# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTION 1</td>
<td>VERSION CONTROL</td>
<td>3</td>
</tr>
<tr>
<td>SECTION 2</td>
<td>BACKGROUND</td>
<td>3</td>
</tr>
<tr>
<td>SECTION 3</td>
<td>AIMS / OBJECTIVES</td>
<td>3</td>
</tr>
<tr>
<td>SECTION 4</td>
<td>DETAILS</td>
<td>4</td>
</tr>
<tr>
<td>4.1</td>
<td>ENTITLEMENT TO MATERNITY LEAVE</td>
<td>4</td>
</tr>
<tr>
<td>4.1.1</td>
<td>Police Officers</td>
<td>4</td>
</tr>
<tr>
<td>4.1.2</td>
<td>Police Staff</td>
<td>4</td>
</tr>
<tr>
<td>4.1.3</td>
<td>Death of a child / Still-born baby</td>
<td>5</td>
</tr>
<tr>
<td>4.1.4</td>
<td>In Vitro Fertilisation (IVF) Treatment</td>
<td>5</td>
</tr>
<tr>
<td>4.2</td>
<td>NOTIFICATION OF MATERNITY LEAVE</td>
<td>5</td>
</tr>
<tr>
<td>4.3</td>
<td>ANTENATAL CARE</td>
<td>5</td>
</tr>
<tr>
<td>4.4</td>
<td>HEALTH &amp; SAFETY</td>
<td>6</td>
</tr>
<tr>
<td>4.4.1</td>
<td>Risk Assessments</td>
<td>6</td>
</tr>
<tr>
<td>4.4.2</td>
<td>Restricted Maternity Duties</td>
<td>6</td>
</tr>
<tr>
<td>4.5</td>
<td>ARRANGEMENTS DURING MATERNITY PERIOD</td>
<td>7</td>
</tr>
<tr>
<td>4.5.1</td>
<td>Annual Leave</td>
<td>7</td>
</tr>
<tr>
<td>4.5.2</td>
<td>Car loans</td>
<td>7</td>
</tr>
<tr>
<td>4.5.3</td>
<td>Sickness – Before and after Maternity Leave</td>
<td>7</td>
</tr>
<tr>
<td>4.6</td>
<td>CONTACT WHILST ON MATERNITY LEAVE / KEEPING IN TOUCH DAYS</td>
<td>8</td>
</tr>
<tr>
<td>4.7</td>
<td>SUPERANNUATION - PENSIONS</td>
<td>8</td>
</tr>
<tr>
<td>4.7.1</td>
<td>Police Officers</td>
<td>8</td>
</tr>
<tr>
<td>4.7.2</td>
<td>Police Staff</td>
<td>9</td>
</tr>
<tr>
<td>4.8</td>
<td>UNIFORMS</td>
<td>9</td>
</tr>
<tr>
<td>4.9</td>
<td>HOUSING / RENT ALLOWANCE (POLICE OFFICERS)</td>
<td>9</td>
</tr>
<tr>
<td>4.10</td>
<td>FEDERATION / TRADE UNION / PMAS CONTRIBUTIONS</td>
<td>9</td>
</tr>
<tr>
<td>4.10.1</td>
<td>Police Federation</td>
<td>9</td>
</tr>
<tr>
<td>4.10.2</td>
<td>Trade Union Membership</td>
<td>10</td>
</tr>
<tr>
<td>4.10.3</td>
<td>PMAS contributions</td>
<td>10</td>
</tr>
<tr>
<td>4.11</td>
<td>COURT ATTENDANCE</td>
<td>10</td>
</tr>
<tr>
<td>4.12</td>
<td>INCREMENTS AND SERVICE DATES – POLICE OFFICERS ONLY</td>
<td>10</td>
</tr>
<tr>
<td>4.12.1</td>
<td>Police Officers</td>
<td>10</td>
</tr>
<tr>
<td>4.12.2</td>
<td>Student Officers</td>
<td>11</td>
</tr>
<tr>
<td>4.13</td>
<td>SPECIAL PRIORITY PAYMENTS (SPP) &amp; COMPETENCE RELATED INCREMENTS AND SERVICE DATES – POLICE OFFICERS ONLY</td>
<td>11</td>
</tr>
<tr>
<td>4.13.1</td>
<td>Competence-Related Threshold Payment (CRTP) Scheme</td>
<td>11</td>
</tr>
<tr>
<td>4.13.2</td>
<td>Special Priority Payments</td>
<td>11</td>
</tr>
<tr>
<td>4.14</td>
<td>MATERNITY PAY</td>
<td>12</td>
</tr>
<tr>
<td>4.14.1</td>
<td>Statutory Maternity Pay (SMP)</td>
<td>12</td>
</tr>
<tr>
<td>4.14.2</td>
<td>Maternity Allowance / Grant / Working Families Tax Credit</td>
<td>12</td>
</tr>
<tr>
<td>4.14.3</td>
<td>Occupational Maternity Pay – Police Staff</td>
<td>13</td>
</tr>
<tr>
<td>4.14.4</td>
<td>Occupational Maternity Pay – Police Officers</td>
<td>13</td>
</tr>
<tr>
<td>4.14.5</td>
<td>Student Officers</td>
<td>14</td>
</tr>
<tr>
<td>4.15</td>
<td>PATERNITY LEAVE &amp; MATERNITY SUPPORT PAY / LEAVE</td>
<td>14</td>
</tr>
<tr>
<td>4.16</td>
<td>RETURNING TO WORK</td>
<td>14</td>
</tr>
<tr>
<td>4.16.1</td>
<td>Entitlement</td>
<td>14</td>
</tr>
<tr>
<td>4.16.2</td>
<td>Notice of return</td>
<td>15</td>
</tr>
<tr>
<td>4.17</td>
<td>OPTIONS AT THE END OF MATERNITY LEAVE</td>
<td>15</td>
</tr>
<tr>
<td>4.17.1</td>
<td>Parental Leave</td>
<td>15</td>
</tr>
<tr>
<td>4.17.2</td>
<td>Childcare Scheme</td>
<td>16</td>
</tr>
<tr>
<td>4.17.3</td>
<td>Part-Time Working &amp; Other Flexible Options</td>
<td>16</td>
</tr>
</tbody>
</table>
SECTION 1 VERSION CONTROL

