



NOTTINGHAMSHIRE  
**POLICE**  
PROUD TO SERVE

**PS179** Police Staff and Police Officer Maternity, Paternity, Shared Parental and Adoption Leave Policy

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**Registered Owner:** Head of HR

**Author:** James Lunn

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**Replaces document (if applicable)**

**Linked Documents:** PG 039 Maternity, Paternity, Shared Parental and Adoption Leave Guide  
PD640 Maternity, Paternity, Shared Parental and Adoption Leave Procedure  
PS154 Parental Leave Policy  
PD649 Shared Parental Leave Procedure  
Shared Parental Leave FAQ's and Examples

**Authorised (Head of Dept/FEB)**

**Signed:** ..... **Date:** .....

**Name:** .....

**Post:** Head of HR & OD .....

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**SECTION 1 Version Control**

Version No.	Date	Post Holder/Author	Post	Reason for Issue
V1.0				New Policy to replace PD378
V2.0 Various and some rearrangement of the order of sections to avoid repetition across different leave types.				Amendments to allow for new regulations in the Children and Families Act 2014 As of 5 April 2015: Sections 3,4,5 amended to reflect: Adoption leave as day one right as with maternity Surrogacy rights re antenatal support Surrogacy and Foster to Adopt included under Adoption provisions Section. 6 Inserted- New facility for Shared Parental Leave and Pay- maternity and adoptions. Section 8 amended to indicate this facility will taper out having been replaced by Shared Parental Leave.
V3.0				Amendment at Paragraphs 4 and 5 re paternity leave and adoption pay and leave eligibility to

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V3.1	April 2017	James Lunn/Bal Dosanjh	Senior HR Manager/HR Consultant	Updated Policy in line with the Police Staff Handbook Updates 1 <sup>st</sup> April 2017
V3.2	February 2018	James Lunn	Senior HR Manager	Updated in line National Police Chief's Council and PFEW advice

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PS 179 Maternity, Paternity, Shared Parental and Adoption Leave Policy

V3.2

February 2018

## SECTION 2 Aims and Objectives of the Policy

Nottinghamshire Police recognise that all police officers and police staff should have a healthy work-life balance and have the ability to combine a career with parenthood. This policy complies with police regulations and current employment legislation.

The aim of the policy is to provide the framework for the maternity, paternity, shared parental and adoption leave provisions available to police officers and police staff.

The policy applies to all police officers and police staff working for Nottinghamshire Police. There are some differences between police officer and police staff entitlements, where this is applicable it will be highlighted.

## SECTION 3 Policy Statement

### 3.1 Key Principles of the Policy

- To provide the appropriate information to all police officers and police staff with regard to maternity, paternity, adoption and shared parental leave and adoption/surrogacy rights.
- To ensure that a risk assessment is carried out for every pregnant police officer or police staff member to ensure that they are not required to carry out any duty which puts them at significant risk during their pregnancy.
- To allow pregnant police officers and police staff to continue working as far into their pregnancy as they wish, subject to continued good health.

### 3.2 Terminology

The policy makes reference to a number of specialist terms. Below is a list of abbreviations that may be found throughout this

Continuous service	To determine which maternity scheme you are eligible for, you need to know the date you commenced employment for police staff and the date you joined the Police Force for police officers
EW C	Expected Week of Childbirth
OML	Ordinary Maternity Leave
SML	Statutory Maternity Leave
AML	Additional Maternity Leave
SMP	Statutory Maternity Pay
SPP	Statutory Paternity Pay
OMP	Occupational Maternity Pay
EMP	Enhanced Maternity Pay
MATB1	The maternity certificate issued to confirm the expected week of childbirth
EMP	Enhanced Maternity Pay
MA	Maternity Allowance

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SPL	Shared Parental Leave
PL	Paternity Leave
SAP	Statutory Adoption Pay
OAL/AAL	Ordinary Adoption Leave/Additional Adoption Leave
KIT/SPLIT	Keeping in Touch days/Shared Parental leave-in –touch days KIT/SPLIT
QW	Qualifying Week
APL	Additional Paternity Leave (only applicable for births due/adoptions pre 5 April 2015)
ASL	Additional Support Leave (only applicable for births due/adoptions pre 5 April 2015)
APLA	Additional Paternity Leave (adoption) (only applicable for births due/adoptions pre 5 April 2015)
Full week	Police Staff - 37 hours Police Officers - 40 hours

All leave or pay is proportional for part time employees.

