

JSP 760

TRI-SERVICE REGULATIONS FOR



LEAVE AND OTHER TYPES OF ABSENCES

By Command of the Defence Council
MINISTRY OF DEFENCE
DCDS (Pers &Trg) SCW

Record of Changes

Change Number	Authority	Date of Insertion	Signature
Change made to para 7B.007	DC DS(Pers) Strat Manning 1	08 Jan 08	
Change made to para 7B.004	DCDS(Pers) Strat Manning 1	22 Sep 08	
Revisions made to Chapters 1-3	DCDS(Pers) Strat Manning 1	18 Feb 09	
Revisions made to Chapter 17	DCDS(Pers) Strat Manning 1	18 Feb 09	
Revisions made to Chapter 18	DCDS(Pers) Strat Manning 1	18 Feb 09	
Addition of Chapter 10	DCDS(Pers) Strat Manning 1	18 Feb 09	
Revision of para 1.013-1.015	DCDS(Pers) Strat Manning 1	18 Feb 09	
Revision of Chapter 8	DCDS(Pers) Strat Manning 1	19 Feb 09	
Revision to Chapter 6	DCDS(Pers) Strat Manning 1	27 Mar 09	
Revision of para 8.005	DCDS(Pers) Strat Manning 1	27 Mar 09	
Deletion of para 17.007	DCDS(Pers) Strat Manning 1	27 Mar 09	
Revision of para 18A.001	DCDS(Pers) Strat Manning 1	27 Mar 09	
Revision of para 17.005	DCDS(Pers) Strat Manning 1	27 Mar 09	
Revision of para 3.008	DCDS(Pers) Strat Manning 1	27 Mar 09	
Revision of para 2.031	DCDS(Pers) Div 1	08 Mar 10	
Revision of Chapter 8	DCDS(Pers) Div 1	29 Apr 10	
Revision of para 6.007	DCDS(Pers) Div 1	05 May 10	
Revision of para 16.004	DCDS(Pers) Div 1	05 May 10	
Change made to Chapter 5 para 5.013 added	DCDS(Pers) SO1 Op Wel 1	30 Jul 10	
Change made to Chapter 1 new para 1.013 added	DCDS(Pers) Div 1	11 Oct 10	
Revision of para 19.005	DCDS(Pers) Div 1	11 Oct 10	
Revision of para 1.005	DCDS(Pers &Trg) Div 1	20 Jan 11	

Revision of Chapter 6 :Footnote 18	DCDS(Pers & Trg) Div 1	20 Jan 11	
Revision of Chapter 22	DCDS(Pers & Trg) Div 2	1 Apr 11	
Revision of Chapter 4	DCDS(Pers & Trg) Div 1	5 May 11	
Revision of Chapter 20	DCDS(Pers & Trg) Div 2	31 May 11	
Change made to para 5.007	DCDS(Pers) SO1 Op Wel 1	1 Aug 11	
Revision of paras 1.010 and 1.011	DCDS(Pers & Trg) Div 1	9 Aug 11	
Revision of para 1.013	DCDS(Pers & Trg)	9 Aug 11	
Revision of para 19.005	DCDS(Pers & Trg)	9 Aug 11	
Change made to Chapter 20 para 20.031	DCDS (Pers & Trg) Div 1	14 Oct 11	
Change made to Chapter 22 para 22.006	DCDS (Pers & Trg) Div !	14 Oct 11	
Revision of Chapter 21	DCDS (Pers & Trg) Div 1	1 Dec 11	

TRI-SERVICE REGULATIONS FOR LEAVE AND OTHER TYPES OF ABSENCES

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JOINT SERVICE PUBLICATION 760

TRI-SERVICE REGULATIONS FOR LEAVE AND OTHER TYPES OF ABSENCES

INTRODUCTION

0.001 Joint Service Publication (JSP) 760 - Tri-Service Regulations for Leave and other Types of Absences - has a broad remit and encompasses the majority of reasons for the absence of a Service person from their designated place of work. These include the various types of leave available and those occasions when Service personnel¹ are absent for other reasons, such as jury service or when in civil custody. Absences may be either pre-planned or in reaction to particular circumstances. Either way, all absences must be recorded on the Joint Personnel Administration (JPA) System to allow for the appropriate pay, allowances or career management action to be taken, and for the provision of accurate management information. Service personnel will not be able to input Leave retrospectively onto the JPA system, therefore Annual Leave requests should be submitted at least 48 hours prior to the proposed period of absence.

