

Becoming a Parent: Maternity, Adoption and Shared Parental Leave (POLICY & PROCEDURE)

OFFICIAL

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Policy Author	Policy Advisor Team
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Policy

National Context

[Authorised Professional Practice](#) (APP) is produced by the College of Policing as the official source of professional practice on policing. All officers and staff are expected to have regard to APP in discharging their responsibilities. Essentially, our “policy” is to comply with APP as it develops to cover all areas of policing.

Where content exists within APP, we should not be reproducing it locally but instead signposting the on-line version. Similarly, we should not retain or develop any local policy documents if the subject matter is covered by APP. We may have some relatively low volume procedural documents but only if they are deemed necessary to supplement the content of APP.

Statement

Merseyside Police is committed to creating a healthy work environment where police officers and police staff can combine a successful career and parenthood.

This policy sets out the force’s approach and framework for its police officers and police staff who are becoming new or expectant parents. The policy complies with statutory obligations and subject to qualifying conditions exceeds some statutory entitlements by offering enhanced occupational maternity and adoption pay and leave provisions.

This policy complies with current employment law, the Police Regulations 2003 and determinations, and the Police Staff Council handbook.

The policy applies to police officers and police staff working for Merseyside Police. There are some entitlement differences for police officers and police staff, where this is applicable, it is highlighted.

Leadership & Me framework and the Just Principles

As an organisation, through our policies and Leadership & Me framework, we will ensure we create a consistently great place to work were, as Healthy People:

- You take responsibility for how you behave.
- You are inclusive and any exclusion is addressed.
- You have a safe space to speak, and things are talked out.
- You can focus on doing your own job well.
- You are trusted and empowered to make decisions and do the right thing.
- We are all One Team - inquisitive and open to new ways of doing things better together.

The Leadership & Me framework means we have a consistent approach to our behaviours across the organisation, and therefore consistent approach through our policies, which is necessary to deliver against our One Team ethos. The Leadership & Me framework is underpinned by our Just Principles:

JUST LISTEN	ACTIVE LISTENING CARE & RESPECT EMOTIONAL INTELLIGENCE
JUST LEAD	PRIDE & DIRECTION RESPONSIBILITY TRUST – HONESTY & HUMILITY DELIVERY
JUST THINK	MAKING DECISIONS CONTINUOUS IMPROVEMENT ADAPTING PLANS CHANGE
JUST TALK	TEAMWORK COURAGE-SPEAKING UP PERFORMANCE FEEDBACK RELATIONSHIPS

This section should set out the rationale for needing a policy. It should document the broad principle behind the policy requirement. It should include any legal, regulatory or other factors that led to the development of the specific policy. In simple terms it should make clear why a policy is needed.

Aims

The aim of this policy is:

- to outline and explain the range of leave provisions available for parents including maternity leave, adoption leave and shared parental leave.
- advise of the support available while pregnant
- ensure appropriate risk assessments are in place.
- empower individuals to balance their work and parenthood needs by utilising the range of leave available, including leave for fathers and partners.
- advise of the support available during extended periods of leave and upon the return to work.

Objectives

This policy will support Merseyside Police force’s strategic objectives by providing a framework which supports its most valuable asset - its people. Merseyside Police is committed to creating a great place to work and retaining police officers and police staff by supporting individuals as they navigate through their parenthood journey.

Merseyside Police will apply this policy fairly and in line with our ‘just principles’.

- Individuals will have a safe space to **talk** through their individual circumstances.

- Line managers will **listen**, showing they care and will support new or expectant parents.
- Individuals will **lead** the process by meeting their obligations to notify the force of their intended leave dates in a timely manner.
- Leaders and line managers will **think** how Merseyside Police can continually improve and adapt to help parents balance their work and family life commitments.

Application and Scope

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policy and associated procedures. (Mandatory Statement)

There is additional guidance, located on iforce, to aid the implementation of this policy:

- Becoming a parent - a guide to support you through the journey (individuals guide)
- Becoming a parent; a conversation guide for line manager (managers guide)

Outcome Evaluation

This policy will be monitored and evaluated by People Services. The overall aims and objectives will be evaluated through a range of people related key performance indicators, including transactional service level agreements, and results from engagement and staff satisfaction surveys.

NB The above should be contained within two pages and written in plain English. The general community should easily understand it, as it will be published on the force website.

