



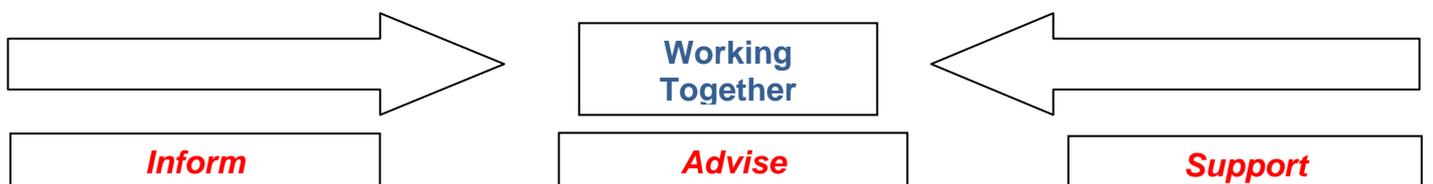
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JOINT HR POLICY DOCUMENT

MATERNITY, ADOPTION & SUPPORT LEAVE





Maternity, Adoption & Support Leave Force Policy Document

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Approved by

Legal Services	✓ 13 th March 2014
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Note: *By signing the above you are authorising the policy for publication and are accepting responsibility for the policy on behalf of the Chief Constables.*

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1 General principles

- 1.1 The purpose of this policy is to provide guidance and information on maternity, adoption, support leave and pay for police officers and police staff.
- 1.2 Norfolk and Suffolk Constabularies are committed to ensuring this policy complies with relevant legislation and general principles of fairness, and that consultation has been undertaken with all relevant staff groups.
- 1.3 All Norfolk and Suffolk policies are intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of a person's gender, race, ethnic origin, colour, nationality, gender reassignment, sexual orientation, religion or belief, marital or family status, trade union or staff association or support group activity, disability or age.
- 1.4 Details of time off for In Vitro Fertilisation (IVF) are covered within the Leave & Time Off policy.
- 1.5 Details of the procedures to be followed where women fall pregnant during career break or whilst on secondment are covered in the Career Break policy and Secondment policy respectively.
- 1.6 Individuals who are starting a family via the use of surrogacy should contact the HR department for more information in relation to leave and pay entitlements.

Section A: Maternity

1 Definitions relating to maternity leave

Actual birth week	This refers to the week in which the baby is born. The week will begin with midnight between Saturday and Sunday.
Expected week of childbirth (EWC)	This is the week when the baby is expected to be born. The week will begin with midnight between Saturday and Sunday.
Lower Earnings Limit (LEL)	This is the amount that can be earned before an individual is liable to pay national insurance contributions. It is £111 per week from April 2014, and is subject to review each April.
Mat B1	This is the doctor's/midwife's certificate to confirm pregnancy and <u>Expected Week of Childbirth</u> . Women must forward this to the HR Service Desk as soon as possible.
Qualifying week	This is the 15 th week before the <u>EWC</u> .

2 Notification of pregnancy

- 2.1 To ensure that the appropriate safeguards are in place, the individual should notify her line manager **and** the HR Service Desk of her pregnancy either verbally or by email as soon as practicable to ensure that the appropriate risk assessment is carried out. Notification of pregnancy in writing must occur no later than the end of the Qualifying Week, or if this is not possible, as soon as is reasonably practicable.
- 2.2 The HR Service Desk will instruct the individual to access the Maternity Information Pack available on the HR intranet. The information pack consists of:
- Guidance notes on the maternity and risk assessment form for line managers;
 - Information leaflet for the individual;
 - Information on childcare vouchers and provisions; and
 - Information on the Suffolk Association of Women in Policing (SAWP) 'Maternity Buddy' scheme for Suffolk officers and staff.
- 2.3 When the individual notifies the line manager of the dates of her maternity leave, the line manager will complete an e-change form (available through Enact HR) and submit it to the HR Service Desk. Within 28 days of receipt of this the HR Service Desk will send a formal letter to the individual outlining their entitlements to maternity pay and leave.
- 2.4 When the individual receives their Mat B1 form from their midwife/doctor (around 21st week of pregnancy), they must send this original document to the HR Service Desk as this is a formal requirement for statutory maternity pay. If an individual is

not entitled to Statutory Maternity Pay (SMP), the Mat B1 form should be returned to her.

3 Maternity Support Meetings

- 3.1 It is essential that a woman is offered appropriate support and guidance from her line manager **before, during** and **after** maternity leave.
- 3.2 Maternity Support Meetings (MSMs) will commence as soon as the woman notifies the line manager of her pregnancy, and will take place on a regular basis until maternity leave commences. MSMs may form part of previously arranged one-to-one's or may be separately arranged meetings, in any case they will be an opportunity for the line manager and the woman to discuss any issues relating to her pregnancy, maternity leave or return to work. Managers should link in with their HR Advisor if any issues arise on which they require further guidance.
- 3.3 MSMs will be used during the later stages of pregnancy to establish what information will be forwarded to the woman during maternity leave, e.g. Force Orders, social events information, organisation/department changes, etc. During maternity leave, a woman must be informed of promotion opportunities and other information relating to her job that she would normally be made aware of if she was working.
- 3.4 During pregnancy, MSMs should take place at a minimum on a monthly basis, and should continue during maternity leave at a frequency, date, time and location agreed by the line manager and the woman. In any event, an MSM **must** be held eight weeks prior to the scheduled return to work date, to discuss any relevant issues or concerns, to include working hours and training needs, in order to ensure that the woman is fully supported on her return to work.
- 3.5 It is recognised that if a woman is redeployed into a different post for the duration of her pregnancy, she will have a different line manager for this period, who is responsible for undertaking the MSMs. Wherever possible, the substantive line manager should take over the MSMs in the later stages of pregnancy, as they will maintain contact during maternity leave and facilitate the woman's return to her previous role. Similarly, where there is a change in substantive line management, the new line manager must ensure that they continue the MSM process.
- 3.6 All MSMs must be recorded and this record forwarded to the HR Service Desk for retention on the woman's maternity file.
- 3.7 The Suffolk Association of Women in Policing (SAWP) run a maternity buddy scheme for Suffolk officers and staff. Full details of this scheme are available by contacting [SAWP](#). Maternity buddies will complement the role of the line manager.
- 3.8 The Norfolk Flexible Workers, Gender and Carer group will provide support to Norfolk officers and staff in relation to any issues which occur during pregnancy, maternity leave and on return to work.

4 Pregnancy risk assessment

- 4.1 As soon as practicable after the individual has notified the line manager of her pregnancy, the line manager will undertake a risk assessment of the individual's duties and discuss with her any risks identified in relation to these duties. Even if an individual has not notified the line manager of her pregnancy, it is good practice to do a risk assessment if the line manager becomes aware of the pregnancy. The risk assessment form and guidance will be available to the line manager as part of the Maternity Information Pack which can be obtained by contacting the HR Service Desk (and via the HR website in Norfolk). The completed risk assessment must be retained on the individual's personal file.
- 4.2 Responsibility for ensuring risk assessments are carried out lies with the District Superintendent/Department Head, however the line manager will make the necessary arrangements to action the risk assessment. A risk assessment should be carried out as follows:
- During pregnancy, and
 - On return to work if this is within six months of childbirth, and/or
 - On return to work if the individual is breastfeeding.
- 4.3 The risk assessment must be reviewed at regular [Maternity Support Meetings](#), and on an ad-hoc basis if there is a change in the individual's health or circumstances.
- 4.4 Categories and examples of risks to be assessed are listed below (this list is not exhaustive):
- Working hours.
 - Shocks, vibration or movement.
 - Handling of heavy loads where there is a risk of injury.
 - Extremes of temperature and noise.
 - Work in areas of undue risk, e.g. pressurised enclosures.
 - Potential conflict situations.
- 4.5 The line manager will take action to remove any risks highlighted by temporarily adjusting working conditions and/or hours of work, offering suitable alternative work or in exceptional cases placing the individual on paid leave until it is safe for her to return to work (see Recuperative and Restricted Duties Policy). Any such redeployment will not affect the career development of the individual nor deprive her of the opportunity to return to her normal duties after the period of maternity absence. It is imperative that the health and welfare of the individual and the baby are protected.
- 4.6 Women must ensure that they advise their line manager of any information or advice given by a medical practitioner that may affect the duties that they can safely undertake. If women or line managers have any concerns regarding their role and the potential risks during pregnancy at work they should contact the Health and Safety team.

