

Overarching Policies:

[Working Arrangements and Flexibility Policy](#)

Procedures:

[Additional Leave of Absence Procedure – Police Officers and Police Staff](#)

[Adoption Leave Procedure](#)

[Maternity & Adoption Support Leave Procedure](#)

[Parental Leave Procedure – All Staff](#)

[New and Expectant Mothers at Work Procedure](#)

Other Documents:

[Maternity Leave Notification Form](#)

Process

1 Purpose

1.1 The principles underpinning these procedures can be found in the Working Arrangements and Flexibility Policy. Individuals may also have other forms of leave available to them. Please see Parental Leave Procedure, Adoption Leave Procedure.

1.2 These procedures apply to Police Officers and align with the entitlements set out in Police Regulations, Home Office Circulars and PNB Agreements.

1.3 These procedures allow officers to choose for themselves when they will commence any period of maternity leave provided that a period of maternity leave commences no later than the expected date of childbirth.

1.4 Further advice and support regarding maternity leave is available from People Services and the relevant staff association.

2 Entitlement

2.1 Officers are entitled to a maximum of 15 months' maternity leave, (which can be taken in one or more periods of 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.

2.2 You can take your maternity leave in more than one block. However, you should be aware that Statutory Maternity Payments (SMP) can't be suspended and restarted, therefore if you split your maternity leave this will mean your entitlement to SMP will end when you work during the paid Maternity Leave period, unless you are taking a KIT day.

3 Notification

3.1 As soon as reasonably practicable and not later than 21 days before the expected date of childbirth an officer shall give notification by completing the [Maternity Leave e-form](#) to their line manager and People Services of:

- The pregnancy.
- The expected week of childbirth; and
- The date on which they intend to commence maternity leave.

3.2 She should also attach a scanned copy of the original MAT B1 certificate, signed and dated by the line manager / supervisor, to the [Maternity Leave e-form](#) for recording and audit purposes.

4 Pay and Conditions of Service During Maternity Leave

4.1 The Police Occupational Maternity Scheme provides an entitlement to be paid in full for the first twenty-six weeks of maternity leave in respect of each pregnancy (this may include split periods of maternity leave) if the following requirements are met:

- The officer has served continuously for a period of not less than one year at the beginning of the eleventh week before the expected week of birth; and
- Remains pregnant or has given birth 15 weeks before the expected week of childbirth.

4.2 If the conditions laid out in paragraph 4.1 above are met then, , the officer may elect to receive half pay in the 22nd to 31st week of the period or periods of maternity leave, instead of receiving full pay in the 22nd to 26th weeks.

4.3 Where any period of paid maternity leave coincides with statutory maternity pay periods, police maternity pay will be offset by statutory maternity payments.

4.4 An officer is entitled to Statutory Maternity Pay (SMP) providing they have served continuously with North Yorkshire Police (NYP) for 26 weeks, 15 weeks before the expected week of childbirth. An officer will receive 39 weeks SMP, for the first 6 weeks at 9/10th of your average salary (except where this would exceed full pay), the remaining 33 weeks will be paid at the lower rate of SMP. You are required to notify NYP of the date from which you wish to claim SMP, and this date can fall later than the commencement of Maternity Leave.

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.

4.5 If you have any concerns about the effect your choices regarding maternity leave and pay will have on your entitlements, you are advised to contact People Services or Payroll for advice.

4.6 An officer receiving police occupational maternity pay will return to work, following maternity leave, for at least one month. This requirement will be satisfied whether the officer works full or part-time and whether or not during that period she has any period of annual or sick leave. 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.

4.7 The first 26 weeks of maternity leave is pensionable, reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

4.8 For officers who have served continuously for a period of not less than 26 weeks at the 14th week before the expected week of confinement, any part of the period from which the baby is born

and ending 29 weeks after that week, spent on maternity leave is pensionable, reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

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.

4.9 Provided it is agreed with line management, pregnant officers are entitled to work up to a maximum of 10 days during maternity leave known as “keeping in touch days (KIT)” for which you 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

KIT days are voluntary and will not affect their Statutory Maternity Pay. These ‘Keeping in touch’ days can be used for training purposes, attending a team meeting, attending conferences for example.

KIT time must be claimed using the ‘Keeping in touch day authorisation form’ which can be found on the Source. The form should be forwarded to People Services who will inform the Payroll Department.

5 Time Off for Ante-Natal Care

5.1 An officer will be permitted to take paid time off work in order to attend ante-natal care, provided the officer produce an appointment card to the Line Manager if required.

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. In order to take this leave, individuals must complete a signed declaration stating:

- o Are the husband or civil partner of the mother; or
- o Are in a relationship with the mother and living together (including same sex couples); or
- o Are the father of the child; or
- o Will have parental rights of the child where the child is being born under a surrogacy arrangement.