Procedure

Version History

Version Number	Date	Detailed rational behind amending/updating policy or procedure.	Policy Owner Details	Policy Author Details
V.1	July 2023	New policy – detailing the policy and procedure for individuals who are becoming parents.	Head of People Operations & Service Delivery	Policy Advisor, Team Leader
V.1.1	8 March 2024	Paternity leave and pay have been updated to reflect the Statutory Paternity Pay and Leave (Amendments) Regulations 2024 which comes into effect 8 March 2024 for child born/adopted on or after 6 April 2024	Head of People Operations & Service Delivery	Policy Advisor, Team Leader

1. Notification

1.1 Pregnancy notification requirements

- 1.1.1 Merseyside Police encourage individuals to inform their line manager of their pregnancy as soon as possible. This is to ensure any support required can be implemented, the appropriate risk assessment put in place and pay and leave entitlements processed.
- 1.1.2 It is acknowledged and respected that individuals may wish to keep the news of their pregnancy confidential and/or restricted until a time they are comfortable to share.

- 1.1.3 Individuals should advise Merseyside Police of their intended date of maternity leave 15 weeks before the expected week of childbirth (EWC) for statutory pay purposes.
- 1.1.4 The latest notification before maternity leave is due to start is 28 days for police staff and 21 days for police officers.
- 1.1.5 Merseyside Police recognises there may be exceptional circumstances where this is not feasible.

2. Health and Wellbeing

2.1 Risk assessment

- 2.1.1 Merseyside Police will support pregnant individuals to continue to work as far into their pregnancy as they wish.
- 2.1.2 Line managers must ensure that a risk assessment is in place to ensure risks are appropriately addressed and mitigated. A risk assessment should be undertaken as soon as possible once notified of a pregnancy.
- 2.1.3 Risk assessments should be reviewed periodically as the pregnancy progresses.

2.2 Antenatal appointments

- 2.2.1 Individuals are entitled to reasonable paid time off to attend antenatal appointments.
- 2.2.2 An individual who is the parent of the baby, or the partner of the mother has the right to unpaid time off work to attend up to two antenatal appointments.

2.3 Sickness absence

- 2.3.1 Pregnancy-related absences must be recorded as such. Pregnancy related sickness absence will be discounted from the individual's sickness absence record and for employment decisions, for example during redundancy and disciplinary procedures.
- 2.3.2 If a police officer is absent with a pregnancy related absence after the 4th week prior to the EWC, entitlement to sickness pay will end as statutory maternity pay will become payable. Maternity leave and Occupational Maternity Pay (OMP), however will only start from the date that the police officer has

elected to commence their maternity leave, as per Police Regulations.

- 2.3.3 If a police staff member is absent with a pregnancy related illness after the 4th week prior to the EWC, the maternity leave will automatically commence at this point.

3. Maternity Entitlement

3.1 Maternity Leave

- 3.1.1 Individuals regardless of length of service are entitled to a maximum of 15 months maternity leave.
- 3.1.2 Maternity leave can be taken:
- 6 months before the expected week of childbirth (EWC),
 - 12 months after the EWC
 - with a maximum of 15 months maternity leave in total.
- 3.1.3 Maternity leave can be taken in one or more periods to allow the individual to return to work. This may be required for a court appearance or training course, and then maternity leave resumed. Please note there may be pay implications as statutory maternity pay cannot be stopped and re-started. Therefore, individuals should seek further advice if they are considering a break in maternity leave.
- 3.1.4 Annual leave may be taken during a break in maternity leave; any accrued or unused annual leave will be carried over to the next year.
- 3.1.5 A period of up to 52 weeks will be reckonable for pay increments and leave purposes.
- 3.1.6 Annual leave may be taken during a break in maternity leave; any accrued or unused annual leave will be carried over to the next year.
- 3.1.7 A period of up to 52 weeks will be reckonable for pay increments and leave purposes.

3.2 Maternity Pay

3.2.1 The table sets out the different maternity pay arrangements based on continuous service eligibility. The expected week of childbirth can be found on a MAT B1 certificate provided by a health care professional.