0.002 JSP 760 is intended as general regulations to those responsible for absence management and provides a basis upon which reasonable decisions can be made.

0.003 All those responsible for the management and administration of absence should make themselves conversant with the instructions contained in this JSP. For certain types of absences, the following publications may also be applicable:

- a. Queen's Regulations for each of the single Services.
- b. Tri-Service Regulations for Allowances – JSP 752.
- c. Tri-Service Regulations for Pay – JSP 754.
- d. Tri-Service Regulations for Pay and Charges – JSP 754.
- e. Tri-Service Casualty and Compassionate Regulations – JSP 751.

¹ The content of this JSP refers equally to both male and female personnel. In order to prevent the script appearing disjointed the use of the masculine pronoun includes the female equivalent.

0.004 Unless otherwise stated, Reserve personnel are eligible for the same allocation and types of absence as Regular personnel² although these may vary depending on the type Reserve service being undertaken e.g. FTRS, ADC etc. However, Sponsored Reserves and Reserve personnel attending under RFA 96, sections 22 and 27, are not entitled to leave. Any differences will be highlighted in the relevant section of this JSP.

MANAGEMENT OF LEAVE

0.005 The management of leave is the responsibility of the Chain of Command.

0.006 Commanding Officers (COs) are responsible for ensuring that, wherever possible, individuals take their leave allowance in the leave year it was allocated. Leave may not be accumulated other than for the reasons described in the carry forward regulations covered in paras 1.010 - 1.012.

0.007 Service personnel should be aware that special security regulations can apply when travelling to certain countries. Details of these countries and the procedures to follow can be found in JSP 440, Chapter 2, Section 4, Part 6. Certain restrictions also apply to Service personnel wishing to visit Northern Ireland or the Republic of Ireland on leave. See JSP 440, Chapter 8, Section 1, Part 7.

GRANTING AND TIMING OF ABSENCES

0.008 The granting and timing of all forms of absence (with the exception of the Statutory Maternity and Adoption Leave, or when absence is unavoidable e.g. Civil Custody or absence on medical grounds) is to be at the discretion of the Service and is subject to operational requirements and the general exigencies of the Service.

COMPLAINTS ABOUT REFUSAL OF LEAVE

0.009 Complaints under the internal redress of complaint procedures must be submitted in writing within 3 months from the day on which the matter complained of occurred.

INDIVIDUAL LEAVE ALLOWANCE

0.010 Individual Leave Allowance (ILA) consists of a combined total of 4 leave types – Annual Leave, Authorised Absence, Post Operational and

² Please note that within this JSP the term Regular Personnel includes Gurkhas and Nepalese citizens serving in the Army.

Seagoers' Leave. An application for ILA will reduce the individual balances in the following order of priority:

- Authorised Absence (AA)
- Post Operational Leave (POL)
- Seagoers' Leave (SGL)
- Annual Leave Allowance (ALA)

Any ILA period which is cancelled subsequently, regardless of the reason, will be credited to the 4 absence types in the reverse order.

RECORDING OF ABSENCES

0.011 The introduction of absence recording on JPA has reduced, but not totally eliminated, the need for paper-based absence requests. Additionally, unless deemed to be inappropriate, JPA has granted responsibility to those who hold the rank of sergeant or equivalent and above to self-administer their own individual leave requests. Pivotal to the success of the Absence Process is prior planning with the Service person's Line Manager and this should be encouraged at all times.

0.012 The recording of absence details on the JPA system by Service personnel, their CO or the Unit HR Administration staff, directly affects the efficient management of absences within a unit. Inaccurate recording and forecasting might have detrimental consequences both for the individuals within a unit and on the performance of that unit as an operational entity. All Service personnel should be aware that they have a duty to record accurate and up-to-date absence information on JPA.

