

# Maternity and Adoption Support Leave

Advice for fathers and partners

This leaflet sets out the entitlements of police officers who, in the case of Maternity Support Leave, are either a child's father, the partner of an expectant mother or the nominated carer of an expectant mother, and in the case of Adoption Support Leave they are the second parent in a couple adopting a child.

## What is Maternity or Adoption Support Leave?

Maternity Support Leave or Adoption Support Leave is leave that can be taken at or around the time of birth or adoption to care for the child and/or support the child's mother or the main adopter in caring for the child.

## How much leave am I entitled to?

You are entitled to two weeks' leave at or around the time of the birth or adoption. There are no service requirements for Maternity or Adoption Support Leave. The two weeks do not have to be taken together. Each period of a week can be taken separately.

## What pay am I entitled to?

You will receive your normal rate of pay for the first week of Maternity or Adoption Support Leave, offset by the statutory paternity pay rate for that week. If you work part time your pay will be calculated by reference to your appropriate factor. If you have 26 weeks' continuous service at the end of the 15th week before the expected week of confinement, or the week in which the main adopter is matched with a child for adoption, you are entitled to be paid for the second week at the statutory paternity pay rate.

## Exigencies of duty

The granting of Maternity or Adoption Support Leave is subject to the exigencies of duty.

## Recall to duty

You can be recalled to duty at any time but this should only be for exceptional reasons such as court attendance or a disciplinary hearing. Attendance at court as a police witness is treated as duty time and you will receive the daily rate of pay for each day on duty but lose statutory paternity pay for that week. Police regulations and determinations are silent on what should happen to Maternity or Adoption Support Leave should you be recalled to duty. It is PFEW's view that the leave period should be extended or reallocated accordingly.

## Reckonable service

All paid leave taken as Maternity or Adoption Support Leave counts as pensionable service, reckonable for incremental pay and leave



purposes and for inclusion in any probationary period. Under the Police Pension Scheme 2015 members can buy-back for pension purposes time spent on unpaid family leave. This includes unpaid Maternity Support Leave or Adoption Support Leave. However, unpaid family leave cannot be bought back for pension purposes under the Police Pension Scheme 1987 and the New Police Pension Scheme 2006. The Home Office has been asked to address this anomaly.

## Additional Maternity/Adoption Support Leave and Shared Parental Leave and Pay

Currently, police regulations and determinations set out officers' entitlements to additional maternity or adoption support leave subject to eligibility requirements. These were based on the statutory additional paternity leave provisions. Members on additional maternity or adoption support leave were also entitled to be paid statutory additional paternity pay subject to eligibility requirements.

Following the publication of the Children and Families Act 2014 statutory additional paternity leave and pay was replaced by Shared Parental Leave and Pay. PNB circular 21/2014 and Home Officer circular 11/2015 set out the agreement reached to provide officers with an entitlement to shared parental leave. This will require amendments to police regulations and determinations. Officers are already entitled to receive statutory shared parental leave pay subject to eligibility requirements. HOC 11/2015 states that the Home Office intends changing

police regulations and determinations to provide for shared parental leave but that in the meantime forces are encouraged to apply the statutory shared parental leave provisions.

## What is shared parental leave?

Shared parental leave lets parents share statutory leave and pay in the first year following the birth or adoption of a child. Parents can choose how they allocate shared parental leave between them and whether they wish to take the leave separately or at the same time.

To qualify an officer must share responsibility for the child with one of the following:

- his/her husband, wife, civil partner or joint adopter
- the child's other parent
- his/her partner (if they live with the officer and the child)

Shared parental leave and pay is also available to intended parents in a surrogacy arrangement and prospective parents in the fostering to adopt system.

Further details of the statutory provisions can be found at <https://www.gov.uk/shared-parental-leave-and-pay/overview>

A separate advice leaflet will be produced when the amendments have been made to police regulations and determinations.

