan](#) will be completed by the line manager in consultation with the local Health and Safety Co-ordinator, and with the full assistance of the pregnant employee. **This assessment must be kept under review and amended where there is a change in the circumstances, or the expectant birth parent's health, or capability in fulfilling her role.** Any further action required will form part of the Pregnancy Safety Action Plan.

On receipt of written notification of pregnancy, employees whose principal activity involves direct prisoner contact, will ordinarily be removed from this duty, dependant on the outcome of the risk assessment process. As part of this process, consideration may be given to retaining the prisoner contact role so long as they are provided with an escort when carrying out this duty.

Employees in operational roles will normally be required to continue shift work. To assist in determining the feasibility of continuing shift work, advice from SPS occupational health and risk assessments will be utilised.

### ***Control & Restraint***

Employees are exempt from Control and Restraint (C&R) competency or Personal Protection Training (PPT) for the duration of their pregnancy and for at least three months following their return to work. During pregnancy and any period of breast feeding, operational employees should not respond to incident alarm.

On return from maternity leave, employees' ability to evidence C&R or personal protection competency will be informed by occupational health advice taking account of any related issues including those employees who are breastfeeding. It is good practice to review the original risk assessment and amend as deemed appropriate for any change in circumstances.

Employees who are required to attend Control and Restraint Training on return from maternity leave will normally be given three months following their return to work to prepare before being required to evidence competency. However, this approach is flexible and is subject to the guidance of SPS occupational health who will also provide advice regarding employees who are breast-feeding. If after this period they are still unable/ unfit to attend Control and Restraint Training a further referral will be made to occupational health to ascertain the way forward and what support, if any, could be provided to achieve competence.

## **7.5 Time Off for Antenatal Care**

Once a pregnancy has been confirmed, employees are likely to receive ante-natal care through appointments with a registered medical practitioner, registered midwife, or registered health worker.

Employees are entitled to take paid time off during normal working hours to attend authorised ante-natal appointments, provided they produce the documentation giving details of the appointment.

In addition to appointments for medical examinations with doctors, nurses, and midwives, antenatal appointments may also include relaxation and parenting classes, acupuncture, hypnotherapy, and exercise classes, as long as they are recommended by a health professional.

Wherever possible, the employee should give reasonable notice to their manager of these appointments, providing their appointment card or some other document confirming their appointments as far in advance as possible.

## 7.6 Maternity Uniform

The policy for uniformed staff provides a £100 allowance that can be claimed for the purchase of maternity black trousers or skirts and white blouses. Tax is pre-paid by SPS therefore logos are not required on the clothes. Please contact HR to apply for the allowance, which can be paid after the 8<sup>th</sup> week of pregnancy.

This allowance must be applied for during the tax year in which it is required. Employees should complete the [Maternity Wear Allowance for Uniformed Employees form](#) for this purpose.

## 7.7 Maternity Cover Arrangements

Arrangements for temporary cover during the period of maternity leave and additional leave, and for enabling employees to keep in touch with any developments at work, are important for ensuring smooth transitions at each stage.

Before starting maternity leave, employees will be informed of the arrangements for covering their work and for remaining in contact whilst they are on leave. These arrangements will be finalised in consultation with the employee by their manager. If an employee has staff reporting to them, the SPS will try to involve the employee in all decisions relating to the temporary reporting arrangements to cover their maternity leave.

Employees will not be unreasonably requested by the SPS to undertake work that would have taken place during the maternity leave period prior to departing on maternity leave. This will not, however, prevent the employee from assisting in the planning for coverage of their work in advance of the maternity leave period.

## 7.8 Managing Attendance and Absence

### ***Absences during Pregnancy***

- If the employee is absent from work for an illness or condition which is wholly or partly related to pregnancy the absence will not be counted towards the different levels of attendance notices used to manage short-term or irregular attendance but will be noted and otherwise be treated in accordance with SPS' Attendance Management Policy.
- If the employee is absent from work for an illness or condition which is not wholly or partly related to the pregnancy, they should be treated in accordance with SPS' attendance management policy.
- Any absence which is wholly or partly, related to the pregnancy which arises or continues after the beginning of the fourth week prior to the EWC will cause maternity leave to start immediately the following day. This is regardless of the intended start date intimated by the employee. This is recorded as maternity leave not sick absence. (Referred to as "absence triggered maternity leave").

### ***Absence during Maternity Leave***

- Should a pregnancy-related absence continue into, or arise during, maternity leave the absence should not be counted towards the different levels of attendance notices used to manage short-term or irregular attendance, and / or capability as per SPS' attendance management policy.
- This absence is recorded as maternity leave, not sick leave, and there is no entitlement to contractual sick pay.

### ***Absence after Maternity Leave***

- Should a pregnancy-related absence continue beyond or arise after maternity leave, the period of absence arising after maternity leave will count towards the calculation of the different levels of attendance notices used to manage short-term or irregular attendance periods and / or capability as per the SPS' attendance management policy.

## 7.9 Probation

If an employee becomes pregnant during their probationary period resulting in an inability to complete the probationary period, the probationary period should be extended by the length of time absent due to maternity leave. Further information can be found in the SPS Probationary Policy.

