



Queen Margaret University  
EDINBURGH

# Paternity Policy

|                                  |  |
|----------------------------------|--|
| <b>Policy Summary:</b>           | The Paternity Policy provides guidance on paternity leave and pay arrangements within QMU. |
| <b>Policy Owner:</b>             | Human Resources  |
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| <b><u>Contents</u></b>                                     | <b><u>Page</u></b> |
|--|--------------------|
| 1.0 Aims and Objectives                                    | 3                  |
| 2.0 Scope of the Policy                                    | 3                  |
| 3.0 Monitor and Review                                     | 3                  |
| 4.0 Equal Opportunities                                    | 3                  |
| 5.0 Responsibility for this Policy                         | 3                  |
| 6.0 Ordinary Paternity Leave and Pay                       | 4                  |
| 6.1 Eligibility for Ordinary Paternity Leave               | 4                  |
| 6.1.1 Relationship to the Child                            | 4                  |
| 6.1.2 Employment Service                                   | 4                  |
| 6.2 Duration of Ordinary Paternity Leave                   | 4                  |
| 6.3 Paternity Pay  | 4                  |
| 6.3.1 Statutory Paternity Pay                              | 4                  |
| 6.3.2 Occupational Paternity Pay                           | 5                  |
| 6.4 Notice of Intention to take Ordinary Paternity Leave   | 5                  |
| 6.5 Time Off for Antenatal Care                            | 6                  |
| 6.6 Miscarriage and Stillbirths                            | 6                  |
| 6.7 Contractual Benefits                                   | 6                  |
| 7.0 Additional Paternity Leave and Pay                     | 7                  |
| 7.1 Eligibility for Additional Paternity Leave             | 7                  |
| 7.1.1 Relationship to the Child                            | 7                  |
| 7.1.2 Employment Service                                   | 7                  |
| 7.2 Duration of Additional Paternity Leave                 | 7                  |
| 7.3 Payment during Additional Paternity Leave              | 8                  |
| 7.3.1 Statutory Paternity Pay                              | 8                  |
| 7.3.2 Occupational Paternity Pay                           | 8                  |
| 7.4 Notice of Intention to take Additional Paternity Leave | 9                  |
| 7.5 Keeping in Touch Days                                  | 9                  |
| 7.6 Contractual Benefits                                   | 10                 |
| 8.0 Annual Leave   | 10                 |
| 9.0 Payment of Pension Contributions                       | 11                 |
| 10.0 Childcare Vouchers                                    | 11                 |
| Ordinary Paternity Leave and Pay Notification Form         | 12                 |
| Additional Paternity Leave and Pay Notification Form       | 14                 |
| Keeping in Touch Days Payment Form                         | 16                 |
| Pension Contributions – Additional Guidance                | 17                 |

## **1.0 Aims and Objectives**

The aim of this policy is to provide Managers and Staff with guidance on paternity leave and pay arrangements to ensure that this is undertaken fairly and consistently across Queen Margaret University (QMU) in accordance with equality and diversity principles.

## **2.0 Scope of the Policy**

This policy applies to all employees taking paternity leave or pay within Queen Margaret University.

Throughout the policy, individuals are sometimes referred to as the “mother” or “father” or “he” or “she”. This is not intended to prohibit application of the policy to all eligible employees but is simply to ease and assist in reading the policy.

## **3.0 Monitor and Review**

Human Resources are responsible for monitoring the effectiveness of this policy and supporting procedures and will conduct reviews at appropriate intervals.

Anyone who feels they have been unfairly treated or discriminated against should contact Human Resources.

## **4.0 Equal Opportunities**

Queen Margaret University is committed to equality of opportunity for all staff and it is the responsibility of all QMU employees to promote “equality and diversity” in the application of this policy ensuring that there is no discrimination on the grounds of disability, race/ethnic origin, sex/gender, age, religion, marital/family status, dependency, sexual orientation, political opinion, and economic or social status.

