

SCOTTISH GOVERNMENT MAIN BARGAINING UNIT**SGM comprises:**

Scottish Government Core Directorates	Agencies	Non Ministerial Departments (NMDs) and NDPBs
Economy	Accountancy in Bankruptcy	National Records of Scotland
Constitution and External Affairs	Disclosure Scotland	Office of the Scottish Charity Regulator
Scottish Exchequer	Education Scotland	Scottish Housing Regulator
Health & Social Care	Scottish Public Pensions Agency	Revenue Scotland
Education, Communities & Justice	Student Awards Agency for Scotland	Food Standards Scotland
Organisational Development & Operations	Transport Scotland	Scottish Fiscal Commission
Permanent Secretary		Community Justice Scotland
		Scottish Land Commission

SCOTTISH GOVERNMENT MAIN – MATERNITY LEAVE

Maternity leave policy

The Scottish Government provides a range of family-friendly benefits to help you manage family life and working life. Our maternity leave policy is designed to support you before and after your baby is born.

You must be employed in the Scottish Government main bargaining unit to be eligible.

Key features include:

- paid time off for [antenatal care](#)
- [52 weeks' maternity leave](#)
- 27 weeks' [full pay](#) (if you qualify for Statutory Maternity Pay and subject to conditions), plus 12 weeks' [Statutory Maternity Pay](#)
- 'keeping in touch' days
- accrual of [annual leave during maternity leave](#)
- option to request a [flexible working pattern](#) on your return to work
- option to request a [career break following maternity leave](#)

Find out [how to request maternity leave](#).

This policy applies to same sex couples.

Apply for maternity leave

To apply for maternity leave, you must notify your manager:

- that you're pregnant
- your expected week of childbirth
- the date you plan to begin your maternity leave

You must tell HR of your intention to take maternity leave by the end of the 15th week before the expected week of childbirth by sending your original MATB1, that your doctor or midwife gives you, to:

HR Shared Services
F1 Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

You may lose your right to begin your maternity leave on your chosen date if you don't give the required notice.

HR Shared Services will keep the certificate and will write to you within 28 days of receiving your notification and MATB1.

This will confirm your:

- entitlements
- maternity leave start date
- maternity leave end date

Compulsory, ordinary and additional maternity leave

You're entitled to take up to 12 months of maternity leave if you're pregnant. It doesn't matter how long you've worked for us beforehand.

This is made up of:

- 26 weeks of Ordinary Maternity Leave (OML)
- 26 weeks of Additional Maternity Leave (AML)

You can decide how much maternity leave you wish to take. But you must take at least two weeks of leave immediately after your baby is born. This is known as Compulsory Maternity Leave (CML) and is included in the OML period.

You aren't allowed to do any work for the Scottish Government during the CML period.

Maternity leave start date

Your maternity leave can begin any time from the start of the 11th week before the expected week of childbirth.

Your maternity leave period will normally begin on the date you've requested. The following are exceptions to this rule:

Absence due to childbirth before intended start date

If your baby is born before the date notified (or before you've notified a date), your maternity leave starts automatically the day after the baby's birth. This happens even if the birth takes place before the start of the 11th week before the expected week of childbirth.

You should tell HR Help of the actual date of birth and the originally expected date of birth as soon as possible. The MATB1 certificate given to you by your doctor or midwife provides evidence of both dates.

Absence for pregnancy-related reasons before intended start date

Your maternity leave will start automatically if you're absent from work due to a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth.

Your maternity leave will begin the day after the first complete day of pregnancy-related absence – even where this is before the date you'd originally requested as your maternity leave start date.

Changing your start date

You must notify your manager and HR Help of the new date at least 28 days before the new date, or 28 days before the old date, whichever is the earlier.

If it's not possible for you to give this much notice (for example your baby is born early), you should give as much notice as possible.

Resignation or dismissal before intended start date

You lose the right to maternity leave if you resign or are dismissed before the date notified (or before you've notified a date).

Maternity leave and annual leave

You can take annual leave directly before or after your maternity leave period, subject to your manager's approval.

Periods of maternity leave (Ordinary Maternity Leave and Additional Maternity Leave) don't affect your [annual leave entitlement](#). You'll continue to accrue annual leave and maternity and the time off will count towards the qualifying period for the higher annual leave entitlement.