## 7.10 Miscarriage and Stillbirth

SPS understands that experiencing a miscarriage or stillbirth is a traumatic experience and will ensure that all available support is offered.

If an employee's baby is stillborn before the end of the 24th week of pregnancy, it is called a miscarriage. Employees who have miscarriages are not entitled to maternity rights. Therefore, if an employee miscarries during or before the end of the 24<sup>th</sup> week of the pregnancy they will not be entitled to maternity leave, maternity pay or allowance.

Any absence related to the miscarriage will be managed in line with the SPS' Attendance Management Policy. If the absence is directly related to the miscarriage this will not count towards absence calculations.

If an employee loses their child after the end of the 24th week of pregnancy it is called a stillbirth. Employees who have stillbirths have all the rights they would have had if their baby had been born alive.

An employee who has experienced a stillbirth occurring after the end of 24<sup>th</sup> week of pregnancy will be entitled to statutory maternity pay and maternity leave, provided they notify SPS as soon as reasonably practicable. In addition to maternity benefits, the employee may also be entitled to Parental Bereavement Leave and Pay (see section 14).

The absence will not be counted towards an individual's entitlement to contractual sick pay or for the purposes of SPS' Attendance Management Policy.

## 7.11 Complications

If the employee loses their child due to neo natal fatality (within 28 days of birth) they will still be entitled to receive the full statutory maternity pay and maternity leave. In addition to the above, employees may also be entitled to Parental Bereavement Leave and Pay if they have suffered the loss of a child under 18 or a stillbirth after 24 weeks of pregnancy. Refer to section 14 for more information.

## 7.12 Keeping in Touch

Employees will often find it helpful, before maternity leave starts, to discuss arrangements for staying in touch with the SPS. The employee and the line manager should agree what type of contact is considered reasonable during the maternity or adoption leave period and in what format the contact should be made. The frequency of the contact should also be agreed, and details recorded in writing. It is recognised that circumstances may change, and an employee may wish to alter the agreed contact while they are on leave. If so, they should contact their line manager to discuss.

### ***Maintaining Contact***

- The main purpose of keeping in contact is to keep the employee up to date with any changes and developments taking place in the workplace and to ease the return to work after the period of maternity leave.
- All staff have access to vacancies ([SPS Internal Vacancies](#)) while on leave and should they wish to do so, they can call their line manager to discuss. Line managers may also wish to notify employees on maternity or adoption leave of any available opportunities that arise.
- Line managers should record the agreed method/frequency of contact as well as each contact made using the [Keeping in Touch Contact Sheet](#).

### ***Keeping in Touch (KIT) Days***

- Employees are entitled to work for a maximum of 10 days under their contract of employment during the maternity or adoption leave period. Such days, known as 'keeping in touch days' (KIT days), are different from reasonable contact as described above as the employee can be paid at their **normal rate** of pay for carrying out work, which is normal under the terms of their contract of employment. This may include attending training or a team meeting.
- KIT days are paid in full days, irrespective of the number of hours worked. For example, if you attended a 2-hour meeting and returned home, this would be classed as one KIT Day and you would be paid for 7.4 hours. Likewise, if you worked 9 hours, you would be compensated for 7.4 hours.
- If an employee opts to work a KIT Day during a period of OMP, they will not receive an additional payment as they are already in receipt of full basic pay if eligible. However, if the KIT Day falls during a period of SMP, their pay for that day will be topped up to full basic pay, and likewise for attending KIT days during periods of no pay.
- Once the 10 KIT days have been used, employees should be aware that they will lose a week's statutory maternity pay for any week in which they do any work during their maternity or adoption leave over and above the 10 KIT days.
- SPS is not obliged to offer KIT days nor is the employee obliged to work if requested by SPS. It is unlawful for the employee to suffer a detriment for not agreeing to work KIT days or for working or considering such work.
- KIT days may be worked at any stage during the leave period, except during the first 2 weeks of maternity leave, after the baby is born.
- Line managers should record the dates and number of KIT days used, on the [Keeping in Touch Record](#) form.



- In addition to the KIT days available to the birth parent or primary adopter, employees who decide to take Shared Parental Leave instead of Maternity Leave, may also be entitled to an additional 20 'shared parental leave in touch' (SPLIT) days, subject to eligibility. Further details are contained within the SPS Shared Parental Leave Policy.

### 7.13 Terms and Conditions Protection

All current terms and conditions of employment continue to apply during the maternity and adoption leave period, except those relating to pay. Accordingly:

- Benefits in kind continue, including entitlement to redundancy payments and length of service payments.
- During the period of maternity leave the employee accrues contractual annual leave entitlement.
- During the period of maternity leave all service is reckonable for pension purposes.

### 7.14 Returning to Work after Maternity Leave

Employees are not allowed to return to work during the first two weeks from the date of childbirth. This is classed as a period of Compulsory Maternity Leave (CML).