Staff member	Eligibility criteria	Pay entitlement
Police officers and police staff	Less than 26 weeks service by the end of the 15 th week before the EWC	May be entitled to maternity allowance. Individuals should refer to Maternity Allowance: Overview - GOV.UK (www.gov.uk)
Police officers and police staff	At least 26 weeks service by the end of the 15 th week before the EWC and has earned the lower earnings limit for the payment of National Insurance contributions for 8 weeks up to and including the qualifying week (15 th week before the EWC)	Statutory Maternity Pay (SMP) for 39 weeks. Current rates can be found at Maternity pay and leave: Pay - GOV.UK (www.gov.uk)
Police officers*	1 year's continuous service at the 11 th week before the EWC and at 15 weeks before the EWC remains pregnant or has given birth prematurely and at that date the baby is alive	Occupational Maternity Pay (OMP) for 26 weeks at full pay. Any weeks in which SMP is payable, OMP will be reduced by an equal amount to the SMP received for that week -may extend last 5 weeks of occupational maternity pay to 10 weeks at half pay rate.
Police staff		Occupational Maternity Pay (OMP) for

Staff member	Eligibility criteria	Pay entitlement
	1 year's continuous service at the 11 th week before the EWC	26 weeks at full pay (off-set against statutory maternity pay) plus 13 weeks paid at lower rate SMP rate -With approval, can extend last 5 weeks occupational maternity pay to 10 weeks at half pay rate

- 3.2.2 Statutory Maternity Pay will start at the same time as maternity leave or from the eleventh week before the Expected Week of Childbirth; whichever is later. NB. For Police Officers if their baby arrives ahead of the planned maternity leave start date, they can either bring their maternity leave forward, or choose to keep their start date the same, in which case they will receive Statutory Maternity Pay ahead of their formal maternity leave start date.
- 3.2.3 *Police Officers who are eligible for occupational maternity pay, which is payable for the first 26 weeks of the maternity leave period, and also qualify for SMP, which becomes payable from the 11th week prior to EWC, should note that where the allowances overlap, they will be paid whichever is the greater of the two allowances for that period, not both.
- 3.2.4 Enhanced occupational maternity pay is paid on the condition that the individual will return to work after maternity leave and will complete one month's service, otherwise the occupational maternity pay must be repaid less any statutory maternity pay.

4. Adoption entitlement

4.1 Adoption leave

- 4.1.1 Individuals are entitled to 52 weeks of adoption leave. If adopting as a couple, they must choose which partner takes adoption leave.
- 4.1.2 The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and/or pay and shared parental leave and/or pay, subject to meeting the appropriate eligibility criteria.
- 4.1.3 Parents in a surrogacy situation and 'foster to adopt' arrangements have the same rights as adoptive parents.

- 4.1.4 Eligibility for Statutory Adoption Pay in surrogacy arrangements require an employee to have worked for at least 26 weeks by the 15th week before the baby is due. All other conditions for qualifying for leave and pay are the same as for adoptive parents.
- 4.1.5 Individuals qualifying for adoption leave are allowed paid time off work to attend up to 6 adoption appointments after they have been matched with a child.
- 4.1.6 Adoption leave can commence either from the date the child starts living with the individual or up to 14 days before the date the child is expected to start living with the individual. The maximum period is 52 weeks.
- 4.1.7 For births under surrogacy arrangements at least 15 weeks' notice of Adoption Leave should be given before the beginning of the week that the baby is due, however if this is not possible, then it should be as soon as possible.
- 4.1.8 A minimum of 28 days' notice is required of the start of adoption leave and for adoption pay to start. If due to exceptional circumstances, an individual has not been able to provide the minimum notice period, they should give notice as soon as possible.

4.2 Adoption pay

- 4.2.1 The table below reflects the pay entitlement for adoption pay

Staff member	Eligibility criteria	Pay entitlement
Police officers and police staff	Less than 26 weeks continuous service ending with the week in which the officer is notified of being matched with a child for adoption.	1-week full pay
Police officers and police staff	26 weeks or more continuous service but less than 1 year ending with the week in which the individual is notified of being matched with a child for adoption.	Statutory Adoption Pay (SAP) Current rates can be found at Adoption pay and leave: Pay - GOV.UK (www.gov.uk)

Police officers and police staff	1 year's continuous service by the week notified of being matched with a child for adoption.	Occupational Adoption Pay (SAP) at 26 weeks full pay, (offset against SAP) plus 13 weeks at SAP at the lower rate Individuals may extend last 5 weeks of occupational maternity pay to 10 weeks at half pay rate.
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4.2.2 Enhanced occupational adoption pay is paid on the condition that the individual will return to work after adoption leave, and will complete one months' service, otherwise the occupational maternity pay must be repaid less any statutory maternity pay.

5. Maternity/adoption support leave (also known as paternity leave)

5.1.1 Maternity/adoption support leave is known as Statutory Paternity Leave, it is a period of paid leave for those individuals whose partners have given birth or adopts a child. It applies to partners of either sex.

5.1.2 Maternity/adoption support leave is for two weeks, this can be split into two blocks of one weeks. The leave can be taken at any point in the first year after the birth or adoption.