<table>
<thead>
<tr>
<th>Version No.</th>
<th>Date</th>
<th>Post Holder/Author</th>
<th>Post</th>
<th>Reason for Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>MAY 2006</td>
<td>LISA POOLE</td>
<td>PRINCIPAL PERSONNEL OFFICER</td>
<td>ACCEPTANCE</td>
</tr>
<tr>
<td>1.2</td>
<td>DECEMBER 2006</td>
<td>LISA POOLE</td>
<td>Principal Personnel Officer</td>
<td>Changes to legislation</td>
</tr>
<tr>
<td>1.3</td>
<td>July 2007</td>
<td>Lisa Poole</td>
<td>Principal Personnel Officer</td>
<td>Inclusion of FAQ’s</td>
</tr>
<tr>
<td>1.4</td>
<td>August 2009</td>
<td>Janet Witham</td>
<td>Personnel Officer</td>
<td>Changes to legislation</td>
</tr>
<tr>
<td>1.5</td>
<td>January 2010</td>
<td>Janet Witham</td>
<td>Personnel Officer</td>
<td>Following consultation</td>
</tr>
<tr>
<td>1.6</td>
<td>May 2012</td>
<td>Sue Peckham</td>
<td>Consultant HR Adviser</td>
<td>Amendment section 4.14.4 regarding qualifying period (in accordance with HO Circ 010-2012)</td>
</tr>
</tbody>
</table>

SECTION 2 BACKGROUND

Nottinghamshire Police realises the importance of staff achieving a balance between work and home.

This procedure is one of a series of policies, procedures and initiatives, which constitute Nottinghamshire Police’s Work Life Balance Programme.

SECTION 3 AIMS / OBJECTIVES

Nottinghamshire Police aims to support any female member of staff needing to take a break in their career for maternity leave and will endeavour to provide them with relevant information, advice and support throughout the entire maternity period.

Therefore the objectives of this document are to keep staff members informed of current legislation in relation to maternity provisions and to provide them with comprehensive procedures to guide them through the process of taking maternity leave. The document also aims to:

- Provide all information regarding maternity rights in a clear and concise manner so that women can gain awareness of what is available to them.
• Ensure all pregnant workers are aware of their right to a safe working environment and what processes should be undertaken to assist them.
• Give guidance to managers in the avoidance of discrimination against women as a result of them being pregnant.
• Encourage women to return to work following the birth by providing information and guidance on the options open to them.

SECTION 4 DETAILS

This document applies to all female staff both Police Officers and Police Staff. Any differences in rights will be clearly highlighted. For the purposes of this document ‘member of staff’ refers to both Police Officers and Police Staff unless otherwise specified. Maternity provisions are linked to length of service and are in accordance with the member of staff’s Terms and Conditions and therefore entitlements may vary. The provisions are applicable to part-time as well as full time members of staff.

4.1 ENTITLEMENT TO MATERNITY LEAVE

There is a government proposal to extend the entitlement to paid maternity leave to 12 months from April 2010, which will probably be transferable between partners. This document will be updated should the changes become effective, however currently the entitlement is as follows:

4.1.1 Police Officers

Provided that officers have completed 63 weeks service at the beginning of the Expected Week of Childbirth (EWC) they are entitled to a maximum of 15 months maternity leave which is granted in accordance with Police Regulations. Maternity Leave may be started up to six months prior to the EWC and must end no later than twelve months after the birth of the child.

Student Officers are entitled to take up to 26 weeks Ordinary Maternity Leave (OML) regardless of the number of hours worked or the length of service. Student Officers are also entitled to a minimum of 26 weeks Additional Maternity Leave (AML), regardless of the number of hours worked or the length of service. Any Student Officer taking a period of maternity leave may have their probation extended if they have not completed all stages of the Initial Police Learning and Development Programme successfully.

4.1.2 Police Staff

Police Staff are entitled to a minimum of 26 weeks Ordinary Maternity Leave (OML), regardless of the number of hours worked or the length of service. All Police Staff are entitled to a minimum of 26 weeks additional maternity leave, regardless of the number of hours worked or the length of service.

Maternity leave cannot commence any earlier than the 11th week before Expected Week of Childbirth (EWC), however, unless certified medically unfit, there is an entitlement to work after the 11th week before EWC if the member of staff wishes to do so. OML will automatically begin however, if the member of staff is absent through illness for a pregnancy related reason at any time after the start of the 4th week before the EWC.
4.1.3 Death of a child / Still-born baby

If a baby dies or is still born after 24 weeks of pregnancy, the member of staff is entitled to maternity pay and leave. When this occurs before 24 weeks, sympathetic consideration will be given to the circumstances and where necessary special leave or sick leave granted as appropriate.

4.1.4 In Vitro Fertilisation (IVF) Treatment

As an organisation Nottinghamshire Police recognises the emotional and financial pressures of going through IVF treatment and aims to support members of staff as much as possible through the process. Line Managers can authorise female members of staff to take up to a total of five days (40 hours for Police Officers, 37 hours for Police Staff) paid leave in any one annual leave year, either together or singularly, for the purpose of receiving and recovering from IVF treatment. The partner of a person receiving treatment is eligible to take up to two and a half days (20 hours for Police Officers, 18.5 hours for Police Staff) paid leave to support their partner through the treatment.

4.2 NOTIFICATION OF MATERNITY LEAVE

There is an entitlement to Maternity Leave provided that in or before the 15th week before EWC (or, as soon as is reasonably practicable) notification is given to the relevant Line Manager and the relevant HR Team stating:

- That the member of staff is pregnant
- The Expected Week of Childbirth ((EWC) - the member of staff must produce a certificate, normally a MATB1, issued by a registered medical practitioner or midwife stating the EWC.
- The date on which the member of staff intends to commence maternity leave (this must not be earlier than the 11th week before the EWC for Police Staff and no more than 26 weeks before the EWC for Police Officers.)