Prior to returning to work, the line manager and employee should have previously agreed a return to workplace familiarisation process. If during such a discussion, the employee raises any job-related risk factors that require further adjustments to the job or hours or any other factors that affect health, safety and wellbeing at work, advice must be sought from SPS occupational health providers. It may also be necessary to review the risk assessment as a result. Further guidance on factors which may need to be considered is contained within the health and safety section of this policy.

An employee returning after ordinary maternity or adoption leave (i.e., within 26 weeks or less), has the right to return to the job in which they were employed before the leave, on not less favourable terms and conditions (unless that job is affected by a staff surplus situation).

An employee returning after additional maternity or adoption leave (i.e., returning after more than 26 weeks), has the right to return to the job in which they were employed before the leave, on not less favourable terms and conditions (unless that is not reasonably practicable, or the job is affected by a staff surplus situation).

## **Notice Requirements**

An employee returning from a full period of maternity or adoption leave is not required to notify SPS of their return to work immediately after a period of maternity or adoption leave and should simply report for duty on the date advised by SPS.

The employee must give 8 weeks written notice if they intend to return before the end of the full maternity or adoption leave entitlement of 52 weeks.

If the employee does not give the appropriate notice of returning, SPS can postpone their return to a date which would give 8 weeks' notice, or to their expected return date if sooner.

## **7.15 Performance Management**

If, following a risk assessment, it is deemed necessary to place the expectant employee in a different work area, as part of the SPS performance management process, an interim review should be carried out to reflect any difference in duties and objectives during their pregnancy.

For further guidance please refer to the current SPS performance management process. When the employee returns after maternity, a meeting should be held to agree Core Role Outputs and in Year Objectives.

## **7.16 Breastfeeding**

Breastfeeding is encouraged by the Scottish Government for many reasons related to the health of the baby.

There is no time limit on breastfeeding – this is a matter for the individual. The Scottish Government has adopted as policy World Health Organisation guidance which, recommends exclusive breastfeeding for the first 6 months. SPS recognises that many employees who have returned from maternity leave may still be breastfeeding.

It is the responsibility of the employee to notify the line manager or HR within a reasonable period, as part of the pre return discussions and before returning to work that they intend to breastfeed on return to work. This will enable the appropriate arrangements to be put in place including any appropriate risk assessment.

Advice from SPS' occupational health will be sought when a breastfeeding employee is returning to a role which requires direct prisoner contact or where a potential risk has been identified through the risk assessment process. The employee will be advised of the outcome of the risk assessment and any proposed actions.

Further guidance on factors which may need to be considered is contained within the health and safety section of this Policy.

## ***Facilities for Breastfeeding***

SPS will provide a suitable facility for employees to rest and/or express milk. A toilet is not a suitable rest facility.

- The facilities should include a place to sit or lie down.
- The facilities should be private and with hand washing and toilet facilities nearby.

For those employees' who wish to express milk, SPS will provide an electric point where an electric pump may be used and a hygienic area for cleaning and storing sterilising equipment.

SPS aims to provide nursing employees with a fridge for storing breast milk. If this is not reasonably practicable then SPS will provide a well-insulated cool bag as a suitable alternative.

Additional breaks may also be considered as appropriate. It is not unlawful to give favourable treatment to women in connection with pregnancy or childbirth.

## **7.17 Non- return to Work following Maternity Leave**

Should an employee decide not to return to work for at least 4 weeks following a period of maternity or adoption leave, contractual written notice must be given to SPS. Employees who have decided not to return to work should give SPS as much notice as possible in order that arrangements can be made to cover their role.

Payments made by the SPS during maternity leave shall be made on the understanding that the employee will return to work for a period of at least four weeks.

If the employee decides not to return to work, the employee shall refund all monies paid at the discretion of the SPS. Payments made to employees by way of SMP are not refundable as explained above. The employee will be required to repay the difference between statutory maternity pay and occupational maternity pay; or statutory adoption pay, and occupational adoption pay. SMP and SAP are non-refundable. For further information, please contact your local HR department.

## **8.0 Paternity Leave**

Partners of pregnant employees or partners of primary adopters with at least 26 weeks' service by the 15<sup>th</sup> week before the baby is due, (or 26 weeks' service leading into the week a child is matched in cases of adoption), will be entitled to two weeks of paid leave.

Paternity leave must be taken as one week's leave, or two consecutive weeks leave. The chosen period of leave must be taken in full within the period of 56 days beginning with the date of the child's birth or placement with its adoptive parent.

## 8.1 Ordinary Paternity Leave

### ***Eligibility***

Ordinary paternity leave (OPL) and paternity pay is available to eligible employees whose partners either give birth to a child or are newly matched for adoption with a child under 18.

The provisions apply whether the employees service is full-time or part-time (irrespective of the number of hours worked), or is permanent or temporary, subject to the conditions of the scheme being met.

Employees are entitled to OPL if they:

- Are the parent of the child, or are the spouse or partner of the child's birth parent, or in the case of adoption, they are the adopter's spouse or partner);
- Have at least 26 weeks' continuous employment with SPS ending with the 15th week before the expected week of childbirth (EWC), or in the case of adoption, ending with the week in which the adopter is notified of having been matched with the child.
- If the employee is the adopter, then they may be entitled to adoption leave instead, however may only take paternity leave or adoption leave (not both); and
- Have, or expect to have, responsibility for the child's upbringing (In the case of adoption, the employee must have, or expect to have, the main responsibility - other than the adopter - for the child's upbringing).
- Expect to have main responsibility - other than the child's birth parent - for the child's upbringing if married to, civil partner or otherwise partner of the child's birth parent.

