

# Policy



## Paternity Leave (Maternity-Adoption Support)

URN: J-P-076

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**Version:** 1.3  
**Effective Date:** 21/06/2021  
**Version Date:** 08/03/2024  
**Review Date:** 20/12/2024

**Host Force:** Dorset Police  
**Host Policy Unit:** Dorset Police Legitimacy Team  
**Policy Owner:** Alliance Head of People – HR Operations  
**Policy Author:** Alliance Head of Employee Relations

**Policy Area:** Family Leave

**Associated Procedural Guidance:** [Paternity Leave \(Maternity / Adoption Support\)](#)

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

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

## 1.0 Introduction

This policy sets out the arrangements for Paternity Leave (also known as Maternity Support and Adoption Support Leave). This leave is available to help care for the child or support the child's mother / primary carer.

The provisions relating to paid leave for police staff are described in the Police Staff Council Handbook. Police Regulations 2003 apply for police officers.

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

The Paternity Regulations have been amended with effect from 8 March 2024. The new regulations will apply to eligible individuals where the beginning of the expected week of birth or the date of adoption placement / child's entry into Great Britain falls on or after 6 April 2024. Individuals should refer to the applicable section of this policy when considering a request.

The key paternity leave principles which apply prior to and on or after 6 April 2024 are available in summary within Appendix one and Appendix two of the Paternity Leave procedure.

## 2.0 Eligibility and Entitlement

2.1 Paternity leave can apply if an individual and their partner are:

- Having a baby,
- Adopting a child,
- Approved for a 'Fostering for Adoption' arrangement,
- Having a baby through a surrogacy arrangement.

2.2 To qualify for paternity leave, the individual must be the father, the husband or partner of the mother (or adopter), the child's adopter or the intended parent. They will also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother / primary carer.

2.3 The individual must have 26 weeks' continuous service with their current Force by the end of the 15<sup>th</sup> week before the week in which the child is expected or ending within the week in which the child's adopter is notified of having been matched with the child for adoption.

2.4 Where the child is born early, the individual will remain eligible for paternity leave where they meet the qualifying period of working continuously for at least 26 weeks with their current Force by the qualifying week.

2.5 Where a child is born prematurely or in cases of baby loss, the individual may also be entitled to compassionate leave or parental bereavement leave. For

additional information, please refer to the Compassionate Leave Policy J-P-160, available via the People Portfolio intranet pages.

- 2.6 In the case of multiple births, e.g., twins, the entitlement will remain the same.
- 2.7 Parents intending to have a child through a surrogacy arrangement may be eligible for Statutory Paternity Pay and Leave if they have applied for, or intend to apply for, a parental order in the first six months following the baby's birth.
- 2.8 Where an individual is requesting to take both paternity leave and shared parental leave, paternity leave must be taken first. An individual cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child. For additional information, please refer to the Shared Parental Leave Policy J-P-052, available via the People Portfolio intranet pages.

### **3.0 Paternity Leave – Birth Parents and Surrogacy Arrangements**

#### **Qualifying individuals with the first day of the expected week of birth commencing prior to 6 April 2024**

- 3.1 Individuals are entitled to up to two weeks' leave which should be taken within 56 days of the birth, or the due date if the baby is born early. The individual can choose to take either one or two weeks' leave, which can be taken as a single period of leave of either one week or two weeks.
- 3.2 To request paternity leave, the individual must notify the line manager in writing before the qualifying week, which is the 15<sup>th</sup> week before the baby is expected or the baby's due date, of the start date and duration of the leave.
- 3.3 Paternity leave cannot start before the birth and the start date must be one of the following: the actual date of birth, an agreed number of days after the birth, or a pre-determined date after the expected week of childbirth, which must end within 56 days of the birth date.
- 3.4 Individuals will remain eligible for paternity leave and pay where the baby is stillborn from 24 weeks of pregnancy or, the baby is born alive at any point within the pregnancy but later dies. The leave must be taken within 56 days of the birth, or in the case of an early birth, no later than 56 days following the expected week of birth.

#### **Qualifying individuals with the first day of the expected week of birth commencing on or after 6 April 2024**

- 3.5 Individuals are entitled to up to two weeks' leave which should be taken within 52 weeks of the date of birth, or the first day of the expected week of the birth, where the baby is born early. The individual can choose to take either one or two weeks' leave, which can be taken as a single period of leave of either one week or two weeks, or two non-consecutive periods of leave of a week each.