PERFORMANCE REPORTING

0.013 Measures have been put in place to ensure that the reporting of lost Annual Leave and unused balances in excess of 15 days are reported through a Performance Indicator in the Service Personnel Plan. COs will be able to use the Departmental Absence Status Report to provide the appropriate data both to meet this requirement and to help identify Service personnel who are regularly unable to use their full leave entitlement.

1. ANNUAL LEAVE

AIM

1.001 The purpose of Annual Leave is to allow Service personnel time away from duty and so to return to work refreshed. This is a key element of the moral component of fighting power.

ALLOCATION

1.002 Annual Leave is an authorised period of absence of one or more days up to 38 days including Public Holidays (PH) plus any Annual Leave carried forward per leave year which runs from 1 April to 31 March for all Service personnel. Weekends that fall within periods of Annual Leave are classed as periods when an individual is not required for duty see para 2.017. PH are: New Year's Day; Good Friday; Easter Monday; Early Spring Bank Holiday³; Late Spring Bank Holiday⁴; Late Summer Bank Holiday; Christmas Day; and Boxing Day. Establishments may alter these days to suit local circumstances. For example, in England, Wales and Northern Ireland, the May Day Holiday will regularly be taken on the first Monday in May. In Scotland it will be taken on the last Monday in May as the first Monday is usually the Spring Bank Holiday in Scotland. Although part of the leave allocation PH do not have to be taken on the exact date; when they are taken remains at the discretion of the chain of command. Personnel are to record all periods of absence they take, including PHs on JPA. Stand-down is additional to any Annual Leave an individual may be granted. The taking of the additional PH in NI (2 days), Scotland (1 day) or overseas is at the discretion of the Commanding Officer (CO).

LEAVE PLANNING

1.003 Coherent personnel leave planning is a function of the Chain of Command. Where possible, Service personnel should be allowed to take leave at the time of their choosing. Absence from duty is authorised or withheld by the CO as the exigencies⁵ of the Service permit. Authorised absence from duty affects the morale both of Service personnel and their families and should be withheld only to meet operational requirements⁶ or exigencies of the Service.

³ Traditionally May Day in England Wales and Northern Ireland

⁴ Traditionally May Day in Scotland

⁵ Exigency – OED urgent need or demand

⁶ Commanders and commitments and planning staff must bear in mind whether the operational requirements impacting on the ability to take leave are urgent and essential. The European Court of Justice

1.004 It is MOD policy that COs enable their personnel to take the full 38 days' Annual Leave Allowance (ALA), unless this is unavoidable due to operational requirements or exigencies of the Service. From 1 Apr 09 Service personnel are entitled to 5.6 weeks' annual leave under the Working Time Regulations (WTR) (equivalent to 28 days' annual leave per year)⁷ COs are expected to plan so far as reasonably possible to allow personnel under their command to take the full leave allowance. Any refusal to allow personnel to take their full leave allowance must be justified by the CO under single-Service arrangements⁸. Likewise, Service personnel are responsible for following the correct procedure when requesting, notifying and recording Annual Leave. They are expected to plan their leave in a responsible manner with due regard to their Service commitments and are strongly advised to make adequate insurance arrangements against the possibility of last minute rescheduling or cancellations as a result of unforeseen and unavoidable Service requirements⁹. Commitments and planning staff must ensure that there are periods within each year where formed units have the opportunity to take annual leave.

LEAVE ON A PROPORTIONATE BASIS

1.005 Service personnel joining or leaving the Service are eligible for leave on a proportionate basis. For example, when personnel join the Services part way through the Leave Year their Annual Leave allocation will be calculated using the formula: number of days left in the leave year divided by 365 (366 in a leap year) and multiplied by 38. Similarly, the Annual Leave allocation for personnel who plan to leave the Services part way through the leave year will be calculated using the formula: number of days from the beginning of the leave year to the date of exit from the Service divided by 365 (366 in a leap year) and multiplied by 38. The resulting figure will then be adjusted accordingly to reflect the number of Annual Leave days already taken. In both cases any resultant fractions should be rounded up to the next complete day. Periods of unpaid absence do not count when calculating Annual Leave. The Service person will see the amendment to their ALA when they apply for the Individual Leave Allowance the first time after an amended date of arriving/leaving the Service has been entered into JPA.

