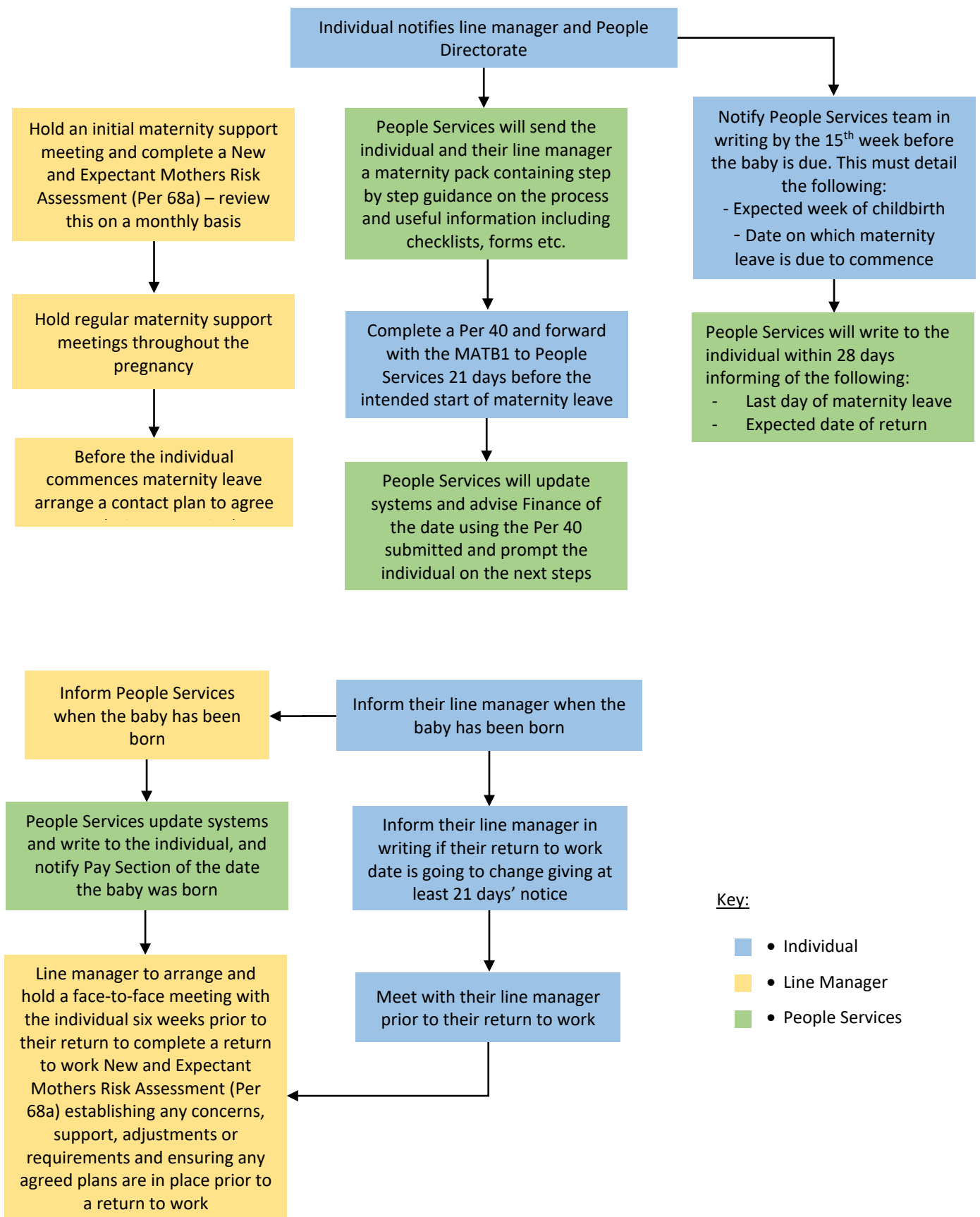


Maternity Leave and Pay – Police Officers

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Flowchart – Maternity Leave and Pay - Police Officers



Policy Statement

Summary

West Yorkshire Police supports police officers who take maternity leave. This policy outlines the entitlement of individuals to maternity pay and leave. It also details support that will be provided during maternity leave and upon return to work following a period of maternity leave.