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## **SECTION 4 Maternity Leave and Pay**

- Maternity provisions are linked to length of service. To determine eligibility it is important to know the date employment commenced for police staff or joined the police service for police officers.
- Police staff and police officers are entitled to 26 weeks of OML and 26 weeks of AML. The combined 52 weeks is known as SML.
- Police officers and Police staff are entitled to a maximum of 15 months maternity leave. Maternity leave can be taken at any time commencing 6 months before the expected week of childbirth, (EWC), to 12 months after the EWC with a maximum of 15 months in total. It should be noted that taking maternity leave from 6 months before EWC will result in a 2 week break in pay before maternity pay starts at 11 weeks prior to EWC.
- Police staff can take maternity leave in one or more periods. The period in which maternity leave can be taken starts six months before the expected week of childbirth and ends no later than 12 months afterwards.
- Police staff can take maternity leave in more than one period allows the employee to return to work for example, a court appearance or training course, and then resume maternity leave.
- Police staff can take annual leave during a break in maternity leave; otherwise any accrued or unused annual leave should be carried over to the next leave year.
- The amended agreed changes to Police Staff Council Handbook 2017, Section 5 apply to those women who are pregnant on or after 1 April 2017.
- If maternity leave has not been commenced when the baby is born, then the maternity leave starts the day after the child's birth.
- Compulsory Maternity Leave requires that a minimum of 2 weeks leave after the birth of a child must be taken by both police officers and police staff.
- Nottinghamshire Police should be advised by the individual that they wish to take SML at least 15 weeks before the beginning of the week that the baby is due, however if this is not possible, then it should be as soon as possible.

**4.1 Eligibility for Maternity Leave and Pay**

<b>Who is Entitled</b>	<b>Qualifying Period</b>	<b>Pay Entitlement</b>	<b>Leave Type</b>
Police officer & police staff	Less than 41 weeks continuous service by the expected week of child birth	None, but able to claim Maternity Allowance	26 weeks OML 26 weeks AML
Police officer & police staff	41 weeks or more continuous service by EWC	6 weeks higher rate SMP. 33 weeks lower rate SMP	26 weeks OML 26 weeks AML
Police officer	63 weeks or more service at EWC	18 weeks full pay (offset against SMP) (under Police Regulations) and 21 weeks lower rate SMP is paid on the condition that the officer will return to work after maternity leave and will complete one month's service. Where an officer does not return to duty as prescribed at the end of the maternity leave, the full pay must be repaid (less SMP). Officers may exchange the final 5 weeks of the 18 weeks full pay for 10 weeks at half pay and half rate SMP. Followed by 16 weeks lower rate SMP.	26 weeks OML 26 weeks AML

Police staff	63 weeks or more service at EWC	18 weeks full pay (offset against SMP) and 21 weeks lower rate SMP is paid on the condition that the staff member will return to work after maternity leave and will complete one month's service. Where the staff member does not return to work as prescribed at the end of the maternity leave, the full pay must be repaid (less SMP). Staff member may exchange the final 5 weeks of the 18 weeks full pay for 10 weeks at half pay and half rate SMP. Followed by 16 weeks lower rate SMP.	26 weeks OML 26 weeks AML
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#### 4.2 Antenatal Care

A reasonable amount of paid time off may be taken to attend ante natal care. This may include doctor, hospital, clinic, relaxation classes or parent craft classes. It is appropriate to provide evidence of appointments except for the initial first appointment to the line manager should it be requested.