(ECJ) has taken an increasingly rigid approach to what is an acceptable breach of the Working Time Directive (WTD). For example whilst civil emergencies will impact significantly on the ability to grant appropriate daily or weekly rest periods and may interrupt pre planned annual leave they may have little or no impact on the ability of an individual to take their overall leave entitlement within the leave year.

⁷ See 2008DIN01 – 050 Mar 08 - Guidance on Working Time Regulations – Service Personnel.

⁸ Single Services are to ensure a process is in place to accurately record and maintain this data as it may be required in future legal cases.

⁹ See the JSP 752, Tri-Service Regulations for Allowances, Section 9, Chapter 10, Refund of Negatory Holiday Expenditure.

SERVICE ATTACHES, ADVISERS AND THEIR STAFFS

1.006 Service Attachés, Advisers and their staffs may be eligible for special home leave. Posts qualifying for special home leave are listed in Instructions to Service Attachés. Memoranda of Understanding should be consulted for specific details.

RECALL FROM ANNUAL LEAVE

1.007 Service personnel should be recalled from Annual Leave only for the most compelling reasons. For example, it might be necessary to recall members of the Armed Forces on Annual Leave in the event of heightened tension or an emergency. Annual Leave may be resumed at the discretion of the CO. Any periods of cancelled Annual Leave will be credited to the Service person's ALA.

PERSONNEL SICK OR REQUIRING MEDICAL TREATMENT ON ANNUAL LEAVE

1.008 Guidance for Service personnel falling sick or requiring urgent medical treatment whilst on Annual Leave is at Chapter 15.

ANNUAL LEAVE OVERLAPPING LEAVE YEARS

1.009 Where a period of authorised Annual Leave overlaps the end of one leave year and the beginning of another, the Annual Leave taken is to be accounted for as it occurs in each separate year. Thus, Annual Leave taken in the last few days of the old leave year will count against the allowance for that year; Annual Leave taken in the first few days of the new leave year will count against the allowance for that new year (which may also include Annual Leave carried over from the previous leave year).

UNTAKEN ANNUAL LEAVE

1.010 COs must ensure that personnel are aware of the importance of taking their full annual leave entitlement and are to ensure that personnel under their command are given the opportunity to take their annual leave within the current leave year. However, if due to Service and operational commitments this is difficult to achieve, then up to a maximum of 15 days untaken Annual Leave will be automatically carried forward from that leave year to the next.

1.011 Only in exceptional circumstances, and subject to the approval of the CO, can periods in excess of 15 days' untaken Annual Leave may be carried forward to the next leave year. The carrying forward of Annual Leave in excess of 15 days should be authorised only where there is reasonable expectation of it being taken in the following year, and without impairing operational efficiency or impacting unfairly on work colleagues. The opportunity to 'stockpile' large amounts of excess Annual Leave is to be strongly discouraged. Furthermore, individuals should use any untaken carried-forward leave within 3 years or before the end of their current assignment (whichever comes sooner).

1.012 Service personnel wishing to carry forward Annual Leave in excess of 15 days are to apply in writing through the Chain of Command to the CO for this to be sanctioned. The carry forward of excess Annual Leave may be authorised where that leave remains untaken for Service reasons or where, exceptionally, Service personnel request an unusually long period of leave for personal reasons. As the carry over of more than 10 days Annual Leave means EU WTD Article 7(2) has been breached COs are to ensure that measures are in place to take the leave at the earliest opportunity.

