

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 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 took 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 26 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 26 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.

(Continuous service between forces does not apply to maternity, it is specific to each force. This is due to SMP being a state benefit paid via the force and not a police rule)

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 made operates 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. (*If the officer reports sick within 6 weeks of the expected birthdate it will trigger the maternity period, also if an officer reports sick in this time or during the maternity period it (and then reports fit for the sake of the 6 weeks prior to the birthdate) it will ends the maternity period and protections*)

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.

From GMP Policy:

Parental Leave

Parental Leave shouldn't be confused with Shared Parental Leave which is a separate entitlement.

You may want to apply for Parental leave to care for your child. This leave is unpaid. You can take parental leave if you've completed one year's continuous service with GMP. We'll allow you a total of 18 weeks parental leave per child, as long as:

- *your child is under the age of 18; or*
- *you have adopted a child under the age of 18; or*
- *you have acquired formal parental responsibility for a child who is under 18 years old.*

If you're a new mother you can add parental leave to your maternity leave, to form a continuous break.

If you're a member of police staff, you may only take up to four weeks parental leave (per child) per year.

If you are a police officer, you may take up to eighteen weeks leave (per child) in a year.

We grant you parental leave in blocks of a week. If you take leave for a period of less than a week, we'll only deduct your pay for working days absent. However, we'll still count it as a week from your entitlement of parental leave.

If your child has a disability, you're entitled to 18 weeks parental leave up to your child's 18th birthday. You may take your leave as single days rather than in blocks of one week. (For the purpose of this policy, we recognise that your child has a disability if he or she is entitled to disability living allowance).

You must give at least 21 days' notice of your request to take parental leave. If you wish to take parental leave straight after the birth or adoption of your child, you should give 21 days' notice before the beginning of the expected week of childbirth or placement. If this isn't possible, give us notice as soon as you can. For example, if your child is born prematurely or where less than 21 days notice is given that a child is to be placed with you for adoption.

We may postpone parental leave for up to a maximum of six months from the date you wish take the leave if the service would be unduly disrupted. However, we won't postpone leave when you give notice to take it immediately after the time your child is born or placed for adoption (subject to the exigencies of service).

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

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.

29. Parental Bereavement Leave (from GMP policy)

New legislation has been introduced for bereaved parents of a child who dies on or after 6 April 2020.

If you're a parent who suffers the devastating loss of a child(ren) you're entitled to 2 weeks parental bereavement leave for each child that passes away.

For the purposes of Parental Bereavement Leave a 'parent' is defined as:

- *a biological parent*
- *an adoptive parent*
- *a step parent*
- *the intended parent of a child, i.e. surrogacies*
- *someone who has parental responsibility for a child under the age of 18 or*
- *a parent who has suffered a stillbirth after 24 weeks of pregnancy*

Parental Bereavement leave can be taken as one block of two weeks or two blocks of one week. You'll need to take the leave within 56 weeks of the death of your child.

You should provide us with as much notice as possible if you wish to take parental bereavement leave this will help us to provide you with support at the earliest opportunity. However, you should give us at least one weeks' notice of your intention to take the leave if you wish to take the leave after 56 days from the death of your child.

You'll normally receive full pay for the first six days. However, we recognise that all situations are different and your manager may authorise more days at full pay. If you're eligible, you'll receive statutory parental bereavement pay for the remaining

days. If you're not eligible for statutory pay you can still take the remaining days, but this will be unpaid.

To be eligible for statutory parental bereavement pay you'll need to have:

- *26 weeks or more service with GMP the week before your child dies and*
- *normal weekly earnings in the 8 weeks leading up to your child passing away that aren't less than the lower earnings limit for national insurance contributions.*

30. Special Leave (from GMP Policy)

You can request special leave if you suffer a bereavement. We may also approve special leave in circumstances other than bereavement, but this must be authorised by your Borough /Branch Commander.

We would normally allow a maximum of 6 days paid special leave per year. However, your manager may approve leave of more than 6 days.

Normally we'll allow the following:

- *Spouse (or Partner) or close family member (for instance: child (aged 18 and over), mother, father, brother, sister) – Normally, up to 6 days paid leave per year.*
- *Your child under the age of 18 – please see Parental Bereavement Leave.*
- *Extended family relations (for instance: grandparents, aunts, uncles, mother/father in law or a dependant to whom you are not related but they relied upon you for their care) – in most cases, leave with pay to attend the funeral may be all that is required.*
- *Other relatives (for instance: cousins, nephews/nieces, brother/sister in law and friends) – Normally, Annual leave should be used*

We recognise that all situations are different, so we can't specify how much leave we'll grant in each circumstance. But we'll consider whether you are required to make the

funeral arrangements; whether the person lived with you; and your bereavement and welfare needs.

Let your manager know as soon as possible if you wish to take special leave.