## **5.0 Responsibility for this Policy**

Human Resources.

Any changes to this policy and supporting procedures will be made in consultation with appropriate bodies.

QMU reserves the right to update HR Policies in line with new or updated Employment Legislation.

## **6.0 Ordinary Paternity Leave and Pay**

### **6.1 Eligibility for Ordinary Paternity Leave**

#### **6.1.1 Relationship to the Child**

To be eligible for Ordinary Paternity Leave the employee must be either:

- the biological father of the child
- the husband of the mother of the child
- the partner or civil partner of the mother of the child
- the spouse, civil partner or partner of an individual who has adopted a child or who is one of a couple who have jointly adopted a child (see Adoption Leave policy).
- have responsibility for the child's upbringing.

#### **6.1.2 Employment Service**

To be eligible for Ordinary Paternity Leave, the employee must have been continuously employed for 26 weeks or more by the end of the qualifying week (15<sup>th</sup> week before the child's expected week of birth). If the employee has not been employed by QMU for 26 weeks or more by the end of the qualifying week then alternative options could be to request to use annual leave or unpaid leave.

### **6.2 Duration of Ordinary Paternity Leave**

Eligible employees are entitled to take either one week's leave or two consecutive week's leave.

Paternity leave can commence on either the date of the child's birth (this may be earlier/later than originally expected) or a chosen day after the date of the child's birth.

Paternity leave can start on any day of the week, or following the child's birth.

Paternity leave must be completed within fifty-six days of the actual date of birth of the child or, where the child is born earlier than expected, between the birth and fifty-six days from the expected due date.

Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

### **6.3 Paternity Pay**

#### **6.3.1 Statutory Paternity Pay**

To qualify for Statutory Paternity Pay the employee must have been continuously employed by QMU for at least 26 weeks by the end of the qualifying week (15<sup>th</sup> week before the baby is due to be born).

Statutory Paternity Pay is paid for the period of paternity leave. The rate of Statutory Paternity Pay is currently £148.68 per week.

Employees who have average weekly earnings that are below the Lower Earnings Limit for National Insurance (currently £107 per week) do not qualify for Statutory Paternity Pay.

Employees who do not qualify for Statutory Paternity Pay may be able to get additional financial support. Further information is available from your local Jobcentre Plus office or Social Security office.

### **6.3.2 Occupational Paternity Pay**

To qualify for Occupational Paternity Pay the employee must have accrued at least one year's service with QMU as at the qualifying week (15<sup>th</sup> week before the baby is due to be born).

Occupational Paternity Pay is paid in addition to Statutory Paternity Pay during the period of paternity leave.

Occupational Paternity Pay is paid at the rate of 50% of the employee's normal salary.

If the employee does not return to work for a period of at least three months after paternity leave then they will be required to repay all Occupational Paternity Pay.

Upon request, payment of Occupational Paternity Pay may be deferred until the employee has resumed work for three months or until they decide they will definitely be returning for at least three months. The balance of any outstanding Occupational Paternity Pay will be paid to the employee in the next available payroll after they have informed us of their decision to definitely return for at least three months.

Where an employee has already had a period of paternity leave during the course of their employment at QMU, at least one year must have elapsed between their return to work after paternity leave and the qualifying week of the subsequent pregnancy in order for them to be eligible for automatic occupational paternity pay. If one year has not elapsed between their return to work and the subsequent qualifying week then occupational paternity pay will automatically be deferred until it is known that the employee will be returning to work after maternity leave for a period of at least three months. The balance of outstanding OPP will be paid to the employee in the next available payroll. QMU will continue to pay statutory paternity pay for the duration of the paternity leave.

## **6.4 Notice of Intention to Take Ordinary Paternity Leave**

The employee must inform their line manager and HR of their intention to take paternity leave by the end of the qualifying week (15<sup>th</sup> week before the baby is expected to be born).