5 Attendance / being accompanied at ante-natal appointments

- 5.1 Ante-natal care includes antenatal appointments, relaxation classes and parent-craft classes for pregnant staff and officers where this has been **recommended** by a doctor, midwife or health visitor.
- 5.2 A pregnant woman is entitled to paid time off for ante-natal care that is recommended by a registered medical practitioner, midwife or health visitor. After the first appointment, a woman must produce evidence of pregnancy (ideally a Mat B1 form) and evidence of appointments (i.e. appointment card) to her line manager. Applications for time off must not be refused unreasonably, however, a woman may be asked to re-arrange an appointment because of the exigencies of duty, and where possible appointments should be arranged to fit around work commitments.
- 5.3 Qualifying individuals will be entitled to take unpaid leave to accompany a pregnant woman to two antenatal appointments, for up to a maximum of six and a half hours for each appointment. The following employees and agency workers are eligible to attend:
- The baby’s father
 - The expectant mother’s spouse, her civil partner, or partner (of either sex) in an enduring relationship; or
 - Intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child

Individuals must provide their line manager with the details of the appointment, confirm that they are eligible to attend and that the time off is for the purpose of attending an antenatal appointment which has been made following medical advice.

6 Maternity leave and pay entitlements

Police Officers

Maternity leave for police officers	<p>Entitlement is a possible maximum of 15 months leave, regardless of the officer’s length of service.</p> <p><u>Start date of leave:</u></p> <p>Maternity leave can commence as early as six months before the <u>Expected Week of Childbirth (EWC)</u>, or as late as the <u>actual date of childbirth</u>. If the woman works right up to the birth, maternity leave will formally commence the day following the birth. Maternity leave may commence on any day of the week.</p> <p>Maternity leave does not need to be taken as one continuous period. It may be taken in one or more blocks of leave, either before or after the birth of the baby, provided notification requirements are met. [Note: This may have an impact on the payment of SMP and officers should seriously consider the financial implications before taking this option.]</p> <p><u>End date of leave:</u></p>
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	<p>No return to work within two weeks of the actual date of childbirth. Officers must return to work within 12 months of the <u>EWC</u> or at the end of the 15 month-period, whichever is sooner.</p>
Maternity pay for police officers	<p><u>Police Occupational Maternity Pay (POMP)</u></p> <p>If eligible, POMP is full pay for the first 18 weeks of maternity leave. Officers may request for the final five weeks of POMP to be paid at half pay over ten weeks.</p> <p>Eligibility: 63 weeks' continuous service as a police officer before the beginning of the <u>EWC</u>, and remains pregnant or has given birth 15 weeks before the <u>EWC</u>.</p> <p><u>Statutory Maternity Pay (SMP)</u></p> <p>If eligible, paid for up to 39 weeks, but where POMP weeks collide with weeks where SMP is paid, then SMP payments will be offset so that the woman will receive no more than their normal weekly earnings for these weeks. An officer eligible for POMP, SMP and maternity leave who commences maternity leave at or after the 11th week before the <u>EWC</u> will receive 18 weeks' POMP followed by 21 weeks' of lower rate SMP.</p> <p>Where an officer elects to receive her final 5 weeks of POMP as half pay over ten weeks, this will be reduced, for each week that it is paid, by an amount equivalent to half of any SMP also payable for the equivalent week.</p> <p>SMP will begin on the first day of maternity leave, except where the officer commences maternity leave earlier than the 11th week before the <u>EWC</u>, when SMP will commence at the beginning of the 11th week before the <u>EWC</u>.</p> <p>Rate:</p> <p>Six weeks at 90% of normal weekly earnings, followed by 33 weeks at the lower rate of £146.68 per week or 90% of your earnings if you earn less than £146.68 per week (rate valid from 1st April 2019). Rates of SMP are reviewed each April.</p> <p>Eligibility:</p> <p>A woman must:</p> <ul style="list-style-type: none"> • have 26 weeks' continuous service up to and including the <u>Qualifying Week</u>, and • have average earnings (excluding overtime where this is not regular or required) above the national insurance <u>lower earnings limit</u> in the 8th and 15th weeks inclusive before the <u>EWC</u>, and • have provided confirmation of pregnancy via Mat B1 form or equivalent document issued by a midwife or GP, and • have given a minimum of 28 days' notice of the intended start date of SMP. <p>SMP is not payable where:</p> <ul style="list-style-type: none"> • you are taken into legal custody;

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| | <ul style="list-style-type: none"> • you return to work during the SMP period (excluding <u>KIT days</u>). |
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Police Staff

Maternity leave for police staff	<p>Maximum of 52 weeks, regardless of length of service, made up of:</p> <ul style="list-style-type: none"> • 26 weeks' Ordinary Maternity Leave, followed by • 26 weeks' Additional Maternity Leave <p><u>Start date of leave:</u></p> <p>Maternity leave can commence as early as the 11th week before the <u>EWC</u>, or as late as the day after the actual date of childbirth. If the woman works right up to the birth, maternity leave will formally commence the day following the birth. Maternity leave may commence on any day of the week.</p> <p><u>End date of leave:</u></p> <p>No return to work within two weeks of the actual date of childbirth. Staff must return to work at the end of the 52 week-period, or on a date before this period ends as confirmed by the woman.</p>
Maternity pay for police staff	<p><u>Occupational Maternity Pay (OMP):</u></p> <p>If eligible, paid for 12 weeks in addition to SMP in the 7th to 18th weeks of maternity leave, at a rate of 50% of normal pay, including allowances (this must be repaid if the woman does not return to work for a minimum of one month following maternity leave – see section 5.8).</p> <p><u>Eligibility:</u></p> <p>63 weeks' continuous service (including fixed term and temporary contracts), and 63 weeks' continuous service at the beginning of the <u>EWC</u>, and remain pregnant or have given birth 15 weeks before the <u>EWC</u>.</p> <p><u>Statutory Maternity Pay (SMP):</u></p> <p>If eligible, paid for up to 39 weeks, but where OMP weeks collide with weeks where SMP is paid, then SMP payments will be offset so that the woman will receive no more than their normal weekly earnings for these weeks. SMP will begin on the first day of maternity leave.</p> <p><u>Rate:</u> Six weeks at 90% of normal weekly earnings, followed by 33 weeks at the lower rate of £146.68 per week or 90% of your earnings if you earn less than £146.68 per week (rate valid from 1st April 2019). Rates of SMP are reviewed each April.</p> <p><u>Eligibility:</u></p> <p>A woman must:</p> <ul style="list-style-type: none"> • have 26 weeks' continuous service up to and including the <u>Qualifying Week</u>, and • have average earnings (excluding overtime) above the national insurance <u>lower earnings limit</u> in the 8th and 15th weeks inclusive before the <u>EWC</u>, and

	<ul style="list-style-type: none"> • have provided confirmation of pregnancy via Mat B1 form or equivalent document issued by a midwife or GP, and • have given a minimum of 28 days' notice of the intended start date of SMP. <p>SMP is not payable where the individual:</p> <ul style="list-style-type: none"> • is taken into legal custody; or • returns to work during the SMP period (excluding <u>KIT days</u>).
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Start and end dates of maternity leave

6.1 Details of and eligibility for maternity leave are shown in the tables above. If a woman wishes to commence maternity leave prior to the earliest possible start date, she must ask her line manager to consider her taking some other form of leave (e.g. annual leave, parental leave, unpaid leave) to make up this time. If the woman is sick prior to maternity leave with a condition unrelated to the pregnancy, she should take sick leave, however, if an woman is sick in the four weeks before the EWC for a reason that is wholly or partly due to pregnancy, the start of maternity leave will be immediately brought forward and the woman will not be able to return to work until the end of her maternity leave.

6.2 In these circumstances the maternity leave will formally start on the day following the day of absence. If the woman does not wish maternity leave to be triggered, the Superintendent/Department Head has discretion to disregard odd days of pregnancy-related illness during this period, but only after consultation with the Occupational Health Unit.

6.3 Three weeks' written notice will be required if an officer subsequently wishes to change her maternity leave start date. Three weeks' notice will be required if the officer wishes to return earlier than this notified date.

6.4 Four weeks' written notice will be required if an employee subsequently wishes to change her maternity leave start date. On receipt of this the HR Department will write to confirm the expected return to work date.

6.5 If the woman wishes to change the start date of maternity leave which they have formally given, she must notify her line manager to submit a further e-change form giving the appropriate notice as shown above. If it is not reasonably practicable to notify of a change with this notice period, then the variation should be notified to the HR Service Desk as soon as reasonably practicable. The HR Service Desk will then confirm the new maternity details in writing to the woman within 28 days of receiving the revised e-change form.

6.6 A woman may return to work earlier than the agreed return to work date by giving the line manager the appropriate amount of notice:

- Police officers must give at least 21 days' notice of the new date (or if this is not reasonably practicable, as soon after as is reasonably practicable).
- Police staff must give at least eight weeks' notice of the new date (or if this is not reasonably practicable, as soon after as is reasonably practicable).

6.7 If the required amount of notice is not given, the return to work date may be postponed for eight weeks for police staff and 28 days for officers, although this will not be postponed beyond the maternity leave entitlement. The line manager will then be required to complete a new e-change form with the revised return to work date. The HR Service Desk will confirm the new return to work details to the woman in writing.