There can be a variation to the date on which maternity leave is intended to start provided the relevant Line Manager and HR Team are given notice of the new date. This must be either 28 days before the date originally notified, or 28 days before the new date for the start of maternity leave, whichever is the earliest.

If the baby is born prematurely, before Maternity Leave has commenced, Maternity Leave and pay will commence on the day after the date of the baby’s birth. In circumstances such as these the relevant HR Team should be notified as soon as is reasonably practicable.

4.3 ANTE NATAL CARE

Members of staff who are pregnant are entitled to take a reasonable amount of paid time off to keep appointments for antenatal care made on the advice of a registered medical practitioner, midwife, or health visitor. This includes appointments with the doctor, hospital, clinic, and relaxation classes.

Relaxation classes can be regarded as antenatal care for which time off would normally be permitted, but only where a medical practitioner, midwife or health visitor has particularly
recommended it as necessary and evidence of such can be provided. However in the vast majority of cases, relaxation classes normally take place outside of working hours.

These rights apply regardless of length of service.

Except in the case of the first appointment, the member of staff must be prepared to show the relevant Line Manager / HRM on request:

- A certificate from a registered medical practitioner, midwife or health visitor confirming that they are pregnant.
- An appointment card or some other document showing that the appointment has been made.

4.4 HEALTH & SAFETY

4.4.1 Risk Assessments

It is essential that a risk assessment be arranged as soon as the member of staff notifies Nottinghamshire Police that they are pregnant. The Line Manager should arrange for a risk assessment to be carried out as soon as possible. The relevant HR Team will have a list of trained risk assessors that can be contacted.

It may be possible to continue to work night shifts unless medical advice suggests that this could affect the health and safety of the member of staff.

If a significant risk is identified that could damage the health or safety of an expectant mother, Nottinghamshire Police will decide on what action to take. Wherever possible, the organisation will endeavour to remove the hazard or prevent exposure to the risk. This might be done in one of the following three ways:

- Temporarily adjust the working conditions and / or hours of work;
  if this is not possible, or would not avoid the risk;
- Offer suitable alternative work if any is available;
  or if that is not feasible;
- Suspend the member of staff from work, on full pay, for as long as necessary to protect the health or safety of the member of staff or that of the unborn child.

4.4.2 Restricted Maternity Duties

As a result of a risk assessment, it may be that the member of staff and Line Manager / supervisor decide that it would be best to refer to the ‘Restricted Maternity Duties’ for guidance and then discuss what ‘safe duties’ are appropriate. Restricted Duties may vary from individual to individual depending on personal circumstances / preferences. The Restricted Duties must be agreed and recorded between both member of staff and Line Manager. As the pregnancy progresses it may be necessary to review and renegotiate these duties.
If agreement of ‘safe duties’ cannot be reached, the Occupational Health Unit should be contacted for guidance.

4.5 ARRANGEMENTS DURING MATERNITY PERIOD

4.5.1 Annual Leave

The total maternity leave period including both paid and unpaid leave counts as continuous employment for the purpose of accruing annual leave and for determining future leave entitlement.

Annual leave may be taken before a period of paid maternity leave but CANNOT be taken to follow the paid period of Maternity Leave before commencement of unpaid maternity leave.

It is recommended that annual leave arrangements are discussed with the relevant Line Manager prior to the commencement of maternity leave in order to ensure that entitlement is not lost.

Any leave not taken at the end of the leave year can be carried forward; there is no restriction on the number of days. However, only 5 days will carry automatically and the member of staff will therefore need to ensure that the relevant HR Team are informed so they can make manual adjustments on NSPIS HR (Duty Management), where necessary.

No provision exists for payment in lieu of annual leave not taken in any annual leave year.

Bank / Public holidays are not accrued during maternity leave if the member of staff already receives the statutory 28 or more days annual leave entitlement. For staff working part time prior to undertaking maternity leave, Bank / Public holiday entitlement should not be taken in advance prior to undertaking maternity leave. Members of staff should request a recalculation of their Bank / Public holiday entitlement from the relevant HR Team.

4.5.2 Car loans

Repayments must be continued on car loans during periods of maternity leave. During periods of unpaid leave, arrangements will need to be made for the member of staff to pay the stipulated amount each month.

4.5.3 Sickness – Before and after Maternity Leave

Maternity leave does not count as sick leave. During any period of maternity leave, a member of staff will not be entitled to sick leave. However, any sickness during this period must be reported and a medical certificate produced if the sickness lasts for longer than seven days. This is to ensure that members of staff do not lose their entitlement to any sickness benefits.

Sickness absence, which occurs prior to the fourth week before the expected week of childbirth will attract Statutory Sick Pay and Occupational Sick Pay whether or not it is attributable to the pregnancy. From the fourth week prior to EWC on, however, Sick Pay is only payable in respect of absences, which are NOT pregnancy related. When absence is maternity related, maternity leave commences automatically and SMP is paid.
If the member of staff is unable to attend work at the end of their maternity leave due to sickness, the normal arrangements for sickness absence apply and notification should be sent to the relevant Line Manager in the usual way. However the member of staff must ensure that the relevant Line Manager is informed of the intended date of return to work in order that they will be eligible for pay during absence through sickness.

The total maternity leave period will be regarded as continuous service for the purpose of the Sickness Pay Scheme.

4.6 CONTACT WHILST ON MATERNITY LEAVE / KEEPING IN TOUCH DAYS

Whilst on maternity leave it is important that regular contact is maintained between the member of staff and their Line Manager. This is so that the organisation can learn how they and the new baby are getting on and to assist in keeping the member of staff up to date with organisational activities. Both parties are responsible for maintaining contact (approximately every 6 weeks) and the Line Manager will also be responsible for regularly updating the relevant HR Team of contact made and any significant information discussed. An email should be sufficient for informing HR, depending on the nature of the contact e.g. birth date, mother and baby doing fine etc.