- 3.6 The individual must notify the line manager in writing of their entitlement to take paternity leave, including a declaration that they meet the criteria as set out in 2.2, on or before the qualifying week, which is the 15<sup>th</sup> week before the expected week of birth, or where this is not possible, as soon as reasonably practicable.
- 3.7 Paternity leave must not start before the birth and the start date must be one of the following: the actual date of birth, a specified number of days after the birth, or a pre-determined date after the expected week of childbirth which must end within 52 weeks of the birth date.
- 3.8 The individual must provide 28 days' notice to the line manager of the intended start date and duration of the leave, including a declaration that the leave will be used for the intended purpose, as set out in 2.2. The notice provided must be either 28 days before the first day of the expected week of childbirth, 28 days before the specified date, or 28 days before the pre-determined date.
- 3.9 Where the individual is at work on the day the child is born and has planned to commence paternity leave on the birth date, the leave will begin the day after the date of birth.
- 3.10 Individuals will remain eligible for paternity leave and pay where the baby is stillborn from 24 weeks of pregnancy or the baby is born alive at any point within the pregnancy, but later dies. The leave must be taken within 52 weeks of the birth, or in the case of an early birth, no later than 52 weeks following the first day of the expected week of birth.
- 3.11 In the case of a surrogacy arrangement, individuals will remain eligible for paternity leave and pay where the time limit in which to apply for a parental order expires, the application for a parental order is refused, withdrawn or terminated, or the child dies. The leave must be taken within eight weeks from the last date of the week in which the event occurred.

#### **4.0 Adoption (including adoption from overseas)**

##### **Qualifying individuals with the expected date of adoption placement / the child's entry into Great Britain commencing prior to 6 April 2024**

- 4.1 Individuals are entitled to up to two weeks' leave which should be taken within 56 days' of the adoption placement, or in the case of overseas adoption, the child's entry into Great Britain. The individual can choose to take either one or two weeks' leave, which can be taken as a single period of leave of either one week or two weeks.
- 4.2 To request paternity leave the individual must notify the line manager in writing within seven days of being matched with a child and confirm the start date and duration of the leave. In the case of overseas adoption, the request must be submitted within 28 days' of receipt of the official notification of the adopter being

matched with the child, or within 28 days' of completion of 26 weeks' continuous service with the Force, whichever is later.

- 4.3 Paternity Leave cannot start before the date of the adoption placement / the child's entry into Great Britain and the start date must be one of the following: the date of the adoption placement / the child's entry into Great Britain, an agreed number of days after the date of the adoption placement / the child's entry into Great Britain, or a pre-determined date after adoption placement / child's entry into Great Britain, which must end within 56 days' of the adoption placement / the child's entry into Great Britain.

#### **Qualifying individuals with the expected date of adoption placement / the child's entry into Great Britain commencing on or after 6 April 2024**

- 4.4 Individuals are entitled to up to two weeks' leave which should be taken within 52 weeks' of the adoption placement, or in the case of overseas adoption, the child's entry into Great Britain. The individual can choose to take either one or two weeks' leave, which can be taken as a single period of leave of either one week or two weeks, or two non-consecutive periods of leave of a week each.
- 4.5 In the case of adoption, the individual must notify their line manager in writing of their entitlement to take paternity leave within seven days of notification of being matched with the child, or where this is not possible, as soon as reasonably practicable. The notice must include:
- a declaration that they meet the criteria, to include that the leave will be used for its intended purpose, as set out in 2.2,
  - the date in which they were notified of being matched with the child,
  - the date in which the child is expected to be / has been placed, and
  - the intended start date and duration of the leave.
- 4.6 In the case of adoption from overseas, the individual must notify their line manager in writing of their entitlement to take paternity leave no later than 28 days' after being notified of being matched with a child, or within 28 days of completion of 26 weeks' continuous service with the Force, whichever is later (or where this is not possible, as soon as reasonably practicable). The notice must include:
- a declaration that they meet the criteria as set out in 2.2,
  - the date in which they were notified of being matched with the child, and
  - the date in which the child is expected to enter Great Britain.
- 4.7 Paternity leave cannot start before the date of the adoption placement / the child's entry into Great Britain and the start date must be one of the following: the date of the adoption placement / the child's entry into Great Britain, an agreed number of days after the date of the adoption placement / the child's entry into Great Britain, or a pre-determined date after adoption placement / child's entry

into Great Britain, which must end within 52 weeks of the adoption placement / the child's entry into Great Britain.

4.8 In the case of overseas adoption, the individual must provide 28 days' notice to the line manager of the intended start date and duration of the leave, including a declaration that the leave will be used for the intended purpose, as set out in 2.2. The notice provided must be either 28 days before the date in which the child is expected to enter Great Britain, or 28 days before the pre-determined date.

4.9 Proof of adoption must be provided to qualify for paternity pay, which can be in the form of a letter from their adoption agency or their matching certificate.

