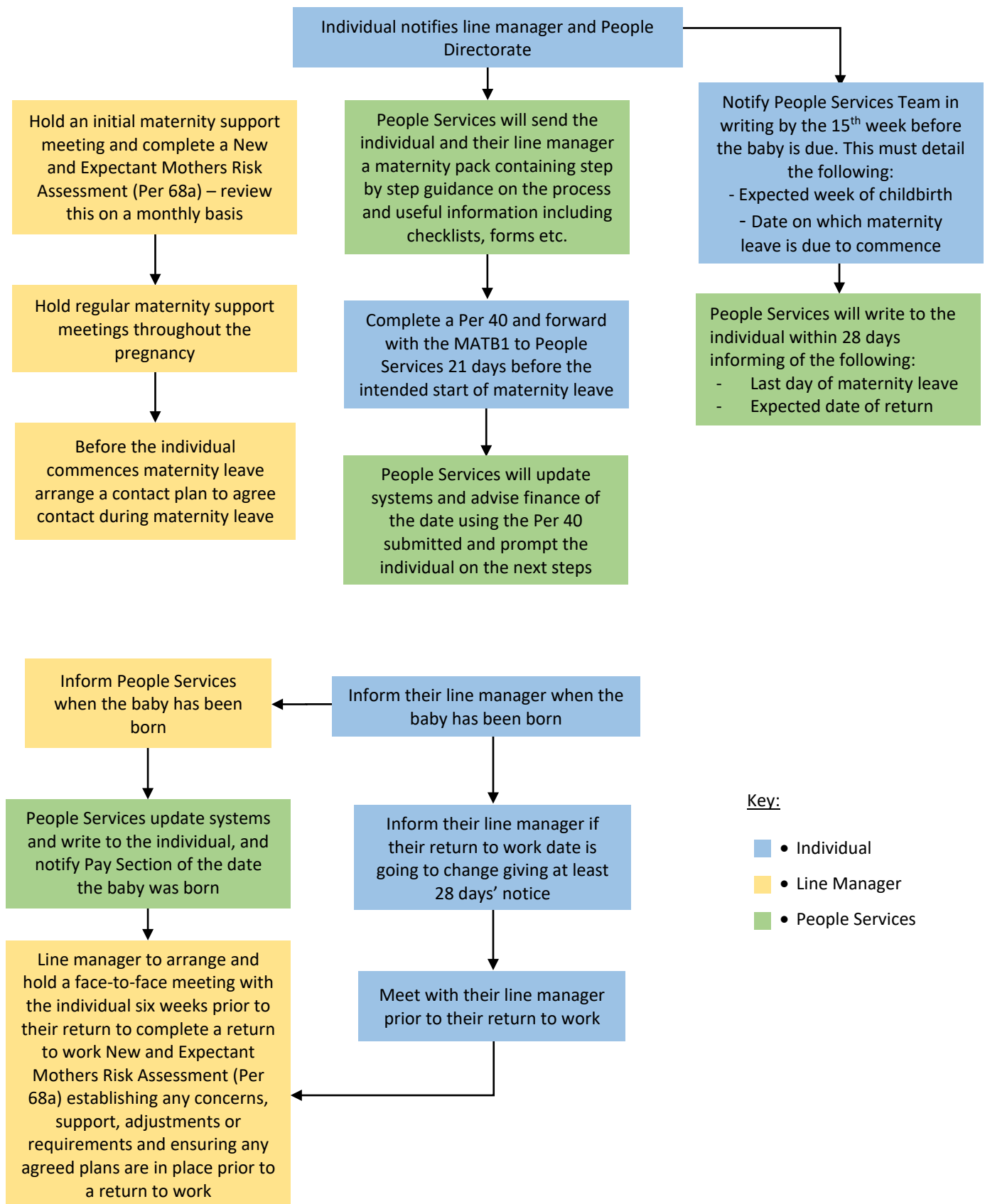


Maternity Leave and Pay – Police Staff

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Flowchart – Maternity Leave and Pay - Police Staff



Policy Statement

Summary

West Yorkshire Police supports police staff 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 staff.

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.
- All employees wanting to take maternity leave and obtain the pay must meet the criteria stated within this policy.
- 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.
- Annual leave can be taken during a period of maternity leave.
- A temporary return to work can be facilitated by the use of KIT days.
- 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.

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.
 - Any bank holidays falling within the maternity period will be reimbursed allowing the individual to take them upon their return to work.
 - The individual must notify the People Systems Support Team upon their return to work to reallocate any accrued bank holidays. These will then be treated in the same way as annual leave.
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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, an individual must be allowed to remain in their role.
 - This will be determined through discussions with the line manager, the individual and completion of a pregnancy risk assessment form 68a. Advice must be sought from the GP, 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 nine 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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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.