The prospective father of a baby, mother's partner and intended parents in a surrogacy, (parental order), situation have a right to take unpaid leave on 2 occasions, each for a period of up to 6.5 hours to accompany the mother for antenatal care appointments.

#### 4.3 Sickness

Normal sickness entitlements apply for the pregnant mother.

#### Police Officers

Should the pregnant mother be absent from work due to a pregnancy related illness during the 4 weeks before the baby is due, statutory maternity pay (SMP) will commence from the following day of absence. Maternity leave and maternity pay will continue to commence on the day the police officer notified the force that she wishes it to commence.

#### Police Staff

Should the pregnant mother be absent from work due to a pregnancy related illness during the 4 weeks before the baby is due, maternity leave will commence from the following day of absence.

#### 4.4 Health and Safety

It is essential that the health and safety of the pregnant police officer or police staff member is not put at risk whilst continuing to work during their pregnancy. New mothers who have given birth within 6 months are also covered by this legislation. Once the line manager is

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aware that one of their team is pregnant or have returned to work after maternity leave, they should arrange for a risk assessment to be carried out as soon as possible. Nottinghamshire Police will implement the recommendations of the risk assessment, offer suitable alternative work or suspend the individual from work, on full pay, as long as is necessary to protect the health and safety of the individual and that of their unborn child.

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## 4.5 Uniform

Maternity wear is available from HQ Supplies and should be discussed with the individual's line manager. This uniform is for uniformed police officers and police staff. It is not compulsory that it is worn. For more information on viewing and ordering maternity wear please refer to PD 640 Maternity, Paternity and Adoption Leave Procedure.

## SECTION 5 Paternity Leave and Pay

Paternity Leave, (may also be referred to as Ordinary Maternity Support Leave/Ordinary Adoption Support Leave), is a period of paid leave for those individuals whose partners give birth or adopt a child. Adoptive parents include those in surrogacy or foster to adopt arrangements. It applies to partners of either sex.

### 5.1 Eligibility for Paternity Leave

To qualify you will have worked continuously for 26 weeks ending with the 15<sup>th</sup> week before the baby is due, (the qualifying week) (41 weeks continuous service). The qualifying date for adoption is the week in which the individual is notified of being matched

Paternity leave is available to be taken either one or two consecutive calendar weeks' paid paternity leave. It cannot be taken as single days.

To be eligible the individual must:

- have, or expect to have, responsibility for the child's upbringing.
- be the biological father of the child or the mother's husband, civil partner or partner, (includes same-sex partners)
- be the nominated carer who is the person nominated by the mother to assist in the care of and provide support to the mother on or around the time of birth.

Leave must be taken within 56 days of the actual date of birth of the child or around the time of adoption.

MFSS and the line manager must be advised that an individual wishes to take paternity leave at least by the 15<sup>th</sup> week before the child is due, or within 7 days of being matched with a child for adoption.

A minimum of 28 days' notice is required to cancel paternity leave

<b>Who is</b>	<b>Qualifying period</b>	<b>Pay Entitlement</b>	<b>Leave Type</b>
Police officers and police staff	41 weeks continuous service before the expected week of childbirth. For adoption purposes the qualifying week is the week in which the individual is notified of being matched with a child for adoption	2 weeks full pay (10 days) Pro rata for part-time police officers and police staff	2 weeks paternity leave
Police officers and police staff	No qualifying period	1 week full pay (5 days). If individuals do not have the relevant continuous service to qualify for SPP they are able to take 2 weeks leave with the 2 <sup>nd</sup> week being unpaid. Pro rata for part time police officers and police staff	1 weeks paternity leave

Eligibility for unpaid Parental Leave for a child aged up to 18 years is specified in the Parental Leave Policy PS154.

