

 West Mercia POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Maternity & Maternity Support Leave (Police Staff & Police Officers)
REFERENCE NUMBER	WMP079
Version	1.1

POLICY OWNERSHIP	
DIRECTORATE	BUSINESS SERVICES
BUSINESS AREA	PEOPLE & ORGANISATIONAL DEVELOPMENT

INITIAL IMPLEMENTATION DATE	July 2020
NEXT REVIEW DATE:	March 2024
RISK RATING	LOW
EQUALITY ANALYSIS	LOW

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail contactus@westmercia.pnn.police.uk

1.0 POLICY OUTLINE

This Policy sets out the West Mercia Police and the Offices' of the Police & Crime Commissioner (OPCC) arrangements for maternity leave and pay, and maternity support leave and pay.

The policy applies to police officers, police staff, and staff of the Offices of the Police & Crime Commissioner (OPCC) but does not cover casual workers, members of the special constabulary, police staff volunteers, agency workers¹ or contractors with the exception of the provisions for health and safety risk assessments which, for agency workers and contractors is the joint responsibility of the local manager and the worker's own employer (i.e. the agency).

2.0 PRINCIPLES OF THE POLICY

West Mercia Police are committed to supporting new and expectant parents in the workplace, during maternity leave or maternity support leave, and on their return to work.

This policy details the leave and pay entitlements for Police Officers and Police Staff where the Expected Week of Childbirth (EWC) is certified by a medical practitioner on the MATB1 as being on or after 4th January 2021, or were in receipt of Occupational Maternity Pay from 1st September 2020.

For individuals where the EWC was before 4th January 2021, please refer to the HR Service Centre for further information.

2.1 Maternity Leave & Pay

2.1.1 Maternity LEAVE - Entitlement

Police officers and police staff may take maternity leave for a period of up to 15 months in an 18 month period. This may be taken in one or more periods, starting from 6 months before the expected date of birth.

Maternity leave must end 15 months after it started, or 12 months after the date of birth (whichever is the sooner).

The mother must take at least two weeks of compulsory maternity leave.

¹ After 12 weeks in the role, agency workers may take paid time off to attend antenatal appointments if they cannot reasonably arrange them outside working hours.

The ability to take maternity leave in more than one period allows the mother to:

- return to work (e.g. for a court appearance or training course) and then resume maternity leave; or
- take annual leave during a break in maternity leave.

Individuals should be aware that returning to work during the Statutory Maternity Pay (SMP) period may result in SMP ending.

For both police staff and police officers, it may be possible for the mother who is taking a period of maternity leave or pay to convert a proportion of this to shared parental leave that can be taken by the other parent. For further details please refer to the Shared Parental Leave policy and procedure.

2.1.2 Maternity PAY – Qualifying Conditions

To qualify for Statutory Maternity Pay (SMP) the individual must:

- be earning for the eight weeks prior to the end of the 'qualifying week' on average not less than the lower earnings limit for national insurance
- have worked continuously for at least 26 weeks by the 'qualifying week' i.e. the 15th week before expected week of childbirth (EWC)
- give notice in writing, at least 28 days before her absence begins and no later than the 15th week before the EWC of the date she intends to start maternity leave
- give proof of pregnancy by way of MAT B1 certificate (issued by health practitioner).
- still be pregnant at the beginning of the 24th week into pregnancy

During the period in which they receive statutory maternity pay, the individual must comply with all statutory conditions, e.g. they must not work more than their maximum 10 Keeping in Touch (KIT) days.

It is a requirement of occupational maternity pay that police officers and police staff will return to work for a minimum of one month, otherwise individuals will be required to repay occupational maternity pay.

Individuals who are not eligible for Statutory Maternity Pay, may be eligible for Maternity Allowance payable from Job Centre Plus.

2.1.3 Maternity PAY – Entitlements

Less than 26 weeks continuous service (from the 15 th week before EWC)		Maternity Allowance (MA) may be payable via Jobcentre Plus
More than 26 weeks continuous service but less than one year (from the 15 th week before EWC)		39 weeks Statutory Maternity Pay (SMP) 13 weeks (Week 40 – 52) unpaid
More than one year (52 weeks) continuous service (from the 11 th week before EWC)		26 weeks Occupational Maternity Pay (full pay) 13 weeks at Statutory Maternity Pay (SMP) (Pay can be taken from the choice of two options outlined below)
MATERNITY PAY OPTION 1		
Week 1 to 26		Week 27 – 39
26 weeks Occupational Maternity Pay (full pay)		13 weeks Statutory Maternity Pay (SMP)
MATERNITY PAY OPTION 2		
Week 1 to 21	Week 22 to 31	Week 32 to 39
21 weeks full Occupational Maternity Pay (full pay)	10 weeks reduced rate Occupational Maternity Pay (half pay), plus half rate Statutory Maternity Pay (SMP)	8 weeks lower rate Statutory Maternity Pay (SMP)

2.2 Maternity Support Leave & Pay

Maternity Support Leave allows the child's father, partner or nominated carer to provide a supportive framework to a new mother, at or around the time of birth, and to assist with the care of the child. The leave is applied irrespective of gender and/or marital status.