Conditions of maternity pay

6.8 Eligibility for payment during maternity leave is shown in the tables on pages 8-11. There is no extra SMP, POMP or OMP payments for multiple births. SMP and POMP are payable regardless of whether or not the woman returns to work following maternity leave, however, recipients of OMP who do not return to work for at least one month after maternity leave will have to repay any OMP payments made. If a woman wishes to avoid a potential reimbursement situation, she has the option of deferring payment of any OMP until the end of maternity leave by completing the appropriate box on the Maternity Notification Form.

Alternative statutory payments

- **Maternity Allowance** – If not eligible to receive SMP, OMP or POMP, a woman may be entitled to claim Maternity Allowance from the local JobCentre Plus office. This is a weekly payment for up to 39 weeks for women who are working just before or during their pregnancy. Entitlement to Maternity Allowance will be based on employment and earnings in the 66 weeks ending with the week before the EWC.
- **Employment and Support Allowance** – If not eligible to receive SMP, OMP or POMP, or where Maternity Allowance cannot be claimed, there may be entitlement to Employment and Support Allowance from the Benefits Agency. This allowance can be paid for up to six weeks before the week the baby is due and up to fourteen days after the date the baby is actually born.

7 Annual leave, bank holidays and maternity

7.1 Although annual leave continues to accrue during maternity leave, it cannot be taken during maternity leave. It can only be taken at the start or end of the leave period.

7.2 The leave year runs from 1 April to 31 March each year. Individuals may not ordinarily carry forward any days of unused leave entitlement from one leave year to the next. However, up to 5 days may be carried forward, subject to management discretion, where individuals have been unable to take their full leave entitlement (see Leave & Time Off Policy).

7.3 Where the leave year is due to end during a woman’s maternity leave, the woman will ordinarily be expected to take her full year’s leave entitlement before starting her maternity leave. The woman should make arrangements with her line manager about how to use up any outstanding leave entitlement before she commences her maternity leave. Options include taking a single period or several smaller periods of annual leave and reducing working hours during the last few weeks or months before the woman’s maternity leave begins.

7.4 If, however, for some legitimate and unavoidable reason a woman has been unable to come to a satisfactory arrangement with her line manager before the start of her maternity leave and/or if she has with good cause otherwise been unable to take all her outstanding holiday entitlement before commencing her maternity leave, the woman may exceptionally be allowed to carry forward to the following holiday year the greater of:

- any remaining **statutory** holiday entitlement (see 7.5 below), or
- leave which she would have been permitted to carry forward under the discretionary provision in 7.2 above

7.5 Where a woman is allowed to carry over any remaining statutory entitlement into the next leave year as outlined above this will amount to the difference between the total combined amount of annual leave and bank holiday days already taken within that leave year and the statutory leave entitlement of 28 days. Therefore a woman who has already taken 15 annual leave days and five bank holidays within that leave year is entitled to carry over eight days to the next leave year.

7.6 A woman can request a period of annual leave directly after maternity leave, which will delay the return to work. Requests for such leave should be submitted as early as possible and will be fairly considered although may be refused if there is not sufficient cover or the absence would cause cover problems within the team/department.

7.7 A woman returning to work on reduced hours will be required to take any accrued leave prior to the start of the new part time contract. Thereafter annual leave will be calculated pro-rata to the new hours worked.

7.8 Entitlement to paid bank holidays continues during maternity leave (see Leave & Time Off policy).

8 Pensions and maternity

8.1 Ordinary maternity leave (the first 26 weeks of maternity leave) is pensionable, whether or not this is paid or unpaid. Periods of paid maternity leave which fall within additional maternity leave (the second 26 weeks of maternity leave) are pensionable, and any unpaid periods will be pensionable as long as the individual buys these back within six months of returning to work.

8.2 On return to work, the Payroll Section will write to the individual providing any information about buying back service for pension purposes. If a woman decides not to return to work but wishes to make the relevant contributions for any period of un-pensionable maternity leave, she can do so as long as she elects to pay the contributions before the last day of service and make full payment within six months of the last day.

8.3 Full details are available from the Payroll Section.

9 Stillbirth or death of baby after birth

9.1 If a woman gives birth to a stillborn baby after 24 weeks of pregnancy, she will still be entitled to maternity leave. If the stillbirth occurs before the end of the 24th week of pregnancy, the woman can take sick leave or request special leave - managers are strongly encouraged to adopt a sympathetic approach to such requests, and should ensure that all available support is offered to women in these circumstances.

10 During maternity leave

Notification of birth

10.1 The woman should notify their line manager, Liaison Officer and the HR Service Desk of the actual date on which the baby was born as soon as practicable after the birth.

Keeping in Touch (KIT) Days

10.2 During maternity leave a woman may do up to a maximum of ten days' work without losing any maternity pay entitlement or bringing the leave to an end. These days may only be worked if **both** the woman and the line manager agree to this, and the type of work to be undertaken on these days must also be mutually agreed. The woman should suffer no detriment as a result of not working on these days where requested by the line manager. During maternity leave, Keeping in Touch (KIT) days may not be taken in the first two weeks following the birth.

10.3 Although particularly useful for things such as training or team events, they may be used for any form of work and should make it easier to return to work after leave.

Pay for KIT Days

10.4 Individuals who work on a KIT day will receive pay for the hours worked at normal hourly rate, which will be offset against any maternity pay for the week in which the KIT day(s) occur.

10.5 For officers still receiving Police Occupational Maternity Pay (POMP) who work a KIT day, the period of POMP will be extended because police maternity leave can be taken in more than one period so effectively the police maternity leave is temporarily suspended for a day. An extension to maternity pay as a result of a KIT day will not occur for police staff or officers who are only in receipt of SMP.

10.6 Any work undertaken on one tour of duty whilst on maternity leave will count as one KIT day, even where a shift straddles midnight or where the hours worked total less than the full duration of the shift in question.

10.7 KIT days are pensionable.

10.8 Line managers are responsible for advising the HR Service Desk, as soon as possible, that a woman has, or will be, attending a KIT day.

Attendance at Court

- 10.9 Prior to commencing maternity leave, line managers should explain to individuals during their Maternity Support Meetings that they could potentially be called to court, and direct them to this policy document.
- 10.10 Where line managers become aware that an individual on maternity leave may be required to attend court, they should confirm this with Witness Care prior to notifying the individual.
- 10.11 Where practicable Witness Care will, in conjunction with CJS, endeavour to set a date/time for attendance at court in order to assist with childcare arrangements and minimise impact during maternity leave.
- 10.12 If required to attend court whilst on maternity leave the Constabulary will undertake a risk assessment. A woman is expected to attend court unless she has a Doctor's certificate confirming she is unfit.
- 10.13 Attendance at Court as a Police witness is classed as 'duty' and should be booked as such. Payment for attendance at court is calculated on a daily rate for police officers and on a KIT day rate for the hours in attendance only for police staff. The period of maternity leave is not affected.

Housing Allowance/Police Accommodation

- 10.14 An officer in receipt of POMP will receive entitlement to either rent free or transitional housing/rent allowance for 18 weeks. An officer in police accommodation should enquire as to which payment she might be liable to make.
- 10.15 If the officer on maternity leave is living with/married to a serving officer also in receipt of transitional rent/housing allowance they should inform the Finance Department so that any temporary increase to his entitlement can be assessed.
- 10.16 **Note.** See Recommendation 43 of Part 1 of the Independent Review of Police Officer and Staff Remuneration and Conditions. The report recommends that replacement allowance for housing should remain but that the amount an officer receives should not increase from August 2011 with changes in personal circumstances.

Arrangement regarding Voluntary Deductions from salary and Salary Sacrifice Schemes

- 10.17 Individuals should contact the Payroll Section for further advice on salary sacrifice schemes and maternity leave and pay.
- 10.18 Women who are UNISON members and pay subscriptions through salary are advised to contact the branch office before going on maternity leave and when they return. This is to ensure that membership records are updated, so that the branch pays their subscription while on maternity leave and that their membership status remains current throughout.

Terms and conditions

- 10.19 During maternity leave, a woman has a right to benefit from all the terms and conditions that would have applied to her had she been at work, the only exception being salary. Maternity leave does not break continuity of employment for the purposes of entitlement to other statutory employment rights, i.e. the right to a redundancy payment. A period of up to 52 weeks' maternity leave is reckonable for the purposes of pay increments and leave. For officers who take one or more periods of maternity leave, any return to duty (excluding KIT days) will not count towards the 52 week period.

11 Returning to work after maternity leave

Entitlement to return to previous post

Police Officers only:

- 11.1 An officer returning from maternity leave is entitled to return to the same post on the same terms and conditions as if she had not been absent. If there is a genuine reason why it is not reasonably practicable to return to the same post, the officer will be offered a similar post on terms and conditions which are not substantially less favourable than her original post. A similar post is defined as one where the capacity and location in which the woman is employed and other terms and conditions are no less favourable than if she had remained in her previous post.

