

Additional Information



Maternity Leave - Police Staff

URN: J-Pr-078

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Host Force: Dorset Police
Host Policy Unit: Dorset Police Legitimacy Team
Policy Owner: Alliance Head of Employee Relations – HR Operations
Policy Author: Strategy & Policy Lead Employee Relations

Policy Area: Family Leave

Associated

Policy: [J-P-050 Maternity Leave – Police Staff 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"/>

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1.0 Introduction

This guide includes quotations from, and information based on, the 'Gov.UK' website. The information from Gov.uk is provided in line with the terms of the [Open Government Licence v3.0](#).

Statutory Maternity Leave (SML) is for up to 52 weeks with no continuous service period required. An employee can choose to start SML any time after the 11th week before the week in which the child is due, up until the birth of the child.

The employee must not return to work during the first two weeks following the birth which are treated as **Compulsory Maternity Leave (CML)**.

Occupational Maternity Leave (OML)

Employees are entitled to 15 months' Occupational Maternity Leave (OML), comprising of 12 months' (52 weeks) Statutory Maternity Leave (SML) plus a further three months' Occupational Maternity Leave (OML).

Please note: In the case of both SML and OML provisions, the period in which maternity leave can be taken starts six months before the expected week of childbirth (confinement) and ends no later than 12 months afterwards.

Statutory Maternity Pay (SMP)

Employees with a minimum of 26 weeks' continuous service by the end of the 15th week before the expected week of childbirth (confinement), are entitled to 39 weeks' SMP. The first six weeks of SMP are paid at 90% of normal pay followed by 33 weeks at lower rate SMP.

Occupational Maternity Pay (OMP)

Employees are entitled to receive full pay for the first 26 weeks of maternity leave, provided they have at least 52 weeks' (one year's) continuous service at the beginning of the 11th week before the expected week of childbirth (confinement) and remains pregnant, or has given birth prematurely, 15 weeks before the week the baby is due.

Employees can elect, with the agreement of the Force, to extend their final five weeks' maternity pay to 10 weeks at half pay.

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

Option 1

Week 1 – 26 = Full Pay

Week 27 – 39 = 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 with a combination of occupational and statutory payments.

Please note that 50% of OMP can be taken during the maternity leave period or as a lump sum on the return to work subject to the below.

OMP is conditional on the employee returning to work for one month (four weeks') service at the end of the maternity leave period. The same applies at the end of any agreed period of absence i.e. career break, parental leave or unpaid leave that immediately follows a period of maternity leave.

Maternity Allowance (MA)

An employee who does not qualify for SMP or OMP may be entitled to Maternity Allowance (MA), which is a state benefit paid subject to qualifying conditions. Once the employee has sent their MATB1 and Notification of Intention to take Maternity Leave form to Payroll, an SMP1 form will be sent to the employee to complete, together with the original MATB1.

Bereavement (Infant)

The Force is committed to ensuring every support is given to an employee who has suffered, or whose partner has suffered baby loss via a miscarriage or stillbirth. Access to Occupational Health (OH) is available to both the employee and their line manager. OH will be able to put the employee/line manager in contact with the most appropriate sources of advice, guidance and support. The Employee Assistance Programme (EAP) is also available to provide advice and support to both the employee/their family and to the line manager.

Every support will also be given to the employee when planning their return to work, both in terms of their health, safety and wellbeing and also in terms of how the employee would like to handle their first few days back in the workplace.

HR Operations - Admin will be able to provide advice and guidance on what leave provisions are in place for the employee at this time.

2.0 A-Z of Additional Information

Employees will continue to benefit from all of their contractual terms and conditions that would have applied had they been at work, with the exception of remuneration.

Annual and Bank Holiday Leave

Employees continue to accrue their annual leave entitlements whilst on maternity leave, including provision for public / bank holidays as they arise. Accrual of annual leave and public / bank holiday leave entitlements during the period of maternity leave is based on the employee's hours immediately prior to the commencement of maternity leave.

