

Policy



Maternity Leave – Police Staff

URN: J-P-050

Version:	2.0
Effective Date:	21/06/2021
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Review Date:	31/05/2025
Host Force:	Dorset Police
Host Policy Unit:	Dorset Police Legitimacy Team
Policy Owner:	Alliance Head of Employee Relations – HR Operations
Policy Author:	Strategy and Policy Lead – Employee Relations
Policy Area:	Family Leave
Associated Policy	J-P-034 Family Leave Policy (Further policies and procedures listed in 'Associated Documents' section).

Applicable to:

Devon & Cornwall Police	<input checked="" type="checkbox"/>
Dorset Police	<input checked="" type="checkbox"/>
OPCC Devon & Cornwall	<input type="checkbox"/>
OPCC Dorset	<input checked="" type="checkbox"/>
Officers	<input type="checkbox"/>
Staff	<input checked="" type="checkbox"/>

**PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE
VERSION CAN BE FOUND ON THE FORCE DOCUMENT LIBRARY**

1.0 Introduction

- 1.1 This policy statement sets out the arrangements for maternity leave and pay, supporting family leave and encouraging retention of police staff. The provisions are complex in this area and specific procedures should be clarified with HR Operations - Admin and / or the Payroll team.
- 1.2 The provisions relating to paid leave for police staff are described in the Police Staff Council Handbook.
- 1.3 This policy describes how the provisions will be applied in Devon & Cornwall Police and Dorset Police and provides additional clarity for employees and managers.

2.0 Eligibility

- 2.1 The entitlement to Statutory Maternity Leave (SML) is a day one right. The employee must be employed by the Force to be entitled to SML of up to 52 weeks and must provide the correct notice (as 3.0 below).
- 2.2 To qualify for Statutory Maternity Pay (SMP), the employee must have been continuously employed by the Force for at least 26 weeks continuing into the 'qualifying week' - the 15th week before the expected week of childbirth. If employed for less than 26 weeks, maternity allowance may be available.
- 2.3 Employees must have at least 52 weeks' (one year's) continuous service at the beginning of the 11th week before the expected week of childbirth and is still pregnant or has given birth prematurely 15 weeks before the week the baby is due to get Occupational Maternity Pay (OMP) for the first 26 weeks.
- 2.4 Agency workers are not entitled to enhanced OMP but may receive basic statutory provisions if eligible.

3.0 Notification

- 3.1 At least 15 weeks before the due date, the employee must notify the line manager in writing of when the baby is due and the date to start maternity leave. The notification should then be sent to HR Operations – Admin who will provide written acknowledgement to the employee within 28 days of the start and end dates.
- 3.2 A risk assessment must be carried out by the line manager and employee once notification has been provided and should be reviewed on a monthly basis.
- 3.3 An employee is required to provide confirmation of the pregnancy to receive SMP and either of the following documents must be provided:
 - Letter from either the doctor or midwife,
 - MATB1 certificate - doctors and midwives will issue this no more than 20 weeks before the due date.

This must be provided within 21 days of the start date of SMP, or as soon as possible if the baby is born early.

- 3.4 If the baby is born prematurely, the SML and SMP period will start on the day following the actual date of birth. Notice must still be provided to Payroll of the birth and to confirm that maternity leave has begun and to request commencement of maternity pay.
- 3.5 In cases of baby loss, support will be offered to the employee, including access to Occupational Health (OH) which is available to both the employee and the line manager and who can signpost the employee to the most appropriate sources of advice, guidance, and support. Other support can be provided through support networks and the Trades Unions whilst the Employee Assistance Programme (EAP) is also available to provide advice and support to both the employee / their family and the line manager.
- 3.6 In the event of baby loss from 24 weeks onwards (stillbirth or neonatal), there may be an entitlement to maternity leave and pay up to the end of the maternity pay period and parental bereavement leave and pay which the Force delivers as part of its compassionate leave policy and procedure.
- 3.7 If a baby loss occurs before 24 weeks, consideration will be given by the line manager in conjunction with the individual for alternative leave such as compassionate leave or sick leave as appropriate based upon individual circumstances. The decision will be advised by the needs and welfare of the employee and medical opinion.

4.0 Maternity Leave

- 4.1 Maternity leave is the time off work granted before and after giving birth.
- 4.2 Immediately after giving birth, the employee must take a minimum of two weeks compulsory maternity leave.
- 4.3 Employees are entitled to a maximum period of maternity leave of 15 months, which can be taken 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. Up to 52 weeks' maternity leave can be taken with 'Ordinary Maternity Leave' covering the first 26 weeks and 'Additional Maternity Leave' covering the second 26 weeks. The ability to take maternity leave in more than one period allows the employee to:
- Return to work for example, to attend a court appearance or training course, and then resume maternity leave,
 - 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.