## **SECTION 6 Adoption Leave and Pay**

Police staff and police officers are entitled to 52 weeks of adoption leave made up of 26 weeks Ordinary Adoption Leave and 26 weeks of Additional Adoption Leave.

There is no qualifying period for the right to take adoption leave. Eligibility and qualifying criteria for paid adoption leave are identified below

Parents in a surrogacy situation and 'foster to adopt' arrangements have the same rights as adoptive parents.

Eligibility for Statutory Adoption Pay in surrogacy arrangements require an employee to have worked for at least 26 weeks by the 15<sup>th</sup> week before the baby is due. All other conditions for qualifying for leave and pay are the same as for adoptive parents.

Employees qualifying for adoption leave are allowed paid time off work to attend up to 5 adoption appointments after they have been matched with a child.

## 6.1 Eligibility for Adoption Leave

- Police officers and police staff who are newly matched with a child to be placed for adoption under UK law by an approved adoption agency.
- The individual should advise Nottinghamshire Police within 7 days of being matched with a child on how much leave you want, the start date, and date of the placement.
- Adoption leave can commence either from the date the child starts living with the individual or up to 14 days before the date the child is expected to start living with the individual. The maximum period is 52 weeks.
- For births under surrogacy arrangements Nottinghamshire Police should be advised by the individual that they wish to take Adoption Leave at least 15 weeks before the beginning of the week that the baby is due, however if this is not possible, then it should be as soon as possible.
- A minimum of 28 days' notice is required of the date to stop work and for adoption pay to start.

One member of a couple is eligible. They must choose which partner takes adoption leave. The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and/or pay and shared parental leave and/or pay, subject to meeting the appropriate eligibility criteria.

## 6.2 Eligibility for Adoption Leave and/or Pay

Who is entitled	Qualifying period	Pay Entitlement	Leave type
Police officer	Less than 26 weeks continuous service ending with the week in which the officer is notified of being matched with a child for adoption	1 week full pay (40 hours)	26 weeks OAL 25 weeks AAL
Police officer	26 weeks or more continuous service but less than 1 year ending with the week in which the officer is notified of being matched with a child for adoption	1 week full pay (40 hours) 38 weeks SAP (5 weeks at 90% and 33 weeks lower SAP) 13 weeks unpaid	26 weeks OAL 26 weeks AAL

Police officer	1 year's continuous service by the week in which the officer is notified of being matched with a child for adoption	18 weeks full pay, (offset against SAP), (under Police Regulations) is paid on the condition that the officer will return to work after adoption leave and will complete one month's service. Where an officer does not return to duty, as prescribed, at the end of the adoption leave, the full pay must be repaid. (minus SAP) Officers may exchange the final 5 weeks of the 18 weeks full pay for 10 weeks at half pay and half rate SAP.  Up to 21 weeks SAP determined by the above option.	26 weeks OAL 26 weeks AAL
Police Staff	Less than 26 weeks continuous service ending with the week in which the staff member is notified of being matched with a child for adoption	1 weeks full pay (37 hours)	26 weeks OAL 26 weeks AAL
Police staff	26 weeks or more continuous service but less than 1 year ending with the week in which the staff member is notified of being matched with a child for adoption	1 week full pay (37 hours) 38 weeks SAP (5 weeks at 90% and 33 weeks lower SAP)  13 weeks unpaid	26 weeks OAL 26 weeks AAL

Police staff	1 year's continuous service by the week in which the staff member is notified of being matched with a child for adoption	<p>18 weeks full pay, (offset against SAP), is paid on the condition that the staff member will return to work after adoption leave and will complete one month's service.</p> <p>Where a staff member does not return to work, as prescribed, at the end of the adoption leave, the full pay must be repaid. (minus SAP)</p> <p>Police staff member may exchange the final 5 weeks of the 18 weeks full pay for 10 weeks at half pay and half rate SAP.</p> <p>Up to 21 weeks SAP determined by the above option.</p> <p>13 weeks unpaid leave.</p>	26 weeks OAL 26 weeks AAL
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Payment of Occupational Adoption Pay to police officers is subject to the officer returning to work for a minimum of 1 month. If the officer does not return to duty as prescribed at the end of the adoption leave, the officer will be required to repay the Occupational Adoption Pay in excess of Statutory Adoption Pay (SAP).