5.1.3 Individuals should provide notice of intention to take maternity/adoption support leave 15 weeks prior to the expected week of childbirth/adoption, and then four weeks prior to each period of leave.

5.1.4 The first week of maternity/adoption support leave is at full pay. For individuals who have 26 weeks continuous service at the 15th week before childbirth/adoption match, they will be entitled to statutory paternity pay for the second week's leave.

6. Shared parental leave (SPL)

6.1 Shared parental leave (SPL)

6.1.1 Shared Parental Leave (SPL) allows mothers, fathers, partners to share time off work, if the mother curtails her rights to maternity pay, and/or leave.

- 6.1.2 Shared Parental Leave and/or Statutory Shared Parental Pay (ShPP) is also available to adoptive parents, prospective parents in fostering for adoption and intended parents in surrogacy arrangements who intend to apply for a parental order.
- 6.1.3 To be eligible for shared parental leave the mother/adoptive parent must:
- have a partner
 - be entitled to maternity/adoption leave; or to statutory maternity/adoption pay or maternity allowance
 - have curtailed, or given notice to reduce, their maternity/adoption leave or their pay/allowance.
- 6.1.4 A parent who intends to take SPL must:
- be an employee. (for the purposes of SPL Police Officers are included in this definition)
 - share the primary responsibility for the child with the partner at the time of birth or adoption
 - have properly notified their employer of their entitlement and have provided the necessary declarations and evidence
 - give 8 weeks binding notice to bring maternity/adoption leave to an end.
- 6.1.5 In addition, a parent wanting to take SPL must satisfy the 'Continuity of Employment Test' and their partner must meet the 'Employment and Earnings Test':
- Continuity of Employment – 26 weeks continuous employment ending with the 15th week before the week of childbirth/adoption matching date and remains in employment at the start of each leave period
 - Employment and Earnings Test – in the 66 weeks leading up to the baby's expected due date/adoption matching date have worked for at least 26 weeks and earned an average of at least the maternity allowance threshold set by the Government, for any of those 66 weeks.
- 6.1.6 The amount of leave available is calculated using the statutory entitlement to maternity/adoption leave, which allows up to 52 weeks leave. Two weeks statutory minimum maternity leave must be taken by the mother following the birth.

- 6.1.7 If the mother/adoptive parent reduces their entitlement to leave, then subject to meeting eligibility criteria, they and/or their partner can take any remaining weeks as SPL.

6.2 Eligibility for Shared Parental Pay

6.2.1 Individuals must:

- meet the 'Continuity of Employment' and the 'Employment and Earning Test' at 6.1.5
- have earned above the Lower Earnings Limit in the 8 weeks leading up to and including the 15th week before the child's due date/adoption matching date, and
- still be employed at the start of the first period of shared parental leave

- 6.2.2 Shared Parental Pay will be paid at the Statutory Rate set by the Government or 90% of average weekly earnings, whichever is lower. A shared parental leave and pay calculator can be found at www.gov.uk.

7. Keeping in touch arrangements

- 7.1.1 During a period of maternity or adoption leave individuals can have up to 10 Keeping in Touch (KIT) days. Individuals on shared parental leave can have up to 20 Shared Parental Leave In Touch (SPLIT) days.
- 7.1.2 The individual on leave and their line manager should make mutually agreed arrangements for contact during the period of leave. At a minimum, individuals must be informed of promotion opportunities and significant organisational change.
- 7.1.3 Line managers should also consider whether IT equipment (laptops, mobiles etc) should be retained for keeping in touch purposes or agree alternative means of communication.

8. Baby loss

- 8.1.1 Where a child is stillborn 24 weeks or more into the pregnancy, individuals will retain their entitlement to maternity leave and providing they meet the relevant eligibility criteria set out at 3.2 they will be entitled to maternity pay.

- 8.1.2 Where a child is born alive at any stage of the pregnancy, individuals will retain their rights to maternity leave and providing they meet the relevant eligibility criteria at 3.2 they will be entitled to maternity pay.
- 8.1.3 Pregnancy loss that occurs before 24 weeks is commonly referred to as miscarriage, this term also includes ectopic pregnancies, molar pregnancies and terminations for medical reasons. In the event, that a pregnancy loss occurs before 24 weeks there is no maternity entitlement. Absence associated with a pregnancy loss will be treated as a pregnancy related absence.
- 8.1.4 All parents have a statutory right to Parental Bereavement Leave of two weeks' leave if they lose a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy. This must be taken within 56 weeks of the death of the child and can be used at the end of another type of type of leave, e.g., maternity leave. Merseyside Police will enhance the statutory pay entitlement to two weeks full pay for parents experiencing bereavement.