- 4.4 Unless the baby is born early, the earliest an employee can take leave is 11 weeks before the week of the due date, or the day after the birth if the baby is born early.
- 4.5 The leave will start early if the employee is absent with a pregnancy related illness in the four weeks before the baby is due (a week is from Sunday to Saturday).
- 4.6 If the employee is off sick whilst on maternity leave, this will not be treated as sick leave and will not therefore be considered for the calculation of the period of entitlement to sick leave.

5.0 Ante-natal Care

- 5.1 A pregnant employee has the right to paid time off to attend ante-natal care as advised by the GP or midwife and may be asked to produce evidence of appointments by the line manager if requested. This includes agency workers after they have been undertaking the same job or similar for the Force for at least 12 weeks prior to requesting time off for ante-natal appointments.
- 5.2 The father of the baby, the pregnant employee's partner, those in a long-term relationship with the mother, or the intended parent if through a surrogacy arrangement are also able to attend two ante-natal appointments which will be on an unpaid basis. This is also applicable to agency staff if they have been undertaking the same job or similar for the force for at least 12 weeks prior to the time off being requested.

6.0 Keeping in Touch Days (KIT)

- 6.1 There is the option for the employee to take up to ten paid voluntary 'Keeping in Touch' (KIT) days intended to facilitate a smooth return to work for those returning from maternity leave. KIT days may be taken as part days / hours, but each day will be counted as a full day and paid in accordance with the hours worked. KIT days will not bring the maternity leave to an end and should be arranged and agreed in advance with the line manager.

7.0 Return to Work

- 7.1 Reasonable contact should be maintained during the maternity leave as agreed between the employee and line manager. The employee should make contact with their line manager in advance of their return, to discuss and agree their return to work.
- 7.2 If the employee wishes to apply to return to work on a part time basis or on a flexible working pattern they should complete a flexible working request providing at least three months' notice prior to return. They should also identify any special requirements they may have upon return with the line manager, for example, breastfeeding facilities.

- 7.3 **Temporary family friendly hours** may be requested, for a period of up to three months, via the line manager. This is an informal, local arrangement to allow flexibility and support childcare needs on with a return to the workplace.
- 7.3.1 The temporary hours arrangement will commence on the employee's physical return to the workplace and provides an opportunity to trial a working pattern(s) to identify an arrangement that is suitable, prior to submitting a formal flexible working request.
- 7.3.2 The employee is encouraged to work a minimum of 50% of their standard weekly working hours and must demonstrate a commitment to returning to work.
- 7.3.3 The employee is responsible for covering the temporary reduction to their standard weekly working hours through the use of annual leave, time on card, flexitime, unpaid leave / unpaid parental leave (where eligible) or a combination of all of these.
- 7.3.4 Where the employee chooses to take unpaid leave or unpaid parental leave, this will result in a reduction in pay.
- 7.4 Prior to their return to work, the line manager should hold a return-to-work discussion with the employee to check on wellbeing, discuss any work changes occurring during the leave, identify any training requirements and complete a risk assessment.
- 7.5 For shift workers, in discussion between the line manager and the employee, consideration may be given to not being immediately placed on the shift pattern for up to one week upon return, allowing for a period to settle back into the workplace, understand workplace changes, update on any policy and procedural changes, and so on. This is not mandatory and is intended as a supportive measure following a long period of maternity leave, although some employees may prefer to be placed immediately on shift upon return.
- 7.6 On return from maternity leave the employee has the right to return to the same job under the same terms and conditions unless it is not practicable by reason of redundancy. In such cases, the employee shall be entitled to be offered a suitable alternative vacancy where one exists. Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g., a general re-organisation) take place.

8.0 Maternity Pay

- 8.1 Eligible employees will receive statutory maternity pay for up to 39 weeks. If not eligible, Maternity Allowance (MA) may be available instead which is based on the prevailing statutory rate.
- 8.2 Those who qualify will receive full pay for the first 26 weeks of maternity leave, made up of OMP and SMP, followed by the lower rate of SMP.
- 8.3 Employees can elect, with the agreement of the Force, to extend their final five weeks' contractual maternity pay to 10 weeks at half pay.