As well as the informal contact mentioned above, a member of staff is able to work as many as 10 "Keeping In Touch Days" (KIT) during maternity leave without bringing that leave to an end. It is not obligatory for all 10 days or for any to be used. These days can be used for training, attending court or any other activity that is undertaken for the purposes of keeping in touch with work. Pay for the days worked will be calculated at the normal day rate based on an 8 hour day for Police Officers and a 7.4 hour day for Police Staff. In all cases a pro rata payment will be made for part time members of staff.

KIT days must NOT be arranged in the first two weeks directly after the day of birth. When arranged with the relevant Line Manager the dates must be forwarded to the relevant HR Team for recording on NSPIS HR. This will be done on the assignment pages and recorded as a temporary assignment whilst leaving the substantive position as maternity leave. THE SUBSTANTIVE POSITION WILL NOT BE PUT ON HOLD. After the KIT day has been worked, the relevant HR Team must inform the Payroll section of HQ Finance in order that they can process the payment.

4.7 SUPERANNUATION - PENSIONS

Whilst on maternity leave steps need to be taken to ensure that pension rights are maintained, when receiving reduced or no pay. Contact should be made with HQ Payroll Section to discuss what options are available.

4.7.1 Police Officers

The periods of Occupational Maternity Pay and Statutory Maternity Pay are reckonable for pension purposes. Any period of unpaid leave is not reckonable for pension purposes. However, on return to duty, an officer may make an application to repay the pension contributions. Provided that an officer remains in the police service, they can pay the relevant pension contributions within six months of return to duty. Payment may be made in instalments over the six month period or as a lump sum, according to the individual's own preference.
For officers who joined the service on or before 5 April 2006, pension contributions are calculated at 11% of the last week’s pay but for those who joined on or after 6 April 2006 at 9.5% of the last week’s pay.

4.7.2 Police Staff

If a member of Police Staff is a member of the Local Government Pension Scheme, pension contributions will continue to be paid whilst they are receiving maternity pay. They may then choose to repay the pension contributions for any period of unpaid leave.

These contributions can either be paid:

   a) Whilst on unpaid maternity leave
   b) In one payment on return
   c) Over a period of 6 months, upon return.

Further information can be obtained from the relevant HR Team or HQ Payroll Section.

4.8 UNIFORMS

'Maternity Uniform' for uniformed members of staff are not kept in stock but members of staff are able to select Maternity wear during their pregnancy which will be ordered as required and deliveries should take approximately 7 days.

Members of staff will be able to select from trousers, black cardigan & white shirts, which will have epaulette loops on. There will also be an optional bellyband available should this be required.

Please refer to the Intranet site, which gives all details, or alternatively contact HQ supplies direct.

Members of staff should obtain a requisition from their Division or Department and fax the order through to HQ Supplies on extension 800 2352. The order will then be placed and will be sent out to the Officer as soon as it is received.

4.9 HOUSING / RENT ALLOWANCE (POLICE OFFICERS)

Police Officers who receive housing / rent allowance will continue to do so whilst they are in receipt of Occupational Maternity Pay (OMP). Payments will cease once OMP is no longer payable. However the officer’s partner, if a serving Police Officer with Nottinghamshire Constabulary, may be entitled to claim full allowance after the period of OMP ceases. The relevant Finance Department will be able to provide further information.

4.10 FEDERATION / TRADE UNION / PMAS CONTRIBUTIONS

4.10.1 Police Federation

During a period of unpaid maternity leave, officers are advised to continue to pay Police Federation contributions. If also a member of any of the Federation schemes then membership may lapse if contributions are not continued. This can easily occur because
contributions are deducted at source and when unpaid leave commences there will no longer be a salary from which to make deductions.

Should an officer wish payments to continue, they are advised to contact the Police Federation Office.

4.10.2 Trade Union Membership

Any member of Police Staff who is a Trade Union member and takes unpaid maternity leave is advised to contact the Trade Union Branch Secretary for further information on payments and membership during the period of leave.

4.10.3 PMAS contributions

Any member of staff who makes contributions to the Police Mutual Assurance Society and pays via salary can make a one-off payment to cover for any period of unpaid maternity period or arrange to make a payment each month.

Further information can be obtained by contacting the Police Mutual at:

PMAS, Alexandra House, Queen Street, Lichfield, Staffordshire, WS13 6QS.

4.11 COURT ATTENDANCE

Unless certified unfit by a doctor, members of staff are obliged to attend court whilst on maternity leave.

If a member of staff is in receipt of SMP and is required to attend Court to give evidence as a witness, SMP will not be forfeited and the time will be treated and recorded as for KIT days.

If a member of staff is required to attend Court, they should submit a General Report to the relevant HR Team giving details of the Court attended with dates and hours actually worked. Base to court travelling costs may also be claimed. The relevant HR Team will then forward an instruction to HQ Payroll requesting payment.

If a member of staff is on unpaid maternity leave they will be paid for each attendance at court. It is essential that if they are required to give evidence when they are on unpaid leave that they ensure they are shown as ‘on duty’ for that day. The reason being that should the member of staff sustain an injury during the period between leaving and returning home, problems may arise with regard to any injury benefits as well as for injury pension purposes from the Police Service if they are not shown as ‘on duty’.

4.12 INCREMENTS AND SERVICE DATES – POLICE OFFICERS ONLY

4.12.1 Police Officers

All Police Officers are entitled to reckon 52 weeks maternity leave as:
a) Service in their rank for the purposes of pay determination under regulation 39 and as relevant service under paragraph 6 (1) of Schedule 4;

And

b) Part of any period of probation

4.12.2 Student Officers

In reckoning service for a Student Officer who has taken one or more periods of maternity leave and who 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 the following applies:

a) Where a period of maternity leave has been for more than 18 weeks, the first 18 weeks and any other part of the maternity leave, beginning with the week of childbirth and ending 29 weeks after that date will be treated as reckonable service.

b) Where a period of maternity leave has been for less than 18 weeks, all of the leave will be treated as reckonable service.