9. Returning to work

- 9.1.1 Line managers must ensure that the appropriate arrangements are in place for an individual's return to work. Including consideration of what support is required to ensure a successful return to work.
- 9.1.2 Police staff are entitled to return to their contractual role. Police officers are entitled to return to their posting and the same rank. If this is not possible due to organisational change, or operational requirements, an alternative role cannot be on less terms than the original post.
- 9.1.3 If an individual wishes to change the date in which they are returning from leave they must provide 28 days' notice.
- 9.1.4 Line managers are responsible for ensuring a risk assessment for new mothers is completed. This may include consideration of provisions for mothers who are breastfeeding, if requested.

10. Career break

- 10.1.1 An individual on a career break remains eligible for maternity leave if they become pregnant. An individual is entitled to

suspend the career break and restart in due course, subject to a new agreement. It is unlikely that an individual will be eligible for SMP as that is dependent on the payment of National Insurance contributions for a period during the pregnancy.

11. Impact on pension

11.1.1 Pension contributions will continue to be made, during a period where the individual is receiving pay for parental leave, but not during a period of unpaid leave.

11.1.2 The individual contributions will be based on actual pay, while the Force contributions will be based on the salary the person would have been receiving had they not been taking leave.

11.1.3 Individuals will have the option of paying contributions on any unpaid period to keep pension service unbroken. Individuals should note that KIT days taken during the unpaid period will mean that the calculation to buy back the remaining period of unpaid leave will be based on full pay. Individuals should seek advice from their pension scheme administrator.

12. Special guardianship order (SGO)

12.1.1 An SGO is granted when an individual takes on the day-to-day responsibilities of a child. The order does not give the individual full parental responsibility. There is no statutory leave or pay entitlement associated with kinship arrangements.

12.1.2 Merseyside Police recognises that individuals going through this process may need additional time away from work. Individuals who are going through a special guardianship order will be granted up to 6 days paid leave for appointments or to attend meetings associated with the process and a further 5 days to help support the child.

13. In Vitro Fertilisation (IVF) and Other Fertilisation Treatment

13.1.1 While there is no statutory right for time off for IVF appointment, Merseyside Police will allow reasonable paid time off for individuals undergoing fertility treatments. Where possible, individuals are requested to arrange appointments outside of work, or at a time which minimises the impact on work.

13.1.2 Pregnancy occurs from the point of the implantation of fertilised ova. From this stage, any pregnancy related absences will be protected, they will have the same rights as any pregnant person (including if the IVF is unsuccessful, the protected period

ends 2 weeks after the end of the pregnancy - 2 weeks after the date the women was informed that implantation was not successful.

Consultation

The below table should list outcomes of any consultation undertaken, i.e., what issues were raised (if any) and clearly state if any changes were made to proposals/draft policy etc., as a result of receiving feedback.

If consultation is deemed necessary, e.g., in relation to a new or revised policy or a proposal then the list provided below can be used. This is not intended to be exhaustive, equally, it does not follow that on each occasion every group mentioned must be consulted – this will depend on the circumstances and nature of the subject matter. Wherever practicable, appropriate or relevant, consultation may also be extended to other groups.

The Policy Author will consult widely with a minimum of 4 weeks for written consultation, in the event of a meeting being required, the consulter should ensure that this is arranged in a timely and effective manner.

Consultation is about informing stakeholders impacted by any proposals and gaining an understanding of their issues before any final decisions are made.

An email address has been created to assist with the process.
Policy Consultation Policy.Consultation@merseyside.pnn.police.uk

Name of Group	Date (When group was contacted)	Outcome of Consultation <i>(Including, wherever relevant or necessary, comments/views provided).</i>
SMB Members		
Information Governance		

Staff Associations

Police Federation		
Superintendents Association		

Trade Unions

UNISON		
GMB/MPO		

Staff Support Networks

LGBT+		
Disability Support		
FORE Focus on Race & Ethnicity		
Gender Equality (Previously Parity 21)		
Flexible Working		
Christian Police Association		
International Police Association		
Catholic Police Guild		
The Armed Forces		

Others

Special Constabulary		
Volunteers		
Police Cadets		
Members of the Merseyside Independent Advisor Group (MIAG) (Community Engagement, Local Policing)		

Others		
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Merseyside Police is committed to ensuring that:

- The appropriate consultation will take place
- Consultation is open and inclusive, maximising resources and delivering timely and relevant information to staff