

Scottish Negotiating Committee for Teachers

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Dear Colleague

SNCT/44

Maternity Support Leave, Adoption Support Leave and Paternity Leave

The SNCT has reached agreement on Maternity Support Leave, Adoption Support Leave and Paternity Leave. The terms of this circular shall apply with effect from 1 March 2006 and are set out in Appendix 1 to this circular.

The terms of this circular shall also apply to Music Instructors, Educational Psychologists, Quality Improvement Officers and Educational Support Officers.

Paternity Leave should not be confused with Parental Leave which is a statutory provision for parents or carers of children to take time off without pay to look after or make arrangements for a child's welfare.

Yours sincerely

Lynne Dickson (Employers' Side)
Drew Morrice (Teachers' Panel)
Stephanie Walsh (Scottish Executive)

Joint Secretaries

MATERNITY SUPPORT LEAVE, ADOPTION SUPPORT LEAVE AND PATERNITY LEAVE

Maternity and Adoption Support Leave

1. Support Leave of one week with normal pay will be granted to the spouse or partner or nominated carer of an expectant mother or an adopter (the person taking adoption leave) at or around the time of birth or placement. The nominated carer is the person nominated by the mother or adopter to assist in the care of the child and to provide support to the mother or adopter.
2. Maternity Support Leave and Adoption Support Leave can be taken:-
 - a) from the date of the child's birth or placement for adoption
 - b) from another date after the child's birth.and subject to paragraphs 6 and 9 below.

Statutory Paternity Leave and Pay

3. In addition to the maternity support leave described in paragraph 1 above, a teacher who is the spouse or partner of an expectant mother and who has at least 26 weeks continuous service at the start of the 15th week before the baby is due is entitled to a further week's Statutory Paternity Leave¹.
4. In addition to the adoption support leave described in paragraph 1 above a teacher who is the spouse or partner of an adopter and who has at least 26 weeks continuous service at the start of the notification week is entitled to a further week's Statutory Paternity Leave.
5. Statutory Paternity Leave can be taken:-
 - a. from the date of the child's birth or placement for adoption
 - b. from another date after the child's birth.
6. The leave can start on any day of the week, but must be taken within 56 days of the actual birth or placement date of the child. If the child is born early, the leave must be taken within the period from the actual date of the birth up to 56 days after the expected week of birth.
7. Teachers who are on Statutory Paternity Leave shall receive Statutory Paternity Pay (SPP).
8. Teachers wishing to take Statutory Paternity Leave must inform the council of their intention to take paternity leave by the 15th week before the week in which the child is expected, where reasonably practicable. In the case of adoption teachers must inform their employers of their intention to take paternity leave within seven days of the adopter being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable. They must state in writing:

- a. the week in which the child is due or when the child is expected to be placed for adoption;
 - b. when they want the leave to start.
9. There can only be one period of leave. Where a teacher elects to take two weeks leave these weeks must be consecutive. Where a teacher elects to take only one week of leave then this will be taken as a complete week of leave. Where leave incorporates one complete week of a school vacation the teacher will accrue credit of two day's special leave entitlement, to be taken up by the teacher, in agreement with the authority during the term following the vacation concerned subject to the overriding needs of the service.
10. Teachers may alter the date on which their leave starts by giving 28 days' notice in writing, where this is reasonably practicable.
11. Only one period of leave is available to teachers irrespective of whether more than one child is placed for adoption.
12. A teacher shall be entitled to the provisions of this circular in circumstances where the child is stillborn after 24 weeks or has died or where the child's mother has died.

Note

1. The legislation provides for two weeks Paternity Leave with Statutory Paternity Pay (SPP) for employees who meet the criteria. The provisions in this circular allow the first week to be taken on normal pay and the second week to be taken at the SPP level. The first week SPP is offset against normal pay.