



Maternity Support (Paternity Leave) Police Staff

Policy Number	222
Policy Owner	Head of HR
Version	2.2
Last Review Date	May 2019
Next Review Date	June 2021
Date of approval	June 2011 for Note
Protective Marking	Official

This document has been assessed for:	
Compliance with Legislation	<input checked="" type="checkbox"/>
Equality Impact Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

Important notice: During times of national emergency or pandemic, the head of HR will approve relevant and necessary changes to policy and process to allow the spirit of the policy to be maintained whilst caring for and supporting our people.

Maternity Support (Paternity Leave) Police Staff

1. Policy statement

Maternity Support (Paternity) Leave is one of the types of leave supported through the organisations commitment to work-life balance. Cleveland Police recognises the benefits of achieving a balance between work requirements and home life to the mutual benefit of both the organisation and the individual, and takes account of current Police staff Council Provisions (National and Local).

The procedures set out in this document apply to Police Staff (including those police staff employed by the Police and Crime Commissioner for Cleveland).

This policy must be applied fairly, equally, and consistently to all Police Staff irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

2. Purpose

This policy explains what maternity support (paternity) leave is for police staff, as well as who is eligible and how to apply.

The terms paternity leave and maternity support leave are interchangeable, individuals can take one or the other type of leave not both.

3. Underpinning procedures

Police staff are eligible for paternity leave if they are:

- The father of a child;
- The partner of the mother or primary carer. This includes same sex partners; or
- The nominated carer of an expectant mother.
- Have at least 26 weeks continuous service with the Force 15 weeks before the Expected Week of Childbirth (EWC).
- Or must have worked for at least 26 weeks by the 'matching week' in cases of adoption. The matching week is the end of the week the individual is matched with the child or the date the child enters the UK for UK adoptions or when the individual wants the pay to start an overseas adoption.

Staff are entitled to take:

- A weeks paid paternity leave at full pay; and

- A further weeks unpaid paternity leave, which will be paid at the statutory rate only; if the employee chooses to request this.

Time must be taken in complete blocks of a week and cannot be split, and can commence on any day of the week.

Part time staff will receive a pro-rata entitlement based on the normal average hours worked.

What if I have not worked for the Force for 26 weeks?

Those who do not meet the service criteria for Paternity Leave can apply for Maternity Support Leave and Pay.

Maternity Support leave can only be taken as a whole week the first week is at full pay and the second week if requested by the individual, will be unpaid except for the receipt of Statutory Paternity Pay (SPP).

Leave can not be taken as odd days it must be taken as a block.

Part time staff will also be granted one or two weeks leave (pro-rata to their working hours) depending on the request they submit.

While on paternity leave, individuals are entitled to the benefit of the normal Terms and Conditions of Employment, except for terms relating to salary or wages.

Individuals are able to return to the same job following paternity/ maternity support leave.

Individuals must request paternity / maternity support leave by the 15th week before the EWC

All paternity or maternity support leave must be completed within 56 days of the actual date of the birth or placement. If the birth or placement is early, the maternity support leave must be completed between the period of the actual birth or placement and up to 56 days after the expected week of birth or placement.

Other information to note

In the case of a stillbirth or death occurring after the 24th week of pregnancy, staff are entitled to take a week's maternity support leave at full pay. Unfortunately if a miscarriage occurs prior to this then there is no entitlement to maternity support/ paternity leave but special leave can be considered.

Maternity support/ Paternity leave applications can be made when adopting a child. The week can be taken when the child is placed with the new family to allow the new parents to get to know their child. (Secondary carer)

Maternity support / Paternity leave does not apply when a child is being fostered or through the foster to adopt scheme.

Maternity support leave applications can be made when using a surrogate.

All maternity support leave is:

- Pensionable
- Reckonable for incremental pay

Police staff who are considering taking a longer period of leave to care for a new child, should refer to the Shared Parental Leave Policy.

Time off for antenatal care

Individuals have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments. This time off will be unpaid. To be eligible to take this form of time off, the individual could be the husband or civil partner of the pregnant woman, or could be living with the pregnant woman in an enduring family relationship. In addition, the individual will be eligible for the time off if he is the biological father of the expected child. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse.

The organisation expects that normally no more than half a day is needed for an antenatal appointment, but the individual's leave includes the time needed to travel to the appointment and any waiting time needed at the appointment, and can be for a maximum of six-and-a-half hours on each occasion. Any individual who would like to make a request for time off to accompany someone at an antenatal appointment should complete the special leave request form.

Time off to attend adoption appointments

Individuals who are adopting a child are entitled to take time off to attend adoption appointments. Where an individual is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996). The purpose of the appointment is to enable the individual to have contact with the child (for example, to bond with him/her before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child). The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the individual.

Employment Rights

A member of Police Staff has the right to return to the same job following Paternity Leave and have protection from detriment/unfair dismissal in connection with Paternity Leave. Apart from pay, normal terms and conditions are retained. Paternity leave is granted in addition to an individual's normal annual holiday entitlement.

Multiple Births or Adoptions

A member of Police Staff may take just one period of paternity leave per pregnancy or adoption, regardless of the number of children born as a result of the pregnancy or the number of children placed under the same adoption arrangement.

4. Responsibilities

Staff member

Police staff are responsible for:

- Completing the necessary application form and submitting this to the People Services team advising of their intention to take maternity support leave no later than 15 weeks before the week the baby is due to be born or placed, or after the 24 week period if there has been a stillbirth;
- Notifying Line Managers of the proposed dates of the maternity support leave and/or any changes that may occur and confirming the actual date of birth or placement.

Line Manager

Line Managers are responsible for:

- Ensuring that the member of staff has submitted their application in good time and that the necessary local recording of the time off has been completed.
- Liaising as necessary with the people services team to ensure the staff member is eligible for maternity support leave and the dates have been arranged in blocks.

People services and wellbeing

The People services and wellbeing team are responsible for:

- Ensuring the member of staff is eligible for maternity support leave and the relevant information has been gathered and the pay team advised.
- Issuing a notification of either acceptance or exclusion to the individual, and a copy to the Line Manager, when they are not eligible to take maternity support leave.
- Ensuring that in cases where a still birth has occurred that the well being team is notified so that support can be offered.
- Record and monitor the time taken off on ORACLE.
- Ensuring for TUPE transferred staff that the correct terms and conditions of service are applied.

5. Appendices – there are no appendices for this policy

There are no appendices for this policy.

6. Compliance and monitoring

The Head of HR is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of HR will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

7. Version control

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	01.04.11	Policy Review Timetable	████████
0.2	June 2011	Final version for publication	████████
1.0	June 2011	SDG agreed version	████████
1.1	Oct 2011	Policy update to incorporate template A07.07G	████████
1.2	Nov 2012	Policy amended to reflect introduction of PCC, statement only	████████
1.3	01.04.14	Policy amended to incorporate the Office of the Police and Crime Commissioner for Cleveland	████████
1.4	05.04.15	Policy amend following legislative dissolution of Additional Paternity Leave and introduction of Shared Parental Leave (ShPL)	████████
1.5	07.01.15	Further amend to 3.7 & 3.8	████████
2.0	May 2019	Split of officer and police staff paternity / maternity support leave policy	████████
2.1	Feb 2020	Change of owner dept. name	████████
2.2	Apr 2020	Addition of COVID 19 message	████████