5.2 Relaxation classes should usually be attended outside normal duty time. However, if this is not possible, a Line Manager should exercise discretion in considering allowing time off for this purpose.

6 Returning to Work After Maternity Leave

6.1 There is an assumption that an officer will return to their previous and original work pattern 12 months after the expected date of childbirth.

6.2 If they intend to return on a different date the officer will provide notification in writing to NYP not less than 21 days in advance of her anticipated date of return. This period may be reduced with the agreement of People Services.

6.3 In all other circumstances where an alteration to the previous and original working pattern is intended, the officer will use the Application for Flexible Working Procedure, and give notice of her intention at the earliest possible time, but at least 56 days before her expected date of return.

7 Recall to duty

7.1 Police officers may be recalled to duty at any time following the compulsory maternity leave period (the first two weeks after the baby's birth). This should be for exceptional reasons, such as court attendance. It should be noted that a recall to duty from maternity leave is different from a voluntary return to work on a KIT day. A recall to duty will not normally count as a KIT day (although it may be preferable for the woman to take the odd day as a KIT day). Officers who are recalled to duty should be credited with time off in lieu (TOIL) to be taken when they return to work in order to preserve their continued entitlement to SMP.

8 Maternity Leave and Sick Leave/Pay

8.1 A pregnant officer will have the following entitlement:

- If sick before her maternity leave and otherwise meeting the requirements of the sick pay scheme (see Attendance Management Guidance), an entitlement to sickness pay until the date she would otherwise have commenced her intended maternity leave.
- The SMP payments will start the day after the pregnancy related sickness if within the 4-week period before the baby is due. The officer 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.
- If sick following maternity leave and otherwise meeting the requirements of the sick pay scheme, an entitlement to sick pay and leave of absence in accordance with the normal rules of the sickness scheme.

8.2 An officer who has commenced her maternity leave will not be entitled to sickness payments before her intended date of return to work.

8.3 For the avoidance of doubt, the sick pay scheme does not exclude any entitlement to sick leave in respect of any injury, illness or incapacity for duty, which is solely or mainly due to pregnancy or childbirth or their aftereffects, in the period before the intended start of maternity leave.

9 Death of a Baby and Still Birth

9.1 If a baby dies or is stillborn before the 24th week of pregnancy, NYP will give sympathetic consideration to the circumstances and where necessary grant compassionate or sick leave as appropriate on the basis of the individual circumstances. The decision will be influenced by the needs of the officer and medical opinion.

9.2 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, the individual will be entitled to Parental Bereavement Leave at the end of their maternity leave. Reference should be made to the Parental Bereavement Leave section of the [Compassionate Leave procedure](#).

Responsibilities

Individual

Will adhere to the procedure by:

- Providing timely, accurate and up to date information regarding their pregnancy/maternity including but not limited to:
 - 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 line manager so can ensure duty of care (risk assessments, duties, support)
 - Agree contact arrangements with line manager whilst on maternity leave
 - Completing the Maternity Notification Form when required in order to receive entitlements.
 - Discussing with People Services to requests a change to the police maternity pay entitlement.
 - Providing evidence of appointments
 - Agreeing with line management KIT days
 - Considering when to take any outstanding annual leave. This can be taken before, during or after maternity leave.
 - Notifying Line Management and People Services when baby is born
 - Notifying line management and People Services of intended return to work date, and providing the 21 days notice should this change.
 - Notifying line management 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.
 - 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 Payroll and Pensions Department.

Line Manager

Will adhere to the procedure by:

- Processing Maternity Notification Forms when received.
- Completing a new and expectant mothers risk assessment, to assess whether the duties being undertaken may put the mother or baby at risk and reviewing this risk assessment on a regular basis. This should include breast feeding following the individuals return from maternity.

- Holding an initial discussion with the individual once they have confirmed their pregnancy, with regular meetings thereafter throughout the pregnancy to discuss any issues, support requirements, adjustments to duties, maternity leave and return to work plans;
- Complete a management agreed recuperative form to document any agreed adjustments to duties/hours.
- Authorising attendance at antenatal appointments, medical examinations, ultrasound scans, hospital, midwife, and health visitor appointments.
- Discuss 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. Ensuring there is an appropriate and thorough handover to the new line manager, to ensure the individual is continuously supported throughout.
- 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.
- Discussing with the individuals at least 6 weeks before the return-to-work date to discuss any relevant issues or concerns and determine whether there any adjustments/training needs.

People Services

Will adhere to the procedure by:

- Ensuring the procedure is applied consistently and fairly across NYP.
- Providing advice and guidance to line managers and individuals.
- Maintaining accurate records and process forms within appropriate timescales. 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 the Payroll Department of notification who will write to the individual detailing the entitlements and dates that will be received during maternity leave.
- Processing the KIT day authorisation form

Flowchart – Maternity Leave and Pay for Police Officers