DEATH IN SERVICE – PAYMENT FOR UNTAKEN LEAVE

1.013 It is MOD policy that all personnel must take their full leave entitlement, and it is imperative that individuals do not build up amounts of leave which they may be unable to take at a later date. However, with effect from 1 April 2009, where an individual has died while in Service and therefore has leave outstanding, the MOD will make payments to the deceased's estate in lieu of that untaken leave. This includes Annual Leave, Post Operational Leave, and Seagoer's Leave. If an individual has also accrued Re-engagement leave and Paternity Leave, but was unable to take them for operational reasons, this leave would also be included. Service personnel must make sure that all leave is accurately recorded on JPA thus ensuring that their NOK are not disadvantaged as a result of incorrect data on the system. Reserve personnel who die whilst in permanent Service will also be entitled to this, and will be treated the same as Regulars. For Service personnel about to leave the Service; all outstanding leave must be taken with Terminal Leave. (see Terminal Leave para 19.005)

RESERVE PERSONNEL – ADDITIONAL DUTIES COMMITMENT

1.014 Reservists undertaking an Additional Duties Commitment (ADC) are entitled to leave on a pro rata basis¹⁰ of 3 days leave for 26 commitment days, as laid out in detail in Annex A. All ADC personnel are also eligible to be paid for a pro rata proportion of the Public Holidays¹¹ granted to full-time Service personnel

¹⁰ The daily pro-rata entitlement accrued is calculated by dividing 30 (Regular non-Public Holiday entitlement) by 260 (365 - 105 weekend days).

¹¹ 8 days per year.

during the period of their ADC in accordance with para **1.002**. This is calculated as either the proportion of the 5-day week worked or proportion of annual working days worked, multiplied by the number of Public Holidays that occur during the ADC period, as per the formulae below:

$$PH_{ADC} = \frac{\text{weekly ADC days} \times \{\text{PH in period}\}}{5} \quad \text{or} \quad \frac{\text{annual ADC days} \times 8}{260}$$

Therefore, overall leave entitlement, rounded to the nearest half, is:

$$\text{ADC Leave entitlement} = \text{Non-PH}_{ADC} + PH_{ADC}$$

Below are some worked examples:

- a. 52-week ADC for 2½ days p/w. Non-PH from Table is 15 days. PH = $2.5 / 5 \times 8 = .5 \times 8 = 4$. Therefore, the total leave entitlement will be 19 days (note this is half of the full-time entitlement of 38).
- b. 13-week ADC for 2½ days p/w. Non-PH entitlement from Table is 3.75 days. If this 13-week period falls over Christmas, the PH entitlement will be $2.5 / 5 \times 2 = .5 \times 2 = 1$; however, were it to take place September to November, the PH entitlement would be $2.5 / 5 \times 0$, i.e. no Public Holidays in line with Regular counterparts and civilian employees.

1.014. As JPA cannot record ½ day's leave the following process is to be followed:

- a. Individual seeks ½ day's leave through line manager.
- b. Line manager approves and notes absence locally. Recording will be essential to provide audit trail and to provide legal cover in the event of something happening to the individual.
- c. Individual takes leave.
- d. Individual seeks second ½ day's leave from line manager and, if approved, enters one day's leave on JPA covering both ½ days. The comments box is to reflect the dates of the two ½ day absences.
- e. If an individual has taken a single ½ day during the period of the ADC, line management can decide if they require the individual to enter the leave on JPA (as a full day) or to maintain a record of the half day which should be kept with the ADC records.

1.015 ADC personnel are allowed stand-down in accordance with the regulations in para 2.015.

1.016 For part-year appointments, any leave not taken within the ADC appointment will be lost. Due care needs to be taken in agreeing the duration of the ADC to allow sufficient time for leave to be taken whilst taking account of the absence on ADC 'working-days' due to leave entitlement. There will be no compensation for untaken leave.

1.017 If the commitment continues from one leave year to the next, but is under 12 months in duration, ADC personnel will be permitted to carry over their leave entitlement up to a maximum of 15 days to the second leave year. Reservists on ADCs of over 12 months may carry over half their annual leave entitlement (excluding public holidays) to the next leave year (e.g. an individual committed to 2½ days per week or 130 days per year can carry over up to 7½ days).