The employee must give a declaration confirming these details and that the purpose of the absence is to take care of the child or support the child's birth parent or adopter.

### ***Notification***

Notice of intention to take ordinary paternity leave should be given not later than the 15<sup>th</sup> week prior to the EWC (or, in the case of adoption, within 7 days after the adopter is notified of having been matched with the child). The [Notification Form - Paternity](#)

[Leave](#) should provide details of the EWC, how long the employee intends to take and the date the employee wishes to commence the leave.

If it is not reasonably practicable to give notice by those dates, notice should be given as soon as reasonably practicable.

Employees can change their mind about when they want their leave to start but must give SPS at least 28 days' notice before the new date they want to start.

## 8.2 Pay Entitlement during Ordinary Paternity Leave

Ordinary paternity pay (OPP) is payable to employees who qualify for OPL and whose earnings during the period specified by statute exceed the lower earnings limit for national insurance.

For those employees who qualify for OPP, SPS will pay up to two weeks of OPP at full basic pay (made up of statutory paternity pay (SPP) plus occupational paternity pay). For details of the current rate of SPP and further information on the lower earnings limit, employees should contact HR.

Should the employee not be eligible for OPP or SPP, they can request unpaid leave.

## 8.3 Antenatal Appointments

Employees are entitled to attend two antenatal sessions with their pregnant partners. If, however, employees wish to attend further antenatal appointments with their partners, they should discuss this with their line manager.

There is **no** entitlement to paid time off and any employee wishing to attend additional appointments should therefore use their time off in lieu (TOIL), flexitime or annual leave. This applies equally to the partner of the expectant parent.

A record of time off to attend antenatal appointments should be recorded on a [Antenatal Appointments Application](#).

## 9.0 Adoption

There are two types of leave and pay arrangements to support those adopting children from within the UK and from abroad. In general, one parent can take a lengthy period of adoption leave, similar to a birth parent's legal entitlement to maternity leave and pay, the other parent can take paternity leave as explained in Section 8 of this Policy.

Adoption rights apply only to parents who are newly matched with a child for adoption. They do not apply, for example, to children who are adopted by their foster family, or by step-parents.

However, if an employee is a local authority foster parent who has been approved as a prospective adopter, and a child is placed with them in a "foster to adopt" situation, they will be entitled to adoption leave and pay (refer to section 10.0).

## 9.1 Pre-adoption Time Off

Adopting parents may be required by Social Services departments and adoption agencies to be flexible in attending meetings and this can result in requests for time off at short notice prior to adoption. Employees may request this time off by submitting [a Time-Off Request – Pre-adoption form](#).

- The main adopter will be able to take paid time off for up to five adoption appointments.
- The secondary adopter will be entitled to take unpaid time off for up to two appointments.

For line managers to try to accommodate short-notice requests for such time off, prospective adopters should keep their line managers fully informed on progress with the adoption process.

## 9.2 Eligibility for Adoption Leave

To be eligible for adoption leave, an employee must:

- Be the adopter of a child (or, if two people are named as joint adopters, have elected to be the adopter for these purposes);
- Have notified the adoption agency that they agree to the child being placed with them and to the date of placement of the child into the employee's care.
- Be one of the adopters named on the matching certificate.
- Submit to HR the appropriate evidence of entitlement.

Approved or acceptable evidence of entitlement may be in the form of a 'matching certificate', issued by the adoption agency stating:

- The name and address of the adoption agency;
- The date on which the employee was notified that they had been matched with a child; and
- The date on which the agency expects to place the child with the employee.

Failure to provide evidence of entitlement may result in the employee losing the right to take adoption leave.

Where two people are named as adopters, only one may take adoption leave while the other, if eligible, may take paternity leave.

### 9.3 Notification Requirements

To qualify for adoption, leave and pay, the individual has to inform SPS, giving at least 28 days' notice, in writing of:

- Their intention to take adoption leave;
- The date on which the child is expected to be placed with the employee; and
- The date on which the employee has chosen to begin adoption leave.

This notice must be provided no later than 7 days after the adoption agency has advised the employee that they have been matched with a child.

In addition, they must provide the evidence of entitlement set out above.

### 9.4 Adoption Leave

Employees with at least 26 weeks' service by the week they are newly matched with a child under 18 for adoption, will be entitled to 26 weeks' Ordinary Adoption Leave (OAL), followed by 26 weeks' Additional Adoption Leave (AAL).

In the situation that a placement ends for any reason or the child dies, entitlement to leave is curtailed, ending 8 weeks after that event. Should the employee be unfit to return to work normal sick absence procedures would apply, as per the SPS' Attendance Management Policy.