Police staff only:

- 11.2 If the woman is returning to work within or at the end of the ordinary maternity leave period (the first 26 weeks of maternity leave), she is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent. The only exception to this is where a redundancy situation has arisen, whereby she is entitled to be offered a suitable alternative vacancy where one is available (see Change Management policy).
- 11.3 If the woman is returning to work within or at the end of the additional maternity leave period (the second 26 weeks of maternity leave), she is entitled to return to the same post on the same terms and conditions as if she had not been absent. If there is a genuine reason why it is not reasonably practicable to return to the same post she will be offered a similar post on terms and conditions which are not substantially less favourable than her original post, where one is available. A similar post is defined as one where the capacity and location in which the woman is employed and other terms and conditions are no less favourable than if she had continued to be employed in her old post. If a redundancy situation has arisen, the woman is entitled to be offered a suitable alternative vacancy where one is available.

Practical arrangements for returning to work

- 11.4 The line manager will arrange to hold a return to work meeting with the woman on her first day back at work. The focus of this meeting is to support and facilitate reintegration into the workplace, taking into account any health, welfare or job-related issues that may need addressing.

11.5 The line manager should also arrange for a new risk assessment to be undertaken if the woman is returning to work within six months of childbirth and/or if she is still breastfeeding. The completed Risk Assessment form will be retained by the HR Department. Facilities for breastfeeding women should be provided to allow the individual to express and safely store expressed milk, refer to the Facilities Department for full details.

Not returning after maternity leave

11.6 Where a woman does not wish to return to work after maternity leave, she has the option of deferring the return to work via career break, or permanently severing her employment with the Constabulary by resigning. If the woman resigns, she must do so in writing to her line manager with the appropriate level of notice (four weeks for police officers and as stated on the contract of employment for police staff). If the resignee is a member of police staff who has received Occupational Maternity Pay (OMP), she will have to repay all OMP payments made to her, or choose to return to work for a minimum of one month to avoid this.

Changing your working pattern on return to work

11.7 If the woman is considering returning to work on a different working pattern, e.g. part time working, amended shift pattern, she should contact her line manager as soon as possible to submit a flexible working application. The woman should contact the HR Service Desk for a copy of the Flexible Working policy and to arrange access to the Flexible Working Enact application form.

Section B: Adoption Leave

These guidelines are based on a child being adopted in the UK. If you are adopting a child from outside the UK then different authorisations will apply, however, your entitlements to leave and pay should remain unchanged. Please contact the HR Service Desk for further information. Individuals can only take one period of leave even if more than one child is being placed for adoption at one time. Adoption leave applies equally to those in same sex relationships.

Where a couple are adopting jointly, they can choose who will take adoption leave and who (regardless of gender) will take adoption support leave – they cannot both take adoption leave or adoption support leave. If an individual is adopting individually, only they are eligible for adoption leave, although their partner may be eligible for adoption support leave.

1 Definitions relating to adoption leave and pay

Actual Date of Placement	In relation to Adoption and Adoption Support Leave, this refers to the actual date when the child goes to live with the adopter permanently with a view to being formally adopted in the future.
Adopter	The person who has been matched with a child for adoption, or, if a couple have been matched jointly, the member of the couple who has chosen to take Adoption Leave and/or Statutory Adoption Pay.
Expected Date of Placement	In relation to adoption and adoption support leave, this is the date when it is expected that the child goes to live with the adopter permanently with a view to being formally adopted in the future.
Matching Notification Date/Week	In relation to adoption and adoption support leave, the date on which the adopter receives notification of the agency's decision that the person would be a suitable adoptive parent for the child, either individually or with another person, under regulation 11(2) of the Adoption Agencies Regulations 1983 or regulation 12(3) of the Adoption Agencies (Scotland) Regulations 1996. If a week, this begins with Sunday and ends with Saturday.

2 Notification of adoption

2.1 The individual must notify their line manager **and** HR Service Desk in writing no more than seven days after the Matching Notification Date of their intention to take adoption leave, when they intend to start it and the date the child is expected to be placed with them for adoption.

2.2 The HR Service Desk will instruct the individual to access the Adoption Information Pack available on the HR intranet. The information pack consists of:

- Guidance note on adoption for line managers;
- Information leaflet for the individual;

- Information on childcare vouchers and provisions.

2.3 As soon as practicable after the individual has notified the line manager of the dates of the adoption leave, the line manager will complete an e-change form (available through Enact HR) and submit it to the HR Service Desk. Within 28 days of receipt of this the HR Service Desk will send a formal letter to the individual outlining their entitlements to adoption pay and leave.

2.4 Individuals are required to provide a ‘matching certificate’ from their adoption agency, which must be sent to the HR Service Desk prior to the start of adoption leave. A copy of the certificate will be retained on file and the original returned.

3 Adoption support meetings

3.1 It is essential that individuals are offered appropriate support and guidance from their line manager **before, during** and **after** adoption leave.

3.2 Adoption support meetings will commence as soon as the individual notifies the line manager that they have been matched with a child for adoption, and will take place on a regular basis until adoption leave commences. These meetings may form part of previously arranged one-to-one’s or may be separately arranged meetings, in any case they will be an opportunity for the line manager and the individual to discuss any issues the adoption leave or return to work. Managers should link in with their HR Advisor if any issues arise on which they require further guidance.

3.3 Support meetings will also be used to establish what information will be forwarded to the individual during adoption leave, e.g. Force Orders, social events information, organisation/department changes, etc. During adoption leave, an individual must be informed of promotion opportunities and other information relating to their job that they would normally be made aware of if they were working.

3.4 Support meetings should continue during adoption leave at a frequency agreed by the line manager and the individual. In any event, a support meeting **must** be held eight weeks prior to the scheduled return to work date, to discuss any relevant issues or concerns, to include working hours and training needs, in order to ensure that the individual is fully supported on their return to work.

3.5 Where there is a change in substantive line management, the new line manager must ensure that they continue the adoption support meeting process.

3.6 All adoption support meetings must be recorded and this record forwarded to the HR Service Desk for retention on the individual’s adoption file.

4 Adoption leave and pay entitlements

Police Officers

Adoption leave for police	<p>Officers who meet the eligibility criteria below are entitled to 52 weeks’ adoption leave, made up of:</p> <ul style="list-style-type: none"> • 26 weeks’ Ordinary Adoption Leave • 26 weeks’ Additional Adoption Leave
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officers	<p>Officers who do not meet the eligibility criteria for adoption leave are entitled to one week's adoption leave (standard adoption leave).</p> <p>The latest that adoption leave can begin is the <u>actual date of placement</u>, and the earliest is a fixed date up to 14 days prior to the <u>expected date of placement</u>.</p> <p>Eligibility:</p> <p>Individual must:</p> <ul style="list-style-type: none"> • have been newly matched with a child to be placed with them by a UK adoption agency, AND • have notified the agency that he/she agrees that the child should be placed with him/her on the date of placement, AND • have at least 26 weeks' continuous service at the <u>Matching Notification Week</u>, AND • have notified the line manager of the start date of adoption leave within seven days of the <u>Matching Notification Date</u> (or, if this is not possible, as soon as reasonably practicable)
Adoption pay for police officers	<p><u>Police Occupational Adoption Pay (POAP)</u></p> <p>If eligible, payment is for a maximum of 18 weeks, commencing on the first day of adoption leave, at the rate of 100% of normal pay, including allowances. Officers may request for the final 5 weeks of POAP to be paid at half pay over ten weeks.</p> <p>Where the officer is not eligible for POAP, they will only be entitled to one week's standard adoption leave on full pay.</p> <p>Eligibility: One year's continuous service at the matching notification week.</p> <p><u>Statutory Adoption Pay (SAP)</u></p> <p>If eligible, paid for up to 39 weeks, but where POAP weeks collide with weeks where SAP is paid, then SAP payments will be offset so that the individual will receive no more than their normal weekly earnings for these weeks.</p> <p>Where an officer elects to receive their final 5 weeks of POAP as half pay over ten weeks, they will also receive SAP (if eligible) at a rate of half of the rate of SAP for the duration of the 10 week period, after which the full rate of SAP will apply.</p> <p>SAP will begin on the first day of adoption leave.</p> <p>Rate:</p> <p>39 weeks at £146.68 per week or 90% of your earnings if you earn less than £146.68 per week (rate valid from 1st April 2019). Rates of SAP are reviewed each April.</p> <p>Eligibility:</p> <p>Individual must:</p> <ul style="list-style-type: none"> • have at least 26 weeks' continuous service at the <u>Matching Notification</u>

	<p><u>Week</u>, AND</p> <ul style="list-style-type: none"> • have given at least 28 days’ notice (or as much as is reasonably practical) of the date from which they want payment of SAP to begin, AND • have average earnings (excluding overtime) above the national insurance <u>lower earnings limit</u> at the Matching Notification Week, AND • provide written evidence that the adoption is being undertaken through an adoption agency, which gives the name and address of the agency, the date the child is expected to be placed for adoption, and the matching notification date. <p>SAP is not payable where the individual:</p> <ul style="list-style-type: none"> • is are taken into legal custody; or • returns to work during the SAP period (excluding <u>KIT days</u>).
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Police Staff