The policy also outlines the support that will be given to individuals who are receiving 'in vitro fertilisation' (IVF) treatment.

Scope

This policy applies to all police officers.

Principles

General

- All employees of the Force who are pregnant and/or on maternity leave must be treated with sensitivity integrity, fairness and respect and in accordance with Force policy.
- If an individual has expressed an intention to start a career break following their maternity leave, they will receive the minimum maternity pay to which they are entitled. The career break will start as soon as the maternity leave ends.
- If an individual intends to resign following maternity leave, they will only receive statutory maternity pay.
- Individuals must still attend court if requested, unless a medical certificate can be produced to state that they are not fit to do so.

Entitlements

- Eligible employees can take up to 15 months' maternity leave. Eligible employees can be paid for a maximum of 39 weeks.
- Annual leave can be taken during a period of maternity leave. After giving birth, a mother must take a minimum of two weeks' maternity leave.
- In the tragic event of a miscarriage before the end of the 24th week of pregnancy, paid bereavement leave of up to five days can be considered for the parents. Please refer to the Special Leave policy.
- In the tragic event of a stillbirth, where this occurs on or after the 24th week of pregnancy, or a neonatal death, maternity leave and pay would still apply. In addition, parents are entitled to two weeks' Child Bereavement Leave within the 56 weeks after the bereavement, as outlined in the Special Leave policy.
- Where parents have already opted into shared parental leave and pay they are still able to take any leave they have already booked, but are no longer entitled to any leave that has not already been booked.

- Periods of maternity leave count for the purposes of continuous service and incremental purposes.
 - Periods of unpaid maternity leave do not qualify for pensionable service.
 - Unpaid maternity leave starts when Statutory Maternity Pay (SMP) payments cease.
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Annual leave & bank holidays

- Annual leave continues to accrue during a period of maternity leave.
 - Where an individual is unable to take all of the annual leave entitlement before the end of the leave year it will be carried over to the appropriate year when they return to work.
 - Public holidays are not paid during maternity leave. However, public holidays are accrued during maternity leave and can be reallocated upon an individual's return to work.
 - Individuals must notify the People Systems Support Team upon their return to work to reallocate any accrued public holidays. These must be taken within the leave year in which an individual returns to work.
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Working during pregnancy

- Risk must be considered on an individual basis. Where there is no risk to mother or baby or where the identified risk can be managed through adjustments, the individual must be allowed to remain in their role.
 - This will be determined through discussions with their line manager, the individual and completion of a pregnancy risk assessment form 68a. Advice must be sought from the GP or OHU, if appropriate.
 - Where there is an identified risk to mother or baby, steps must be taken to remove or reduce the risk. Only where this is not possible should an alternative role be identified. If an alternative role has to be identified, this must provide the individual with meaningful work for the remainder of their pregnancy.
 - The risk assessment must be reviewed on, at least, a monthly basis.
 - Where an individual has undergone a caesarean section and returns to work, monitoring must continue for a period of 9 months following the surgery.
 - Requests to reduce hours due to non-medical reasons will be considered under the Flexible Working policy.
 - If a reduction or change of working hours is necessary for a medical reason, provided this is on the direction of a medical professional, this will be accommodated. In these instances, no changes will be made to the pay of the individual.
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Maternity leave whilst on a career break

- Officers that become pregnant whilst on a career break will be entitled to suspend their career break and take maternity leave and pay on the same basis as before taking the career break.
- The officer must write to the People Services Officer giving notice of the expected date of confinement as soon as reasonably practicable. The

career break will be suspended, and the normal provisions of the maternity scheme will apply, including accruing annual leave.

- Whilst on 'paid maternity leave' the Police Service will continue to deduct the officer's pension contributions. When the officer's pay reduces, the Police Service will still deduct their full contribution.
- The officer's career break will be suspended if they take maternity leave. If the officer wishes to resume their career break at a later date, they need to apply again, and will be subject to a further agreement with the People Services Officer.