Annex:

A. ADC Leave Calculator.

ANNEX – ADC CALCULATOR

ADC leave calculations - non Public Holidays

		ADC commitment days per week																		
		1	1.25	1.5	1.75	2	2.25	2.5	2.75	3	3.25	3.5	3.75	4	4.25	4.5	4.75	5		
days leave due after weeks of commitment worked	1	0.12	0.14	0.17	0.20	0.23	0.26	0.29	0.32	0.35	0.38	0.40	0.43	0.46	0.49	0.52	0.55	0.58		
	2	0.23	0.29	0.35	0.40	0.46	0.52	0.58	0.63	0.69	0.75	0.81	0.87	0.92	0.98	1.04	1.10	1.15		
	3	0.35	0.43	0.52	0.61	0.69	0.78	0.87	0.95	1.04	1.13	1.21	1.30	1.38	1.47	1.56	1.64	1.73		
	4	0.46	0.58	0.69	0.81	0.92	1.04	1.15	1.27	1.38	1.50	1.62	1.73	1.85	1.96	2.08	2.19	2.31		
	5	0.58	0.72	0.87	1.01	1.15	1.30	1.44	1.59	1.73	1.88	2.02	2.16	2.31	2.45	2.60	2.74	2.88		
	6	0.69	0.87	1.04	1.21	1.38	1.56	1.73	1.90	2.08	2.25	2.42	2.60	2.77	2.94	3.12	3.29	3.46		
	7	0.81	1.01	1.21	1.41	1.62	1.82	2.02	2.22	2.42	2.63	2.83	3.03	3.23	3.43	3.63	3.84	4.04		
	8	0.92	1.15	1.38	1.62	1.85	2.08	2.31	2.54	2.77	3.00	3.23	3.46	3.69	3.92	4.15	4.38	4.62		
	9	1.04	1.30	1.56	1.82	2.08	2.34	2.60	2.86	3.12	3.38	3.63	3.89	4.15	4.41	4.67	4.93	5.19		
	10	1.15	1.44	1.73	2.02	2.31	2.60	2.88	3.17	3.46	3.75	4.04	4.33	4.62	4.90	5.19	5.48	5.77		
	11	1.27	1.59	1.90	2.22	2.54	2.86	3.17	3.49	3.81	4.13	4.44	4.76	5.08	5.39	5.71	6.03	6.35	60 days	
	12	1.38	1.73	2.08	2.42	2.77	3.12	3.46	3.81	4.15	4.50	4.85	5.19	5.54	5.88	6.23	6.58	6.92		
	13	1.5	1.88	2.25	2.63	3	3.38	3.75	4.13	4.5	4.88	5.25	5.63	6	6.38	6.75	7.13	7.5	TA/RAF	
	14	1.62	2.02	2.42	2.83	3.23	3.63	4.04	4.44	4.85	5.25	5.65	6.06	6.46	6.87	7.27	7.67	8.08	min	
	15	1.73	2.16	2.60	3.03	3.46	3.89	4.33	4.76	5.19	5.63	6.06	6.49	6.92	7.36	7.79	8.22	8.65	13 wks	
	16	1.85	2.31	2.77	3.23	3.69	4.15	4.62	5.08	5.54	6.00	6.46	6.92	7.38	7.85	8.31	8.77	9.23		
	17	1.96	2.45	2.94	3.43	3.92	4.41	4.90	5.39	5.88	6.38	6.87	7.36	7.85	8.34	8.83	9.32	9.81		
	18	2.08	2.60	3.12	3.63	4.15	4.67	5.19	5.71	6.23	6.75	7.27	7.79	8.31	8.83	9.35	9.87	10.38	90 days	
	19	2.19	2.74	3.29	3.84	4.38	4.93	5.48	6.03	6.58	7.13	7.67	8.22	8.77	9.32	9.87	10.41	10.96		
	20	2.31	2.88	3.46	4.04	4.62	5.19	5.77	6.35	6.92	7.50	8.08	8.65	9.23	9.81	10.38	10.96	11.54		
	21	2.42	3.03	3.63	4.24	4.85	5.45	6.06	6.66	7.27	7.88	8.48	9.09	9.69	10.30	10.90	11.51	12.12		
	22	2.54	3.17	3.81	4.44	5.08	5.71	6.35	6.98	7.62	8.25	8.88	9.52	10.15	10.79	11.42	12.06	12.69		
	23	2.65	3.32	3.98	4.64	5.31	5.97	6.63	7.30	7.96	8.63	9.29	9.95	10.62	11.28	11.94	12.61	13.27		

