

ANNEX R

DETERMINATION FOR REGULATIONS 24 and 33

MATERNITY AND ADOPTION LEAVE

Part 1 - Maternity Leave

1) In this part of this determination:

“expected date of birth” means, subject to paragraph (4), the date given in accordance with paragraph (2)(b);

“maternity leave” means leave taken in accordance with the provisions of this part by a qualified member of a police force during the maternity period;

“maternity period”, in relation to such a member, means a fifteen month period which is elected by the member and which falls wholly within the period which:

- a) begins six months before the expected date of birth of the member’s child as given under paragraph (2)(b) or, as the case may be, paragraph (4) and
- b) ends 12 months after the date so given.

“qualified member” means a member of a police force who qualifies under paragraph (2).

2) Subject to the following provisions of this part of this determination and part 3, a female member of a police force qualifies for maternity leave when she has given to the chief officer of police notice stating:

- a) that she is pregnant;
- b) the expected date of birth of her child; and
- c) the date of which she intends to commence maternity leave or, where she proposes to take more than one period of maternity leave, the proposed dates of those periods.

3) A female member of a police force does not qualify for maternity leave where the chief officer of police has requested a certificate from a registered medical practitioner, registered midwife or registered health visitor setting out the matters referred to in paragraph (2)(a) and (b) and she fails to produce such a certificate.

4) Where a certificate produced under paragraph (3) sets out a different date as the expected date of the birth of the child of the female member of a police force from the date given in accordance with paragraph (2)(b), the date given in the certificate shall have effect in place of the date given in the notice.

5) A female member of a police force who is pregnant shall give the notice required by paragraph (2) as soon as reasonably practicable after she becomes aware of the expected date of birth of her child.

6) The date or dates given in accordance with paragraph (2)(c) may be amended by a subsequent notice to the chief officer of police, provided that not less than 21 days’ notice is given of the qualified member’s intention to return to duty.

- 7) A qualified member shall commence maternity leave no later than the date given in accordance with paragraph (2)(b) and, subject to paragraphs (8) and (9), the leave shall continue until the last day of the maternity leave.
- 8) Where a qualified member intends to return to duty before the end of the maternity period after taking maternity leave, she shall give to the chief officer of police not less than 21 days' notice of her intention.
- 9) A notice under paragraph (8) may be subsequently revoked; and any such revocation shall be without prejudice to the giving of another notice under that paragraph of an intention to return to duty before the end of the maternity period.
- 10) During any period of maternity leave, a qualified member shall not be entitled to any sick leave under regulation 33(2) and the determination on sick leave thereunder.
- 11) In paragraph (10) "period of maternity leave" means the period:
 - a) beginning on:
 - i) the date given in accordance with paragraph (2)(c) as the date on which the qualified member intends to commence maternity leave or, where she proposes to take more than one period of such leave, the first of those dates, or
 - ii) where that date or, as the case may be, the first of those dates has been amended by a subsequent notice under paragraph (6), that date; and
 - b) ending on:
 - i) where a notice has been given under paragraph (8) and has not been subsequently revoked the date so given; or
 - ii) where no such notice has been given or remains in force, the last day of the maternity period.
- 12) The first 52 weeks of maternity leave shall be treated as relevant service for the purposes of calculating annual leave entitlement in accordance with determinations made under regulation 33 (Annex O).

Part 2 - Adoption Leave

- 13) In this part of this determination:

"adoption leave" means any leave taken in accordance with the provisions of this part

"qualified member" means a member of the police force who qualifies for adoption leave in accordance with the provisions of this part.
- 14) Subject to the following provisions of this part of this determination and part 3, a member of a police force qualifies for adoption leave when the member has given notice to the chief officer of police stating:
 - a) that the member has been matched with a child for adoption;
 - b) the date on which the child is expected to be placed with the member for adoption; and

