

18 June 2012

SNCT 12/34

Dear Colleague

Surrogacy Leave

The SNCT has agreed that leave should be provided in cases of surrogacy and should be treated in accordance with the Family Leave provisions set out in Part 2, Section 7 of the SNCT Handbook.

Parents who receive a child following a surrogacy arrangement apply to the Sheriff Court for a Parental Order. The application can only be made after the child is six weeks old and before the child is 6 months old.

A copy of the Parental Order should be provided to the employer to confirm Parenthood. It is recognised that the Family Leave may have commenced before this event.

The intended parent should provide the Council with a copy of the Mat B1 which the birth mother obtains from their GP or midwife at around 26 weeks before the baby is due. This would provide the employer with notice of the impending birth and date the Family Leave is to commence. Notice to take Family Leave should be no less than 28 days' written notice.

The leave may begin:

- (a) from the date of the child's placement, or
- (b) from a fixed date up to 14 days before the expected date of placement.

The couple must choose one person to take the Family Leave.

An employee is entitled to 52 weeks Family Leave regardless of length of service.

An employee who has less than 26 weeks continuous contractual service, prior to the week in which she/he received the child, is entitled to 52 weeks' Family Leave without pay.

An employee who has 26 weeks continuous service prior to the weeks in which she/he received the child will be entitled to be paid:

- (a) 13 weeks at normal salary and
- (b) 26 weeks at a sum equivalent to Statutory Adoption Pay.

Annual leave shall accrue leave in accordance with the provisions of paragraphs 7.42 to 7.50.

Keeping in Touch days shall be provided in accordance with paragraph 7.51. The employer shall continue to make full pension contributions during the period of paid surrogacy leave.

The SNCT is considering other provisions of Family Leave and shall issue replacement pages in due course.

Yours sincerely

Tom Young (Employers' Side)
Drew Morrice (Teachers' Side)
Stephanie Walsh (Scottish Government)

Joint Secretaries