Employees are able to take occupational maternity leave in blocks. This allows for employees to undertake activities such as participation in training, attend court or take annual leave; it also enables employees to comply with maximum annual leave carry forward requirements.

For additional information on annual leave and maternity please see the 'Annual Leave and Maternity, Adoption and Shared Parental Leave' procedural guidance available via the People Portfolio intranet pages.

Attendance at Court

If an employee is required to attend court whilst on maternity leave, they must attend unless a doctor certifies they are unfit. The line manager must also undertake a risk assessment for new/breastfeeding mothers to identify any risks or requirements to enable the new mother to attend. If any significant risks are identified that cannot be resolved via adjustments, the line manager would then need to liaise with the relevant court liaison officer to agree the way forward. Attendance at court as a police witness is classed as duty. The employee should contact Payroll to advise them of the requirement to attend court and to clarify pay arrangements. **Please note:** Employees are not permitted to work (and therefore attend court), or work on a keeping in touch day, during the first two weeks following the birth (the Compulsory Maternity Leave period).

Family Leave

The partner of the mother may be eligible to take paternity (maternity / adoption support leave) or Shared Parental Leave. Please see the relevant guidance, available on the People Portfolio intranet pages, for further details.

Flexible Working Arrangements on Return from Maternity Leave

If the employee wishes to return to work on a part time basis or on a flexible working pattern, they should complete a flexible working request (following the guidance set out in the flexible working procedure) and ensuring the completed approved request reaches HR Operations – Admin for processing at least 28 days prior to the end of their maternity leave. Employees should contact their line manager who will provide them with copies of the procedural guidance and associated forms.

Keeping in Contact

It is expected that line managers maintain reasonable contact with the employee during the maternity leave period; the employee and line manager should, ahead of the leave commencing, agree how this will be undertaken.

Keeping in Touch (KIT) days

KIT days will be paid at the normal daily rate for hours / days worked.

Where an employee works a KIT day during a period of OMP at full pay, there will be no additional payment for the KIT day.

Where an employee works a KIT day during a period of SMP or OMP at half pay, the payment for the KIT day will be offset against the daily payment of OMP/SMP.

Where a KIT day is worked during a period of unpaid maternity leave, the employee will receive the appropriate payment for the KIT day.

The work undertaken during a KIT day will count as one day (7.4 hours, pro rata for part time) for pay purposes, including where the hours worked are less than a full day.

Pension benefits will accrue during the paid KIT day(s).

Pay and Pensions

- a) 50% of occupational maternity pay can be taken during the maternity leave period or as a lump sum on the return to work subject to the below.
- b) Occupational maternity pay 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.
- c) If an employee does not return to work for at least one month (four weeks), they will be required to repay the occupational maternity pay 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 (fit note).
- d) Employees continue to be eligible for any nationally negotiated pay increases.
- e) In the case of a part time employee, each day of paid maternity pay is pro-rata to full time and in accordance with their normal salary / working hours.
- f) The normal rate of pay to the employee during maternity leave includes Statutory Maternity Pay at the current rate where applicable. Payment of salary during maternity leave is subject to the normal tax and national insurance deductions.
- g) The first 39 weeks' maternity leave is reckonable for the purposes of incremental pay, annual leave purposes and count as continuous service. An employee is entitled to buy back, for pension purposes, reckonable service in respect of any period of maternity leave.
- h) Members of the Local Government Pension Scheme (LGPS) will continue to have their pension contributions deducted during the period they receive Statutory Maternity Pay (up to 39 weeks).
- i) During any period of unpaid maternity leave, an employee can elect to make the pension contributions that would have been paid during this time. Where the employee elects to make such contributions, Payroll will write to the employee confirming arrangements for the repayment of the contributions in question. **Please note:** An opportunity for the employee to elect to pay the pension contributions will be given prior to commencing maternity leave.

Returning to Work from Maternity Leave

Following their return to work from maternity leave, the employee has the right to return to the same job under the same terms and conditions as applied prior to undertaking maternity leave.