The employee should give an indication of:

- when the baby is due to be born,
- whether the employee wishes to take one or two weeks' leave,
- when the paternity leave is expected to start.

The employee must complete the Ordinary Paternity Leave and Pay form. The employee must submit the form to HR once it has been signed by the employee's line manager.

The employee should attach a copy of the mother's MatB1 form to the Ordinary Paternity Leave and Pay form upon submission.

The employee can change the start date of the Ordinary Paternity Leave by providing notice at least 28 days in advance (unless this is not reasonably practicable). If 28-days change to notice of leave is not possible, the new date should be confirmed to the line manager as soon as is possible. Effective communication between the employee and line manager is essential at this period to ensure effective planning.

It is the responsibility of the employee to confirm to the HR team any changes to Ordinary Paternity Leave dates.

#### **6.5 Time off for Antenatal Care**

Employees are entitled to take reasonable paid time off work to attend antenatal appointments, as advised by the mother's GP or Midwife. Evidence of appointments must be provided if requested by the line manager. The employee should arrange appointments to minimise disruption to their work.

#### **6.6 Miscarriage and Stillbirths**

In the unfortunate event that the baby is stillborn (born dead after 24 weeks of pregnancy), all the paternity rights stated in this policy will apply in the same way as with a live birth.

If the mother has a miscarriage prior to the start of the 25<sup>th</sup> week of pregnancy then the employee will not be entitled to paternity leave or pay. Absence from work in this instance would be arranged under the Sickness Absence Policy, Compassionate Leave or Annual Leave.

#### **6.7 Contractual Benefits**

Normal employment terms and conditions continue throughout the period of paternity leave, with the exception of the terms relating to salary. The employee is entitled to return to the same role following an absence due to paternity leave.

## **7.0 Additional Paternity Leave and Pay**

### **7.1 Eligibility for Additional Paternity Leave**

#### **7.1.1 Relationship to the child**

To be eligible for Additional Paternity Leave the employee must be either:

- the biological father of the child
- the mother's husband
- the mother's civil partner or partner
- the spouse, civil partner or partner of an individual who has adopted a child or who is one of a couple who have jointly adopted a child (see Adoption Leave policy).
- have responsibility for the child's upbringing.

The employee must be using the leave to care for the child.

#### **7.1.2 Employment Service**

To be eligible for Additional Paternity Leave, the employee must have been continuously employed for 26 weeks or more by the end of the qualifying week (15<sup>th</sup> week before the child's expected week of birth).

The employee must remain in employment at QMU until the week before the first week of additional paternity leave.

## **7.2 Duration of Additional Paternity Leave**

The Additional Paternity Leave Regulations 2010 entitle eligible employees to take Additional Paternity Leave of up to six months to care for their child as long as the mother of the child returns to work with some of her 52 weeks of maternity leave remaining untaken.

Mothers are entitled to 52 weeks of maternity leave. Additional Paternity Leave allows couples to share some of this 52 week maternity leave. The duration of Additional Paternity Leave will depend on how many weeks of maternity leave the mother takes.

For example, if the mother of the child has taken a total of 30 weeks of maternity leave then the father would be able to take a maximum of 22 weeks of Additional Paternity Leave (30 weeks + 22 weeks = 52 weeks).

Additional Paternity Leave cannot commence until the child is at least 20 weeks old, except in the unfortunate event that the mother dies within the first year of the child's life, where the Additional Paternity Leave may begin on the date of the mother's death.

The minimum amount of leave permitted is 2 weeks.

The maximum amount of leave permitted is 26 weeks.

Additional Paternity Leave must be taken in one continuous block, regardless of how many weeks are being taken in total.

Additional Paternity Leave must be completed before the child's first birthday.

Employees are not allowed to take more leave in the case of multiple births.

### **7.3 Payment during Additional Paternity Leave**

#### **7.3.1 Statutory Paternity Pay**

To qualify for Statutory Paternity Pay the employee must have been continuously employed by QMU for at least 26 weeks by the end of the qualifying week (15<sup>th</sup> week before the baby is due to be born).

