

Maternity Paternity and Parental Leave

(see also Annex R Determinations, Police Regulations 2003)

GENERAL

1. The Maternity and Parental Leave Regulations 1999 together with provisions inserted in the Employment Rights Act 1996 create new rights for employees to parental leave and improved maternity leave. PNB has agreed amendments to the Police Occupational Maternity Scheme, as set down in PNB circular 95/15 and Police Regulations 36A and 46A, to take account of these and other changes. In addition, new provisions have been created for police officers to maternity support leave (which replaces paternity leave), adoption leave and time off for dependants. These entitlements take effect from 15 December 1999 unless stated otherwise (as in paragraphs 17, 23 and 26). These provisions apply to full-time officers and those who are serving, or have served, part-time or in job shares.

2. The Police Occupational Maternity Scheme provides that maternity leave can be taken by all policewomen for the whole or any part or parts of the period:

- i) commencing six months before the expected date of childbirth; and
- ii) ending nine months after the expected date of childbirth.

3. The scheme allows policewomen to choose for themselves when they will commence any period of maternity leave provided that a period of maternity leave commences no later than the expected date of childbirth. For those officers qualifying under paragraph 8 the first three months maternity leave will be paid.

4. The entitlements to ante-natal care identical to those provided to other workers by Section 55 of the Employment Rights Act 1996 (as amended) shall be provided to all policewomen.

5. All policewomen will be entitled (whether or not entitled to paid maternity leave) to reckon 18 weeks maternity leave as

- i) service in their rank for the purposes of pay determination under regulation 39 (England & Wales) and as relevant service under paragraph 6 (1) of Schedule 4 (England & Wales); and
- ii) part of any period of probation.

6. PNB has agreed that policewomen who have served continuously for a period of not less than one year at the beginning of the eleventh week before the expected date of birth, will, in addition to reckoning the 18 weeks maternity leave period pursuant to paragraph 5 above, be entitled to reckon any part of the period beginning with the week of childbirth and ending 29 weeks from the week of childbirth as:

- i) service in their rank for the purposes of pay determination under regulation 39 (England & Wales) and as relevant service under paragraph 6(1) of Schedule 4

(England & Wales); and
ii) part of any period of probation.

ABILITY TO TAKE MATERNITY LEAVE IN MORE THAN ONE PERIOD (REGULATION 36A, POLICE REGULATIONS 1995 (as amended))

7. There is currently an anomaly in police regulations precluding officers from returning to duty within a period of maternity leave (e.g. to attend court hearings) after childbirth. The Home Office has agreed that it was intended that the regulations should allow for split periods of maternity leave both before and after childbirth. The correction will be made, to operate retrospectively to the date when regulation 36A came into effect (10 April 1996).

PAID MATERNITY LEAVE (see also Annex L Determinations, Police Regulations 2003)

8. In addition, the police occupational maternity scheme (regulation 46A England & Wales) provides an entitlement to be paid for the first three months of maternity leave in respect of each pregnancy (this may include split periods of maternity leave as referred to in paragraph 7 above) if the following requirements are met:
i) the policewoman has served continuously for a period of not less than one year at the beginning of the eleventh week before the expected date of birth; and
ii) remains pregnant or has given birth 15 weeks before the expected week of childbirth.

9. Where any period of paid maternity leave coincides with statutory maternity pay periods, police maternity pay will be offset by statutory maternity payments.

10. An officer receiving occupational maternity pay will return to work, following maternity leave, for at least one month. This requirement will be satisfied whether the officer works full or part-time and whether or not during that period she enjoys any period of annual or sick leave. An officer who fails to do so will be required to reimburse her Authority the occupational maternity pay (in excess of statutory maternity pay and net of all statutory deductions and pension contributions) except where the Authority waives their right to reimbursement.