Breastfeeding

- Risk must be considered on an individual basis. A risk assessment form 68a New and Expectant Mothers will be completed at the Maternity Support Meeting, prior to the individual returning to work, and will be reviewed regularly.
- An individual may return to work whilst they are breastfeeding.
- Consideration must be given to the working hours of breastfeeding mothers who are required to work stand by or call out.
- Consideration must be given to any reasonable adjustments required to support an individual in role whilst they are breastfeeding.
- Breastfeeding arrangements must be discussed and considered at the Maternity Support Meeting prior to the individual returning to work, in order that suitable arrangements can be put in place and captured on the form 68a to support a return.
- Where appropriate, advice must be sought from OHU.
- For further detailed information, see the Breastfeeding Protocol.

Tactical Flight Officers (TFOs)

- All TFOs will be required to immediately cease flying until a medical consultation has taken place with the Police's Consultant Occupational Health Physician, and a full risk assessment has been undertaken.
 - If it is determined that an individual is unable to fly, NPAS will seek alternative meaningful employment for the individual. Where this is not possible the individual may be returned to the home force. In these instances, their role of TFO must be made available to the individual on their return from maternity leave.
 - All case will be considered on an individual basis.
 - TFOs are able to fly up until the 26th week of pregnancy, after which they will be placed on restricted duties.
 - Any TFO who experiences a miscarriage or has a termination of a pregnancy will be determined unfit. Recertification may be considered subject to an acceptable specialist gynaecologist report.
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Responsibilities

Individuals

- Responsibilities** Individuals are responsible for:
- Informing People Services that they are pregnant in writing in the qualifying week, which is the 15th week before the baby is due. This must detail the expected week of childbirth and the date on which maternity leave is to commence;
 - Informing their line manager of their pregnancy. Line managers have a duty of care, in order to monitor progress, appropriately risk assess and ensure safety at work. Where a line manager has not been notified, People Services will advise them on the individual's behalf following the 12th week of pregnancy;
 - Discussing with their line manager any issues relating to their pregnancy that they may need support with, maternity leave or return to work plans. Maternity Support Meetings will be held throughout the pregnancy;
 - Where an individual strongly feels it is appropriate to nominate someone other than their line manager to undertake the Maternity Support Meetings, seeking support from People Services in the first instance;
 - Discussing arrangements with line management for what sort of contact to keep before maternity leave begins. Responsibility for keeping in contact rests with both the individuals and the line manager. If there is a change of line management whilst on leave the new manager will ensure contact is continued;
 - Completing a Per 40 form and forwarding it, together with the MAT B1, to the People Directorate by the 15th week before the baby is due;
 - Providing evidence of appointments when requested by the line manager;
 - Agreeing with their line manager when KIT days will be taken and confirmed as worked before submission to Finance and Commercial Services Pay Section;
 - Considering when to take any outstanding annual leave. This can be taken before, during or after maternity leave. If an individual wants to take annual leave during their maternity leave, they need to complete a FIN93 form;
 - Informing their line manager of any pregnancy related sickness. The SMP payments will start the day after the pregnancy related sickness if within the 4-week period before the baby is due. The individual would need to decide whether to bring forward their Occupational Maternity Pay (OMP) leave and pay, use annual leave or take unpaid leave until their chosen date of OMP. The 4-week period can be determined by looking at the Sunday before the due date and going back a further 4 weeks;
 - Informing Finance and Commercial Services of any non-pregnancy related sickness, if the sickness is for a prolonged period;
 - Unless an officer has opted out of the pension scheme, paying pension contributions at the appropriate percentage whilst on maternity leave. When an officer's rate of pension contribution changes, i.e. half pay or no pay, this will affect their pension. Officers have one month to top up their pension contribution in arrears and can do so by contacting the Force Pension Manager;

- Making alternative arrangements to pay any voluntary deductions during the period of nil pay, e.g. PMAS;
- Making alternative arrangements for paying childcare payments, car lease, cycle2work and any other salary sacrifice payments, as these will be suspended after OMP finishes;
- Agreeing with the line manager how contact will be maintained during maternity leave;
- Notifying their line manager when their baby is born;
- Notifying People Services if the baby is born whilst on annual leave;
- Notifying People Services of the date of birth of the baby in order that maternity pay can begin;
- Providing at least 21 days' notice in writing if the return to work date is to change;
- Notifying their line manager if they are unable to return to work following maternity due to sickness providing a fit note;
- Completing a Per 41 form to notify of a return to work date; and
- Notifying line management at the Maternity Support Meeting prior to returning to work of any relevant issues or concerns, any known training or support that may be required and advising if they are breastfeeding and require additional support.