In addition to the above, the mother must be in employment or be entitled to Maternity Allowance, Statutory Maternity Pay or Statutory Adoption Pay. For example, if the mother is not in employment because she is already a full-time mother then the father will not be entitled to Statutory Paternity Pay.

The rate of Statutory Paternity Pay is currently £148.68 per week.

Mothers are entitled to 39 weeks of statutory paid maternity leave. Provided the mother has not exhausted her total of 39 weeks entitlement to paid leave, employees taking Additional Paternity Leave are entitled to be paid Statutory Paternity Pay. Payment will last for the duration of paid maternity leave remaining. For example, if the mother returns to work having taken 26 weeks of maternity leave and pay then the father will be entitled to 13 weeks of Statutory Paternity Pay while on Additional Paternity Leave (26 weeks + 13 weeks = 39 weeks). This example does not prohibit the father taking up to 26 weeks of Additional Paternity Leave, but he would only be entitled to Statutory Paternity Pay for the first 13 weeks of this leave period.

#### **7.3.2 Occupational Paternity Pay**

To qualify for Occupational Paternity Pay the employee must have accrued at least one year's service with QMU as at the qualifying week (15<sup>th</sup> week before the baby is due to be born).

Occupational Paternity Pay is paid at the rate of 50% of normal pay and will be paid for half of the Additional Paternity Leave period, up to a maximum of 13 weeks. Occupational Paternity Pay is paid in addition to Statutory Paternity Pay during the period of paternity leave.

If the employee does not return to work for a period of at least three months after paternity leave then they will be required to re-pay all Occupational Paternity Pay. Upon request, payment of Occupational Paternity Pay may be deferred until the employee has resumed work for three months or until they decide they will definitely be returning for at least three months. The balance of any outstanding Occupational Paternity Pay will be paid to the employee in the next available payroll after they have informed us of their decision to definitely return for at least three months.

Where an employee has already had a period of paternity leave during the course of their employment at QMU, at least one year must have elapsed between their return to work after paternity leave and the qualifying week of the subsequent pregnancy in order for them to be eligible for automatic occupational paternity pay. If one year has not elapsed between their return to work and the subsequent qualifying week then occupational paternity pay will automatically be deferred until it is known that the employee will be returning to work after maternity leave for a period of at least three months. The balance of outstanding OPP will be paid to the employee in the next available payroll. QMU will continue to pay statutory paternity pay for the duration of the paternity leave.

#### **7.4 Notice of Intention to take Additional Paternity Leave**

The employee should give an indication of their intention to take Additional Paternity Leave as soon as practicable. A minimum of eight weeks notice is required.

The employee should complete the Additional Paternity Leave and Pay form. The mother or primary adopter must also complete the relevant sections of the form. The employee should submit the form to HR once it has been signed by the employee's line manager.

It is the responsibility of the employee to confirm to the HR team any changes to Additional Paternity Leave dates. The employee must give QMU six weeks notice if they wish to return to work earlier than planned after their Additional Paternity Leave.

#### **7.5 Keeping in Touch Days**

In addition to general contact, the employee is able to attend work for up to 10 days during their Additional Paternity Leave without bringing their paternity leave to an end.

These days should normally be used for the employee to keep up to date with developments in their role and their team such as attending training and development, conferences, team away days, etc, but can be used for other aspects of work if desired by both parties.

The reason for attendance should be agreed between the employee and their line manager prior to the keeping in touch day.

Any work carried out in a day constitutes one day of keeping in touch, i.e. if an employee attended work for a team meeting which lasted two hours only, this would count as one day of keeping in touch.

Where an employee attends work for a keeping in touch day, they should complete the Keeping in Touch Days Payment Form and submit this to Payroll. Submission of this form will enable the employee to be paid for the hours worked on the keeping in touch day. This payment is calculated on their normal hourly rate. OPP will not be paid in addition to any hours being paid at normal rate, however, QMU will continue to pay SPP on these days.

