

# **Dyfed-Powys Police**



## **Maternity Provisions Police Officers**

**Version 1.2**

**Human Resources Department**

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## **POLICE OFFICERS MATERNITY LEAVE – GUIDANCE**

The rules below are unfortunately complex but if you wish individual advice please contact your HR Manager.

When do I have to give notice that I'm pregnant?

Regulations require that when you know the birth date of your baby you must notify your first line supervisor as soon as is reasonably practicable that:

- you are pregnant
- the probable date of birth, and
- the date you intend to commence maternity leave
  
- that you intend to return to work

What will happen if I don't give notice?

If you don't notify your line manager in accordance with Regulations you may lose your entitlements to leave, pay and time off for ante-natal care.

How much maternity leave am I entitled to?

Subject to certain conditions you can take from a statutory minimum of two weeks up to 15 months.

When can I take maternity leave?

You can choose when and how much maternity leave to take. Maternity leave can be taken at any time commencing 6 months before the probable birth date and ending no later than 12 months thereafter. The maximum maternity leave is still however 15 months within that framework.

Maternity leave will commence on the day you notify that you wish to start it.

It will end on the day you notify (giving 21 days written notice) to the Human Resources Manager that you intend to return to work or the last day of the maternity period (ie 9 months after the birth).

How do I apply for maternity leave?

A copy of the attached (link) showing your payment options should be forwarded to Personnel via your OCD/HOD.

What happens if I'm sick during the maternity period?

SMP is payable for a maximum period of 39 weeks. This is known as the maternity pay period. The maternity pay period may start, if the employee wishes, at any time beginning with the 11th week before the expected week of confinement. The maternity pay period must start if the employee is absent from work because of a pregnancy-related illness in the six weeks before the expected week of confinement. Note, however, that the maternity pay period does not start as a result of the employee's absence from work due to sickness that is not pregnancy-related.

An employee cannot receive Statutory Sick Pay (SSP) during her entitlement to SMP or Maternity Allowance. This is so even if she returns to work before her maternity pay period has expired and then has to take time off due to sickness. If this is the case she may be paid SMP or Maternity Allowance. Once a policewoman has commenced her maternity leave she will not be entitled to sick leave and sick pay before her intended date of return. (21 days' notice of intended date of return is required to be given).

Do I get paid?

Police and Statutory Maternity pay depend upon your length of service, how long you intend to be on maternity leave and satisfactory notification of your intention to take maternity leave. Please see Appendix 2 for the relationship between your full pay and SMP. The rules with regard to payment are that the 13 weeks full paid leave must be at the commencement of maternity leave. See below for the qualification rules for SMP.

What happens if I have a miscarriage or still birth.

In the tragic circumstances where a baby dies or is still born, the police woman will still be entitled to maternity pay and leave provided:-

- 'She satisfies the criteria set down in respect of length of service notification etc.
- The baby dies or is still born after 24 weeks of pregnancy.

Where a death or still birth occurs before 24 weeks of pregnancy and proper notification has been given the policewoman will retain an entitlement to maternity leave but not maternity pay. The force will however deal sympathetically under Regulations with a request for special leave or sick leave.

What is Statutory Maternity Pay (SMP)?

SMP is payable for 39 weeks. It is not payable until at least 11 weeks before the baby is due and can be delayed until the week of the birth. Where SMP and Policy Maternity Pay coincide you are paid the greater of the two, not both. The 13 weeks full pay and SMP can be separated (see attached chart) but the SMP must start after the 13 weeks full pay.

There are two rates of SMP. The higher rate (9/10ths average salary) is payable for the first 6 weeks, the lower rate currently 33 weeks at £117.18 with effect from 1<sup>st</sup> April 2008 or a week's pay whichever is the lower.

Average salary is calculated over the 8 weeks before the 'qualifying week' and includes allowances, housing allowances, compensatory grant etc.

The 'qualifying week' commences on the Sunday 15 weeks before the week the baby is due.

How do I qualify for SMP?

You must have 26 weeks continuous service at the 'qualifying week' point. You must still be pregnant 11 weeks before the baby is due and you must earn above the lower earnings limit for the payment of National Insurance Contributions.

You are not entitled to SMP if you are taken into legal custody or if you return to work before the SMP period is over.

Am I allowed time off for ante-natal care?

Regulations allow all policewomen time off to attend ante-natal care appointments when advised to attend by a GP, midwife or health visitor. This is treated as duty time. After the first appointment you can be required to produce evidence of future appointments.

Your applications for time off should not be refused 'unreasonably'. Whether a refusal is 'unreasonable' is a matter for interpretation and not defined. Time off should be granted unless it is clear that you are abusing your right. You could be asked to re-arrange an appointment if this is reasonable.

Time off for ante-natal care is not defined. It may include relaxation classes if advised by your doctor, midwife or health visitor.