For further information refer to the Individual's Maternity Pack and Breastfeeding Protocol.

Line Managers

- Responsibilities** Line managers are responsible for:
- Completing a pregnancy risk assessment form 68a, to assess whether the duties being undertaken may put the mother or baby at risk, and reviewing this risk assessment on a monthly basis;
 - Holding an initial Maternity Support Meeting with the individual once they have confirmed their pregnancy, with regular meetings thereafter throughout the pregnancy to discuss any issues, support requirements, maternity leave and return to work plans;
 - Authorising attendance at antenatal appointments, medical examinations, ultrasound scans, hospital, midwife and health visitor appointments;
 - Holding a Maternity Support Meeting with the individual before the start of maternity leave to agree contact arrangements during the period of leave. Responsibility for keeping in contact rests with both the individual and the line manager. If there is a change of line management during maternity leave the new manager will ensure contact is continued. This must be recorded in the contact agreement form;
 - Ensuring there is an appropriate and thorough handover to the new line manager, as the individual's current line manager, to ensure the individual is continuously supported throughout if there is a change in line

management responsibility for the individual at any point during the pregnancy or maternity leave;

- Notifying People Services of the date the baby was born as soon as practicably possible;
- Agreeing with the individuals the dates of any KIT days that are to be taken;
- Consulting with the individual if organisational change occurs during the period of maternity leave. This must include providing periodic updates of change programmes;
- Approving unpaid leave for the father or partner of the mother, including same sex couples, to attend a maximum of two antenatal appointments and advising Finance and Commercial Services Pay Section via a Per14. Attendance at these appointments is unpaid;
- Holding a face-to-face Maternity Support Meeting at least 6 weeks before the return to work date to discuss any relevant issues or concerns and determine whether there any training needs and/or whether the individual would like to be paired with a mentor, coach or buddy on their return to ensure the individual is fully supported when they return to work; and
- Completing a New and Expectant Mothers risk assessment form 68a at the Maternity Support Meeting prior to the return to work to assess whether the duties being undertaken may put the mother or baby at risk. Considerations to breastfeeding must be given.

For further information refer to the Line Manager's Maternity Pack and Breastfeeding Protocol.

People Services

- Responsibilities** People Services are responsible for:
- Writing to the individual after receiving the initial notification within 28 days informing them of the last day of their maternity leave and the expected date of return;
 - Advising Finance and Commercial Services of this date using the Per 40. It is then Pay Section who will write to the individual detailing the entitlements and dates that will be received during maternity leave;
 - Receiving the Fin 13 (Kit Day) and forwarding to Pay Section;
 - Ensuring that the HR system is updated;
 - Notifying the Pay Section of the date the baby was born for system updates;
 - Where the line manager has not been notified of the pregnancy, notifying them following the 12th week of pregnancy; and
 - Ensuring both the individual and line manager are in receipt of the Maternity Packs.
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Antenatal Care

Principles

- Individuals may attend any antenatal appointments during works' time. Line managers may ask to see an individual's appointment card.
- Fathers or partners of the expectant mother, including same sex couples, are entitled to unpaid time off to attend a maximum of two antenatal appointments during works time. The maximum time allowed for each appointment is 6.5 hours.
- In order to take this leave, individuals must complete a signed declaration confirming that they:
 - Are the husband or civil partner of the mother; or
 - Are in a relationship with the mother and living together (including same sex couples); or
 - Are the father of the child; or
 - Will have parental rights of the child where the child is being born under a surrogacy arrangement.
- Parent craft and relaxation classes cannot be taken in works' time.
- A Per14 form must be sent to People Services.