Keeping in touch days are not compulsory and are in agreement between the employee and their line manager.

Keeping in touch days should not replace a return to work induction but should be used in conjunction with this.

## **7.6 Contractual Benefits**

Normal employment terms and conditions continue throughout the period of paternity leave, with the exception of the terms relating to salary. The employee is entitled to return to the same role following an absence due to paternity leave.

## **8.0 Annual Leave**

Employees who are on paternity leave continue to accrue annual leave at their normal rate. This can often lead to a build up of accrued annual leave, especially when Additional Paternity Leave is taken.

The line manager may wish to agree with the employee that they may carry forward annual leave in these circumstances, however, HR recommend that the employee takes at least the minimum holiday entitlement, as noted in the Working Time Directive (28 days per year for full time staff), in each holiday year.

Employees may use their accrued annual leave to extend their paternity leave on a paid basis or to facilitate a phased return to work, enabling them to return to being paid at their normal rate.

HR recommends that use of accrued annual leave is discussed and agreed between the line manager and the employee as early as possible to enable them to plan for cover of the employee's workload while he is on paternity leave.

## 9.0 Payment of Pension Contributions

Employees will continue to contribute to their pension scheme while on paternity leave.

Where an employee elects to take a period of unpaid Additional Paternity Leave both they and QMU will cease to pay contributions. This period of time will not count as pensionable service. The employee must decide when returning to work if they wish to make up the difference and pay back their unpaid contributions so that this period will count as pensionable service again. These additional contributions will be calculated based on the employee's last payment before commencing paternity leave. This may be paid in instalments in agreement with Payroll. If the employee wishes to pay back these contributions then they must notify HR and Payroll upon their return to work, otherwise, they will be deemed by the pension fund to have a break in service which will effect their final pension calculation.

Further details on pension contributions while on paternity leave can be found in the guidance document at the end of this policy. Further information can also be obtained from your pension provider, contact details of which are provided below:

Lothian Pension Fund: <http://www.lpf.org.uk/>  
STSS: [http://www.sppa.gov.uk/scot\\_teachers/home.htm](http://www.sppa.gov.uk/scot_teachers/home.htm)  
USS: <http://www.usshq.co.uk/>

## 10.0 Childcare Vouchers

QMU are able to offer employees who have childcare costs the benefit of the Sodexo Childcare Vouchers scheme which is run through salary sacrifice so that employees can benefit financially from the Income Tax and National Insurance Contribution exemptions available. These exemptions allow parents to save on the cost of childcare (depending on the level of Income Tax and National Insurance Contributions paid). Further information can be found on the intranet at: <http://intranet.qmu.ac.uk/sites/humresources/ChiVou/default.aspx>

Some employees who intend to take paternity leave may already be enrolled in the QMU childcare vouchers scheme because they are already paying for childcare for existing children. If such an employee wishes to continue paying into the childcare vouchers scheme while they are on paternity leave then Payroll will continue to deduct the payments from their Occupational Paternity Pay. In instances where the employee is not entitled to Occupational Paternity Pay, QMU will continue to fund the provision of childcare vouchers to the same level that the employee paid before commencing paternity leave. QMU will not deduct childcare vouchers from SPP.

Where existing members of the QMU childcare vouchers scheme decide to take additional unpaid paternity leave, QMU will continue to fund the provision of childcare vouchers to the equivalent level that the employee sacrificed prior to commencement of additional unpaid paternity leave.

In cases where QMU continues to fund childcare vouchers because the employee is entitled to only SPP or is taking additional unpaid paternity leave, this provision will cease at the end of the period of paternity leave.



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**Ordinary Paternity Leave and Pay  
Notification Form**

*please complete and return this form to HR*

| Employee Details  |                       | Additional Notes |
|---|-----------------------|------------------|
| Employee Name   |                       |                  |
| Job Title   |                       |                  |
| Department/School   |                       |                  |
| Line Manager Name   |                       |                  |
| QMU Start Date  |                       |                  |
| Ordinary Paternity Leave and Pay  |                       |                  |
| Expected Week of Childbirth<br>(copy of MatB1 must be attached)   |                       |                  |
| Proposed date of commencement<br>of Ordinary Paternity Leave<br>(not binding)   |                       |                  |
| Number of weeks of proposed<br>Ordinary Paternity Leave (one<br>week or two weeks).   |                       |                  |
| Proposed date of return after<br>Ordinary Paternity Leave   |                       |                  |
| I would like to have my OPP<br>payment deferred until I have<br>returned to work for three months<br>after my Ordinary Paternity Leave. | Yes/No/Not applicable |                  |
| Additional Paternity Leave and Pay (not binding at this stage)  |                       |                  |
| I intend to take Additional Paternity<br>Leave and Pay  |                       |                  |
| Proposed date of commencement<br>of Additional Paternity Leave  |                       |                  |

|  |  |
|--|--|
| <b>Declaration</b><br>I declare that I meet the eligibility criteria as outline in the QMU Paternity Policy and I wish to claim Ordinary Paternity Leave and Pay as detailed in this application form. |  |
| <b>Employee signature</b>  |  |
| <b>Date</b>  |  |

|                               |  |
|-------------------------------|--|
| <b>Line Manager signature</b> |  |
| <b>Date</b>                   |  |

| <b>For HR use only</b>   |        | <b>Additional Notes</b> |
|--------------------------|--------|-------------------------|
| Copy of MatB1 attached   | Yes/No |                         |
| Length of service at QMU |        |                         |
| Entitled to SPP          | Yes/No |                         |
| Entitled to OPP          | Yes/No |                         |



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**Additional Paternity Leave and Pay  
Notification Form**

*please complete and return this form to HR*

| Employee Details   |                       | Additional Notes |
|--|-----------------------|------------------|
| Employee Name  |                       |                  |
| Job Title  |                       |                  |
| Department/School  |                       |                  |
| Line Manager Name  |                       |                  |
| QMU Start Date   |                       |                  |
| Additional Paternity Leave and Pay   |                       |                  |
| Expected Week of Childbirth  |                       |                  |
| Actual Date of Child's Birth   |                       |                  |
| Proposed date of commencement of Additional Paternity Leave  |                       |                  |
| Number of weeks of proposed Additional Paternity Leave   |                       |                  |
| Proposed date of return after Additional Paternity Leave   |                       |                  |
| I would like to have my OPP payment deferred until I have returned to work for three months after my Additional Paternity Leave. | Yes/No/Not applicable |                  |
| Mother or Primary Adopter Details  |                       |                  |
| Name of Mother/Primary Adopter   |                       |                  |
| Address  |                       |                  |
| National Insurance Number  |                       |                  |
| Intended date of return to work following maternity leave  |                       |                  |

**Declaration of Mother or Primary Adopter**

I declare that:

- The information on this form is accurate.
- The employee named on this form meets the eligibility criteria for Additional Paternity Leave as detailed in the QMU Paternity Policy.
- The employee named on this form is the only person, to my knowledge, that is exercising the right to Additional Paternity Leave in respect of my Maternity Leave.
- I consent to QMU processing the information included in this form.

**Mother/Primary Adopter signature****Date****Declaration of Employee**

I declare that I meet the eligibility criteria as outline in the QMU Paternity Policy and I wish to claim Additional Paternity Leave and Pay as detailed in this application form.