2.2.1 Maternity Support Leave - Qualifying Conditions

To qualify for maternity support leave, the individual must:

- be the biological father of the child, or
- be married to, or the partner of the child's mother (partner is the person who lives with the mother in an enduring family relationship but is not a blood relative), or
- be the nominated carer appointed by the mother to assist in the care of the child and to provide support.

The individual must also:

- have 26 weeks continuous service at the "qualifying week" i.e. the end of the 15th week before the expected week of childbirth (EWC)
- have or expect to have the main responsibility for the upbringing of their child, along with the other parent, except where the relationship is that of nominated carer.

2.2.2 Maternity Support Leave – Entitlement

Maternity Support leave is available for up to two weeks (10 days FTE paid leave subject to qualifying service). The individual may choose to take a single block of either one week or two consecutive weeks.

Only one period of paid leave will be available to the individual irrespective of whether more than one child is born as a result of the same pregnancy.

Maternity support leave may commence on any day of the week, on or following the birth of the child but must be completed within the first 56 days of the birth, or, where the child is born early, within the period from the actual date of birth up to 56 days after the expected week of childbirth.

Individuals should give notice of their intention to take Maternity support leave at least 15 weeks before the expected due date of a baby stating:

- how much leave they wish to take
- the start date of the leave, and end date if known. (if these dates need to be changed, the individual must provide 28 days notice of the change)
- the week the baby is due (should the baby arrive later, the individual would be expected to attend work until the actual arrival date).

2.3 **Pregnancy Health**

2.3.1 Risk Assessments

An initial risk assessment is carried out by the individual's line manager to consider the duties and working conditions of the role, in particular the following:

- the risk of injury or infection
- the risk of exposure to hazardous substances
- confrontational duties/ threat of violence in the workplace
- the risk of potential injury or abuse during any outstanding or possible court appearances
- tasks which involve high levels of psychological or physical fatigue
- tasks which involve long periods of standing, sitting or travelling
- manual handling
- exposure to extremes of temperature
- driving vehicles (including marked/ unmarked police vehicles)
- long working hours

Where the individual has a pre-existing medical condition, is experiencing complications, or has experienced complications in previous pregnancies, the line manager will submit a medical referral to their HR Officer who will refer to Occupational Health for further advice. The line manager should also take into account any adjustments recommended by the individual's midwife/ GP/ Consultant.

Risk assessments can be amended as necessary and will be formally reviewed and updated at week 12, 24 and 32 of the pregnancy, during maternity leave (for KIT days) and on the individual's return to work.

2.3.2 Time off for antenatal appointments

The mother may take reasonable paid time off to attend antenatal care appointments made on the advice of her GP, consultant, midwife or health visitor. After the first appointment, the organisation may request an appointment card as proof of the appointment.

The father/ partner may take **unpaid** time off to attend up to two antenatal appointments (of up to 6.5 hours each).

2.3.3 Sick leave

If the individual takes sick leave due to pregnancy related illness any time after the beginning of the fourth week before the expected due date, the maternity leave period and Statutory Maternity Pay will automatically begin.

2.3.4 Premature birth

If the baby is born before the start of the 11th week before it was due, or before the start of the individual's maternity pay period, maternity pay will start from the day following the birth.

2.3.5 Stillbirth and Miscarriage

In the sad event of stillbirth or miscarriage:

- where this occurs after the end of the 24th week before the date the individual's baby is due, the individual will be entitled to maternity leave and pay described in this policy. Their partner will also be entitled to take maternity support leave.
- where this occurs before the 24th week, sympathetic consideration will be given to the granting of sick leave or special leave (please seek advice from HR).

2.4 Terms & Conditions

During Maternity Leave, the individual will be entitled to the benefit of all their existing terms and conditions of employment other than terms relating to pay.

Periods of paid Maternity Leave or Maternity Support Leave are pensionable, reckonable for incremental pay purposes and included in any period of probationary service.

Information regarding pensions, including buy-back options for periods of unpaid leave can be found on the intranet 'You at Work/ Pay and Benefits/ Pensions', the LGPS website www.lgps2014.org (for police staff) or by contacting Kier Pension Services on (01642) 727333 (for police officers).

The individual is entitled to return to work on the same conditions of service (e.g. hours, grade).

2.5 Keeping in Touch

There is a responsibility on the individual and their line manager to maintain appropriate contact during Maternity leave, and this should be agreed in advance prior to the commencement of the leave.

The purpose of a contact plan is to update the individual on any work developments, including:

- career/ promotion opportunities and job vacancies;
- information regarding workplace changes e.g. re-structure proposals;
- general team updates and working practice changes;

- communication about return to work plans

During a period of Maternity Leave, the individual can work up to 10 Keeping in Touch (KIT) days during Maternity Leave, excluding the first two weeks of compulsory maternity leave immediately following the birth.