Maternity Leave

Principles

- After giving birth, an individual must take a minimum of two weeks' leave by law.
- Regardless of the length of service, individuals are entitled to a maximum of 15 months' maternity leave.
- The earliest date maternity leave can start is six months before the expected week of childbirth (EWC) and the latest is on the baby's due date. Maternity leave must be completed by 12 months after the EWC or, for babies born following the EWC, individuals will be required to return 12 months following the baby's date of birth.
- SMP pay will not start until the 11th week before the EWC. However, OMP will start, at the earliest, six months before the EWC.
- Where a baby is born early the statutory maternity leave will start the day after the birth. The occupational maternity leave date can be brought forward at the request of the individual.
- During maternity leave an individual is entitled with management agreement to work up to 10 keeping in touch (KIT) days. Individuals will be paid their basic hourly rate for the hours they work on a KIT day.
- No extra allowances such as shift allowance, bank holiday rate, rest day rate, unsocial hours or stand by will be paid.
- Individuals will not return to work owing core hours. If the individual is looking to change their working pattern, where possible this must be done during the unpaid period to allow the transfer to the new pattern prior to their return to work to ensure no core hours are generated.

- KIT time is voluntary and KIT days must be agreed between both the individual and their line manager. Prior to a KIT day the risk assessment must be updated to reflect the duties that will be undertaken.
- KIT time must be claimed on a Fin 13 form and forwarded to People Services who will inform Pay Section.
- Individuals have the right to return to the role they left on the same conditions of service as before the maternity leave. Exceptions to this are:
 - If there has been organisational change resulting in the post no longer existing. In these cases a suitable alternative role must be found, in line with the Organisational Change policy;
 - An individual chooses to return on a job share or part time basis and their request cannot be accommodated for their current post, alternative posts will be considered, in line with Force policy on flexible working, and their pay and entitlements will be adjusted accordingly; or
 - An individual who was on restricted duties for reasons relating to their pregnancy and subject to a full risk assessment will return to their last non-restricted post.
- Where an individual is unable to return after maternity leave due to sickness the Attendance Management policy will apply.
- Individuals must notify their line manager of their sickness and a medical certificate must be provided. People Services will advise Finance and Commercial Services Pay Section of sickness absence which occurs directly after maternity leave.

Maternity Pay

Less than 26 weeks' continuous service

- Individuals who have less than 26 weeks' continuous service with the same employer at the 15th week before the week in which their baby is due, or their earnings are below the National Insurance lower earnings limit, are not entitled to statutory maternity pay. However, they may be entitled to maternity allowance.
- Please note, the EWC commences with a Sunday.

26 weeks' or more continuous service

- To qualify for Statutory Maternity Pay (SMP) individuals need to have completed 26 weeks' continuous service with the same employer at the 15th week, and be still pregnant or have given birth by the 11th week before the week the baby is due, and be earning above National Insurance limit. Occupational maternity pay is offset against SMP/MA.
- Individuals who meet the above criteria are entitled to 39 weeks' statutory maternity pay as follows:
 - Higher rate SMP is six weeks at nine tenths of the salary rate, followed by 33 weeks at the lower rate.
 - The lower rate can be found online but please be aware that if the pay calculated as nine tenths of normal pay is actually lower than the lower

rate, WYP are only able to pay the lower of the two amounts for this period.

- For this purpose, a week's pay is calculated over a two-month qualifying earnings averaging period, which is typically the two payment months prior to the 15 weeks (qualifying week) before the expected week of childbirth (EWC) and may include payments such as overtime and unsocial hours.
 - Statutory maternity pay can be paid from the 11th week before the week in which their baby is due.
 - Statutory maternity pay is paid in weeks and must be taken in complete weeks.
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At least one year's service

- Individuals who have completed one year's continuous service at the 11th week before the week in which the baby is due are entitled to either:
 - 26 weeks' occupational maternity pay, followed by 13 weeks at the lower rate of statutory maternity pay; **OR**
 - 21 weeks' occupational maternity pay, followed by 10 weeks' reduced rate occupational maternity pay (half pay), plus lower rate statutory maternity pay, followed by 8 weeks at lower rate statutory maternity pay.
 - Both options are exactly the same in financial terms. Where there is a difference between OMP and SMP individuals will be paid the higher entitlement.
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Qualifying earnings period

- The earnings period used to calculate entitlement to SMP is generally the two payment months prior to the qualifying week, which is 15 weeks before the EWC.
 - Finance and Commercial Services Pay Section refer to the latest HMRC calculator to work out the qualifying earnings period.
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Repaying occupational maternity pay

- If an individual does not return to work for a minimum period of one calendar month after having a baby, they will be required to repay the occupational maternity pay.
 - If an individual is unsure whether or not they will be returning to work, they can choose not to receive the occupational maternity pay. Should they then return to work this would be paid to them as a lump sum.
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Allowances and Benefits

Principles

- Paid maternity counts as service for pension purposes but pension contributions must be paid during this period.