24	2.77	3.46	4.15	4.85	5.54	6.23	6.92	7.62	8.31	9.00	9.69	10.38	11.08	11.77	12.46	13.15	13.85	120 days	
25	2.88	3.61	4.33	5.05	5.77	6.49	7.21	7.93	8.65	9.38	10.10	10.82	11.54	12.26	12.98	13.70	14.42		
26	3	3.75	4.5	5.25	6	6.75	7.5	8.25	9	9.75	10.5	11.25	12	12.75	13.5	14.25	15		
27	3.12	3.89	4.67	5.45	6.23	7.01	7.79	8.57	9.35	10.13	10.90	11.68	12.46	13.24	14.02	14.80	15.58		
28	3.23	4.04	4.85	5.65	6.46	7.27	8.08	8.88	9.69	10.50	11.31	12.12	12.92	13.73	14.54	15.35	16.15		
29	3.35	4.18	5.02	5.86	6.69	7.53	8.37	9.20	10.04	10.88	11.71	12.55	13.38	14.22	15.06	15.89	16.73		
30	3.46	4.33	5.19	6.06	6.92	7.79	8.65	9.52	10.38	11.25	12.12	12.98	13.85	14.71	15.58	16.44	17.31	150 days	
31	3.58	4.47	5.37	6.26	7.15	8.05	8.94	9.84	10.73	11.63	12.52	13.41	14.31	15.20	16.10	16.99	17.88		
32	3.69	4.62	5.54	6.46	7.38	8.31	9.23	10.15	11.08	12.00	12.92	13.85	14.77	15.69	16.62	17.54	18.46		
33	3.81	4.76	5.71	6.66	7.62	8.57	9.52	10.47	11.42	12.38	13.33	14.28	15.23	16.18	17.13	18.09	19.04		
34	3.92	4.90	5.88	6.87	7.85	8.83	9.81	10.79	11.77	12.75	13.73	14.71	15.69	16.67	17.65	18.63	19.62		TA warn
35	4.04	5.05	6.06	7.07	8.08	9.09	10.10	11.11	12.12	13.13	14.13	15.14	16.15	17.16	18.17	19.18	20.19		RAF max
36	4.15	5.19	6.23	7.27	8.31	9.35	10.38	11.42	12.46	13.50	14.54	15.58	16.62	17.65	18.69	19.73	20.77	180 days	
37	4.27	5.34	6.40	7.47	8.54	9.61	10.67	11.74	12.81	13.88	14.94	16.01	17.08	18.14	19.21	20.28	21.35		
38	4.38	5.48	6.58	7.67	8.77	9.87	10.96	12.06	13.15	14.25	15.35	16.44	17.54	18.63	19.73	20.83	21.92		
39	4.5	5.63	6.75	7.88	9	10.13	11.25	12.38	13.5	14.63	15.75	16.88	18	19.13	20.25	21.38	22.5		
40	4.62	5.77	6.92	8.08	9.23	10.38	11.54	12.69	13.85	15.00	16.15	17.31	18.46	19.62	20.77	21.92	23.08		
41	4.73	5.91	7.10	8.28	9.46	10.64	11.83	13.01	14.19	15.38	16.56	17.74	18.92	20.11	21.29	22.47	23.65		220 days
42	4.85	6.06	7.27	8.48	9.69	10.90	12.12	13.33	14.54	15.75	16.96	18.17	19.38	20.60	21.81	23.02	24.23		
43	4.96	6.20	7.44	8.68	9.92	11.16	12.40	13.64	14.88	16.13	17.37	18.61	19.85	21.09	22.33	23.57	24.81	TA max	
44	5.08	6.35	7.62	8.88	10.15	11.42	12.69	13.96	15.23	16.50	17.77	19.04	20.31	21.58	22.85	24.12	25.38		
45	5.19	6.49	7.79	9.09	10.38	11.68	12.98	14.28	15.58	16.88	18.17	19.47	20.77	22.07	23.37	24.66	25.96		
46	5.31	6.63	7.96	9.29	10.62	11.94	13.27	14.60	15.92	17.25	18.58	19.90	21.23	22.56	23.88	25.21	26.54		
47	5.42	6.78	8.13	9.49	10.85	12.20	13.56	14.91	16.27	17.63	18.98	20.34	21.69	23.05	24.40	25.76	27.12		
48	5.54	6.92	8.31	9.69	11.08	12.46	13.85	15.23	16.62	18.00	19.38	20.77	22.15	23.54	24.92	26.31	27.69		
49	5.65	7.07	8.48	9.89	11.31	12.72	14.13	15.55	16.96	18.38	19.79	21.20	22.62	24.03	25.44	26.86	28.27		
50	5.77	7.21	8.65	10.10	11.54	12.98	14.42	15.87	17.31	18.75	20.19	21.63	23.08	24.52	25.96	27.40	28.85		
51	5.88	7.36	8.83	10.30	11.77	13.24	14.71	16.18	17.65	19.13	20.60	22.07	23.54	25.01	26.48	27.95	29.42		
Yr	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30	Full time	

