

Maternity Support Leave and Pay policy

November 2019

Policy control

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MATERNITY SUPPORT LEAVE AND PAY POLICY

1 Purpose and Scope

- 1.1 This policy sets out the provisions for maternity support to allow time for a partner of a woman who has just given birth to be with a new baby. The term 'maternity support' is used by the Glasgow School of Art (GSA) instead of 'paternity' to recognise that any member of staff, including those in a same-sex relationship, who meet any of the criteria below is entitled to leave and pay under this policy.
- 1.2 This policy reflects GSA's commitment to establishing family-friendly policies. GSA recognises the importance of supporting all staff in their obligations to their families and as such this policy provides enhanced entitlements to those contained within the statutory provisions.
- 1.3 This policy incorporates GSA's company maternity support pay (see section 6) together with entitlements to statutory paternity leave.
- 1.4 This policy applies to all staff who have not previously received any entitlements in accordance with GSA's Maternity Policy for the same child.
- 1.5 Maternity support leave is available in respect of births, whether still born after 24 weeks of pregnancy or live at any point of the pregnancy.
- 1.6 Staff have the right not to be subjected to a detriment, unfair treatment, or dismissal due to taking maternity support leave irrespective of hours of work or length of service.

2 Antenatal Care

- 2.1 It is important that a parenting partner is able to accompany his/her partner to antenatal care appointments. Partners are entitled to reasonable paid time off work to attend such care prescribed by a doctor, midwife or health visitor. Wherever possible, appointments should be arranged at the beginning or end of the working day. Evidence of appointments may be requested.

3 Maternity Support Leave

3.1 Eligibility

- 3.1.1 In order to qualify for maternity support leave a member of staff must have 26 weeks' continuous service with GSA by the end of the 15th week before the baby is due and also satisfy one of the following criteria:
 - a) be the baby's biological father; or
 - b) be the mother's husband, partner or civil partner

For these purposes, “partner” in relation to a child’s mother, means a person (whether of the same or opposite sex) who lives with the mother and the child in an enduring family relationship, but is not an immediate relative. In each of the above cases staff would have or expect to have responsibility (along with the expectant mother) for the upbringing of the child.

3.1.2 Staff seeking to take maternity support leave may be required to produce medical evidence of the Expected Week of Childbirth (EWC) in the form of a Maternity Certificate (MATB1).

3.1.3 Staff who do not have sufficient continuous service to be eligible for maternity support leave should apply for annual leave or unpaid leave instead.

3.2 Timing of Maternity Leave

3.2.1 Eligible staff can choose to take either 1 or 2 consecutive weeks’ maternity support leave (not odd days). Staff can choose to start their leave on any day of the week on or following the baby’s birth, but must complete it within 56 days of:

- the actual date of the baby’s birth, or;
- if the baby is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

3.2.2 Only one period of leave is available to staff regardless of whether more than one baby is born as a result of the same pregnancy.

3.3 Statutory Paternity Pay (SPP)

3.3.1 Staff who have the required length of service and have average weekly earnings that exceed the lower earnings limit for National Insurance contributions are entitled to receive Statutory Paternity Pay (SPP).

3.3.2 In the absence of a Company Maternity Support Pay scheme, SPP would be paid at a rate set by the Government for the relevant tax year or 90% of average weekly earnings, whichever is lower. Details of the SPP rate can be found online at www.gov.uk.

3.3.3 Staff who have average weekly earnings below the lower earnings limit for National Insurance purposes do not qualify for SPP.

3.3.4 Staff who do not qualify for SPP may be entitled to Income Support whilst on maternity support leave. This can be claimed via the individual’s local Jobcentre Plus office.

3.4 GSA Company Maternity Support Pay

- 3.4.1 Staff will be eligible to take advantage of the enhanced terms for maternity support pay under the GSA company maternity support pay scheme where they have been employed by GSA for more than 26 weeks by the 15th week before the EWC.
- 3.4.2 GSA company maternity support pay will be paid for a maximum of 2 weeks (pro-rata for part time staff) at the member of staff's normal rate of weekly pay, inclusive of any entitlement to Statutory Paternity Pay (SPP).
- 3.4.3 All payments made under the company maternity support pay scheme will be subject to deductions from PAYE and National Insurance.

3.5 Applying for Maternity Support Leave and Pay

- 3.5.1 Staff seeking to take maternity support leave should inform their line manager of their intention to take maternity support leave by the end of the 15th week before the baby is expected, or as soon as is reasonably practicable
- 3.5.2 Staff should complete form SC3 'Statutory Paternity Pay/Paternity Leave' and initially submit it to their line manager, in order to apply for maternity support leave. The employee should request the dates via online self service also. This is recorded as 'Other' leave.
- 3.5.3 Staff will be required to confirm:
- the week the baby is due;
 - whether they wish to take 1 or 2 weeks' leave;
 - when they want the leave to start.
- 3.5.4 Staff should ensure that the SC3 form is returned to the Payroll Officer at least 28 days in advance of the start date of maternity support leave, or as soon as is reasonably practicable. The SC3 Form is available here:
- <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>
- 3.5.5 If a member of staff wishes to change the date which their maternity support leave will begin they should notify their line manager and the Payroll Officer 28 days prior to the new start date, or as soon as is reasonably practicable.

4. Shared Parental Leave and Pay

- 4.1 Under the Shared Parental Leave Regulations, mothers entitled to maternity rights may choose to end this early and exchange a proportion to an eligible partner after a child is born. This allows parents to flexibly decide how they share caring responsibilities in the child's first year.

Please refer to the Shared Parental Leave Policy for further information and guidance.

5 Contractual benefits

- 5.1 During the period of maternity support leave, retain their normal terms and conditions of employment. Therefore, the absence shall be regarded as continuous service with GSA for the purposes of pension, annual leave, sickness entitlement and other similar rights.

6 Returning to work

- 6.1 Staff who have taken maternity support leave will be entitled to:

- return to the same job with the same terms and conditions following maternity support leave;
- request unpaid parental leave.

- 6.2 Whilst returning to work on the basis of an alternative working pattern or hours of work is not a right, GSA will give serious consideration to such requests on either a temporary or permanent basis, from staff returning to work following maternity support leave. Staff should submit a request in writing as early as possible. Any change will be discussed with the member of staff at a meeting within 28 days of the request being received.