Adoption leave for police staff	<p>Staff who meet the eligibility criteria below are entitled to 52 weeks’ statutory adoption leave, made up of:</p> <ul style="list-style-type: none"> • 26 weeks’ Ordinary Adoption Leave • 26 weeks’ Additional Adoption Leave <p>Staff who do not meet the eligibility criteria are entitled to one week’s adoption leave.</p> <p>The latest that adoption leave can begin is the actual date of placement, and the earliest is a fixed date up to 14 days prior to the expected date of placement. Leave may start on any day of the week.</p> <p>Eligibility:</p> <p>The individual must:</p> <ul style="list-style-type: none"> • have been newly matched with a child to be placed by a UK adoption agency, AND • have notified the agency that he/she agrees that the child should be placed with him/her on the date of placement, AND • have at least 26 weeks’ continuous service at the Matching Notification Week, AND • have notified the line manager of the start date of adoption leave within seven days of the Matching Notification Date (or, if this is not possible, as soon as reasonably practicable).
Adoption pay for police staff	<p><u>Occupational Adoption Pay (OAP):</u></p> <p>If eligible, paid for the first 12 weeks of adoption leave in addition to SAP, at a rate of 50% of normal pay, including allowances (this must be repaid if the woman does not return to work for a minimum of one month following adoption leave – see section 3.7).</p>

	<p>Eligibility: 63 weeks' continuous service (including fixed term and temporary contracts), and 63 weeks' continuous service at the Matching Notification Week.</p> <p><u>Statutory Adoption Pay (SAP)</u> If eligible, paid for up to 39 weeks. SAP will begin on the first day of adoption leave.</p> <p>Rate: 39 weeks at £146.68 per week or 90% of your earnings if you earn less than £146.68 per week (rate valid from 1st April 2019). Rates of SAP are reviewed each April.</p> <p>Eligibility: The individual must:</p> <ul style="list-style-type: none"> • have at least 26 weeks' continuous service at the Matching Notification Week, AND • have given at least 28 days' notice (or as much as is reasonably practical) of the date from which they want payment of SAP to begin, AND • have average earnings (excluding overtime) above the national insurance lower earnings limit at the Matching Notification Week, AND • provide written evidence that the adoption is being undertaken through an adoption agency, which gives the name and address of the agency, the date the child is expected to be placed for adoption, and the matching notification date. <p>SAP is not payable where the individual:</p> <ul style="list-style-type: none"> • is taken into legal custody; or • returns to work during the SAP period (excluding KIT days).
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Start and end dates of adoption leave

- 4.1 Details of and eligibility for adoption leave are shown in the tables above. If an individual plans to take adoption leave at any time before the actual date of placement, they must be sure that the placement will be going ahead on the date agreed before they commence adoption leave, as if the placement is delayed for any reason and adoption leave has already commenced, it cannot be stopped and started again at a later date.
- 4.2 If an individual wishes to commence adoption leave prior to the earliest possible start date, they must ask her line manager to consider granting some other form of leave, e.g. annual leave, unpaid leave, to make up this time.
- 4.3 If the individual wishes to change the start date of adoption leave which they have formally given, they must notify the line manager to submit a new e-change form at least 28 days before the adoption leave was due to start. If it is not reasonably

practicable to notify of a change with 28 days' notice, then the variation should be notified as soon as reasonably practicable. The HR Service Desk will then confirm the new adoption details in writing to the individual within 28 days of receiving the notification of variation.

4.4 An individual may return to work earlier than the agreed return to work date by giving the line manager the appropriate amount of notice:

- Police officers must give at least 21 days' notice of the new date (or if this is not reasonably practicable, as soon after as is reasonably practicable).
- Police staff must give at least eight weeks' notice of the new date (or if this is not reasonably practicable, as soon after as is reasonably practicable).

4.5 If the required amount of notice is not given, the return to work date may be postponed for eight weeks for police staff and 28 days for officers, although this will not be postponed beyond the adoption leave entitlement. The line manager will then be required to complete a new e-change form with the revised return to work date. The HR Service Desk will confirm the new return to work details to the individual in writing.

Conditions of Payment

4.6 Eligibility for payment during adoption leave is shown in the tables on pages 19-21. If an individual is eligible to receive SAP and/or POAP, these are payable whether or not the individual intends to return to work after adoption leave.

4.7 There is no extra SMP, POMP or OMP payments for multiple births. SAP and POAP are payable regardless of whether or not the individual returns to work following adoption leave, however, recipients of OAP who do not return to work for at least one month after adoption leave will have to repay any OAP payments made. If an individual wishes to avoid a potential reimbursement situation, there is the option of deferring payment of any OAP until the end of adoption leave by completing the appropriate box on the Adoption Notification Form.

4.8 If an individual meets the eligibility criteria for SAP but leaves the organisation for any reason between the Matching Notification Week and the Date of Placement, they are still entitled to SAP, however, if they commence work with another employer they will not be able to receive SAP for any week in which they work for the new employer.

4.9 If a member of police staff's contract with the organisation ends before they are eligible to commence receipt of SAP, the SAP payment will begin 14 days before the Expected Date of Placement. If the contract ends within the 14 days before the Expected Date of Placement, SAP payment will begin on the day following the last day of work. If the individual leaves after the Date of Placement, they will still receive SAP, but will not receive SAP for any week when they work for a new employer.

5 Annual leave and adoption

5.1 Although annual leave continues to accrue during adoption leave, it cannot be taken during adoption leave. It can only be taken at the start or end of the leave period.

5.2 The leave year runs from 1 April to 31 March each year. Individuals may not ordinarily carry forward any days of unused leave entitlement from one leave year to the next. However, up to 5 days may be carried forward, subject to management discretion, where individuals have been unable to take their full leave entitlement (see Leave & Time Off Policy).

5.3 Where the holiday year is due to end during an individual's adoption leave, the individual will ordinarily be expected to take the full year's annual leave entitlement before starting adoption leave. The individual should make arrangements with their line manager about how to use up any outstanding leave entitlement prior to commencing adoption leave. Options include taking a single period or several smaller periods of annual leave and reducing working hours during the last few weeks or months before the individual's adoption leave begins.

5.4 If, however, for some legitimate and unavoidable reason an individual has been unable to come to a satisfactory arrangement with their line manager before the start of their adoption leave and/or if they have with good cause otherwise been unable to take all their outstanding holiday entitlement before commencing adoption leave, they may exceptionally be allowed to carry forward to the following holiday year the greater of:

- any remaining **statutory** holiday entitlement (see 5.5 below), or
- leave which they would have been permitted to carry forward under the discretionary provision in 5.2 above

5.5 Where an individual is allowed to carry over any remaining statutory entitlement into the next leave year as outlined above this will amount to the *difference* between the total combined amount of annual leave and bank holiday days already taken within that leave year and the statutory leave entitlement of 28 days. Therefore an individual who has already taken 15 annual leave days and five bank holidays within that leave year is entitled to carry over eight days to the next leave year.

5.6 An individual can request a period of annual leave directly after adoption leave, which will delay the return to work. Requests for such leave should be submitted as early as possible and will be fairly considered although may be refused if there is not sufficient cover or the absence would cause cover problems within the team/department.

5.7 Police personnel returning to work on reduced hours will be required to take any accrued leave prior to the start of the new part-time contract. Thereafter annual leave will be calculated pro-rata to the new hours worked.

5.8 Entitlement to paid bank holidays continues during adoption leave (see Leave & Time Off policy).

6 Pensions and adoption

6.1 Ordinary adoption leave (the first 26 weeks of adoption leave) is pensionable, whether or not this is paid or unpaid. Periods of paid adoption leave which fall within additional adoption leave (the second 26 weeks of adoption leave) are

pensionable, and any unpaid periods will be pensionable as long as the individual buys these back within six months of returning to work.

6.2 On return to work the Payroll Section will write to the individual providing any information about buying back service for pension purposes. If an individual decides not to return to work but wishes to make the relevant contributions for any period of unpensionable adoption leave, they can do so as long as they elect to pay the contributions before the last day of service and make full payment within six months of the last day.

6.3 Full details are available from the Payroll Section.

7 Disruptions during adoption leave

7.1 If there is a disruption in the adoption process after adoption leave has started, for example if the placement does not take place, the child dies or the child returns to the agency, the adoption leave will finish eight weeks after the end of the week in which the disruption occurred. Payment of SAP will continue for eight weeks after the end of the week in which the disruption took place or until the end of the adopter's 39 week period if that is sooner.

8 During adoption leave

Notification of adoption

8.1 The individual should notify their line manager, Liaison Officer and HR Service Desk of the actual date on which the child was placed for adoption as soon as practicable after this date.