The employee can elect to start OAL on:

- The day the child is placed with them for adoption.
- They would also be entitled to start leave on the day following placement, if for example, they are at work on that day and they take responsibility for the child later in the day; or
- A specified date no more than 14 days before the expected date of placement and not later than the date of placement.

The employee can change the start date of ordinary adoption leave by giving at least 28 days' notice before the date previously chosen.

Employees intending to take adoption leave should complete the [Notification Form - Adoption Leave](#) and forward it to their line manager to complete and forward to HR who will update their records and then forward to Pay, Pension and Relocation Services to amend pay if necessary. The employee should keep a copy of the form for their own records.

### 9.5 Pay during Adoption Leave

### ***Occupational Adoption Pay (OAP)***

For children placed for adoption on or after 1 April 2020, employees who are eligible for statutory adoption pay (SAP), and who also have at least 1 year and 15 weeks' continuous service with SPS at the start of their adoption leave, are entitled to the full basic pay they would have earned had they been at work, for the first 27 weeks of ordinary adoption leave.

This full basic pay is made up of statutory adoption pay plus the additional amount required to make the total equate to full basic pay.

Statutory Adoption pay is paid for a further 12 weeks at the current SAP rate only. The remaining 13 weeks are unpaid.

<b>Week Number</b>	<b>Entitlement</b>
First 27 weeks (weeks 1 – 27)	Full Basic Pay
Next 12 weeks (weeks 28 – 39)	SAP
Remaining 13 weeks (weeks 40 – 52)	No Pay

If the employee fails to return to work for SPS for a period of at least 4 weeks immediately following their adoption leave, the amount of occupational adoption pay (OAP) falls to be repaid by the employee and SPS are entitled to deduct any amount due for repayment from any pay still due to the employee.

To qualify for occupational adoption pay, the employee must sign a 'Declaration' within the [Notification Form - Adoption Leave](#). By doing this, they agree to repay any occupational adoption pay should they decide not to return to work for SPS for a period of at least 4 weeks immediately following the adoption leave. SPS are entitled to deduct any amount due for repayment against any pay still due to the employee.

### ***Statutory Adoption Pay (SAP)***

In most cases employees taking adoption leave will also be entitled to statutory adoption pay (SAP) for up to 39 weeks. An employee is entitled to statutory adoption pay (SAP) if they have:

- 26 weeks' continuous employment with SPS before the qualifying week which is the week in which the employee is notified in writing by an adoption agency of having been matched with a child and on the basis that the employee is still employed by SPS at the end of that qualifying week (this is known as the 'Matching Week').
- Normal weekly earnings for the previous eight weeks of at least the lower earnings limit for NI contributions.



- The notification requirements under paragraph 9.4 have been met.

Statutory Adoption Pay is calculated as follows:

Week Number	Entitlement
First 6 weeks	90% of normal weekly earnings
Next 33 weeks	SMP rate per week (or 90% of earnings if lower)
Remaining 13 weeks	No Pay

For details of current SAP rates, employees should contact their local HR department.

Employees must be aware that working for another employer whilst in receipt of SAP may result in statutory adoption pay being ceased. Employees **must** inform HR if they intend to work for another employer whilst in receipt of SAP so that further guidance can be given in line with the SPS Secondary Employment Policy.

## 9.6 Performance Management

Following their return from adoption leave, a meeting should be held with the employee to agree Core Role Outputs and in Year Objectives. For further guidance please refer to the current SPS [performance management process](#).

# 10.0 Fostering to Adopt

## 10.1 Eligibility for Adoption Leave

Employees who are foster carers may also be eligible for adoption leave and pay. In accordance with section 22C of the Children Act 1989 and Paternity & Adoption Leave Regulations 2002 as amended in the Paternity and Adoption Leave Regulation 2014, a foster carer must be a 'dual approved prospective adopter' or 'pre-approved adopter', and the child must have been placed with the employee with the intention of fostering to adopt that child.

To be eligible the employee must:

- Be a local authority foster parent who has been approved as suitable to foster a child with the intention that the placement may later become an adoption;
- Have been notified by the local authority of its decision to place a child with them, with the intention to adopt that child;

- Have notified the local authority of their agreement that the child will be placed with them; and
- Have agreed with the local authority of a date for the placement to commence

Approved or accepted evidence of entitlement may be in the form of a 'matching certificate', or official notification (overseas adoptions only) issued by the adoption agency stating:

- The date on which the agency expects to place the child with the employee for the purpose of fostering with the intention to adopt
- The estimated date the child arrives in the UK – within 28 days of getting the notification

Failure to provide evidence of entitlement may result in the employee losing the right to take adoption leave.

To qualify for adoption, leave the employee must be one of the adopters named on the matching certificate or official notification. Where two people are named as adopters, only one may take adoption leave while the other, if eligible, may take paternity leave.

If the dual approved prospective adopter is entitled to adoption leave and pay when a child is placed with them for fostering, they cannot then access additional adoption leave and pay at a later date in respect of the same child when and if the adoption goes ahead.

If the placement with a dual approved prospective adopter does not proceed to a formal adoption, then the entitlement to adoption leave and pay will end. This will happen either eight weeks after the placement ends, or at the end of the adoption leave and pay period, whichever is earlier.

