

Policy



Maternity Leave – Police Officers

URN: J-P-048

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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 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 type="checkbox"/>
Officers	<input checked="" type="checkbox"/>
Staff	<input type="checkbox"/>

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1.0 Introduction

This policy sets out the arrangements for maternity leave and pay, supporting family leave and encouraging retention of police officers. The provisions are complex in this area and specific procedures should be clarified with HR Operations - Admin and/or the Payroll team.

The provisions relating to paid leave for police officers are described in Police Regulations (2003).

This policy statement describes how the provisions will be applied in Devon & Cornwall Police and Dorset Police and provides additional clarity for officers and managers.

2.0 Eligibility

- 2.1 The entitlement to Statutory Maternity Leave (SML) is a day one right. The officer must be serving in 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 officer must have continuous service in this or their previous Force with no break in service, for at least 26 weeks continuing into the 'qualifying week', which is the 15th week before the expected week of childbirth. If an officer's service is less than 26 weeks, maternity allowance may be available.
- 2.3 To qualify for Police / Occupational Maternity Pay (PMP / OMP) for the first 26 weeks, officers must have at least 52 weeks' continuous service in this or their previous force (with no break in 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.

3.0 Notification

- 3.1 At least 15 weeks before their due date, the officer must notify the line manager in writing of when their baby is due and the date, they wish to start maternity leave. The notification should then be sent to HR Operations – Admin who will provide written acknowledgement to the officer within 28 days of the start and end dates.
- 3.2 A risk assessment must be carried out by the line manager and officer once notification has been provided and should be reviewed on a monthly basis.
- 3.3 An officer is required to provide proof 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. Where an officer gives birth early, the officers Statutory Maternity Pay only will commence. Police Maternity Leave and Police Maternity Pay will commence on the day that the officer notifies the Force and requests it to start. The Force cannot alter this date.
- 3.5 In cases of baby loss, support will be offered to the officer, including access to Occupational Health (OH) which is available to both the officer and the line manager and who can signpost the officer to the most appropriate sources of advice, guidance, and support. Other support can be provided through support networks and the Police Federation whilst the Employee Assistance Programme (EAP) is also available to provide advice and support to both the officer / 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 officer must take a minimum of two weeks compulsory maternity leave.
- 4.3 Officers 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 'Police/Occupational Maternity Leave' (OML) covering the first 26 weeks and 'Police/Additional Maternity Leave' (AML) covering the second 26 weeks. The ability to take maternity leave in more than one period allows the officer 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 officer 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 statutory maternity leave will start early if the officer 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 officer 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 officer has the right to paid time off to attend ante-natal care appointments as advised by the GP or midwife and may be asked to produce evidence of appointments by the line manager if requested.
- 5.2 The father of the baby, the pregnant officer'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.

6.0 Keeping in Touch Days (KIT)

- 6.1 There is the option for the officer 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 officer and line manager. Upon the return to work, the line manager should hold a return-to-work discussion with the officer to check on wellbeing, discuss any work changes occurring during the leave, identify any training requirements and complete a risk assessment.
- 7.2 If the officer wishes to apply to return to work on a part time basis or on a flexible working pattern they should complete a flexible working application providing at least 28 days' 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 The officer should make early contact with their line manager to discuss and agree their return to work. Individuals may request temporary family friendly hours, for a period of up to three months when returning to work, to be discussed and agreed with the line manager prior to their return. This is an informal local arrangement to accommodate family needs with a return to the workplace. This is

different to flexible or part-time working which is agreed on a more permanent basis. Family friendly hours can be used as an opportunity to trial a working pattern prior to submitting a formal flexible working request and commences from the date of the physical return to the workplace.

- 7.4 In discussion between the line manager and the officer, consideration may be given to not being immediately placed on the duty roster 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, arrange any training and so on. This is not mandatory and is intended as a supportive measure following a long period of maternity leave, although some officers may prefer to be placed immediately on duty upon return.
- 7.5 On return from maternity leave, officers will return to the post previously occupied prior to the notification of their pregnancy. Only in the interests of an officer's career development or other exceptional circumstances, will there be any departure from this.

8.0 Maternity Pay

- 8.1 Eligible officers 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, including pay relating to a temporary promotion to the extent that it is in place immediately prior to commencing maternity leave and would have continued throughout the leave. Pay is made up of OMP and SMP, followed by the lower rate of SMP.
- 8.3 Officers 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 officer 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 officer 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 leave, parental leave or a career break.
- 8.6 If an officer does not return to work for at least one month (four weeks) following maternity leave, they will be required to repay the regulatory 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 officers 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 Officers continue to be eligible for any pay awards and annual increments where applicable during maternity leave.
- 8.9 In the case of part time officers, each day of paid maternity pay is pro-rata to full time and in accordance with their normal pay / working hours.
- 8.10 The normal rate of pay to the officer 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.
- 8.11 For pension purposes, any period of maternity leave when officers are in receipt of either OMP or SMP shall be reckonable.
- 8.12 Any period of unpaid maternity leave will not accrue further pensionable service unless pension contributions are paid for that period. Elections must be made in writing within six months of returning to duty or before the last day of service, whichever is the earlier. However, if an officer has already decided to make the period of unpaid leave count towards their pensionable service, the election may be made immediately. Further information is available from the Payroll Team (Finance).
- 8.13 KIT days will be paid at the normal hourly rate for hours / days worked, in accordance with Police Regulations. The work undertaken during a KIT day will count as one day (8 hours, pro rata for part time) including where the hours worked are less than a full day. Pension benefits will accrue during the paid KIT day(s).
- 8.14 An officer 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.
- 8.15 Where an officer is unable to return on the expected day due to sickness, the absence will be managed via covered through the Attendance Support Policy and procedures in the normal way.
- 8.16 If an officer 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 and public / bank holiday leave entitlements during the period of maternity leave is based on the officer'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 officers 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. Regulation 33, Annex L Police Regulations 2003
- b. Regulation 33, Annex Q Police Regulations 2003
- c. Regulation 33, Annex R Police Regulations 2003
- d. The Maternity and Parental Leave (Amendment) Regulations 2001.
- e. The Maternity and Parental Leave Regulations 1999.

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](#)
- [Vision, Mission & Values](#) (DCP)
- [Vision, Purpose & Priorities](#) (DP)
- [Code of Ethics](#) (DCP)
- [Code of Ethics](#) (DP)
- [Standards of Professional Behaviour - Police Officers](#)
- [Records Management](#) (DCP)
- [Records Management](#) (DP)
- Equality and diversity matters including the Public Sector Equality Duty and Standards of Professional Behaviour

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-076 Maternity Leave Additional Information \(Police Officers\) 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: Employee Relations
Approved by: n/a
Date Approved: n/a
Quality Assured: Legitimacy Team

Version: 1.2
Date: 18/08/2022
Reason for Amendments: Addition of word 'occupational' para 9.2. Clarity on provisions that already exist.
Amended by: 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: 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, for pay purposes removed). Links updated.
Amended by: Employee Relations
Approved by: Employee Relations

Date Approved: n/a
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

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