In reckoning service for a Student Officer who has taken one or more periods of maternity leave but who has served continuously for a period of less than one year at the beginning of the eleventh week before the expected date of birth the following applies:

a) Where a period of maternity leave has been for more than 18 weeks, the first 18 weeks will be treated as reckonable service.

b) Where a period of maternity leave has been for less than 18 weeks, all of the leave will be treated as reckonable service.

4.13 SPECIAL PRIORITY PAYMENTS (SPP) & COMPETENCE RELATED THRESHOLD PAYMENT (CRTP) SCHEME

4.13.1 Competence-Related Threshold Payment (CRTP) Scheme

Where an eligible officer is absent from duties on maternity leave, the officer will be able to apply for the payment citing examples from the two-year period leading up to the time the leave period started.

4.13.2 Special Priority Payments

Officers who are eligible to receive a Special Priority Payment will continue to receive it whilst ever they are in receipt of maternity payments from the organisation.

For example, if an officer commences maternity leave in November, they will continue to receive the SPP until maternity pay ceases if the role they were in prior to commencing maternity leave is still entitled to the payment when the new scheme is ratified. SPP will then be paid from the return to work date if the officer returns to a post that has been included in the scheme.
4.14 MATERNITY PAY

4.14.1 Statutory Maternity Pay (SMP)

Pregnant members of staff who meet the qualifying conditions based on their length of service and average earnings are entitled to receive Statutory Maternity Pay.

The qualifying conditions are:

- Must have been employed continuously by Nottinghamshire Police for at least 26 weeks into the 15th week before the week the baby is due; and
- Must earn an average of at least £90 a week (before tax)

There are also other things that a member of staff must do to qualify:

- Tell Nottinghamshire Police when they want SMP to start
- Provide medical evidence of the date the baby is due

SMP is paid for 39 weeks and can start no earlier than 11 weeks before EWC. It cannot be paid or offset against salary until the form MA TB1, which is available from a midwife or doctor, has been submitted. The first six weeks are at 90% of a week’s pay and then 33 weeks at the current SMP rate.

SMP is paid as soon as maternity leave is commenced.

Once entitlement to SMP has been established Nottinghamshire Police will, in the qualifying week, pay SMP even if the member of staff leaves employment before it is due to start.

SMP is payable only when a member of staff is absent from work on maternity leave. It is a weekly benefit and begins any day of the week. It is usually paid in the same way and at the same time as the member of staff’s wages / salary would be paid. If a member of staff does any work for Nottinghamshire Police in any particular week, they will be disqualified from receiving SMP for that week unless using KIT days.

There is no additional SMP for cases of multiple births.

Anyone who is pregnant and is held in legal custody cannot get SMP.

4.14.2 Maternity Allowance / Grant / Working Families Tax Credit

If a member of staff does not qualify for SMP they may qualify for Maternity Allowance. As soon as Form SMP4 has been completed and received by Payroll, the Finance Department will complete Form SMP1 and send this to the member of staff with the MATB1 Form.

Form SMP1 explains why Nottinghamshire Police cannot pay SMP and gives details on how to apply for Maternity Allowance from Jobcentre Plus.

To qualify for Maternity Allowance from the Jobcentre Plus, a member of staff must:
• Have paid NI contributions for at least 26 weeks in the 66 weeks before the EWC, and / or
• Have been unemployed at the qualifying week, i.e. the 15th week before the EWC

Information can be obtained in relation to Child Tax Credits and the Working Tax Credit by visiting the following website www.hmrc.gov.uk.

### 4.14.3 Occupational Maternity Pay – Police Staff

To qualify for OMP, a member of staff must:

- Have one year’s continuous service at the beginning of the 11th week before the EWC.
- Intend to return to work for at least three months after maternity leave.

If a member of staff qualifies for OMP, they will receive:

- A payment of 90% of earnings, (offset against SMP) for the first 6 weeks
- 12 weeks at half of a basic week’s pay (plus SMP capped not to exceed average normal pay)
- Standard rate SMP for the remaining 21 weeks

There may be occasions where the amount of SMP or Maternity Allowance will exceed normal pay, in this case Nottinghamshire Police will not offer OMP.

Half pay is calculated on basic pay, plus shift allowance only.

A condition of the Occupational Maternity Pay Scheme is that should a member of staff receive OMP, they will return to work for a period of at least 3 months. This requirement will be satisfied whether a member of staff works full or part-time or whether during that period any annual leave or sickness absence is taken. Should they fail to return to work for the stated period then any OMP received will be repayable.

If a member of staff is unsure whether they will return to work after maternity leave they have the option for OMP to be withheld. In this event, if they did decide not to return to work, there would be no repayment to be made. If however, they did decide to return to work, they would be paid the full amount owing to them in a lump sum when they completed three months back at work.

### 4.14.4 Occupational Maternity Pay – Police Officers

To qualify for Occupational Maternity Pay, a Police Officer must:

- Have continuous service for a period of not less than one year at the beginning of the eleventh week before the expected date of birth.
- On the date fifteen weeks before the expected date of birth, intend to return to work for at least one month after maternity leave.

Please note: ‘Week’ means a period of seven days beginning on any day of the week.
When any period of paid maternity leave coincides with Statutory Maternity Pay periods, the Statutory Maternity Payments will offset police maternity pay.

The amendment should read “Police Officers’ who meet the qualify criteria will be entitled to 18 weeks at full pay, with officers having the option, with the agreement of their chief officer, to spread the final five weeks maternity pay over 10 weeks at reduced rate. The change has effect for any period or periods of maternity leave for which the expected date of birth is 1 April 2012.

It is a condition of the Occupational Maternity Pay Scheme that an Officer chooses to receive Occupational Maternity Pay, they will return to work for a period of at least one month. If not, any Occupational Maternity Pay they receive will be repayable.

4.14.5 Student Officers

Student Officers who have not completed 63 weeks service are not entitled to Occupational Maternity Leave. They will however, be entitled to Statutory Ordinary and Additional Maternity Leave. Any Student Police Officer taking a period of maternity leave may have their probation extended if they have not completed all stages of the Initial Police Learning and Development Programme successfully.