Keeping in Touch (KIT) Days

8.2 During adoption leave an individual may do up to a maximum of ten days' work without losing any adoption pay entitlement or bringing the leave to an end. These days may only be worked if **both** the individual and the line manager agree to this, and the type of work to be undertaken on these days must also be mutually agreed. The individual should suffer no detriment as a result of not working on these days where requested by the line manager.

8.3 Although particularly useful for things such as training or team events, they may be used for any form of work and should make it easier to return to work after leave.

Pay for KIT Days

8.4 Individuals who work on a KIT day will receive pay for the hours worked at normal hourly rate, which will be offset against any adoption pay for the week in which the KIT day(s) occur.

8.5 For officers still receiving Police Occupational Adoption Pay (POAP) who work a KIT day, the period of POAP will be extended because police adoption leave can be taken in more than one period so effectively the police adoption leave is temporarily suspended for a day. An extension to adoption pay as a result of a KIT day will not occur for police staff or officers who are only in receipt of SAP.

8.6 Any work undertaken on one tour of duty whilst on adoption leave will count as one KIT day, even where a shift straddles midnight or where the hours worked total less than the full duration of the shift in question.

8.7 KIT days are pensionable.

8.8 Line managers are responsible for advising the HR Service Desk, as soon as possible, that an individual has, or will be, attending a KIT day.

Attendance at Court

8.9 If required, police personnel will be expected to attend court whilst on adoption leave. Attendance at Court as a police witness is classed as 'duty'. Officers must ensure they are 'booked on duty'. They will receive the daily rate of pay for each day on duty. The adoption period will not be extended.

Housing Allowance

8.10 An officer entitled to free accommodation may continue to reside rent free throughout adoption leave. If the officer resigns or takes a career break, they will be required to vacate the premises.

8.11 If an officer resides in a police property but is not entitled to housing/rent allowance, they will continue to pay rent for the period of adoption leave.

Note: See Recommendation 43 of Part 1 of the Independent Review of Police Officer and Staff Remuneration and Conditions. The report recommends that replacement allowance for housing should remain but that the amount an officer receives should not increase from 31 August 2011 with changes in personal circumstances.

Arrangements regarding Voluntary Deductions from Salary and Salary Sacrifice Schemes

8.12 Individuals should contact the Payroll Section for further advice on salary sacrifice schemes and adoption leave and pay.

8.13 Individuals who are UNISON members and pay subscriptions through salary are advised to contact the branch office before going on adoption leave and when they return. This is to ensure that membership records are updated, so that the branch pays their subscription while on adoption leave and that their membership status remains current throughout.

Terms and conditions

8.14 During adoption leave, an individual has a right to benefit from all the terms and conditions that would have applied to them had they been at work, the only exception being salary. Adoption leave does not break continuity of employment for the purposes of entitlement to other statutory employment rights, e.g. the right to a redundancy payment, and will count for assessing incremental pay and leave.

9 Returning to work after adoption leave

Entitlement to return to previous post

Police Officers only:

- 9.1 An officer returning from adoption leave is entitled to return to the same post on the same terms and conditions as if they had not been absent. If there is a genuine reason why it is not reasonably practicable to return to the same post, the officer will be offered a similar post on terms and conditions which are not substantially less favourable than the original post. A similar post is defined as one where the capacity and location in which the individual is employed and other terms and conditions are no less favourable than if they had remained in the previous post.

Police Staff only:

- 9.2 If the individual is returning to work within or at the end of the ordinary adoption leave period (the first 26 weeks of adoption leave), they are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent. The only exception to this is where a redundancy situation has arisen, whereby the individual is entitled to be offered a suitable alternative vacancy where one is available (see Change Management policy).
- 9.3 If the individual is returning to work within or at the end of the additional adoption leave period (the second 26 weeks of adoption leave), they are entitled to return to the same post on the same terms and conditions as if they had not been absent. If there is a genuine reason why it is not reasonably practicable to return to the same post they will be offered a similar post on terms and conditions which are not substantially less favourable than the original post where one is available. A similar post is defined as one where the capacity and location in which the individual is employed and other terms and conditions are no less favourable than if they had continued to be employed in the old post. If a redundancy situation has arisen, the individual is entitled to be offered a suitable alternative vacancy where one is available.

Practical arrangements for returning to work

- 9.4 The line manager will arrange to hold a support meeting with the individual on their first day back at work. The focus of this meeting is to support and facilitate the individual's reintegration into the workplace, taking into account any welfare or job-related issues that may need addressing.

Not returning after adoption leave

- 9.5 Where an individual does not wish to return to work after adoption leave, the individual has the option of deferring the return to work via career break, or permanently severing employment with the Constabulary by resigning. If the individual resigns, they must do so in writing to the line manager with the appropriate level of notice (four weeks for police officers and as stated on the contract of employment for police staff).

Changing working pattern on return to work

- 9.6 If the individual is considering returning to work on a different working pattern, e.g. part time working, amended shift pattern, they should contact their line manager as soon as possible to submit a flexible working application. The individual should contact the HR Service Desk for a copy of the Flexible Working policy and to arrange access to the Flexible Working Enact application form.

Section C: Maternity Support (Paternity) Leave (MSL)

1 Definitions relating to maternity support leave and pay

Expected week of childbirth (EWC)	This is the week when the baby is expected to be born. It begins with midnight between Saturday and Sunday.
Nominated Carer	A nominated carer is the person nominated by the mother to assist in the care of the child and provide support to the mother at or around the time of birth.
Partner	A person, in relation to the child’s mother, of a different or same sex who lives with her in an enduring family relationship but is not an immediate relative.
Qualifying week	This is the 15 th week before the Expected Week of Childbirth.

2 Notification of maternity support leave (‘MSL’)

2.1 The individual must notify their line manager **and** HR Service Desk in writing no later than the end of the Qualifying Week or as soon as is reasonably practicable of their intention to take maternity support leave. Maternity support leave applies equally to those in same sex relationships.

2.2 The HR Service Desk will instruct the individual to access the Maternity Support Information Pack via the HR intranet. The information pack consists of:

- Information leaflet for the individual; and
- Information on childcare vouchers and provisions.

2.3 When the individual notifies the line manager of the dates of the maternity support leave, the line manager will complete an e-change form (available through the HR intranet) and submit it to the HR Service Desk. Within 28 days of receipt of this a formal letter will be sent to the individual outlining their entitlements to maternity support pay and leave.

3 Maternity support leave and pay entitlements

Police Officers and Staff

Maternity support leave for officers and staff	<p>If eligible, the entitlement is 80 hours’ leave for officers and 74 hours for police staff.</p> <p>Eligibility:</p> <p>The individual must:</p> <ul style="list-style-type: none"> • be the biological father or the <u>Partner</u> or <u>Nominated Carer</u> of the expectant mother, and • have – or expect to have – responsibility for the baby’s upbringing,
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	<p>and</p> <ul style="list-style-type: none"> • have at least 26 weeks' continuous service ending with the <u>Qualifying Week</u>, and • still be in service from the Qualifying Week up to the date of birth, and • have notified the organisation of their intention to take maternity support leave as shown in Section 1, and • be taking the time off to support the mother and/or care for the baby. <p>Start and end dates of maternity support leave:</p> <p>If the individual is eligible for Statutory Paternity Pay (SPP), the earliest possible date of commencement of MSL is the actual date of childbirth, and it must be completed within 56 days of this date, otherwise MSL can commence on:</p> <ol style="list-style-type: none"> 1. the actual date of childbirth (whether this is earlier or later than expected), or 2. a predetermined date falling after the EWC, or 3. a date falling a specified number of days after the EWC. <p>MSL can start on any day. MSL must be taken as 40 or 80 consecutive hours for police officers, and 37 or 74 consecutive hours for police staff. It cannot be taken as separate periods of time.</p>
Maternity support pay for officers and staff	<p><u>Occupational Paternity Pay:</u></p> <p>This is 100% of normal pay (including allowances) for the first 40 hours' (police officers) or 37 hours' (police staff) maternity support leave. There is no service qualification for occupational paternity pay, but the individual must be the biological father or the <u>Partner</u> or <u>Nominated Carer</u> of the expectant mother.</p> <p><u>Statutory Paternity Pay (SPP):</u></p> <p>If eligible (see below) this is paid for a further 40 hours (police officers) or 37 hours (police staff) (following Occupational Paternity Pay), at the rate of £146.68 per week or 90% of your earnings if you earn less than £146.68 per week (rate valid from 1st April 2019). Rates of SPP are reviewed each April.</p> <p><u>Eligibility:</u></p> <p>The individual must:</p> <ul style="list-style-type: none"> • be the biological father or <u>Partner</u> or <u>Nominated Carer</u> of the expectant mother, AND • be taking time off to support the mother of the baby or care for the baby and have responsibility for the baby's upbringing, although does not need to be living at the same address as the mother, AND • have at least 26 weeks' continuous service ending with the <u>qualifying week</u>, and are employed from the <u>qualifying week</u> up to the date of birth, AND • have average weekly earnings at or above the National Insurance <u>Lower Earnings Limit</u> at the end of the <u>Qualifying Week</u>, AND