Will I be expected to perform ordinary duties?

When you tell us that you are pregnant, a meeting with your immediate supervisor should be arranged when you will have the opportunity to discuss whether any changes in duties are or will become appropriate.

If necessary, advice will be sought from your doctor or the Force Medical Adviser.

In all cases, a pregnancy specific risk assessment of your duties will be undertaken to establish whether any changes will be required. Consideration will be given to each aspect of your role and whether any flexibility is possible which will allow your duties to be unchanged for all or some of the period during which you remain at work.

Any changes in duties will be drawn up in the light of the medical advice, your views and the results of the risk assessment.

	<p>You should be aware that Health &amp; Safety Regulations do not specifically rule out shift work or night duty. However, if your doctor certifies that shift work/night duty could affect you or your baby's health you will be found alternative duties.</p>
<p>Working during Maternity Leave</p>	<p>Police Officers have the right to return to work and then revert to maternity leave provided they are still within the 15 month maternity leave period. There is no limit on the number of days which may be worked. The Force will not give pay plus SMP for these days. SMP will be offset against pay. Work will not be undertaken during the compulsory maternity period i.e. 2 weeks after the birth.</p>
<p>Do I have to attend Court whilst on maternity leave?</p>	<p>Yes, unless a doctor certifies that you are unfit to attend.</p>
	<p>Attendance at court is classed as "duty" and you must, therefore, ensure that you book "on duty". If you are required to attend court whilst on "paid maternity leave" you will be entitled to the same number additional days "paid maternity leave" in lieu.</p> <p>If you are on unpaid maternity leave you will receive the daily rate of pay for each day required. Your maternity "period" will not be extended.</p>
<p>What happens if I do not return to work?</p>	<p>An officer receiving 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 is absent due to a period of annual or sick leave.</p>
<p>If I'm a Probationer and take maternity leave can my Probation be extended?</p>	<p>The first 26 weeks of maternity leave is "reckonable" towards your probationary period. The Chief Constable will not extend your probation by this 26 weeks solely on the grounds of your maternity leave.</p>

What happens if the baby is born early?

If the baby is born early your statutory maternity pay must start from the day of the birth whether you have requested this or not. If he or she is born late this has no impact on your pay ie the dates of SMP are not amended.

Do I get a maternity uniform?

No. The Force does not have a maternity uniform.

Do I need to inform the force of the baby's birth?

Yes you should do so in writing to the Human Resources Department as soon as is practical.

Does maternity leave count towards my police pension and what about increments?

Whilst on paid maternity leave you will still be making pension contributions. Unpaid periods of maternity leave will also count provided you pay the pension contributions that you would have paid had you not been on unpaid maternity leave.

The first 26 weeks of maternity leave is pensionable recognisable for incremental pay and leave purposes.

Payments may be made in a lump sum or by monthly deductions. The form to request a calculation of how much to pay back is attached at Appendix 2.

Will maternity leave affect my annual leave, public and bank holiday allocation?

No - your entitlement to annual leave continues to accumulate. Where the maternity spans two years i.e. leave starts in old leave year and finishes in the new one, the employees should be treated no more or less than any other employee. The Regulations allow the carry over of up to 5 days from one leave year to another, therefore the onus is on the employee to plan their annual leave so as not to be detrimentally affected by any limiting of carry over provision. If, during the period of Ordinary Maternity Leave (OML) i.e. during the first 26 weeks of absence a bank holiday occurs, the officer, will be entitled to a day's annual leave in lieu of that day (pro rata if they are part time). These days are subject to the same policies as other annual leave days. No payment in lieu of annual leave/bank or public holidays will be made. Employees who do not return to work will have their last day of work treated as their leaving date and annual leave entitlement will be calculated as at that date and excess days taken will reclaimed accordingly.

When do I have to notify my return to work?

Employer and Employee are allowed to make reasonable contact during maternity leave to discuss such issues as the return to work. This does not however for the employee constitute 'work'. Further details on 'reasonable contact' will be supplied in due course. If the employer, not earlier than 21 days before the end of the employee's maternity leave period, asks her to confirm that she intends to exercise her right to return to work after a period of extended leave, the employee must reply within 14 days of receiving the request or as soon as is reasonably practicable.

In order to protect her right, the employee must give her employer at least 21 days' notice of the date she intends to return to work. The employer can postpone this date by a maximum of four weeks but must specify the reason. The employer must permit the employee to postpone her return by up to four weeks if the employee can produce a medical certificate advising of the need to delay the return to work. There is, in theory, a right to only one such postponement.

Do I have to repay my Superannuation contributions?

No you do not have to but you should make your intentions clear as soon as you officially return to work by completing the attached form Appendix 3.

Police/Statutory Maternity Pay Chart – [Click Here](#)