- c) the date on which the member intends to commence adoption leave.
- 15) A member of a police force must commence adoption leave within the period of 14 days ending with the date on which the child is expected to be placed with the member as notified under paragraph (16)(b).
- 16) A notice under paragraph (16) must be given within 7 days of the member of a police force being notified that they have been matched with a child for adoption. Where it is not reasonably practicable for the member to give such notice within 7 days, the notice should be given as soon as is reasonably practicable.
- 17) A member of a police force who is matched for adoption with a child who is a step-child or foster-child of the member, and was previously living with the member, does not qualify for adoption leave.
- 18) Where a couple are jointly adopting a child, a member of a police force does not qualify for adoption leave if the other person in the couple is also taking adoption leave whether in accordance with this part of this determination (where that other person is also a member of a police force) or otherwise.
- 19) A qualified member who has, at the end of the week in which he is matched with a child for adoption, served continuously as a member of a police force for less than 26 weeks is entitled to a one week's adoption leave ("standard adoption leave").
- 20) A qualified member who has at the end of the week in which he is matched with a child for adoption served continuously as a member of a police force for a minimum period of 26 weeks is entitled to 52 weeks' adoption leave ("ordinary and additional adoption leave").
- 21) Where a qualified member is matched for adoption with more than one child at the same time, this does not affect the member's entitlement to adoption leave under this part of this determination.
- 22) A qualified member intending to return to duty before the end of the period of ordinary and additional adoption leave shall give the chief officer of police not less than 28 days' notice of the date on which the member intends to return.
- 23) A qualified member is entitled to be paid as respects the first week of adoption leave at the member's normal rate of pay but, subject to paragraphs (24), is not entitled to be paid thereafter.
- 24) A qualified member who has served continuously as a member of a police force for one year or more at the end of the week in which he is matched with a child for adoption is entitled (in addition to the member's entitlement under paragraph 23) to be paid as respects the second to the 13th weeks of adoption leave at the member's normal rate of pay.
- 25) The pay to which a qualified member is entitled under paragraphs (23) and (24) shall be reduced, in respect of any week for which the member receives statutory adoption pay, by an amount equal to the statutory adoption pay that the member receives for that week.
- 26) For the purposes of paragraphs (23) to (25):
- a) "normal rate of pay" means the pay to which the qualified member in question would be entitled if the member was not on adoption leave, and

- b) "statutory adoption pay" means any payment made in accordance with Part XIIIZB of the Social Security Contributions and Benefits Act 1992 or any later enactment which replaces those provisions and is to the same or substantially similar effect.
- 27) In the case of part-time member each day of paid adoption leave granted counts for the purposes of the determinations made under regulation 24 (Annex F) as a period of duty of 8 hours multiplied by the appropriate factor.
- 28) Adoption leave shall be treated as relevant service for the purposes of calculating annual leave entitlement in accordance with determinations made under regulation 33 (Annex O).

Part 3 - Keeping in Touch Days

- 29)
- a) A member of a police force on maternity leave or adoption leave may, at the discretion of the member and with the agreement of the chief officer of police, carry out duty on up to 10 days ("Keeping In Touch Days") without bringing the maternity leave or adoption leave to an end.
 - b) A Keeping In Touch Day shall not count towards the period in respect of which a member of a police force is entitled to maternity pay in accordance with the determination made under regulation 29 (Annex L), or to be paid in respect of adoption leave in accordance with part 2 of this determination.
 - c) Subject to the provisions of the determination made under regulation 25 (Annex G), duty on a Keeping In Touch Day shall be paid at an hourly rate calculated by multiplying by $6/12520$ the appropriate annual rate of pay for the member concerned,
 - d) Where a member of a police force would be entitled to statutory maternity pay or statutory adoption pay for any week but for the fact that a Keeping In Touch Day falls in that week, neither the member's statutory maternity pay or statutory adoption pay (as the case may be) nor the member's pay in respect of the Keeping In Touch Day shall be reduced on account of the other.
 - e) For the purposes of sub-paragraph (d), "statutory maternity pay" has the same meaning as in paragraph (6) of the determination made under regulation 29 (Annex L).
- 31)
- a) In this determination and determinations made under regulations 22 and 25, "day", in relation to members of a police force, means a period of 24 hours commencing at such time or times as the chief officer shall fix and the chief officer may fix different times in relation to different groups of members.
 - b) In discharging his functions under sub paragraph (a) above, the chief officer shall have regard to the wishes of the joint branch board.