NOTIFICATION

11. As soon as reasonably practicable and not later than 21 days before the expected date of childbirth an officer shall give notification of:

- i) the pregnancy;
- ii) the expected week of childbirth; and
- iii) the date on which she intends to commence maternity leave (this date may subsequently be brought forward by the officer to any point up to six months

before the expected date of childbirth).

12. There is an assumption that an officer will return to work 9 months after the expected date of childbirth. If this is not the case an officer will provide notification not less than 21 days in advance of her anticipated date of return. This period may be reduced with the agreement of the chief constable.

INTERRELATIONSHIP WITH THE POLICE OCCUPATIONAL SICKNESS LEAVE AND PAY SCHEME

13. A pregnant policewoman will have the following entitlement:

- i) if sick before her maternity leave and otherwise meeting the requirements of the sick pay scheme, an entitlement to sickness pay until the date she would otherwise have commenced her intended maternity leave;
- ii) if sick following maternity leave and otherwise meeting the requirements of the sick pay scheme, an entitlement to sick pay and leave of absence in accordance with the normal rules of the sickness scheme.

14. A policewoman who has commenced her maternity leave will not be entitled to sickness payments before her intended date of return to work.

15. For the avoidance of doubt, the sick pay scheme does not exclude any entitlement to sick leave in respect of any injury, illness or incapacity for duty, which is solely or mainly due to pregnancy or childbirth or their after effects, in the period before the intended start of maternity leave or the period after the intended date of return to work.

DEATH OF A BABY AND STILLBIRTH

16. If a baby dies or is stillborn after 24 weeks pregnancy the scheme would apply. Where this occurs before 24 weeks, authorities should give sympathetic consideration to the circumstances and where necessary grant special leave or sick leave as appropriate on the basis of the individual circumstances. The decision should be advised by the needs of the officer and medical opinion.

PARENTAL LEAVE

(see also Annex S Determinations, Police Regulations 2003)

17. Parental leave provisions equivalent to the Maternity and Parental Leave Regulations 1999 will apply to the police service. These Regulations provide that an officer who has continuously served for not less than one year at the time they want to take the leave and has or expects to have, responsibility for a child, is entitled to 13 weeks leave in respect of each child up to the age of five (except as otherwise provided under the Maternity and Parental Leave Regulations 1999), and in addition any other nominated carer where the chief officer is satisfied that that person is taking parental responsibility. This entitlement applies in respect of children born/adopted on or after 15 December 1994.

18. The arrangements for taking parental leave and the timing of that leave shall be agreed between the officer and the chief constable but shall be no less favourable to the officer than as provided under the Maternity and Parental Leave Regulations 1999.

19. Leave taken as parental leave will be reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

20. An officer is entitled to buy back, for pension purposes, reckonable service in respect of any period taken as parental leave.

PATERNITY AND MATERNITY SUPPORT LEAVE (see also Annex S Determinations, Police Regulations 2003)

21. The current provision in Regulation 37 for 2 days paternity leave is replaced by an entitlement to 5 days paid maternity support leave to an officer who is the child's father or the partner or the nominated carer of an expectant mother at or around the time of the birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth. The leave entitlement for part-time or job sharing officers shall be calculated in the same way as their annual leave.

22. Leave taken as maternity support leave will be reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

23. This entitlement takes effect from 8 February 2001.

ADOPTION LEAVE (see also Annex S Determinations, Police Regulations 2003)

24. Paid adoption leave of 5 days shall be granted to the adoptive parents at or around the time of the adoption. The leave entitlement for part-time or job sharing officers shall be calculated in the same way as their annual leave.

25. Leave taken as adoption leave will be reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

26. This entitlement takes effect from 8 February 2001.

TIME OFF FOR DEPENDANTS (see also Annex T Determinations, Police Regulations 2003)

27. The time off for dependants' provisions in the Employment Relations Act 1999 will apply to the police service. This leave is intended to cope with short-term difficulties, normally 1 or 2 days, and will be paid.

28. Where the above entitlement is insufficient forces are reminded of the compassionate leave arrangements as set out in Police Council Circular 9/75.