

ANNEX S

DETERMINATION FOR REGULATIONS 24 and 33

MATERNITY SUPPORT LEAVE, ADOPTION SUPPORT LEAVE AND PARENTAL LEAVE

Part 1 - Ordinary Maternity Support Leave and Ordinary Adoption Support Leave

- 1) So far as the exigencies of duty permit, a member of a police force who is the child's father, the partner or the nominated carer of an expectant mother shall be granted, if the member so requires, two weeks' ordinary maternity support leave at or around the time of birth.
- 2) For the purposes of paragraph (1), a nominated carer is the person nominated by the mother to assist in the case of the child and to provide support to the mother at or around the time of birth.
- 3) So far as the exigencies of duty permit, a member of a police force who is an adopter's spouse or partner shall be granted, if the member so requires, two weeks' ordinary adoption support leave at or around the time of adoption.
- 4) A member of a police force on ordinary maternity support leave or ordinary adoption support leave is entitled to be paid at the member's normal rate of pay as respects the first week of any such leave, but, subject to paragraph (5), is not entitled to be paid thereafter.
- 5) A member of a police force who has served in that or another force for a continuous period of at least 26 weeks ending with:
 - a) the week immediately preceding the 14th week before the expected week of the child's birth (in the case of a member on ordinary maternity support leave), or
 - b) the week in which the adopter is matched with a child for adoption (in the case of a member on adoption support leave)is entitled to be paid as respects the second week of any such leave at the statutory paternity pay rate.
- 6) The pay to which a member of a police force is entitled under paragraphs (5) and (6) shall be reduced, in respect of any week for which the member receives statutory paternity pay, by an amount equal to the statutory paternity pay that the member receives for that week.
- 7) For the purposes of paragraphs (6) and (7), "statutory paternity pay" means any payment made in accordance with Part XIIZA 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, and the "statutory paternity pay rate" is the rate of such payment applicable to the member of the police force in question.
- 8) In the case of a part-time member, each day of paid ordinary maternity support leave or paid ordinary adoption leave counts for the purposes of regulation 24(1) and the determination thereunder as a period of duty of 8 hours multiplied by the appropriate factor.

- 9) In this part of this determination and in 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.
- 10) In discharging his functions under paragraph (9) above, the chief officer shall have regard to the wishes of the joint branch board.
- 11) Leave taken as ordinary maternity support leave or ordinary adoption support 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 1A - Additional Maternity Support Leave and Additional Adoption Support Leave

11A) Without prejudice to Part 1 of this determination, and so far as the exigencies of duty permit, a member of a police force who:

- a) satisfies the conditions specified in paragraph (11B); and
- b) complies with the requirement specified in paragraph (11C),

shall be granted additional maternity support leave or additional adoption support leave (as the case may be) for the purposes of caring for a child.

11B) The conditions are that:

- a) the member is the father of the child, or the spouse or partner of the mother or adopter of the child;
- b) the member is taking leave to care for the child and has, or expects to have, responsibility for the child;
- c) the member has served in that or another police force for a continuous period of at least 26 weeks ending with:
 - i) the week immediately preceding the 14th week before the expected week of the child's birth (in the case of additional maternity support leave), or
 - ii) the week in which the adopter is matched with the child for adoption (in the case of additional adoption support leave);
- d) the member remains a member of the police force until the week before the first week of additional maternity support leave or additional adoption support leave;
- e) the mother or adopter of the child:
 - i) has been in receipt of statutory maternity pay, statutory maternity allowance or statutory adoption pay,
 - ii) has returned to work before the commencement of the additional maternity support leave or additional adoption support leave, and
 - iii) has not exercised the full entitlement to maternity or adoption leave; and
- f) the child is due to be born on or after 3rd April 2011 (in the case of additional maternity support leave), or the adopter was notified of a match for adoption on

or after 3rd April 2011 (in the case of additional adoption support leave).

11C) The requirement is that the member gives the chief officer eight weeks' notice of the member's intention to take any part of the additional maternity support leave or additional adoption support leave to which the member is entitled. For the purposes of this paragraph the notice required is notice which:

- a) is given in writing;
- b) specifies:
 - i) the name of the member,
 - ii) the week in which the mother was expected to give birth (in the case of additional maternity support leave) or the date on which the adopter was notified of a match for adoption (in the case of additional adoption support leave),
 - iii) the date on which the child was born (in the case of additional maternity support leave) or placed for adoption (in the case of additional adoption support leave),
 - iv) the dates on which the period of leave is to begin and end;
- c) contains a declaration by the member stating:
 - i) that the purpose of the leave will be to care for the child, and
 - ii) that the member satisfies the conditions in paragraph (11B)(a) and (b); and
- d) contains a declaration by the mother or adopter (as the case may be) stating:
 - i) the mother or adopter's name, address and National Insurance number,
 - ii) the date the mother or adopter intends to return to work,
 - iii) that the member satisfies the conditions in paragraph (11B)(a) and (b),
 - iv) that the member is the only person exercising an entitlement to leave under this part of this determination, or to additional paternity leave under the Additional Paternity Leave Regulations 2010, in respect of the child, and
 - v) that the mother or adopter consents to the chief officer processing the information contained in the declaration.