Annual leave accrued during maternity leave should be used within the leave year of your return from maternity however where this is not practical it can be carried over into the following leave year.

Public and privilege holidays

Public and privilege holidays continue to accrue during maternity leave.

You can take any [public and privilege holidays](#) that fall during your maternity leave at a later date. You should agree with your manager the dates that you'll take the holidays. When recording the leave, it is recommended that you use up any accrued public and privilege leave before any annual leave entitlement.

Maternity leave and sick absence

If you're absent before your maternity leave begins due to illness that isn't pregnancy related, you can take sick absence in the usual way.

Your sick absence can extend to the date of your baby's birth, or to your intended maternity leave start date, whichever is the earlier. You can also return to work from sick absence before your intended maternity leave start date.

Your maternity leave will start automatically if you're absent from work due to a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth.

See the [maternity leave start date](#) page for more about pregnancy related absences.

You won't be entitled to sick pay if you're ill during your Additional Maternity Leave (AML) period. But you can ask to stop your AML early if you're sick and wish the usual [absence management procedures](#) to apply. You must return to work when the period of sick absence ends.

You should make a request to stop AML early in writing to HR Shared Services. The normal eight weeks' notice requirement will be waived.

Send this to:

HR Shared Services
F1 Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

Usual sick absence rules apply if you can't return to work following maternity leave because of illness.

Maternity leave and your pension

Periods of Ordinary Maternity Leave reckon for pension purposes.

Periods of unpaid Additional Maternity Leave qualify, but don't reckon for pension purposes.

Added years or added pension

If you pay 'added years' or 'added pension' contributions you should contact the MyCSP pension service centre to find out about the impact of maternity leave on your benefits.

MyCSP is the scheme administrator for all Scottish Government pension schemes (including our associated bodies and agencies).

MyCSP
PO Box 2017
Liverpool
L69 2BU

Telephone: 0300 123 6666

Email: contactcentre@mycsp.co.uk

Email via government secure network: contactcentre@mycsp.gse.gov.uk

Maternity leave and performance appraisal

You'll have an annual performance appraisal if you work for more than three months of the reporting year.

If you've worked for less than three months because of maternity leave, you'll get the same performance appraisal marking as the previous year.

Performance appraisal markings are used to calculate your pay award.

Maternity leave and your SCOTS account

It is eRDM policy to remove the content from a user's home folder if they have not logged on for more than six months, and we run regular reports to identify these users.

However, when a member of staff is going off on maternity leave for longer than this, line managers should notify iTECS through [iFix](#) in order that appropriate action can be taken with the regards to SCOTS/eRDM accounts.

Coming back to work after maternity leave

Following Ordinary Maternity Leave (OML), you have the right to return to the same post you held before your absence (unless it no longer exists).

Following Additional Maternity Leave (AML), you're entitled to return to the same post you held before your absence or, if this isn't possible, to another job at the same level and on the same terms and conditions.

You should discuss your options with HR Help and your manager before you go on maternity leave.

The date on which you return to work will normally be the first working day 52 weeks after your maternity leave begins.

You don't have to tell HR Help if you intend to return to work straight after the 52-week maternity leave period, but it helps if you confirm your plans before your return date.

Find out in this section how to notify HR you are returning to work:

- before the end of the 52 week maternity leave period
- later than previously notified

Flexible working

Anyone employed by the Scottish Government can apply to work flexibly. Find out about our [flexible working patterns](#).

End maternity leave early

You must give eight weeks' notice if you wish to return to work before the end of your full maternity leave period. This applies during both the Ordinary Maternity Leave and Additional Maternity Leave periods.

If you haven't given eight weeks' notice, your return can be delayed until this period has passed. A delay cannot extend beyond the end of your maternity leave.

You should send your eight weeks' notice in writing to:

HR Shared Services
F1 Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

Change your return to work date

You may tell us that you wish to return to work before the end of your maternity leave, but later change your mind. If so, you must confirm your new, later date of return in writing.

You must tell us of the change at least eight weeks before the original expected date of your return.

You should send your confirmation to:

HR Shared Services
F1 Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD