

‘I’m going to be a Mum’

A Guide to Maternity Leave and Pay

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Introduction

Becoming a parent can be one of the most exciting and rewarding experiences in life. But it can also be challenging and sometimes stressful especially for parents who have to juggle working life and home life. This guide provides tips and advice to help you enjoy the next phase of your life as a working parent.

In this guide you will find information about ante-natal care, maternity leave, maternity pay and returning to work. It covers the issues which you will need to think about before you go on maternity leave and suggests some steps to make your return to work as smooth as possible.

This guide is not intended to replace the information about maternity leave on Saltire. The Saltire information provides more detailed and technical advice about all the rules which apply to maternity leave. It is important that you read the Saltire information as well as this guide.

I'm pregnant – what happens next?

Your rights – contractual and statutory

As an employee, you are entitled to 52 weeks maternity leave regardless of your length of service or the number of hours worked. Maternity leave is divided into two halves:

- First 26 weeks is known as Ordinary Maternity Leave (OML)
- Second 26 weeks is known as Additional Maternity Leave (AML)

There are slightly different rights to return to work depending on whether you return during or at the end of OML or AML. If you return to work at the end of your OML period, you have the right to return to the same post you occupied before your maternity leave (unless that position has disappeared). If you return to work following a period of AML, you are entitled to return to the same post you occupied prior to your absence, or if that is not reasonably practicable, to another job at the same level and on the same terms and conditions.

Holidays

Annual leave continues to accrue during the whole maternity leave period. Public and privilege holidays also accrue and you are therefore entitled to any holidays which occur during your maternity leave period (the normal pro-rata rules apply to staff who work part-time).

To avoid returning to work with a large balance of untaken leave, some people like to use their holidays at the end of their maternity leave period giving them more time to spend with their new family. You should speak to your line manager about your plans for using your annual leave and any public/privilege holidays which may be due.

Pay

The amount of money you receive during your maternity leave will depend on whether you qualify for Statutory Maternity Pay (SMP). SMP is paid for 39 weeks.

If you qualify for SMP the Scottish Government will top-up your payment with contractual maternity pay to ensure you receive full pay for a 27 week period. Thereafter you will receive SMP only for 12 weeks.

To qualify for contractual maternity pay you must sign a 'Statement of Intention and Undertaking to Repay Salary'. By doing this you agree to repay any contractual maternity pay should you decide not to return to work and complete the equivalent of one month's paid service at the end of your maternity leave, consecutive career break or consecutive unpaid special leave period.

Contractual maternity pay will not be paid if you do not intend to return to work at the end of the maternity leave/career break period (for example, because you plan to resign or because your contract expires during the maternity leave period).

You can find out more about your pay during your maternity leave by contacting [HR Online](#).

Paid Time-Off for Antenatal Care

You are entitled to paid time off for antenatal care. Time-off can be used to:

- attend appointments or medical examinations with your GP, midwife or health visitor;
- attend antenatal classes; or
- attend parenting classes.

If you attend an ante-natal appointment and are out of the office for less than half your contracted day, your absence should be recorded on the flexi-system. Absences which last for more than half your contracted day should be recorded on e-HR (under Annual and Other Leave) as a medical/dental appointment.

Health and Safety

All employers must take reasonable steps to ensure pregnant or breastfeeding women are not exposed to risk. Common risks include:

- lifting or carrying heavy loads;
- exposure to infectious diseases or harmful chemicals;
- work-related stress;
- workstations and posture;
- standing or sitting for long periods of time;
- working long hours;
- high or low temperatures.

Line managers are responsible for arranging for a risk assessment to be conducted. As risks will vary depending on your health and the stage of your pregnancy, assessments should be conducted throughout your pregnancy.

The risk assessment will take into account any medical advice from your GP or midwife about your health (for example, if you have a pregnancy related medical condition such as high blood pressure). It is important that you speak to your line manager about any specific concerns which you may have.

If a specific work risk to your/your baby's health and safety is identified, the following steps will be taken:

Step 1: your working conditions and/or hours of work will be adjusted to reduce or remove the risk.

Step 2: If it is not possible to reduce or remove the risk, you will be offered suitable alternative work (on the same terms and conditions).

Step 3: If Step 2 is not feasible, you will be suspended from work on paid leave for as long as is necessary to protect your health and safety and/or that of your child.

Who do I need to tell and when

Legally you do not need to tell your employer that you are pregnant and intending to take maternity leave until the 15th week before your baby is due. However, while there is no

right time to announce your news, there are benefits to telling your line manager sooner rather than later:

- the more planning and preparation you and your line manager can do before you go on maternity leave, the easier both of you will find it when you return.
- the Scottish Government's duty of care for pregnant employees does not come into effect until informed of your pregnancy.
- if your pregnancy is difficult or you are experiencing morning sickness or you need time off for antenatal appointments, the right level of support may not be provided if your line manager does not know you are pregnant.

Regardless of when you announce your pregnancy to your colleagues, if you wish to take maternity leave and claim SMP you will need to notify your line manager and the HR Shared Service Centre in writing of your intentions.

Written Notification

You must write to your line manager and the HR Shared Service Centre confirming:

- that you are pregnant;
- the expected week of childbirth; and
- the date you intend to start your maternity leave.

You must provide this written notification at least 15 weeks before the date your baby is due.

You will also need to provide proof of your pregnancy, usually in the form of a MAT B1 certificate signed by your doctor or midwife.

When can my maternity leave start?

Your maternity leave can start anytime from 11 weeks before your baby is born, unless you give birth before then. You can work right up to the birth if you want to. Some women like to take a period of annual leave before beginning their maternity leave.

Regardless of the date you select, if you are off-work with a pregnancy-related illness during the last four weeks before your baby is due, your maternity leave will start automatically. Your maternity leave will also start automatically if your baby is born early.

You can change the date you start your maternity leave. If you wish to do so you must give your line manager and the HR Shared Service Centre at least 28 days' notice. If you can't give this much notice, you should give as much notice as possible.

Summary of important dates

To work out the date you must give written notification your manager and HR, you need:

- the date your baby is due
- count back 15 weeks from the due date

To work out the earliest date your maternity leave can begin, you need:

- the date your baby is due
- count back 11 weeks from the due date

Information from HR

One receipt of your MAT B1 certificate HR will send you a statement of intention. If you qualify for Contractual Maternity Pay you will be asked to sign an agreement that you will repay any CMP should you decide not to return to work at the end of your maternity leave (or career break) period.

Once you complete and return the statement of intention HR will write to you again setting out the terms and key dates associated with your maternity leave. HR will also update the e-HR system with details of your maternity leave.

The letter will also contain a form requesting an SG Extranet account. This will enable you to access the SG Intranet during your maternity leave period.

Notification checklist

To prepare for your maternity leave, follow these steps:

- Tell your manager of important dates (due date, antenatal appointments, start of maternity leave)
- Notify your manager and HR in writing
- Send your MATB1 to HR
- Check you receive a letter from HR confirming the dates of your maternity leave period
- Request your extranet account

Things to do before going on maternity leave

Consider your options

We all work for different reasons. For most of us there is a mix of financial, social and intellectual satisfaction in work. Taking time before you go on maternity leave to consider where you are in your career and where you want to be will help you identify how you want to work during the next phase of your life.

Length of Maternity Leave

Following the birth of your baby you must take at least two weeks compulsory maternity leave. After that period, you can decide to return to work anytime before or at the end of the maternity leave period.

Deciding when to return to work is a personal decision and will be influenced by factors such as your career ambitions, your family finances, availability of childcare and your health. Here are some pros and cons of different lengths of maternity leave that can be used to consider your options.

Shorter Leave	Longer Leave
Pros	Pros
<ul style="list-style-type: none"> • Keeping skills fresh 	<ul style="list-style-type: none"> • Longer to support your baby through key developmental stages
<ul style="list-style-type: none"> • Regaining visibility and profile at work 	<ul style="list-style-type: none"> • Easier to continue breastfeeding
<ul style="list-style-type: none"> • Keeping informal network at work alive 	<ul style="list-style-type: none"> • Physically fitter and hormones more settled
<ul style="list-style-type: none"> • Maintain level of financial income 	<ul style="list-style-type: none"> • Less exhaustion
	<ul style="list-style-type: none"> • Greater likelihood of baby sleeping
Cons	Cons
<ul style="list-style-type: none"> • Possible exhaustion due to disturbed sleeping patterns 	<ul style="list-style-type: none"> • More difficult to maintain relationships at work
<ul style="list-style-type: none"> • More difficult to continue breastfeeding 	<ul style="list-style-type: none"> • Skills can degrade over time
<ul style="list-style-type: none"> • Possibly still hormonal and less able to cope with stress 	<ul style="list-style-type: none"> • Miss key personal development milestones or opportunities
<ul style="list-style-type: none"> • May miss baby's key developmental stages 	<ul style="list-style-type: none"> • Reduction in financial income
<ul style="list-style-type: none"> • Possible separation anxiety with baby or mother 	
<ul style="list-style-type: none"> • Possible difficulty accessing childcare if returning before your baby is three months old 	

It is worth thinking about the importance you attach to each of these pros and cons. Only then will you know what length of maternity leave is right for you.

Prepare some plans

It is never too early to start making plans for your maternity leave and for when you get back to work. Preparing in advance will help avoid the hiccups which can happen whenever change takes place. You and your line manager may therefore want to consider preparing:

A handover plan

Discuss with your line manager how your job will be covered during your absence. Set out each element of your role and the timescales for each task. Capturing a detailed account of

what your job involves now will help you to handover your work and will minimise disruption. It will also help you to identify and take back your responsibilities when you return.

Discuss with your line manager the options for handing over your work and when it would be appropriate to do this.

If you are a manager, you will also want to discuss with your team(s) how your work will be covered in your absence.

Your handover plan will need to reflect whether you will be returning to your current job or moving to a new post (note: if you return after your OML period you have the right to return to your current job. If you return after the OML period, you usually have the right to return to the same job or, if this is not possible, to a job on the same terms and conditions).

Your handover plan should reflect the temporary nature of your maternity cover.

A performance review

If you have been at work for 3 consecutive months of the appraisal year, you are entitled to a formal review of your performance. Your line manager should complete your performance appraisal before you go on maternity leave.

A back to work plan

Although your plans may change once your baby is born, it is worth discussing your options for returning to work with your line manager well in advance of your maternity leave.

Options to consider include taking unused holidays at the end of the maternity leave period to allow to spend more time with your new family.

Another option which can help the return to work process is to adopt a phased approach which allows you to adapt to the changes in your life whilst refreshing your skills, working relationships and confidence. Keep-in-touch days can be used to create a phased start

towards the end of maternity leave and accrued annual leave can be used to artificially create a period of part-time working after your official start back to work.

The Scottish Government also offers a range of flexible working options:

- Part-time – working less than 37 hours per week.
- Home working – working from home on either an ad hoc or regular basis.
- Compressed hours – working an agreed number of hours over fewer days (for example, working 24 hours over 3 days).
- Flexi-time – flexibility to work your hours anytime between 7am and 7pm.
- Term time working – working during school term time only.
- Job sharing - a form of part-time working where the responsibilities of on job are shared between two people.

If you want to request change to your working pattern discuss your options with your line manager early on. This will allow you both to consider any barriers or concerns about changing your working pattern.

Your back to work plan should also include a period of handover from your maternity cover.

A keeping in touch plan

Keeping in touch during your maternity leave can make returning to work easier. Legally, however, you only have to inform the Scottish Government of two things:

- You must inform HR if your baby is born before your maternity leave starts; and
- You must inform HR if you plan to return to work before the end of the statutory 52 week maternity leave period. You must provide this notification at least eight weeks before your proposed return date.

Anything else in terms of keeping in touch is for you to discuss and agree with your line manager.

Some line managers are wary about contacting staff during maternity leave (and some women don't want to be contacted). Discussing and agreeing how/if you want to keep in touch avoids any misunderstandings later. If you want to keep in touch this could take the form of a phone call every month, e-mail updates or occasional visits to the office.

Regardless of what you decide, the Scottish Government has a duty to keep you informed of changes, just as it must inform any other employee. Staff on maternity leave can therefore access the SG Intranet using an Extranet account. You should ensure you apply for an Extranet account before starting your maternity leave period.

Before going on maternity leave checklist:

- Handover plan prepared and agreed
- Back to work plan prepared and agreed
- Keep in touch arrangements agreed
- Contact details given to line manager
- Performance review completed
- Systems updated
- Handover completed

During maternity leave

Keeping in Touch

During your maternity leave period you can do up to 10 days work (but not during the first two weeks after giving birth). Keeping in touch (KIT) days can be used to keep your skills up to date by attending training courses, conferences or team meetings about important issues which directly affect your work. You will be paid for any day you work. You will also be reimbursed for any additional expenses which you incur (for example, childcare costs).

As maternity leave is to allow you to spend time with your new baby and to recover from the birth, you cannot be required to work during this period. If you are offered the chance to work on a KIT day you are free to say 'no' without suffering any consequences.

Review your back to work plan

You won't know how you will feel as a parent until it happens. Once your baby is born your priorities and feelings about work, your career and your family may change. Keeping your 'back to work' plan under review and keeping in touch with your line manager will ensure that your return to work goes smoothly.

Changing your return to work date

You won't know how you will feel as a parent until it happens. Once your baby is born your priorities and feelings about work, your career and your family may change. Keeping your 'back to work' plan under review and keeping in touch with your line manager will ensure that your return to work goes smoothly.

Changing your working pattern

If you want to apply for a different working pattern you should send a written request to your line manager. Your request should:

- State the working pattern applied for;
- The date it would start;
- Explain what effect, if any, the proposed change would have on the business of SG;

- How, in your opinion, any such effect might be dealt with;
- Whether you have made a previous application; and
- Whether your application is for caring purposes

You should allow time for your application to be considered (it can take around 14 weeks, or longer if a problem arises).

Career breaks

Career breaks are available for periods of between 3 months to 3 years. If you wish to apply for a career break you should discuss and agree this with your line manager before submitting a formal application to HR.

Preparing to return to work

Before returning to work you may wish to speak to your line manager to ensure arrangements are in place for your first day back.

Breastfeeding

You can continue to breastfeed after you return to work. The Scottish Government will ensure you have rest periods and access to a comfortable, private room to express milk. You will also have a clean place to leave your sterilising equipment and pump if you are using one and access to a refrigerator to safely store your milk.

If you intent to breastfeed or express milk on return to work you should contact your house team to arrange for a suitable and private area to be made available to you.

If your baby is at the VQ nursery you should be able to breastfeed your baby there.

Returning to work checklist:

- Agree return date with line manager
- Agree working pattern
- KIT days completed
- Access to buildings confirmed
- Access to systems tested

Back at work

It is normal to take a few weeks to get back up to speed. The first few days can be especially difficult as you may feel emotional and worried about leaving your baby. It will also take time to adjust to the different demands now being placed on your time.

This is a transition time for your colleagues and line manager as well. If you have chosen to work a different pattern from when you left, it will take time for everyone to get used to the implications of this.

Helpful tips:

- Plan regular reviews with your line manager. A weekly update during the first month can be a useful way of helping you to catch up with changes/developments without being overwhelmed.
- Agree a date for an objective setting meeting. Use this meeting to discuss and agree both short and long term goals.
- Don't be afraid to ask for help. Those you work with will assume everything is ok if you don't say anything.

Support for Parents

As part of your employment package, the Scottish Government provides a range of measures to help support working parents.

Parental Leave

All parents have the right to take up to 18 weeks' unpaid parental leave before their child's eighteenth birthday. Parental leave can be taken in blocks or multiples of one week up to a maximum of 4 weeks per year per child (parents of disabled children can take parental leave in blocks or multiples of one day).

Special Leave

Once you get back to work there will be occasions when you need to deal with unexpected emergencies or crises. Paid special leave may be available to help you:

- care for a child during a short period of illness;
- deal with the disruption or breakdown of care arrangements for your child; or
- deal with an unexpected incident involving a child during school hours

Disabled Children

Paid carers leave is available to help staff who have caring responsibilities for a disabled child. The leave can be used to organise homecare or help in the home, to organise special equipment or adaptations to the home, to deal with other agencies (eg GPs, social workers) or to organise respite care.

The Scottish Government also has a Carers Network which provides advice, guidance and support for staff who are carers.

Childcare Vouchers

Childcare vouchers are available through a salary sacrifice arrangement. This allows you to reduce the cost of your childcare through tax and NI savings.

If you receive childcare vouchers, the salary sacrifice arrangement will continue to operate as normal during any periods you receive contractual maternity pay (that is, HR will continue to

provide you with childcare vouchers at the requested amount by making deductions from your salary). During any periods that you receive Statutory Maternity Pay only, no deductions will be taken from salary (a salary sacrifice cannot apply to a statutory payment). HR will, however, continue to provide you with childcare vouchers until the end of your maternity leave period unless you advise that you wish this to stop.

Workplace Nursery

The Scottish Government has a workplace nursery at Victoria Quay. It is open to children aged from 3 months to 5 years and is open throughout the year (except our public and privilege days) from 7.30 a.m. to 6.30 p.m. Monday to Friday.

Additional childcare costs

If you return to work on a part-time basis and you work on one of your 'at home' days (for example, to attend an event or a training course) any additional child-care costs incurred as a result will be reimbursed.

If things go wrong

With your job

Even with the best planning, there is always a risk that things will go wrong. If at any point before, during or after your maternity leave you are unhappy about some aspect of your work/job you can get advice from:

- your line manager
- HR
- The trade unions
- Employee Assistance Program

With your pregnancy

Under the law if your baby is still born before the end of the 24th week of your pregnancy, it is called a miscarriage. If your baby dies after the 24th week of pregnancy it is called a stillbirth.

Women who have miscarriages are not entitled to their maternity rights. Women who have stillbirths have all the rights they would have had if their baby had been born alive.

If your baby is born alive at any stage of the pregnancy, even if he or she dies an instant later, you are entitled to all your maternity rights. You can also claim Child Benefit and Tax Credits for up to eight weeks after your baby's death

Postnatal Depression

It is estimated that one in ten women experience postnatal depression (PND) often when the baby is between 4 and 6 months old, though it can emerge at any time. It can come on gradually or all of a sudden, and can range from being relatively mild to very hard-hitting. Although PND is a distressing condition, many women are reluctant to ask for help.

If, after the birth of your baby, you find you are struggling, you may wish to talk to a professional such as your GP, midwife or health visitor. You can also contact the Staff Welfare Officer or a counsellor through the Employee Assistance Programme who can assist you through this time and help you to access the support you may need.

Frequently Asked Questions

How much time can I take off to go to antenatal appointments?

There is no set limit to how much time you can take off. You are entitled to time off with pay to keep appointments for antenatal care made on the advice of your GP, midwife or health visitor. Apart from your first appointment you must provide, if requested, an appointment card or some other document showing that an appointment has been made.

Do I have to tell my employer that I am pregnant or that I am a new mother?

While you do not have to inform your employer that you are pregnant or breastfeeding, it is important (for you and your child's health and safety) that you provide them with written notification as early as possible. Until your employer has received written notification from you, they are not obliged to take any action other than those resulting from the risk assessment for all their staff.

Can I still work nights?/shifts

Yes. Unless there is a specific work risk and your GP or midwife has provided a medical certificate stating that you must not work nights/shifts. If this is the case then the SG will offer you suitable alternative work on the same terms and conditions and if that is not possible, then suspend you from work on paid leave for as long as necessary to protect your health and safety and/or that of your child.

After my maternity leave I want to work part-time but my line manager says my post is not suitable. I love my job and don't want to move to a new post. What can I do?

You should speak to your line manager about his/her concerns. It may be that together you can identify ways to address the barriers preventing you from working part-time (for example, job sharing).

You and your line manager can also discuss any concerns with the HR Diversity Team.

What happens if I become ill during my maternity leave period.

If you are sick during your maternity leave period you cannot receive both Statutory Maternity Pay and Statutory Sick Pay. However, if you wish the normal sick absence rules to apply and, where appropriate, receive sick pay, you should notify the HR Shared Service Centre that you wish your maternity leave period to cease.

In these circumstances the normal eight weeks' notice requirement will be waived. You should note that by opting to receive sick pay in these circumstances, your maternity leave period will cease and once the period of sick absence has ended you must return to work.

What if I'm ill and can't return to work?

If you are ill and you can't return to work at the end of your maternity leave period, you should follow the normal absence management reporting procedures.

Further Information

Scottish Government maternity leave and pay

Detailed and technical advice about the rules governing maternity leave and pay is available on Saltire:

<http://saltire/my-workplace/leave/maternity-leave/Pages/Our-maternity-leave-policy.aspx>

Advice is also available from HR Help either by submitting a HR Online or by telephone – 0131-244-(4)8500

Health and Safety

Advice about protecting the health and safety of new and expectant mothers:

<http://www.hse.gov.uk/mothers>

Statutory Entitlements

Information about your statutory rights including advice about Statutory Maternity Pay and Maternity Allowance is available from:

<https://www.gov.uk/maternity-pay-leave>

The website also includes a calculator which will work out the key dates associated with maternity leave.

Alternative Working Patterns

Information about the types of working pattern available and the application process is available on Saltire:

<http://saltire/my-workplace/attendance/flexible-working/Pages/working-flexibly.aspx>

Advice is also available from:

- HR Help - either by HR Online or by telephone – 0131-244-(4)8500; or
- the HR Diversity Team on 0131-244-(4)4051

Career Breaks

Information about career breaks is available on Saltire:

<http://saltire/my-workplace/leave/career-breaks/Pages/career-breaks.aspx>

Advice is also available from HR Online– hr.help@gov.scot or by telephone – 0131-244-(4)8500

Breastfeeding

Advice about breastfeeding is available on Saltire:

<http://saltire/my-workplace/wellbeing/Pages/carers-and-childcare.aspx>

Information about breastfeeding facilities is available from HR Help either by HR Online or by telephone – 0131-244-(4)8500

Special Leave and Parental Leave

Information about special leave and parental leave is available on Saltire:

<http://saltire/my-workplace/leave/special-leave/Pages/Applying-for-special-leave.aspx>

<http://saltire/my-workplace/leave/Parental-leave/Pages/unpaid-parental-leave.aspx>

Childcare Vouchers, Workplace Nursery and Additional childcare

Information about childcare benefits is available on Saltire:

<http://saltire/my-workplace/wellbeing/Pages/carers-and-childcare.aspx>

Employee Assistance Programme

The Employee Assistance Programme gives you and your family access to information and support on a huge number of domestic, workplace or personal issues and can really help when support is required for more personal or emotional matters.

If you require assistance, you can speak to an advisor directly by calling the helpline on **0800 587 5670** (24 hours a day, 7 days a week).

More information about the EAP is available on Saltire:

[http://saltire/my-workplace/wellbeing/Pages/employee-assistance-programme-\(eap\).aspx](http://saltire/my-workplace/wellbeing/Pages/employee-assistance-programme-(eap).aspx)

Counselling and Wellbeing Officer

The Counselling and Wellbeing Officer can help with a range of personal or work-related issues and can be contacted as follows

Telephone: 0131-244-2942

E-mail: Scott.Murray@gov.scot

Postnatal Depression

Advice about postnatal depression:

<http://www.mind.org.uk>

<http://www.nhs.uk/conditions/postnataldepression/Pages/Introduction.aspx>

[National Childbirth Trust](#)

Acknowledgement

This document has been prepared using material provided by the [National Childbirth Trust](#).

Our thanks go to them for allowing us to replicate information provided in their guide –

‘Returning to Work – A guide for Parents’.