## 10.2 Notification Requirements

To qualify for adoption, leave and pay, the dual approved prospective adopter has to inform SPS, giving at least 28 days' notice, in writing of:

- Their intention to take adoption leave;
- The date on which the child is expected to be placed with the employee for the purposes of fostering with the intention to adopt that child; and
- The date on which the employee has chosen to begin adoption leave

This notice must be provided no later than 7 days after the adoption agency/local authority has advised the employee that they have been matched with a child. In addition, they must provide evidence of entitlement as set out above.

## 11.0 Fertility Treatments

Some employees may choose to undergo fertility treatments in order to try to conceive. Therefore, both partners may be subject to preliminary tests to determine the most appropriate treatment.

Many fertility treatments, including In-Vitro Fertilisation or IVF involve attendance (by both partners) at a specialised fertility clinic at specific times for treatment. It is helpful if the line manager is made aware of such treatment to assist in facilitating the appropriate time off. This information will be treated in the strictest confidence.

Employees who are undertaking fertility treatment will be expected to attend such appointments where possible out with working time. However, SPS recognises that this may not always be possible given the nature of some treatments and in these circumstances such appointments may be taken in working time.

Whilst it cannot be guaranteed, all reasonable requests for time off will be granted. Employees are asked to give as much notice as possible to their line manager. Absence for such appointments during working time will be debited against TOIL or flexi time.

Employees on all hours worked contracts will make up the time taken for the appointment, as will employees with contractual overtime.

## 12.0 Surrogacy

The surrogate birth parent who gave birth to the baby is considered the legal 'mother' in the UK and will have parental responsibility for the child.

Whatever happens to the child after birth, the birth parent will be entitled to maternity leave and pay (assuming the eligibility criteria are met) and has exactly the same employment rights as other employees who are pregnant or who have given birth (see Section 7.0).

If one of the intended parents is registered as the second parent on the child's birth certificate, they may qualify for paternity leave following the birth. Further information regarding paternity leave can be found in Section 8.0.

In the case of surrogacy arrangements, guidance, and advice on individual rights and/or entitlement will be provided on a case-by-case basis.

### 12.1 Parental Order

Intended parents who are genetically related to the baby (egg or sperm donor) can acquire legal parenthood by applying for a parental order within 6 months of the birth of the baby provided they are married, in a civil partnership or a long-term, co-habiting relationship. An intended parent who is single cannot apply for a parental order.

An employee who is an intended parent, and who expects to apply for and be granted a parental order, will have the right to take time off work to accompany the surrogate birth parent to up to two ante-natal appointments.

An employee who is an intended parent, and who has applied or intends to apply for a parental order may be entitled to 52 weeks' adoption leave and 39 weeks' statutory adoption pay (SAP) provided they meet the eligibility criteria (see section 9.0).

Only one of the intended parents can exercise the right to take adoption leave; the other parent may qualify for statutory paternity leave (on adoption) and pay following the birth (see section 8.0).

Employees will be required to provide a written statement (called a Statutory Declaration) to confirm that an employee who is an intended parent has applied or will apply for a parental order in the 6 months after the child's birth. A Statutory Declaration must be signed in the presence of a legal professional.

## 12.2 Where there is no Parental Order

If the intended parent(s) of the child born through surrogacy are not eligible to apply for a parental order, then they will only be able to acquire parental rights for the child if they apply for an adoption order through a registered adoption agency.

If employees apply for an adoption order in respect of a child born through a surrogacy arrangement, then they will be entitled to adoption leave and pay if they meet the normal qualifying conditions (see section 9.0).

Employees seeking guidance on time off and pay for parents having a child through surrogacy should contact HR.

## 13.0 Shared Parental Leave

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year after birth or adoption. Please refer to the separate SPS Shared Parental Leave Policy.

## 14.0 Parental Leave

Parental leave is a form of statutory unpaid leave available to some working parents in addition to statutory maternity, paternity and adoption leave.

It can last up to 18 weeks and can be taken with a degree of flexibility in terms of the time at which leave is taken and the way in which the total leave entitlement may be split up into a number of shorter periods (unlike maternity, paternity or adoption leave).

## 14.1 Eligibility

Employees are entitled to unpaid parental leave if:

- They are a SPS employee and have completed at least one year's service with SPS;
- They are named on the child's birth or adoption certificate or they have or expect to have parental responsibility;
- They are not a foster parent (unless they have secured parental responsibility through the courts);
- The child is under 18.

SPS may ask for documentation (e.g. birth certificate or adoption matching certificate) evidencing both the birth date and, if applicable, adoption placement, and that the employee has parental responsibility for the child.

## 14.2 Entitlement

Employees are entitled to a total of 18 weeks' unpaid leave for each child up to their 18<sup>th</sup> birthday.

The leave may be taken at any time within the year but must not exceed a total of four weeks (part weeks counting as whole weeks), (except in the case of disabled children) in each year, per child.

Parental leave must be taken as whole weeks (e.g., 1 or 2 weeks) rather than individual days, unless SPS agree otherwise or unless an employee's child is disabled. A 'week' equals the length of time an employee normally works over 7 days.