	<ul style="list-style-type: none"> • have given at least 28 days' notice of the date SPP is required to start, or if this is not possible, as soon as is reasonably practicable. <p>SPP is not payable where an individual:</p> <ul style="list-style-type: none"> • is taken into legal custody, or • returns to work during the SPP period. <p>There is no entitlement to receive SPP if the individual leaves the organisation before the actual date of childbirth. If the individual leaves after this date, they will still receive SPP, but will not receive SPP for any week when they work for a new employer. SPP is payable whether or not the individual intends to return to work after Maternity Support Leave.</p> <p>The individual must notify the line manager and Payroll of the actual date of birth as soon as practicable in order to ensure that the appropriate payments can be actioned.</p>
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Amending the start and end dates of maternity support leave

- 3.1 If the individual wishes to change the start date of maternity support leave which they have formally given in their maternity support notification form, they must notify their line manager to submit a new e-change form at least 28 days before the new start date. If it is not reasonably practicable to notify of a change with 28 days' notice, then the variation should be notified as soon as reasonably practicable. The individual will then receive confirmation in writing of the new maternity support details within 28 days of receipt of the e-change form.
- 3.2 If an individual wishes to take more leave prior to or after Maternity Support Leave, they must ask their line manager to consider whether they can take some other form of leave (e.g. annual leave, parental leave, unpaid leave) to make up this time.

Stillbirth or death of baby after birth

- 3.3 If an individual's wife or partner gives birth to a stillborn baby after 24 weeks of pregnancy, the individual is still entitled to maternity support leave. If the stillbirth occurs before the end of the 24th week of pregnancy, the individual can request special leave – managers are strongly encouraged to adopt a sympathetic approach to such requests. If the baby is born alive at any point in the pregnancy but later dies, the individual is still entitled to maternity support leave.

Section D: Adoption Support (Paternity) Leave ('ASL')

These guidelines are based on a child being adopted in the UK. If you are adopting a child from outside the UK then different authorisations will apply, however, your entitlements to leave and pay should remain unchanged. Please contact the HR Service Desk for further information. You can only take one period of leave even if more than one child is being placed for adoption at one time.

1 Definitions relating to adoption support leave and pay

Expected date of placement	This is the date when it is expected that the child goes to live with the adopter permanently with a view to being formally adopted in the future.
Matching Notification Week	The week in which the adopter receives notification of the agency's decision that the person would be a suitable adoptive parent for the child, either individually or with another person, under regulation 11(2) of the Adoption Agencies Regulations 1983 or regulation 12(3) of the Adoption Agencies (Scotland) Regulations 1996. The week begins with Sunday and ends with Saturday.
Partner	A person, in relation to the child's adopter, of a different or same sex who lives with him/her in an enduring family relationship but is not an immediate relative.

2 Notification of adoption support leave

- 2.1 The individual must notify their line manager **and** HR Service Desk in writing of their intention to take adoption support leave as soon as practicable with at least 28 days' notice of commencement of leave. Adoption support leave applies equally to those in same sex relationships.
- 2.2 The HR Service Desk will instruct the individual to access the Adoption Support Information Pack via the HR intranet. The information pack consists of:
- Information leaflet for the individual, and
 - Information on childcare vouchers and provisions.
- 2.3 When the individual notifies the line manager of the dates of the adoption support leave, the line manager will complete an e-change form (available through the HR intranet) and submit it to the HR Service Desk. Within 28 days of receipt of this a formal letter will be sent to the individual outlining their entitlements to adoption support pay and leave.

3 Adoption support leave and pay entitlements

Police Officers and Staff

Adoption support leave for officers and staff	<p>If eligible, the entitlement is 80 hours' leave for officers and 74 hours for police staff.</p> <p>Eligibility:</p> <p>The individual must:</p> <ul style="list-style-type: none"> • be either one of two parents jointly newly adopting a child or the <u>Partner</u> of someone adopting a child individually, and • has – or expects to have – responsibility for the child's upbringing with the other joint adoptive parent or the individual adopter, and • are not taking adoption leave or pay, and • have at least 26 weeks' continuous service at the <u>Matching Notification Week</u>, and • still be in service from the <u>Matching Notification Week</u> up to the date of placement, and • have notified the organisation of their intention to take adoption support leave as shown in Section 1, and • be taking the time off to support the adopter and/or care for the child. <p>Start and end dates of adoption support leave:</p> <p>If the individual is eligible for Statutory Paternity Pay, the earliest possible date of commencement of ASL is the <u>actual date of placement</u>, and must be completed within 56 days of this date, otherwise you can choose to begin your leave and pay on:</p> <ul style="list-style-type: none"> • a predetermined date falling after the <u>Expected Date of Placement</u>, or • a date falling a specified number of days after the <u>Expected Date of Placement</u>. <p>ASL can start on any day. ASL must be taken as 40 or 80 consecutive hours for police officers, and 37 or 74 consecutive hours for police staff. It cannot be taken as separate periods of time.</p>
Adoption support pay for officers and staff	<p><u>Occupational Paternity Pay:</u></p> <p>This is 100% of normal pay (including allowances) for the first 40 hours' (police officers) or 37 hours' (police staff) adoption support leave. There is no service qualification for occupational paternity pay, but the individual must be married to or the <u>Partner</u> of an adoptive parent.</p> <p><u>Statutory Paternity Pay (SPP):</u></p> <p>If eligible, this is paid for a further 40 hours (police officers) or 37 hours (police staff) (following Occupational Paternity Pay), at the rate of £146.68 per week or 90% of your earnings if you earn less than £146.68 per week (rate valid from 1st April 2019). Rates of SPP are reviewed each April.</p> <p>Eligibility:</p>

	<p>The individual must:</p> <ul style="list-style-type: none"> • be married to or the <u>Partner</u> of the child’s adopter, AND • have or expect to have main responsibility for the upbringing of the child with the adopter, AND • be taking time off either to support the adopter or to care for the newly placed child, AND • have at least 26 weeks’ continuous service ending with the Matching Notification Week, and is employed from the Matching Notification Week up to the date of placement, AND • have average weekly earnings at or above the National Insurance <u>Lower Earnings Limit</u> at the end of the Matching Notification Week, AND • have given at least 28 days’ notice of the date SPP is required to start, or if this is not possible, as soon as is reasonably practicable. <p>SPP is not payable where an individual:</p> <ul style="list-style-type: none"> • is taken into custody, or • returns to work during the SPP period. <p>There is no entitlement to receive SPP if the individual leaves the organisation before the actual date of adoption. If the individual leaves after this date, they will still receive SPP, but will not receive SPP for any week when they work for a new employer. SPP is payable whether or not the individual intends to return to work after Adoption Support Leave.</p> <p>The individual should notify their line manager and Payroll of the actual date of placement as soon as practicable in order to ensure that the appropriate payments can be actioned.</p>
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Amending the start and end dates of adoption support leave

- 3.1 If the individual wishes to change the start date of adoption support leave which they have formally given in their adoption support notification form, they must notify the line manager to submit a new e-change form at least 28 days before the new start date. If it is not reasonably practicable to notify of a change with 28 days’ notice, then the variation should be notified as soon as reasonably practicable. The individual will then receive confirmation in writing of the new adoption support details within 28 days of receipt of the e-change form.

- 3.2 If an individual wishes to take more leave prior to or after Adoption Support Leave, they must ask their line manager to consider whether they can take some other form of leave (e.g. annual leave, parental leave, unpaid leave) to make up this time.

Section E: Additional Birth Leave / Paternity / Adoption Leave (“APL”)

Fathers/partners are entitled to Additional Paternity Leave if they meet the eligibility criteria below. For the avoidance of doubt, references to Additional Paternity Leave refer to leave for the father of the child and the spouse, the partner or the civil partner of the mother of the child or the adopter of the child. Additional Paternity Leave applies equally to those in same sex relationships.

1 Eligibility

1.1 Police staff and officers are entitled to APL if they meet the conditions below. Police officers taking APL may be recalled to duty at anytime. This should only be for exceptional reasons and will not affect the continuity of the APL.

Birth of a child

1.2 You are entitled to take APL for the purpose of caring for a child provided that:

- you have at least 26 weeks' continuous service with the Constabulary by the end of the 15th week before the expected week of the child's birth;
- you remain in continuous employment with the Constabulary until the week before the first week of your APL;
- you are either:
 - the father of the child; or
 - married to, or the partner or civil partner of, the child's mother;
- you have, or expect to have, the main responsibility (apart from the mother) for the upbringing of the child;
- the child's mother is entitled to one or more of:
 - maternity leave;
 - statutory maternity pay; or
 - maternity allowance; and
 - the child's mother has notified her employer that she intends to return to work before her maternity leave period expires.