11D) Additional maternity support leave or additional adoption support leave:

- a) may be taken at any time within the period which begins 20 weeks after the date on which the child is born (in the case of additional maternity support leave) or placed for adoption (in the case of additional adoption support leave) and ends 52 weeks after that date;
- b) may be taken for a minimum period of two weeks and a maximum period of 26 weeks; and
- c) must be taken in multiples of complete weeks and, subject to paragraph (11E), must be taken as one continuous period.

- 11E) A member on additional maternity support leave or additional adoption support leave:
- a) may, in exceptional circumstances, be recalled to duty during the period of leave; and
 - b) shall be entitled to ten “Keeping In Touch Days” in accordance with paragraph 29 of Annex R (Maternity Leave and Adoption Leave), and the references in subparagraph (d) of that paragraph to statutory maternity pay or statutory adoption pay shall be read as references to additional statutory paternity pay within the meaning of Part XIIZA of the Social Security Contributions and Benefits Act 1992.
- 11F) In a case where the mother or adopter dies before the end of the period of 52 weeks beginning with the date on which the child is born (in the case of additional maternity support leave) or placed for adoption (in the case of additional adoption support leave):
- a) a member who has given notice in accordance with paragraph (11C) may vary the dates on which the period of leave is to begin or end; and
 - b) the leave may be for a minimum period of two weeks and, notwithstanding paragraph (11D)(b), a maximum period of 52 weeks.
- 11G) Leave taken as additional maternity support leave or additional adoption support 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 - Parental Leave

- 12) A member of a police force who:
- a) has served continuously for a period of not less than a year; and
 - b) has, or expects to have, responsibility for a child,
- is entitled, in accordance with this determination, to be absent from work on parental leave for the purpose of caring for that child.
- 13) A member has responsibility for a child, for the purposes of paragraph (12), if:
- a) he has parental responsibility for the child; or
 - b) he has been registered as the child’s father under any provision of section 10(1) or 10A(1) of the Births and Deaths Registration Act 1953.
- 14) Subject to paragraph (15) below a member is entitled to thirteen weeks’ leave in respect of any individual child.
- 15) A member is entitled to eighteen weeks’ leave in respect of a child who is entitled to receive a disability living allowance.
- 16) Where the period for which a member is normally required to do duty in the course of a week does not vary, a week’s leave for the member is a period of absence from duty which is equal in duration to the period for which he is normally required to do duty.

- 17) Where the period for which a member is normally required to do duty in the course of a week varies from week to week or over a longer period, or where he is normally required to work in some weeks but not in others, a week's leave for the member is a period of absence from duty which is equal in duration to the period calculated by dividing the total of the periods for which he is normally required to do duty in a year by 52.
- 18) Where a member takes leave in periods shorter than the period which constitutes for him, a week's leave under whichever of paragraphs (16) and (17) is applicable in his case, he completes a week's leave when the aggregate of the periods of leave he has taken equals the period constituting a week's leave for him under the applicable paragraph.
- 19) Except in the cases referred to in paragraphs (20) and (21), a member may not exercise any entitlement to parental leave in respect of a child after the date of the child's 5th birthday or, in the case of a child placed with the member for adoption by him, on or after:
- a) the 5th anniversary of the date on which the placement began, or
 - b) the date of the child's 18th birthday,
- whichever is the earlier.
- 20) In the case of a child:
- a) born before 15th December 1999, whose 5th birthday was or is on or after that date, or
 - b) placed with the member for adoption by him before 15th December 1999, the 5th anniversary of whose placement was or is on or after that date,
- not being a case to which paragraph (21) applies, any entitlement to parental leave may not be exercised after 31st March 2005.
- 21) In the case of a child who is entitled to a disability living allowance, any entitlement to parental leave may not be exercised on or after the date of the child's 18th birthday.
- 22) A member of a police force shall give notice to the chief officer of his intention to take any part of the parental leave to which he is entitled. For the purposes of this paragraph, the notice required is notice which:
- a) specifies the dates on which the period of leave is to begin and end; and
 - b) is given to the chief officer at least 21 days before the date on which that period is to begin.
- 23) As far as the exigencies of duty permit, the chief officer shall grant the member parental leave where notice has been given in accordance with paragraph (22) above.