**Employee signature****Date****Line Manager signature****Date****For HR use only****Additional Notes**

Copy of MatB1 attached

Yes/No

Length of service at QMU

Entitled to SPP

Yes/No

Entitled to OPP

Yes/No



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**Keeping In Touch Days  
Payment Form**

| <b>Section A: Employee Details</b> |  |
|------------------------------------|--|
| Employee Name                      |  |
| Department/School                  |  |

| <b>Section B: Details of Work Carried Out</b> |  |
|---|--|
| Date(s) of Work                               |  |
| Total Hours Worked                            |  |
| Budget Code                                   |  |

| <b>Section C: Authorisation</b>     |  |      |  |
|-------------------------------------|--|------|--|
| Employee Signature                  |  | Date |  |
| Head of Department/School Signature |  | Date |  |

**You must now forward this form to Payroll.**

| <b>Section D: For Payroll Use Only</b> |   |
|--|---|
| Rate of Pay                            |   |
| Amount Due                             | £ |

## Pension Contributions – Additional Guidance

### Universities Superannuation Scheme (USS)

#### ***If an employee is not entitled to any SPP or OPP payment***

Where an employee is entitled to no pay the employer will pay the full employee contribution and the normal employee contribution during ordinary paternity leave. This period will count as pensionable service.

#### ***If an employee is receiving maternity/paternity/adoption pay (less than normal full pay)***

Employee contributions will be based on the salary during the period of leave however the employer will be obliged to make this payment up to the normal full salary as well as continue to pay the employer contributions. Employers are obliged to do this for the full 39 weeks or when leave payments cease.

#### ***If an employee goes on to zero pay whilst on child related leave***

When an employee goes into unpaid child related leave they will cease making contributions to the pension. Their membership will be suspended and the period will not count as pensionable service. When the employee returns they will have the option to pay additional contributions so that all or part of the suspended period can count as pensionable service, the employer would also have to pay the appropriate employer contributions in this case.

#### ***If an employee does not wish to make contributions during child related leave***

An employee may elect not to contribute to the pension scheme whilst on child related leave, membership of the pension scheme will therefore be suspended and will not count as pensionable service. The employee will have the option on return from leave to pay additional contributions so that all or part of the suspended period can count as pensionable service, the employer would also have to pay the appropriate employer contributions in this case.

#### ***If an employee is paid for Keeping In Touch Days***

The same rules will apply as above if an employee takes any KIT days during maternity leave. If the KIT day is taken during paid maternity leave the employer will be obliged to make up the shortfall in the employees contributions to the normal full salary. Where the employee takes a KIT day while on unpaid leave no pension deduction will be taken and the employee will have the option to make up the contributions when they return to work.

### **The Local Government Pension Scheme/Lothian Pension Fund (LGSS)**

#### ***If an employee is receiving maternity/paternity/adoption pay (less than normal full pay)***

The employee will pay pension contributions on the actual pay they are receiving (including statutory pay if applicable). Credit for the period will be given at full length. Employer will continue to make employer contributions based on the employee's normal rate of pay.

#### ***If an employee enters an unpaid period whilst on child related leave***

The employee can elect to pay the contributions over the period of unpaid leave. It is the responsibility of the employer to advise the employee of their right to do this within one month of their return from leave. The contributions must then be paid within 30 days of returning to work or a longer period upon agreement with the employer. The contributions can be paid either by lump sum or by instalments over a reasonable period of time, to be agreed with the employer. If an employee elects to re-pay the contributions the employer will be obliged to pay the employer contributions also. If the employee elects not to re-pay the contributions for the period of unpaid leave this will not count as pensionable service.

### **Scottish Public Pensions Agency (SPPA)/Scottish Teachers Superannuation Scheme (STSS)**

#### ***If an employee is receiving maternity/paternity/adoption pay (less than normal full pay)***

In this case the employee contributions should be calculated on the actual salary during the period of leave and not on the normal pensionable earnings. The employer contributions should be calculated based on the pensionable earnings immediately before the period of leave.

#### ***If an employee enters an unpaid period whilst on child related leave***

The employee must have the opportunity to pay contributions whilst on unpaid child related leave. If the employee wishes the period of unpaid leave to count as service for pension purposes they must pay their pension contributions based on their normal earnings prior to the period of unpaid leave.