- Periods when no maternity pay is paid do not count for pension purposes. However, an individual can choose to top up their pension contribution in arrears following their return provided that they are still employed by the Force.
- Incremental progression must not be affected by a period of maternity leave. Any increase will be paid once the individual returns to work.
- Once an individual falls onto nil pay, voluntary deductions cannot be deducted. During the unpaid period, Individuals must make their own arrangements to pay these.
- However, in line with the individual's original agreements, any payments to the following will be reinstated by Pay Section when pay resumes:
 - GAYE Police Care UK (Dependants Trust)
 - GAYE Police Treatment Centre (Convalescent Home)
 - GAYE Police Children's Charity
 This will be on the next available month where there are sufficient funds.
- Subscribing members of the Police Federation will continue to be members on maternity if they fall to nil pay. Subscriptions will not automatically resume on return from maternity leave and it is the officer's responsibility to contact the Federation to arrange for subscriptions to resume on their return to work.

Salary Sacrifice Schemes

- For membership of the Kiddivouchers scheme, officers are responsible for the cancelling of their vouchers. To return to the scheme, officers must contact the scheme provider to make the necessary arrangements.
- Members of the car lease scheme will have the lease period extended to cover any missed payments. The same also applies to members of the Cycle to Work Scheme.

Pension Contributions

Principles

- Individuals will pay pension contributions at the appropriate (normal) percentage on the pay they receive whilst they are on maternity/shared parental/adoption leave. Pay includes OMP and SMP, or equivalent.
- When the SMP has ended and the individual continues to take leave for which they receive no pay, they will stop accruing pension.
- Individuals do, however, have the option to pay pension contributions for the unpaid part of their maternity/shared parental/adoption leave.
- Individuals must contact the Force Pension Manager within 30 days of their return to work.
- For further information refer to the Maternity Pack – Individuals.

In Vitro Fertilisation (IVF)

Principles

- Support will be offered to all prospective parents, including same sex couples, who are taking part in IVF treatment.
 - Individuals undergoing IVF treatment may need to inject themselves as part of their treatment. For shift workers this may need to be done whilst at work. Where this is the case, an appropriate room must be provided for this purpose. Line managers must be flexible where possible to support the treatment.
 - Consideration must be given to the correct storage and disposal of any needles required to be used during the IVF treatment and an appropriate risk assessment must be carried out in each case.
 - Due to the nature of IVF some of the treatment must be undertaken on specified dates. Individuals must inform their line manager of any such dates as soon as possible.
 - While undergoing or recovering from IVF treatment an individual may be granted a maximum of two days' paid leave. An individual can determine at what point in the IVF cycle they would like to take the paid leave by completing a Per14.
 - Individuals may be granted a period of unpaid leave to support their partner during treatment. This may be taken in days or hours.
 - An individual must be deemed to be pregnant for the purpose of the Equality Act 2010 from the point at which the embryos have been implanted. Any sickness absence after this point must be recorded as pregnancy related.
 - The risk assessment will also need to consider exemption from potentially confrontational duties for a period of two weeks after the embryos have been implanted.
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**NPAS Tactical
Flight Officers
(TFOs)**

- In accordance with CAA Regulations, TFOs undergoing a first cycle of IVF will be determined to be unfit. Recertification may be considered subject to an acceptable specialist gynaecologist report.
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Additional Information

Compliance

This policy complies with the following legislation and policy:

Equality Act 2010

Data Protection Act 2018

Police Regulations 2003

Attendance Management policy

Organisational Change policy

**Further
Information**

- Maternity and family forum SHPL handout
 - Breastfeeding protocol
 - Maternity Pack - Individual
 - Maternity Pack - Line Manager
 - Maternity Pack Checklist – Individual
 - Maternity Pack Checklist – Line Manager
 - Career Break Scheme – Police Officers
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