Premature birth of a child

1.3 You will be treated as having satisfied the 26 weeks' continuous service requirement if you would have done so but for the child being born prematurely.

Death of the mother or child

1.4 Special rules apply if the mother dies within 12 months of the child's birth, or the child dies after you have notified the Constabulary that you intend to take APL or during the APL period. You must notify the HR Service Desk if any of these events occur and the various options will be explained to you.

Adoption of a child

1.5 If you are notified of being matched with a child for adoption, you can take APL for the purpose of caring for the child provided that you are not the primary carer and therefore have not elected to take adoption leave. To be eligible for taking APL in these circumstances, you must:

- have at least 26 weeks' continuous employment with the Constabulary ending with the week in which you are notified of being matched with the child;
- remain in continuous employment with the Constabulary until the week before the first week of your APL;
- be either married to, or the partner or civil partner of, the child's adopter (that is, the primary carer who has taken adoption leave); and
- have been matched with the child for adoption.

The child's adopter must also:

- be entitled to one or both of:
 - adoption leave; or
 - statutory adoption pay; and
 - have notified his or her employer that he or she intends to return to work before the adoption leave period expires.

Death of the adopter or child

1.6 Special rules apply if the adopter dies within 12 months of the child's placement for adoption, or the child dies or is returned to the adoption agency after you have notified the Constabulary that you intend to take APL or during the APL period. You must notify the HR Service Desk if any of these events occur and the various options will be explained to you.

2 Duration of APL

2.1 APL can commence any time from 20 weeks after the child is born, once the partner has returned to work. There can be a gap between the partner's return to work and the start of APL. The leave must have finished by the child's first birthday. The entitlement is for a minimum of two weeks' and a maximum of 26 weeks' leave. It must be taken as consecutive weeks, which run Sunday to Sunday. Recall to duty for police officers during APL does not bring the leave to an end; it resumes when the officer is released from duty.

3 Notice and evidential requirements

Birth of a child

3.1 If you wish to take APL following the birth of a child, you must give your line manager **and** the HR Service Desk at least eight weeks' notice. You must provide the following information in writing:

- The expected week of the child's birth.

- The date of the child's birth.
- The date on which you wish your APL to start.
- The date on which you wish your APL to end.

3.2 You must also sign a written declaration confirming that the purpose of your leave is to care for the child and you satisfy the eligibility requirements set out above.

3.3 The mother of the child must sign a written declaration stating:

- her name and address;
- the date on which she intends to return to work;
- her national insurance number;
- that you are either the father of the child or her husband, partner or civil partner and have or expect to have the main responsibility (apart from her own) for the child's upbringing;
- that you are to her knowledge the only person exercising the entitlement to APL in respect of the child; and
- that she consents to the Constabulary processing the information set out in the declaration.

3.4 Forms for the above purposes can be obtained from the HR Service Desk. You may also be required to provide a copy of the child's birth certificate and/or the name and address of the mother's employer (or, if the mother is self-employed, her business address) within 28 days.

3.5 When the individual notifies the line manager of the dates of the maternity support leave, the line manager will complete an e-change form (available through the HR intranet) and submit it to the HR Service Desk. Within 28 days of receipt of this a formal letter will be sent to the individual outlining their entitlements to maternity support pay and leave.

Adoption of a child

3.6 If you wish to take APL following the placement of a child for adoption, you must give your line manager **and** the HR Service Desk at least eight weeks' notice. You must provide the following information in writing:

- The date on which you were notified of being matched with the child for adoption.
- The date on which the child was placed with you for adoption.
- The date on which you wish your APL to start.
- The date on which you wish your APL to end.

3.7 You must also sign a written declaration confirming that the purpose of your leave is to care for the child and you satisfy the eligibility requirements set out in paragraphs above.

3.8 The adopter of the child must sign a written declaration stating:

- his or her name and address;
- the date on which he or she intends to return to work;
- his or her national insurance number;
- that you are his or her spouse, partner or civil partner; and
- that he/she consents to the Constabulary processing the information set out in the declaration.

3.9 Forms for the above purposes can be obtained from the HR Service Desk. You may also be required to provide documentary evidence issued by the adoption agency and/or the name and address of the adopter's employer (or, if the adopter is self-employed, his or her business address) within 28 days.

3.10 When the individual notifies the line manager of the dates of the adoption support leave, the line manager will complete an e-change form (available through the HR intranet) and submit it to the HR Service Desk. Within 28 days of receipt of this a formal letter will be sent to the individual outlining their entitlements to adoption support pay and leave.

4 Variation, cancellation or withdrawal of APL application

Variation or Cancellation of APL

4.1 If you wish to vary the chosen start or end date for your APL period before it has begun, or cancel your APL, you must give your line manager **and** the HR Service Desk at least six weeks' notice before the earlier of the original date and the new date, or where it is not reasonably practicable for you to provide this length of notice, you must do so as soon as is reasonably practicable.

4.2 If you do not give at least six weeks' notice and it is not reasonably practicable for the Constabulary to accommodate the change in your arrangements, you may be required to take a period of APL. In these circumstances the HR Service Desk will explain the options to you.

4.3 The notice to vary or cancel your application must be given in writing.

Withdrawal of application for APL

4.4 If you or the child's mother or adopter no longer satisfy the eligibility requirements for APL as set out above, you must notify your line manager as soon as is reasonably practicable. Again, if you fail to give at least six weeks' notice before the intended start date of your APL and it is not reasonably practicable for the Constabulary to accommodate the change in your arrangements, you may be required to take a period of APL. In these circumstances the HR Service Desk will explain the options to you.

4.5 The notice to withdraw your application must be given in writing.

5 Keeping in touch (KIT) days

- 5.1 During APL an individual may do up to a maximum of ten days' work without losing any APL pay entitlement or bringing the leave to an end. These days may only be worked if both the individual and the line manager agree to this, and the type of work to be undertaken on these days must also be mutually agreed. The individual should suffer no detriment as a result of not working on these days where requested by the line manager.
- 5.2 Although particularly useful for things such as training or team events, they may be used for any form of work and should make it easier to return to work after leave. Payment will be at the current rate of pay, i.e. as if the individual were not on APL, and will reflect the number of working hours done on that day.
- 5.3 If the work carried out during one shift straddles midnight it may be counted as one day for the purposes of the ten day limit, if the normal working pattern is such that this would fall within a normal working day. KIT days will not have the effect of extending the period of APL.

6 Additional Statutory Paternity Pay (ASPP)

Birth of a child

- 6.1 You are eligible for ASPP if the following conditions are met:
- You must satisfy the eligibility requirements for APL set out above.
 - Your normal weekly earnings calculated over the eight-week period ending with the 15th week before the child is due must not be less than the lower earnings limit that applies to national insurance contributions (currently £111 per week).
- 6.2 The mother of the child must:
- have become entitled to maternity allowance or statutory maternity pay;
 - have returned to work not less than two weeks after the birth of the child; and
 - have at least two weeks of her maternity allowance period or maternity pay period that remain unexpired.
- 6.3 You are required to provide a declaration containing the eligibility criteria in writing. You should obtain forms for this purpose from the HR Service Desk.

Adoption of a child

- 6.4 You are eligible for ASPP if the following conditions are met:
- You must satisfy the eligibility requirements for APL set out above.
 - Your normal weekly earnings calculated over the eight-week period ending with the week in which you are notified of being matched with the child for adoption must not be less than the lower earnings limit that applies to national insurance contributions (currently £111 per week).

6.5 The adopter of the child must:

- have become entitled to statutory adoption pay;
- have returned to work not less than two weeks after the placement of the child for adoption; and
- have at least two weeks of his or her adoption pay period that remain unexpired.

6.6 To claim ASPP in relation to a child that you have adopted, you must elect to receive ASPP and not statutory adoption pay. If you are entitled to both additional statutory paternity pay and statutory adoption pay, you must therefore declare that you elect to receive ASPP rather than statutory adoption pay.

6.7 You are required to provide a declaration containing the eligibility criteria in writing. You should obtain forms for this purpose from the HR Service Desk.

Terms of payment for ASPP

6.8 ASPP is only available during the maternity allowance or maternity pay period of the child's mother, or the adoption pay period of the child's adopter. If you take your leave during this 39-week period, additional statutory paternity pay is payable for a maximum of 13 weeks. The rate of additional statutory paternity pay is the lower of the statutory rate (currently £146.68 per week) or 9/10ths of your average weekly earnings.

7 The right to return after APL

7.1 Following APL, you have the right to return to the same job that you were doing before your leave started and to the same terms and conditions of employment.

8 Combining APL with maternity support leave and parental leave

8.1 Your right to take paternity leave and/or parental leave is not affected by your right to APL. If you satisfy the conditions for each right, you can take a combination of paternity leave, APL and parental leave.