8.4 The employee will be entitled to be paid from one of the following options:

Option 1

Week 1 – 26 = Full Pay
Week 27 – 39 = Lower rate
(SMP)

Option 2

Week 1 – 21 = Full Pay
Week 22 – 31 = Half Pay
Week 32 – 39 = Lower rate (SMP)

The full and half pay will be made up through a combination of occupational and statutory payments.

- 8.5 OMP is conditional upon the employee returning to work for at least one month's (four weeks) service at the end of the maternity leave period. This also applies if other leave follows on from maternity leave such as unpaid, parental unpaid or career break.
- 8.6 If an employee does not return to work for at least one month (four weeks) following maternity leave, they will be required to repay the contractual maternity pay through payroll and provide the normal period of notice. The notice period can be counted as returning to work provided it is either covered by annual leave or sick leave certified by a medical certificate.
- 8.7 For employees not intending to return to work, payments during their maternity leave period following the first six weeks shall be the entitlement to SMP (currently 39 weeks in total), where eligible.
- 8.8 Employees continue to be eligible for any nationally negotiated pay increases and increments during maternity leave.
- 8.9 In the case of part time employees, each day of paid maternity pay is pro-rata to full time and in accordance with their normal pay / working hours. The normal rate of pay to the employee during maternity leave includes SMP at the current rate where applicable. Pay during maternity leave is subject to the normal tax and national insurance deductions.
- 8.10 The first 39 weeks of maternity leave will be regarded as continuous employment for pension purposes. Members of the Local Government Pension Scheme (LGPS) will continue to have their pension contributions deducted during periods when they receive pay.
- 8.11 Any period of unpaid maternity leave will not count for pension purposes unless the employee elects to pay Additional Pension Contributions (APC's) to purchase the amount of pension lost during that period of unpaid absence. The request must be made within 30 days of their return to work or within 30 days of leaving if they do not return to work. Further information concerning paying (APC's) is available from the Payroll Team (Finance).
- 8.12 KIT days will be paid at the normal hourly rate for hours/days worked and, where applicable, will be offset against occupational / statutory maternity pay. Where a KIT day is taken during a period of unpaid additional maternity leave, pension benefits will accrue during the paid KIT day(s).

- 8.13 An employee can elect to return to work before the end of the maternity leave period by notifying the Force in writing at least 21 days before the day of return. Where less than 21 days' notice is provided, the return may be postponed by the Force to ensure 21 days' notice, but not beyond the end of the maternity leave period.
- 8.14 Where an employee is unable to return on the expected day due to sickness, the absence will be managed via the Attendance Support Policy and procedures in the normal way.
- 8.15 For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect a return on the due date, they may instead return when work resumes, or as soon as reasonably practicable thereafter.
- 8.16 If an employee does not give notice of an earlier return, it is assumed that they will return to work at the end of their maternity leave.

9.0 Annual Leave and Bank Holiday Leave

- 9.1 Annual leave entitlements continue to accrue whilst on maternity leave, including provision for public / bank holidays as they arise. Accrual of annual leave and public / bank holiday entitlements during the period of maternity leave is based on the employee's hours immediately prior to the commencement of maternity leave.
- 9.2 Annual leave can be taken during a break in occupational maternity leave which enables employees to comply with maximum annual leave carry forward requirements, although if this is not possible, the maternity carry forward provisions will apply as indicated in 4.3.

10.0 Regulatory Background

The principle documents regulating this aspect are:

- a. The Maternity and Parental Leave (Amendment) Regulations 2001.
- b. The Maternity and Parental Leave Regulations 1999.
- c. The Police Staff Council Handbook.

Both Forces are obliged to abide by all relevant legislation and other guidance as appropriate:

- [UK General Data Protection Regulation / Data Protection Act \(2018\)](#)
- [The Health and Safety at Work Act \(1974\)](#)
- [Human Rights Legislation](#)
- [Freedom of Information Act 2000 \(FOIA\)](#)
- [Equality Act \(2010\)](#)
- [Authorised Professional Practice](#)
- [National Decision Model](#)
- [Our Purpose \(DCP\)](#)

- [Vision, Purpose & Priorities](#) (DP)
 - [Code of Ethics](#) (DCP)
 - [Code of Ethics](#) (DP)
 - [Standards of Professional Behaviour - Police Staff](#)
 - [Records Management](#) (DCP)
 - [Records Management](#) (DP)
 - Equality and diversity matters including the Public Sector Equality Duty and Standards of Professional Behaviour
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11.0 Monitoring, Review, Enquiries and Feedback

Review and amendments will be coordinated by the Policy Unit.