4.15 PATERNITY LEAVE & MATERNITY SUPPORT PAY / LEAVE

Paternity Leave and Pay is a period of paid leave for members of staff whose partners (including same sex partners) give birth to a child. Maternity Support Leave and Pay is a period of paid leave for a nominated carer of an expectant mother at or around the time of the birth.

Please see PD 378 Police Paternity / Maternity Support Leave Policy – Police Officers And Police Staff on the Force Intranet for more information regarding these.

4.16 RETURNING TO WORK

4.16.1 Entitlement

Members of staff taking Ordinary Maternity Leave (i.e. the Statutory 26 weeks leave) are entitled to return from leave to the job in which they were employed before the absence, with seniority, pension and other similar rights remaining as if they had not been absent, with terms and conditions not less favourable than those which would have applied if they had not been absent i.e. they should receive the same rate of pay as if they had not taken leave, including any pay increases awarded during the leave, and the period of leave will count as continuous employment for the purpose of any rights or benefits which are dependent on length of service.

Any member of staff taking Additional / Occupational Maternity Leave (i.e. in excess of the statutory 26 weeks) is entitled to return from leave to the job in which they were employed before the absence, receiving the same rate of pay as if they had not taken leave, including any pay increases awarded during the leave.

There is one exception to a member of staff’s right to return to the same job both after Ordinary Maternity Leave and Additional Maternity Leave and that is where a redundancy
situation has arisen during the period of leave. In such circumstances the member of staff is entitled to be offered a suitable alternative vacancy on terms and conditions, which are ‘not substantially less favourable’.

4.16.2 Notice of return

If a Police Staff member wishes to return to work before the end of the agreed length of ordinary and additional maternity leave, they will need to notify the relevant HR Team, of the date, in writing, giving appropriate notice (preferably this should be at least 8 weeks but depending on operational circumstances can be shorter if the organisation can accommodate the return).

Police Officers however, are entitled to Police Maternity Leave (15 months) and if an officer wishes to return before the end of this period of leave they must give at least 21 days notice in accordance with Police Regulations. The officer must also obtain a medical certificate from their GP stating that they are fit to carry on working and submit this certificate to the relevant HR Team. Officers should be aware that they might be referred to the Occupational Health Advisor.

Any member of staff choosing not to return to work at the end of their maternity leave should provide notification in writing, giving the required amount of notice as set down in their terms and conditions. If the member of staff has received Occupational Maternity Pay during the maternity leave period and they do not return to work for the specified period (i.e. one month for Police Officers and three months for Police Staff) then the Occupational Maternity Pay must be repaid.

4.17 OPTIONS AT THE END OF MATERNITY LEAVE

4.17.1 Parental Leave

Parents have the right to parental leave if they:

- Have served / been employed with Nottinghamshire Police for a year or more
- Are a parent named on the child’s birth certificate or have legal parental responsibility for a child under five (18 if disabled)
- Are an 'employee', with a contract of employment (this applies to Police Staff only - most agency and casual staff do not have the right to parental leave)

Either parent has the right to parental leave. If the parents are separated, the parent who does not live with the child / children, still has the right to parental leave if they retain formal parental responsibility for the child / children.

Both parents can take a total of up 13 weeks' parental leave each for each child up until their fifth birthday.

If the child is disabled i.e. eligible to receive disability living allowance, parents have the right to take up to 18 weeks' parental leave until the child’s 18th birthday.

Parental leave is an individual right and cannot be transferred between parents, for example a father cannot decide to take only 10 weeks and the mother take 16 weeks.
Parental Leave must be taken in blocks of full weeks. A week is based on a member of staff's usual working pattern. So if a member of staff works only on Mondays and Tuesdays, a week would be two days or if a member of staff works Monday through to Friday, a week would be five days based on 37 hours for Police Staff and 40 hours for Police Officers (pro-rata for part time members of staff).

However if a child has a disability, time off can be taken in days (7.4 hours for Police Staff or 8 hours for Police Officers) instead of weeks, so parental leave could be used for regular hospital visits.

Further information can be found in the Parental Leave Policy And Procedure For Police Officers And Police Staff on the Force Intranet.

4.17.2 Childcare Scheme

Nottinghamshire Police has introduced a scheme whereby part of salary can be sacrificed for the purchase of childcare. These payments are exempt from National Insurance contributions and therefore represent a saving for members of staff who purchase childcare.

As from 5 October 2008, amendments to the Sex Discrimination Act and Parental Leave Regulations, mean that members of staff who already purchase childcare via a salary sacrifice scheme are entitled to continue to receive the benefit during periods of maternity leave whilst they are receiving no pay. SMP cannot be reduced to pay for the childcare. Nottinghamshire Police will therefore continue to make payments for childcare whilst members of staff are on maternity leave and receiving no pay. This however does not apply to first time parents.

A member of staff has the right to withdraw from the scheme prior to taking maternity leave. Statutory Maternity Pay is based on Average Weekly Earnings, which are calculated by reference to earnings in the 8-week period up to the 15th week before confinement. SMP is therefore affected if a member of staff participates in a salary sacrifice scheme. A member of staff who does take part in the childcare scheme is encouraged to seek advice from the relevant HR or Finance Team prior to commencing maternity leave.

Part time staff members that are already in the childcare scheme should be aware that due to a reduction in the National Insurance payments, which is a benefit of the scheme, they might not be eligible for full maternity benefits. Members of staff who have any questions in relation to this should contact HQ Payroll.

More information in relation to the scheme can be obtained by contacting HQ Payroll Department.

4.17.3 Part-Time Working & Other Flexible Options

Nottinghamshire Police has a procedure on Flexible Working / Part-Time Working & Other Flexible Options. This procedure outlines the right to request flexible working and also the rights regarding part-time working and job share arrangements. (Please see the Part-Time Working & Other Flexible Options procedure for more information and the application process)
4.17.4 Risk Assessment

It is essential that a risk assessment be arranged as soon as a member of staff returns to work after a period of maternity leave. It is the Line Manager’s responsibility to arrange this. The relevant HR Team will have a list of trained risk assessors that can be contacted.