4.10 In the case of adoption, an individual will remain eligible for paternity leave and pay where the child, is no longer placed, dies, or is returned following the placement. The leave must be taken within eight weeks from the last date of the week in which:

- the individual is notified that the adoption placement will no longer take place, or
- the child dies, or
- the child is returned following placement.

4.11 In the case of overseas adoption, an individual will remain eligible for paternity leave and pay where the child dies or ceases to live with the adopter. The leave must be taken within eight weeks from the last date of the week in which:

- the child ceases to live with adopter, or
- the child dies.

## **5.0 Cancelling or Varying Paternity Leave Dates**

5.1 In the event of a change in circumstances, an individual is entitled to cancel or vary the start and end dates of their paternity leave, providing they give 28 days' notice in advance of the original intended date, or the new intended date of leave, whichever is earliest.

5.2 Where the child is not born / not placed / has not entered Great Britain on or before the intended date of leave, the individual must substitute the original date for a later date. The actual date of birth / adoption placement must be provided to the line manager as soon as reasonably practicable (or in the case of overseas adoption, within 28 days of the child entering Great Britain, or as soon as reasonably practicable).

## **6.0 Pay**

6.1 Paternity Pay will be at full pay for the first week (including statutory paternity pay), with the second week paid at the current statutory paternity pay rate.

## 7.0 Regulatory Background

The principle documents regulating this aspect are:

- a. The Paternity and Adoption Leave (Amendment) Regulations 2014.
- b. Regulation 33 Annex S of Police Regulations 2003.
- c. The Paternity and Adoption Leave Regulations 2002.
- d. The Police Staff Council Handbook.

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

- [Authorised Professional Practice](#)
- [Code of Ethics](#) (DCP)
- [Code of Ethics](#) (DP)
- [Equality Act \(2010\)](#) (as amended)
- Equality and diversity matters including the Public Sector Equality Duty
- [Freedom of Information Act 2000 \(FOIA\)](#)
- [Human Rights Legislation](#)
- [National Decision Model](#)
- [Our Purpose](#) (DCP)
- [Records Management](#) (DCP)
- [Records Management](#) (DP)
- [Standards of Professional Behaviour – Police Officers](#)
- [Standards of Professional Behaviour – Police Staff](#)
- [The Health and Safety at Work Act \(1974\)](#)
- [UK General Data Protection Regulation / Data Protection Act \(2018\)](#)
- [Vision, Purpose & Priorities](#) (DP)

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## 8.0 Monitoring, Review, Enquiries and Feedback

Review and amendments will be coordinated by the Policy Unit.

The Alliance Head of Employee Relations – HR Operations is responsible for overseeing this policy 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 policy 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](mailto:Policies@dorset.PNN.police.uk)

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## 9.0 Other Associated Documents

A range of policies, procedural guidance and step by steps are available in support of this policy available via the following links:

### SharePoint

- [Adoption Leave](#)
- [Dependants Leave](#)
- [Maternity Leave](#)
- [People Portfolio A-Z](#)
- [Shared Parental Leave](#)
- [Unpaid Parental Leave](#)

### College of Policing

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

### Other

- Equality Impact Assessment
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## 10.0 Version History

**Version:** 1.0  
**Date:** 21/06/2021  
**Reason for**  
**Amendments:** Initial Document.  
**Amended by:** Employee Relations – HR Operations  
**Approved by:** Board – See Governance  
**Date Approved:** 13/05/2021  
**Quality Assured:** Legitimacy Team

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**Version:** 1.1  
**Date:** 03/05/2022  
**Reason for**  
**Amendments:** New point 3.5 – Expectant Parents and renumbering of existing 3.5 to 3.10) – Established COVID principles  
**Amended by:** Employee Relations  
**Approved by:** Employee Relations  
**Date Approved:** n/a  
**Quality Assured:** Legitimacy Team

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**Version:** 1.2  
**Date:** 20/12/2023  
**Reason for Amendments:** Fit for purpose review completed, clarity provided, key change - 26 weeks qualifying service applies to the current Force. Updated to latest template.  
**Amended by:** Employee Relations  
**Approved by:** HoD  
**Date Approved:** 18/12/2023  
**Quality Assured:** Legitimacy Team

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**Version:** 1.3  
**Date:** 08/03/2024  
**Reason for Amendments:** Updated to reflect new paternity regulations which are due to come into effect on 8 March 2024 and will apply to births and adoptions falling on or after 6 April 2024.  
**Amended by:** Employee Relations  
**Approved by:** not required - Legislative  
**Date Approved:** n/a  
**Quality Assured:** Legitimacy Team

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## 11.0 Governance

The details below are only required for new documents, major amendments subject to consultation.

**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 Assistant Chief Officer (Dorset)  
**Date Approved:** 13/05/2021

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