The Alliance Head of Employee Relations is responsible for overseeing this document to ensure a consistent Force approach is maintained. Monitoring will be primarily carried out subject to force processes of continuing review and in line with force governance requirements.

This document will be reviewed annually subject to legislation / process changes.

Please note: Where legislation / guidance changes have occurred / scheduled to occur or operational needs demand it, ahead of the revised review date, Alliance People policies and associated procedures / step by steps will be applied in line with prevailing legislation / guidance.

For day to day enquiries relating to this policy please contact [HR Operations - Admin \(D&C\)](#) or [HR Ops Dorset - Admin](#)

We welcome any comments or suggestions you wish to share about the content or implementation of this procedure. If you would like to make contact to discuss further, please email: .Policies@dorset.PNN.police.uk

12.0 Other Associated Documents

Policy and Procedure

- [J-Pr-234 Annual Leave – Maternity, Adoption and Shared Parental Leave](#)
- [J-Pr-078 Maternity Leave Additional Information \(Police Staff\) Procedure](#)
- [J-Pr-080 Maternity Leave Step by Step](#)
- [J-Pr-082 Paternity Leave Step by Step](#)
- [J-Pr-084 Unpaid Parental Leave Step by Step](#)
- [J-Pr-086 Dependants Leave Step by Step](#)

SharePoint

- [People Portfolio A-Z](#)

College of Policing

- [National Decision Model](#)
- [Authorised Professional Practice \(APP\)](#)

Other

- Equality Impact Assessment

13.0 Version History

Version: 1.0
Date: 21/06/2021
Reason for Amendments: Initial document
Amended by: Strategy & Policy Lead – Employee Relations
Approved by: Board
Date Approved: 13/05/2021
Quality Assured: Legitimacy Team

Version: 1.1
Date: 03/05/2022
Reason for Amendments: Inclusion of 4.7 – Expectant Parents – Established COVID principles
Amended by: Strategy & Policy Lead – Employee Relations
Approved by: n/a
Date Approved: n/a
Quality Assured: Legitimacy Team

Version: 1.2
Date: 18/08/2022
Reason for Amendments: Para 9.2 – insertion of ‘occupational’. Clarity on provisions that already exist.
Amended by: Strategy & Policy Lead – Employee Relations
Approved by: n/a
Date Approved: n/a
Quality Assured: Legitimacy Team

Version: 1.3
Date: 19/10/2023
Reason for Amendments: Key amendments are necessary to comply with Police Regulations, to bring the guidance up to date with current legislation, to provide additional clarification in line with feedback, along with signposting to additional support where this is required. Updated to latest template.
Amended by: Strategy & Policy Lead – Employee Relations
Approved by: Alliance Head of Employee Relations
Date Approved: 09/10/2023
Quality Assured: Legitimacy Team

Version: 1.4
Date: 27/11/2023
Reason for Amendments: Following additional feedback some further changes were necessary to assist with clarification on the current process. Amendments to Section 6.1 (paid in accordance with the hours worked), 8.13 (daily replaced with hourly, pension benefits will accrue during). Links updated.
Amended by: Strategy & Policy Lead – Employee Relations
Approved by: Alliance Head of Employee Relations
Date Approved: 04/12/2023
Quality Assured: Legitimacy Team

Version: 1.5
Date: 05/12/2023
Reason for Amendments: Amendments remain as above, approved by updated to reflect. Approval information updated to V1.4.
Amended by: Legitimacy Team
Approved by: Legitimacy Manager
Date Approved: 05/12/2023
Quality Assured: Legitimacy Team

Version: 2.0
Date: 31/05/2024
Reason for Amendments: Following full organisational consultation, the existing Temporary Family Friendly Hours provision has been reviewed and amended, to add clarification and aid a shared understanding across the Alliance.
Amended by: Strategy & Policy Lead – Employee Relations
Approved by: Strategic People Board
Date Approved: 29/05/2024
Quality Assured: Legitimacy Team

14.0 Governance

Present Portfolio Holder: Alliance Head of People (HR Operations)
Present Document Owner: Alliance Head of Employee Relations
Present Owning Department: Alliance People Portfolio

Name of Board: Strategic People Board
Chief Officer Approving: Assistant Chief Officer D&C and T/ACC Dorset
Date Approved: 13/05/2021

Business Board member approving (Devon & Cornwall only when not contentious or novel): n/a
Date approved: n/a

*****End of Document*****