Parental leave applies to each child, not each job an employee has, so periods of parental leave taken with a previous employer will be deducted from the 18-week entitlement. This information will be obtained from a previous employer if necessary.

## 14.3 Requesting Parental Leave

An employee who wishes to take parental leave must give SPS at least 21 days' notice of the dates on which leave is proposed to be taken.

If SPS considers that its activity would be unduly disrupted for operational reasons by the employee taking parental leave on those dates, it may postpone the leave for up to six months.

An employee who is an expectant parent or the partner of the adopter of a child may 'book' up to four weeks' parental leave to follow the birth or placement of their children by providing 21 days' notice of the dates required.

SPS will not postpone such leave. In most cases, however, employees in this situation will prefer to take paid paternity leave (as outlined in the paternity leave section of this policy), rather than unpaid parental leave.

Employees requesting parental leave should complete the [Notification of Parental Leave form](#) and forward it to their line manager to complete and forward to the local HR Department who will update their records and pass to Pay Pension and Relocation Services to amend pay accordingly.

The employees should keep a copy of the form for their own record.

## 14.4 Returning to Work after Parental Leave

An employee who returns to work after a period of parental leave of 4 weeks (which does not follow a period of additional maternity leave (AML) or additional adoption leave (AAL)) is entitled to return to the job in which they were employed before the period of leave.

An employee who returns to work after a period of parental leave of more than 4 weeks (e.g. where there has been a multiple birth or the adoption of more than one child at the same time), or parental leave of 4 weeks or less which follows a period of AML or AAL, is entitled to return to the job in which they were employed before the period of leave unless that is not reasonably practicable or the job is affected by a staff surplus situation.

If it is not reasonably practicable, the employee is entitled to return to a suitable and appropriate job on not substantially less favourable terms and conditions.

A period of parental leave of 4 weeks or less that is taken during a period of maternity/ adoption or shared parental leave, is not counted towards the 26-week reference period that determines whether an employee is entitled to return to the same job.

## 15.0 Parental Bereavement Leave

Following the Parental Bereavement (Leave and Pay) Act 2018 the Parental Bereavement Leave and Pay (Regulations) 2020 came into effect on 6 April 2020. The regulations aim to support employees who have suffered a stillbirth or the loss of

a child under the age of 18, by providing access to Parental Bereavement Leave, and for those who qualify, Statutory Parental Bereavement Pay. Leave Entitlement

You can take two weeks of parental bereavement leave, which can be taken as:

- a single block of two weeks; or
- two separate blocks of one week at different times

You cannot take the leave as individual days. However, you can take the leave at the time(s) you choose within 56 weeks after the death of your child or stillbirth.

## 15.1 Eligibility

All employees are entitled to statutory bereavement leave (SPBL) where they are the primary carer for a child who has died under the age of 18, including parents who have suffered a stillbirth after 24 weeks of pregnancy. This entitlement is available regardless of length of service.,

Paid Parental Bereavement Leave is available to eligible employees who have:

- at least 26 weeks' continuous employment ending with the week before the week in which their child dies, and who are still employed on the day on which the child dies
- normal weekly earnings in the eight weeks up to the week before the child's death that are not less than the lower earnings limit for national insurance contribution purposes.

Similar to maternity and adoption pay, the Statutory Parental Bereavement Pay (SPBP) weekly rate is set by the Government or paid at 90% of normal weekly earnings where this figure is lower. We recognise the need to provide bereaved parents with as much support as possible, therefore SPBP will be topped up by the SPS to equal full basic pay.

## 15.2 Access

The SPS recognises that, while dealing with any bereavement is difficult, the death of a child is one of the most devastating events that an employee can ever face. The Special Leave Policy (Annex I – Parental Bereavement Leave) sets out our commitment to supporting bereaved parents through their grief by ensuring they can take paid parental bereavement leave when they need it most.