KIT days are optional and should be agreed in advance between the individual and their line manager, and are designed to ensure effective and purposeful contact with the workplace, without bringing Maternity Leave to an end. They may be used to attend appropriate training, attend team meetings, etc.

2.6 Attendance at court

Police officers and police staff may be recalled to duty for exceptional reasons such as Court duty or disciplinary hearings, unless their GP advises them not to do so, in which case, a medical certificate will be required. Individuals should not be recalled during the two weeks of compulsory maternity leave immediately following the birth.

2.7 Return to work

The individual must give at least 8 weeks, and no less than 21 days, notice of their return to work so that the line manager may complete a risk assessment and return to work plan.

Where the individual wishes to request work-life balance options, they should refer to the appropriate policy e.g. Flexible Working, Career Break or Preferential Re-engagement scheme.

3.0 IMPLICATIONS of the POLICY

3.1 Risks

The effective operation of this policy will minimise the risk of successful action against West Mercia Police and OPCC under equality and employment legislation at Employment Tribunal.

3.2 Legal considerations

- Home Office Circular 011/2015 – The effect of the Children & Families Act 2014 on Police Regulations 2003
- NPCC Maternity and Adoption Leave Guidance November 2020
- Home Office Circular 033/2003
- PNB Circular 2013/6 Advisory
- PNB Circular 2010/5 Advisory

- PSC Joint Circular 115 – Maternity and Adoption Entitlement
- Children & Families Act 2014
- Paternity & Maternity Leave (Amendment) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014.
- Equality Act 2010
- Employment Rights Act 1996

3.3 Training

Management coaching may be required via staff in People Services HR Operational teams.

4.0 CONSULTATION

<i>Business Lead Consulted</i>	<i>Date Consulted</i>
Bal Jacob	March 2021

The policy has been circulated to members of the Critical Friends group (OPCC, Federation, Unison, Legal Services, Risk Management, Health & Safety and Equality & Diversity and staff network groups) for consultation and feedback.

5.0 DOCUMENT HISTORY

The history and rationale for change to policy will be recorded using the chart below:

Date	Author/Reviewer	Amendment(s) & Rationale	Approval / Adoption
		Previously approved at JNCC meeting	JNCC 25/09/2015
July 2020	J Penn	Reviewed – No changes reverted to West Mercia Policy	July 2020
January 2021	R Willis	Inclusion of increased occupational maternity pay agreed Nationally.	March 2021

6.0 PROCEDURE

See flow chart below.

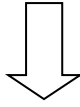
7.0 ASSESSMENT AND ANALYSIS

A 'Health and Safety, Risk and Equalities Assessment' has been conducted.

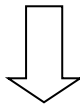
8.0 MONITORING / EVALUATION

The Monitoring and review of this policy is the responsibility of the policy owner

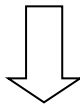
Initial Notification of pregnancy - individual submits **Form M1** to line manager



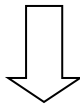
Line manager completes First Risk Assessment and sends to HR Service Centre along with signed **Form M1**
(Copy to Occ Health if underlying medical issue or previous complications)



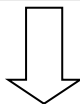
HRSC checks individual's eligibility and notifies entitlements via letter/ information pack



Application to take Maternity Leave – individual submits **Form M2** to line manager stating start dates and duration of maternity leave
Submit MAT B1 certificate (issued by midwife from 20 weeks)
(Individual and line manager to check outstanding annual leave/ BH/ TOIL/ Flexi with Duties and allocate days to be used within appropriate leave year)



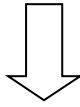
Risk Assessment reviews – Weeks 12, 24, 32
Individual and line manager meet to update the risk assessment in accordance with advice from midwife/ GP/ consultant.
May seek Occupational Health advice if required.



Start Maternity Leave

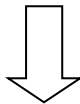
May commence from 6 months before EWC
Up to 15 months leave ending no later than 12 months after the birth

Birth of baby
Notify line manager and HRSC



2 weeks compulsory maternity leave

Father/ partner may take up to two calendar week's maternity support leave (MSL)

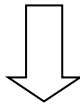


Keeping In Touch

Reasonable contact to be made between individual and manager (to be agreed in advance).

Keeping In Touch (KIT) up to 10 paid days can be taken to undertake training, team meetings/ updates without bringing maternity leave to an end.

Appropriate risk assessments should be undertaken by the line manager.



Return to work process

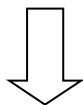
HR Service Centre writes to individual approx 20 weeks prior to projected return date.

Individual contacts line manager to confirm actual return to work dates submits **Form M3** to confirm actual return to work dates giving at least 8 weeks notice.

Line manager completes risk assessment and return to work plan for individual

Individual may wish to submit request for **work-life balance** options (refer to separate policies):

- Flexible Working request
- Career Break (police officers)/ Preferential Re-engagement (police staff)



Resignation

Individuals not wishing to return to work must submit resignation providing appropriate notice: police officers 28 days / police staff minimum 4 weeks or contractual notice whichever is longer