If a significant risk is identified that could damage the health or safety of a new mother, the organisation will need to decide what action to take. The organisation will try to remove the hazard or prevent exposure to the risk. This could be done in one of the following three ways:

- Temporarily adjust the working conditions and / or hours of work;
  if this is not possible, or would not avoid the risk;
- Offer suitable alternative work if any is available;
  or if that is not feasible;
- Suspend the member of staff from work, on full pay, for as long as necessary to protect the health or safety of the member of staff or that of the newborn child.

4.17.5 Breastfeeding

If the member of staff returns to work whilst still breastfeeding they need to inform the relevant HR Team in writing as soon as possible (preferably within 21 days of the intended return date). On receiving written notification that the member of staff is breastfeeding the relevant HR Team will ensure that there is no exposure to risks that could damage the health and safety of the mother and child for as long as breastfeeding is continued. It will be necessary for the risks to be reviewed on a regular basis during this time.

Please see the document on Breastfeeding In The Workplace for more information, which is available from the relevant HR team and on the Force intranet.

SECTION 5 LEGISLATIVE COMPLIANCE

### SECTION 6 APPENDIX

#### APPENDIX A CHECKLIST FOR STAFF, HR TEAMS AND LINE MANAGERS

<table>
<thead>
<tr>
<th>When</th>
<th>Action</th>
<th>Responsibility</th>
</tr>
</thead>
</table>
| As soon as the member of staff knows they are pregnant | Line Manager and relevant HR Team to be informed of the pregnancy in order for the following processes to be carried out:  
- A risk assessment to be carried out by a trained risk assessor  
- Any risks identified to be dealt with in accordance with the policy  
- Member of staff and Line Manager are provided with all appropriate paperwork by your relevant HR Team  
- Member of staff entitled to time off with pay to attend antenatal appointments and relaxation classes. A note must be provided from a registered doctor or midwife for the Line Manager and relevant HR Team.  
- Member of staff to discuss with Line Manager initial future plans in order for arrangements to be made to cover maternity leave. | Pregnant member of staff  
Line Manager to arrange as soon as possible  
Risk assessor, line manager and relevant HR Team  
Relevant HR Team  
Pregnant member of staff  
Line Manager, pregnant member of staff |
| **Police Officers only.** | 26 weeks before the EWC | This is the week an officer can choose to start maternity leave. Maternity Leave cannot commence before this week.  
If an officer chooses to take maternity leave from this point then the relevant HR Team should be supplied with all the necessary forms (as outlined in the next box below) at least 28 working days prior to the intended start date of maternity leave. | Pregnant Police Officers |
<table>
<thead>
<tr>
<th>All members of staff</th>
<th>Doctor or Midwife to supply form MATB1. By the 15th week before the EWC member of staff must have completed two forms ‘Maternity Leave Arrangements’ (Appendix J) and ‘SMP4’ (Appendix K) and returned them to the relevant HR Team along with the form MATB1 from a Doctor or Midwife.</th>
<th>Pregnant member of staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within 28 days of HR’s receipt of the Maternity Leave Arrangements form</td>
<td>The relevant HR Team will confirm receipt of the application setting out the date on which the member of staff is expected to return to work (assuming they take their full entitlement as appropriate). If a member of staff does not qualify for SMP the relevant HR Team will provide them with form SMP1 that explains why SMP cannot be paid. The member of staff may still be eligible for Maternity Allowance.</td>
<td>HR Team</td>
</tr>
<tr>
<td>Police Staff only</td>
<td>This is the week a Police Staff member may choose to start their maternity leave. Maternity Leave cannot commence before this week.</td>
<td>Pregnant Police Staff member</td>
</tr>
<tr>
<td>11 weeks before the EWC</td>
<td>If the member of staff is still working in the four weeks before the EWC and is absent under the sickness policy but the absence is maternity related, maternity leave commences automatically.</td>
<td>HR Team / Pregnant member of staff to notify reason for absence in the normal way.</td>
</tr>
<tr>
<td>Four weeks before the EWC</td>
<td>40 week’s pregnant</td>
<td>Estimated Week of Childbirth</td>
</tr>
<tr>
<td>40 week’s pregnant</td>
<td>The baby’s birth must be registered before it is 6 weeks old so that a birth certificate can be obtained. Relevant HR Team to be informed of the baby’s date of birth.</td>
<td>New mother</td>
</tr>
<tr>
<td>As soon as is practicable after the birth</td>
<td>The Maternity (Compulsory Leave) Regulations 1994 prohibit a member of staff from returning to work for a period of two weeks after the birth of a child. After this period it will be possible to take advantage of ‘keeping in touch days’. These should be agreed with the line manager and the relevant HR Team must be informed.</td>
<td>New mother / HR Team</td>
</tr>
<tr>
<td>During maternity leave</td>
<td>A member of staff might have already considered what their plans are for a return to work. If not they may like to consider options as outlined in the Work Life Balance Programme. These options will need to be considered before a return to work in order for any processes to be put in place. Advice can be sought from the relevant HR Team.</td>
<td>New mother</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>28 days before you return to work</td>
<td>If the member of staff is choosing to return to work earlier than outlined in the confirmation letter they received from their relevant HR Team, they must notify their Line Manager and HR Team 8 weeks prior to returning. If they are not returning to work earlier than stated there is no legal requirement for notification.</td>
<td>New mother</td>
</tr>
<tr>
<td>On the return to work</td>
<td>If the member of staff is ill and cannot return to work they must report sick in the usual way. If the member of staff is continuing to breastfeed when they return to work they must confirm this in writing to the relevant HR Team. The HR Team will ensure a risk assessment is undertaken. If the member of staff wants to repay any pension contributions for any period of unpaid maternity leave they may have taken, the HR Team must be notified as soon as possible. The HR Team should provide the member of staff with a re-introduction leaflet and checklist. This must be completed by the member of staff and Line Manager and is to ensure a smooth transition back into work.</td>
<td>New mother</td>
</tr>
</tbody>
</table>
APPENDIX B   FREQUENTLY ASKED QUESTIONS

1 How much leave am I entitled to?
You accrue leave throughout your period of maternity leave whether you are on paid or unpaid maternity leave. You do not, however accrue Bank / public holidays during maternity leave.