It is a condition of the Occupational Adoption Pay Scheme that if a Police Staff member receives Occupational Adoption Pay, they should return to work for a period of at least 1 month. This requirement will be satisfied whether a Police Staff member works full or part-time or whether during that period any annual leave or sickness absence is taken. Should there be a failure to return to work for the stated period, then the 12 weeks half pay, (Occupational Adoption Pay), received will be repayable.

## **SECTION 7 Shared Parental Leave and Pay**

For babies whose delivery date is expected from the 5<sup>th</sup> April 2015 onwards, Shared Parental Leave (SPL) allows mothers, fathers, partners to share time off work, if the mother curtails her rights to maternity pay, and/or leave.

Shared Parental Leave and/or Statutory Shared Parental Pay (ShPP) is also available to adoptive parents, prospective parents in fostering for adoption and intended parents in surrogacy arrangements who intend to apply for a parental order.

Leave may be taken in a continuous block, as of right, or up to 3 discontinuous blocks, by agreement, from the maternity/adoption leave balance that is curtailed.

Each parent qualifies separately for Shared Parental Leave (SPL) and Shared Parental Pay (ShPP).

To be eligible for **Shared Parental Leave** the mother/adoptive parent must:

- have a partner
- be entitled to maternity/adoption leave; or to statutory maternity/adoption pay or maternity allowance
- have curtailed, or given notice to reduce, their maternity/adoption leave or their pay/allowance

#### **7.1 A parent who intends to take SPL must:**

- Be an employee. (For the purposes SPL Police Officers are included in this definition)
- share the primary responsibility for the child with the partner at the time of birth or adoption
- have properly notified their employer of their entitlement and have provided the necessary declarations and evidence
- give 8 weeks binding notice to bring maternity/adoption leave to an end

In addition, a parent wanting to take SPL is required to satisfy the following Continuity of

Employment Test and their partner must meet the Employment and Earnings Test:

- **Continuity of Employment** – 26 weeks continuous employment ending with the 15<sup>th</sup> week before the week of childbirth/adoption matching date and remains in employment at the start of each leave period
- **Employment and Earnings Test** – in the 66 weeks leading up to the baby's expected due date/adoption matching date have worked for at least 26 weeks and earned an average of at least the maternity allowance threshold set by the Government, for any of those 66 weeks

The amount of leave available is calculated using the mother's entitlement to maternity/adoption leave, which allows up to 52 weeks leave.

2 weeks statutory minimum maternity/adoption leave must be taken by the mother/adoptive parent following the birth/adoption.

If the mother/adoptive parent reduces their entitlement to leave then, subject to meeting eligibility criteria, they and/or their partner can take any remaining weeks as SPL

If eligible, the mother will be entitled to up to 39 weeks maternity/adoption pay. If /adoptive parent gives the required notice to reduce their entitlement before the 39 weeks ends then any remaining weeks could become available as Shared Parental Pay.

## **7.2 Eligibility for Shared Parental Pay, (ShPP), is determined by the following criteria:**

- meeting the Continuity of Employment and the Employment and Earning Test under SPL
- in addition the employee must have earned above the Lower Earnings Limit in the 8 weeks leading up to and including the 15<sup>th</sup> week before the child's due date/adoption matching date, and
- still be employed at the start of the first period of ShPP

Shared Parental Pay will be paid at the Statutory Rate set by the Government or 90% of average weekly earnings, whichever is lower.