Prior to the employee returning to work, the line manager must also undertake a risk assessment for new / breastfeeding mothers to identify any risks or requirements; to

assist in their return to work. If any significant risks are identified that cannot be resolved via adjustments, the line manager would then need to liaise with their local health and safety representative to agree the way forward.

It is the line manager's responsibility to either update GRS or inform the relevant Resource Management Unit / CMCU Resource Planning (D&C) / Duties (Dorset) team of the employee's return from maternity leave. Line managers of operational employees should contact the RMU /CMCU Resource Planning (D&C) / Duties (Dorset) team to ensure the returning employee is placed non-threshold for their first week back at work.

Sick Leave

There is no entitlement to sick leave (or sick pay) during maternity leave. If an employee is absent from work for a pregnancy-related reason (wholly or partly) in the four weeks preceding the expected week of childbirth (EWC), maternity leave will commence automatically following the first day of absence.

Support

It is the line manager's responsibility to provide appropriate support for employees who are pregnant or on maternity leave. Additional support can be accessed via the Family Support Group (D&C), Support Networks (Dorset), trades unions and the EAP.

The 'Family Leave Support Portal' is available on the Force external website, which enables employees on maternity leave to access family leave provisions and resources such as Force policies and procedures, guidance and forms, useful internal / external contacts and internal job opportunities.

Surrogacy

An employee who has agreed to be a 'surrogate mother' through a surrogacy arrangement will be entitled to maternity leave and pay provisions, subject to meeting the eligibility criteria for maternity pay and leave. Please refer to the guidance information on surrogacy arrangements.

Tax-Free Childcare

Employees may be eligible, subject to meeting the relevant criteria, to apply for [Tax-Free Childcare](#), a government scheme offering up to £500 every three months (£2,000 per year) per child, to help with the costs of childcare.

Time off for Appointments

A pregnant employee is entitled to a reasonable amount of paid time off during normal working hours to receive ante-natal care, to attend GP and hospital appointments, relaxation classes, birth preparation or parentcraft classes. Where possible, the employee should arrange appointments at a time to fit with their work commitments and provide their line manager with reasonable advance notice of appointments. Employees should provide evidence of appointments where requested by the line manager.

Trades Unions Subscription Payments

During any unpaid maternity leave period, any UNISON ([D&C](#)) / ([Dorset](#)) or [GMB](#) subscription payments will cease. Arrangements should be made directly with the relevant trades unions to continue membership subscription payments.

Managers should contact [HR Operations - Admin \(D&C\)](#) or [.HR Ops Dorset – Admin \(Dorset\)](#) if the situation they are managing does not appear to be straightforward.

3.0 Monitoring and Review

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.

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

4.0 Other Associated Documents

Policy and Procedure

- [J-Pr-234 Annual Leave – Maternity, Adoption and Shared Parental Leave](#)
- [Family Leave Support Portal](#)
- [J-Pr-080 Maternity Leave Step by Step](#)

SharePoint

- [Vision, Mission & Values](#) (DCP)
- [Vision, Purpose & Priorities](#) (DP)
- [Human Rights Legislation](#)
- [Records Management](#) (DCP)
- [Records Management](#) (DP)
- [Freedom of Information Act 2000 \(FOIA\)](#)
- [Government Security Classification \(GSC\)](#)
- [UK General Data Protection Regulation / Data Protection Act \(2018\)](#)

- [Code of Ethics](#) (DCP)
- [Code of Ethics](#) (DP)
- [Police Staff Council Standards of Professional Behaviour](#)
- [People Portfolio](#)

College of Policing

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

Other

- Equality Impact Assessment

5.0 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: 13/05/2022
Reason for
Amendments: New Section – 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: Insertion of ‘occupational’ -Annual leave section para 2 for 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 made 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, including signpost to the Family Leave Support Portal, removal of reference to Self Isolation (no longer government guidance), removal of reference to Childcare Vouchers (no longer applicable), KIT days. 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

6.0 Governance

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

Below details required for new documents, major amendments (Dorset only) or novel/contentious amendments (Devon & Cornwall only)

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