2 When can I take my leave?
You can take it before your maternity leave starts, take it immediately following additional maternity leave, carry it over for use after your maternity leave has finished or a combination of the above. Please liaise with your Line Manager over leave dates so that resources can be planned and also inform the HR Team so that manual adjustments can be made to your leave on DMS if necessary. Your HR Team may require a General Report in order to make the manual adjustments.

3 What pay can I expect to receive?

Police Officers
If you have continuous service with Nottinghamshire Police for at least 26 weeks by the 15th week before your baby is due then you will be entitled to 39 weeks statutory maternity pay.

If you have continuous service with Nottinghamshire Police for 52 or more weeks at the beginning of the 11th week before you baby is due then you are entitled to Occupational Maternity Pay which is full pay for the first 3 months of your maternity leave and then Statutory Maternity Pay for a further 27 weeks.

Police Staff
If you have been continually employed by Nottinghamshire Police for at least 26 weeks by the 15th week before your baby is due and you are still pregnant on the 11th week before your expected week of childbirth, you will be entitled to 39 weeks statutory maternity pay.

If you have continuous service with Nottinghamshire Police for at least one year at the beginning of the 11th week before your baby is due you will be entitled to Occupational Maternity Pay which is: -

- 90% of earnings, (off-set against SMP) for the first 6 weeks,
- 12 weeks at half of your basic week’s pay (plus SMP capped not to exceed average normal pay)
- SMP at the standard rate for the remaining 21 weeks

4 When Will I Receive My Maternity Pay?
Your maternity pay commences as soon as you start your maternity leave. It is paid in the same way as salary. Your pay advice slip will be sent to your home address.
5 How Is My Pension Affected When I Am On Paid / Unpaid Maternity Leave?

Whilst you are on maternity leave and receiving reduced or no pay you need to take steps to ensure that your pension rights are maintained.

Police Officers

The periods of occupational maternity pay and statutory maternity pay are reckonable for pension purposes. Any period of unpaid leave is not reckonable for pension purposes. However, on return to duty you may make an application to repay the pension contributions within a period of 6 months provided that you remain in the police service for a period of six months from the date of your return to duty and pay the relevant pension contributions within six months of your return to duty.

For Officers who joined the service on or before 5 April 2006, pension contributions will be calculated at 11% of the last week’s pay but for those officers who joined on or after 6 April 2006, pension contributions will be calculated at 9.5% of the last week’s pay.

Payment can be made in instalments over a period of six months or as a lump sum, according to the individual’s own preference.

Police Staff

If you are a member of the Local Government Pension Scheme, pension contributions will continue to be paid whilst you are receiving maternity pay. You may then choose to repay the pension contributions for any period of unpaid leave.

These contributions can either be paid:

- Whilst on unpaid maternity leave
- In one payment on return
- Over a period of 6 months, upon return.

6 What notification do I need to give the organisation and when?

You are entitled to Maternity Leave provided that, in or before the 15th week prior to your EWC, (or, if that is not reasonably practicable, as soon as is reasonably practicable) you notify your line manager and your relevant HR Team:

- That you are pregnant
- Your EWC (you must produce a certificate, normally a MATB1, from a registered medical practitioner or a registered midwife stating the EWC)
- The date on which you intend your maternity leave to start (this must not be earlier than the 11th week before the EWC for Police Staff and no more than 26 weeks before the EWC for Police Officers.)

You can vary the date on which you intend to start your maternity leave provided that you give your Line Manager and relevant HR Team notice of the new date 28 days before the date originally notified or 28 days before the new date on which you intend you maternity leave to start, whichever is the earliest.
7 What notification do I need to give of my intention to return to work from maternity leave earlier than originally agreed?

Police Officers

If you wish to return before the end of your period of leave, which was agreed prior to commencing your maternity leave, you must give at least 21 days notice in accordance with Police Regulations.

Police Staff

If you wish to return to work before the end of your agreed length of ordinary and additional maternity leave, you will need to notify your relevant HR Team, in writing, of the date and give at least 8 weeks notice.

8 What are keeping in touch (KIT) days?

The government introduced this so that women on maternity leave would not lose their maternity leave if they had to or chose to go to work for a short period. Previously working for any period would cancel outstanding maternity leave. The exception to this was being called to court.

9 How do KIT days work?

You may work as many as ten "keeping in touch days" during your maternity leave without bringing that leave to an end. It is not obligatory for any or all 10 days to be used and the days are intended to be used for training, attending court or any other activity that is undertaken for the purposes of keeping in touch with work and what is going on at work.

Pay for the days worked will be calculated at the normal day rate based on an 8 hour day for Police Officers and a 7.4 hour day for Police Staff. In all cases a pro rata payment will be made for part time members of staff.

After the KIT day has been worked, a payment instruction must be submitted from HR to HQ (Finance) Payroll advising them to process the payment. It is therefore important that your Line Manager informs the relevant HR Team that you have worked a KIT day by submitting details of the date(s) and hours you worked.

10 What should I do if I am required to attend court during my maternity leave?

Unless certified unfit by a doctor, you are obliged to attend court whilst on maternity leave. The time will be treated and recorded as keeping in touch days.

If you are required to attend Court, you should submit a General Report to your relevant HR Team giving details of the Court attended, dates and hours actually worked. Base to court travelling costs may also be claimed. Your relevant HR Team will then forward an instruction to HQ payroll requesting payment.

11 If I want to change my hours when I return to work what do I do?

You must make a request using the Flexible Working / Part-Time and Other Flexible Options procedure and submit the form as directed in the procedure.