# 16.0 Glossary of Terms

## 16.1 Terms Relating to Pay

## Corporate Services Directorate, Human Resources

- **SMP** – Statutory maternity pay – payable to eligible employees who take maternity leave. Payment of SMP is subject to qualifying conditions, and is subject to deductions for tax, NI, and pension contributions. If applicable, it is payable only for complete weeks.
- **OMP** – Occupational maternity pay – enhanced level of maternity pay provided to eligible employees. To qualify for occupational maternity pay the employee must have 1 year and 15 weeks’ continuous service with the SPS by the start of the EWC and have completed a Notification of Pregnancy and Maternity Leave form.
- **MA** – Maternity allowance – this allowance is a state benefit payable up to 39 weeks by Jobcentre Plus to employees who do not qualify for SMP but meet the qualifying conditions for MA.
- **MPP** – Maternity pay period – the period during which SMP is payable to an eligible employee. SMP is payable for up to 39 weeks.
- **QW** – Qualifying week for SMP – the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) for payment of SMP (i.e., 25 weeks pregnant)
- **LEL** – Lower earnings limit – the amount of earnings that allows an employee to qualify for certain state benefits (such as qualifying years for the basic state pension) and the point to be treated as if you have paid NI contributions.
- **SPP** – Statutory paternity pay – is payable to employees who qualify for Ordinary Paternity Leave and whose earnings during the period specified by statute exceed the LEL for national insurance. Employees not eligible for SPP can request unpaid leave.
- **OPP** – Occupational paternity pay – enhanced level of paternity pay provided to eligible employees.
- **SAP** – Statutory adoption pay – is payable to eligible employees who take adoption leave. Payment of SAP is subject to qualifying conditions, and is subject to deductions for tax, NI, and pension contributions. If applicable, it is payable only for complete weeks. Once paid, SAP is not repayable by the employee. SAP is payable up to 39 weeks.
- **OAP** – Occupational adoption pay - enhanced level of adoption pay provided to eligible employees. To qualify for occupational adoption, pay, the employee must have 1 year and 15 weeks’ continuous service with the SPS by the start of the expected week of placement, and sign a Notification of Adoption Leave form.
- **Normal weekly earnings** - for the purposes of calculating statutory maternity pay (SMP), NWEs are the employee’s average earnings during the eight-week period prior to the qualifying week (the 15<sup>th</sup> week before the expected week of childbirth). Earnings for these purposes include any remuneration on which



Class 1 national insurance contributions are liable. They therefore include, overtime payments and some allowances.

## 16.2 Terms Relating to Leave

- **OML** – Ordinary maternity leave – the 26-week maternity leave period to which all pregnant employees are entitled to regardless of length of service or hours worked.
- **AML** – Additional maternity leave – the 26-week maternity leave period, which immediately follows OML. The first 13 weeks of AML is paid at the SMP rate, and the second 13 weeks is unpaid.
- **CML** – Compulsory maternity leave – the first two weeks following the birth must be taken as CML.
- **OPL** – Ordinary paternity leave – the two consecutive weeks' leave period, which must be taken within 56 days of the birth or in the case of adoption the date the child is placed with the adopter of the child. An employee cannot choose to take odd days of leave, or one week's leave followed by a further week at a later time.
- **OAL** – Ordinary adoption leave - the 26-week adoption leave period to which the primary adopter is entitled to regardless of length of service or hours worked.
- **AAL** – Additional adoption leave - the 26-week adoption leave period, which immediately follows OAL. The first 13 weeks of AML is paid at the SAP rate, and the second 13 weeks is unpaid.
- **SPL** – Shared parental leave – available to either parent allowing the birth parent or primary adopter to reduce their maternity or adoption leave entitlement and share the remainder of their leave with their partner.

## 16.3 Terms Relating to Pregnancy / Childbirth

- **Childbirth** – the birth of a living child or a stillbirth after 24 weeks of pregnancy.
- **EWC** - Expected week of childbirth – the week, starting on a Sunday, in which the baby is due to be born as certified by the employees' doctor or midwife. This date is confirmed on the maternity certificate (MAT B1).
- **MAT B1** - Maternity Certificate – the maternity certificate given to a pregnant employee by a doctor or midwife, which states the EWC and is issued after the 20<sup>th</sup> week of pregnancy. This certificate is required for the payment of SMP.

## Corporate Services Directorate, Human Resources

- **KIT** – Keeping in touch days – employees are entitled to attend work for up to 10 days during maternity leave without bringing it to an end or losing their right to SMP. See also SPLIT days referenced in the Shared Parental Leave policy.
- **Week** – generally a period of seven days that begins at midnight between Saturday and Sunday, where SMP begins on a day other than a Sunday. A week means a period of seven days such as Thursday to Wednesday.
- **Birth Parent** – the parent who gave birth to the baby and to whom the period of Compulsory Maternity Leave will apply.

## Further Information:

SPS recognises that from time-to-time employees may have questions or concerns relating to maternity and parenting. In certain situations, employees' rights and obligations regarding maternity and parenting may change. In these circumstances SPS will abide by any statutory obligations.

SPS wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with the appropriate line manager in the first instance.

## Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices.

In line with the SPS Sustainable Policy and to demonstrate compliance with the Scottish Government's commitment to improving environmental and sustainable development performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

## Equality Statement

SPS is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity, and human rights and to ensuring our culture, working environment, policies, processes, and practices are free from bias. This policy applies to all employees regardless of protected characteristics, and, subject to any eligibility criteria, length of service, grade, working pattern or operational status.

## GDPR

This Policy has been subject to a Data Protection Impact Assessment to ensure compliance with GDPR.

## Inclusive Communications

It is our ambition to ensure that SPS documents are readable, accessible, and engaging for staff.

In formatting this document, good practice principles around engagement and inclusive communications have been adhered to.

If you require this document in an alternative format, please contact Human Resources.

## Review and Monitoring

This policy will be reviewed every three years or sooner where applicable to reflect changing business and legislative requirements.

## Human Resources Policy and Guidance in SPS

SPS policies consider current legislation, rules, regulations, and best practice guidance from a range of professional and public bodies, including the following:



UK Civil  
Service  
Management  
Code



UK Legislation



EU  
Legislation



ACAS



CIPD Best  
Practice