To assist employees the Government has produced a shared parental leave and pay calculator which can be found at [www.gov.uk](http://www.gov.uk)

More detail on the provision for Shared Parental Leave and Shared Parental Pay can be found in a dedicated procedure covering this (PD 649).

## **SECTION 8 Contact during Maternity/Adoption or Shared Parental Leave**

There will be agreement between the individual on leave and their line manager on arrangements for contact during the period of leave.

During any period of leave legislation provides for Keeping in Touch (KIT) (maternity/adoption) and Shared Parental Leave in Touch, (SPLIT) days. These are set at up to 10 and 20 days respectively.

More detail on contact and the operation of KIT and SPLIT days can be found in the Maternity, Paternity, Shared Parental and Adoption Leave Guides and Procedures.

## **SECTION 9 Additional Paternity Leave/Additional Maternity Support Leave/ Additional Adoption Support Leave**

This right is only applicable to babies due or adoption commencing before 5<sup>th</sup> April 2015. For births due or adoptions after this please refer to the provisions of Shared Parental Leave, at Paragraph 6 above, and the more detailed PD 649 Shared Parental Leave Procedure.

Additional paternity leave/additional maternity support leave/additional adoption support leave, (here after referred to as additional paternity leave) allows fathers/partners to take up to 26 weeks' leave to care for their new baby. Leave can be taken any time from 20 weeks after the child is born, but must be finished by the child's 1<sup>st</sup> birthday. For adoption it may be taken 20 weeks after the child is adopted and starts living with the family.



## 9.1 Eligibility

- A father or partner will need to take the leave to care for the child and have, responsibility for the child's upbringing.
- Individuals must have completed 41 weeks service by the EWC.
- For APL to be taken the child's mother must have returned to work and any relevant payment must have stopped. Both parents cannot be on maternity leave or additional paternity leave at the same time. There must be at least 2 weeks of the 39 week payment period remaining.
- It is not necessary for both parents to work for the same organisation.

To qualify for APL the individual must apply at least 8 weeks before the start of the commencement of APL.

Additional Statutory Paternity Pay is only payable during the period of the individual's partner's 39 week Maternity Allowance, Statutory Maternity or Statutory Adoption Pay period.

It must be taken in multiples of complete weeks and as one continuous period.

## SECTION 10 Annual Leave

Annual leave and public holidays continue to accrue during periods of maternity, adoption and shared parental leave.

Arrangements for booking and any carry-over of annual leave can be found in the procedures and guide.

## SECTION 11 Pension

Pension contributions will continue to be made during any period when the individual is receiving pay family leave but not during a period of unpaid leave.

The individual contributions will be based on actual pay, while the Force contributions will be based on the salary the person would have been receiving had they not been taking leave

Individuals will have the option of paying contributions on any unpaid period to keep pension service unbroken

## SECTION 12 In-Vitro Fertilisation (IVF) or other Fertility Treatment

Nottinghamshire Police recognises the emotional circumstances that IVF treatment can involve and understands the potential anxiety and distress that individuals may suffer when going through such treatment.

Line managers may authorise female police officers or police staff a total of five paid days (40 hours for a police officer, 37 for a police staff member) paid leave in any one financial year for the purpose of receiving or recovering from IVF treatment.

The partner of the person receiving treatment may have 2.5 paid days (20 hours for police officers or 18.5 for police staff) authorised to support their partner through the treatment. To qualify for this support leave the individuals must have completed 26 weeks service with Nottinghamshire Police

## **SECTION 13**

### **Statement of legislative compliance**

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, The Shared Parental Leave Regulations 2014; The Shared Parental Pay (General) Regulations 2014; The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave); Regulations 2014 Children and Families Act 2014; and other legislation relevant to policing.

## **SECTION 14**

### **Monitoring and Review**

Ensure content aligns and is updated with any changes in legislation, eligibility, etc. Consider feedback in the light of operational experience.