NPAS Pilots & Tactical Flight Officers (TFOs)

- In accordance with CAA Regulations a pilot must cease flying once they become aware that they are pregnant until such time as an appropriate medical examiner can assess their fitness to continue flying.
- All pilots must cease flying at the end of the 26th week of pregnancy, at which point their pilots' licence will be suspended.
- The suspension of the pilot's licence will be lifted after a full recovery following the end of the pregnancy.
- TFOs will be required to immediately cease flying until a medical consultation has taken place with a Police's Consultant Occupational Health Physician who will consider fitness to fly.
- All TFOs must cease flying at the end of the 26th week of pregnancy.
- For both pilots and TFOs, full dynamic risk assessments in the workplace must be undertaken by the appropriate line manager and individual throughout the pregnancy.
- If it is determined that a pilot or TFO is unable to fly, NPAS will seek alternative meaningful employment within NPAS. For TFOs where this is not possible, the individual may be returned to their home force. In such cases, their role of TFO will be made available to the individual on their return from maternity leave.
- Any pilot or TFO who experiences a miscarriage or has a termination of a pregnancy will be determined to be unfit. Recertification may be considered subject to an acceptable specialist gynaecologist report.

Responsibilities

Individuals

Responsibilities

Individuals are responsible for:

- Informing the 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 individual 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 Services 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 & 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. If the absence occurs within the 4-week period before the baby is due, the maternity leave will start automatically. 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 & Commercial Services – Pay Section of any non-pregnancy related sickness if the sickness is for a prolonged period;
- Contacting Pensions if they wish to repay pension contributions. If contact is made within 30 days of their return to elect to repay pension contributions, individuals will only pay the employee contribution. Should an individual elect to repay pension contributions out of the 30 days, they will pay both the employee and employer contributions. Once elected there is no set time limit in which pension contributions must be paid. Further details will be sent in the Maternity Pack;
- Making alternative arrangements to pay any voluntary deductions during the period of nil pay, e.g. PMAS;
- Agreeing with the line manager how contact will be maintained during maternity leave;
- Notifying their line manager when the 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 28 days' notice 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;
- Making alternative arrangements for paying for childcare as vouchers will be suspended after Occupational Maternity Pay (OMP) finishes;
- Completing a Per 41 form to notify 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 individual 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 (attendance at these appointments is unpaid) and advising Finance & Commercial Services – Pay Section via Per 14;
 - Holding a face-to-face Maternity Support Meeting at least six weeks before the return to work date to discuss any relevant issues or concerns and determine whether there are 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 form. It is then the Finance Department who will write to the individual detailing the payments that will be received during the 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.
 - The Per 14 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 11 weeks 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.
 - If the baby is born before the maternity leave was due to begin, maternity leave will start the day after the birth of the baby.
 - 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, weekend, bank holiday 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, 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.
 - 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 of sickness absence which occurs directly after maternity leave.
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Maternity Pay

Less than 26 weeks'

- Individuals who have less than 26 weeks' continuous service at the 15th week before the date their baby is due, or their earnings are below the

continuous service	National Insurance lower earnings limit, are not entitled to statutory maternity pay. However, they may be entitled to maternity allowance.
26 weeks or more continuous service	<ul style="list-style-type: none"> • To qualify for Statutory Maternity Pay (SMP) the individual will need to have completed 26 weeks' continuous service at the 15th week, and be still pregnant or have given birth by the 11th week before the baby is due, and be earning above National Insurable 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: <ul style="list-style-type: none"> ○ Higher rate SMP is six weeks at nine tenths of the individual's salary rate, followed by 33 weeks at the lower rate. Please be aware that if the pay calculated as nine tenths of the normal pay is actually less than the lower rate, the organisation is 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 the baby is due. • Statutory maternity pay is paid in weeks and must be taken in complete weeks.
At least one year's service	<ul style="list-style-type: none"> • Individuals who have completed 1 year's continuous service at the 11th week before the expected week of childbirth are entitled to: <ul style="list-style-type: none"> ○ 26 weeks' occupational pay (full pay) from the date on which they stop work; ○ Followed by approximately 13 weeks' lower rate statutory maternity pay; or choose the following: ○ 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. <p>Current statutory rates can be found online.</p> • Both options are exactly the same in financial terms. Where there is a difference between OMP and SMP individuals will receive the higher entitlement.
Qualifying earnings period	<ul style="list-style-type: none"> • 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 & Commercial Services – Pay Section refer to the latest HMRC calculator to work out the qualifying earnings period.

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.
 - If an individual knows that they do not intend on returning to work they will receive six weeks at the higher rate of statutory maternity pay, which is nine tenths of a week's pay, followed by up to 33 weeks lower rate SMP.
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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 occupational maternity pay is paid do not count for pension purposes. However, an individual can choose to buy back the pension for this period 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.

Salary Sacrifice Schemes

- For membership of the Kiddivouchers scheme staff 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.
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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 Individual's Maternity Pack.
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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 Per 14.
 - 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 2 weeks after the embryos have been implanted.
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NPAS Pilots & Tactical Flight Officers (TFOs)

- In accordance with CAA Regulations, pilots and 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:

- The Maternity and Parental Leave Regulations 1999
 - Equality Act 2010
 - Data Protection Act 2018
 - Special Leave policy
 - Flexible Working – Police Staff policy
 - Attendance Management policy
 - Organisational Change policy
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**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
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