Regular non-PH = 30	weekdays per yr = 260	daily pro-rata rate = .1154
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2. AUTHORISED ABSENCE

DEFINITION

2.001 A period of authorised absence consists of one or more days on which a Service person is not required for duty.

2.002 The following types of Authorised Absence are dealt with in this chapter:

- a. Sacred Festivals.
- b. Stand-Downs
- c. Unpaid Leave
- d. Special Paid Leave
- e. Secondments
- f. Personnel drafted from Shore Service to Sea Service and vice versa.
- g. Survivors' Leave .
- h. Apprentices, Juniors and Permanent Staff in Junior Units
- i. Watchkeepers Leave.

COMMENCEMENT AND TERMINATION OF AUTHORISED ABSENCE

2.003 A period of Authorised Absence will commence normally on the day following that on which the individual ceases duty and will expire on the last day of Authorised Absence. If, due to unforeseen circumstances, an individual is delayed in returning to his unit from a period of Authorised Absence, he is to report the fact to his Commanding Officer (CO) who, if satisfied that such delay is beyond the control of the individual, may extend the period of Authorised Absence.

ADDRESS WHILE ON AUTHORISED ABSENCE FROM DUTY

2.004 Before proceeding on a period of Authorised Absence an individual is to record on JPA a valid contact address. An individual is also to inform their CO immediately of any change of address which may subsequently occur.

TRAVELLING TIME

2.005 Travelling Time is designed primarily to ensure that Service personnel do not spend an inordinate amount of their leave entitlement travelling to their home address. It might be appropriate, for example, to grant Travelling Time to an individual who was serving in the South of England and whose family resided in the Outer Isles of Scotland. On the other hand, it would be inappropriate to grant Travelling Time to an individual serving with their family in the South of England who decided to visit the Outer Isles of Scotland as part of a touring holiday.

2.006 Travelling Time may also be utilised to compensate Service personnel serving at remote locations for the amount of time necessarily spent travelling in taking leave. For those taking sea journeys, for example, the leave period could be allowed to reckon from the day of arrival on the mainland on the outward journey to the day of departure from the mainland on the return journey.

2.007 Travelling Time may be authorised at the discretion of COs. It should not exceed 2 days in any one period of authorised absence and will not count against the individual's Annual Leave Allowance.

RECALL FROM AUTHORISED ABSENCE

2.008 Service personnel should be recalled from Authorised Absence only for the most compelling reasons. It might be necessary, however, to recall all members of the Armed Forces on Authorised Absence in the event of heightened tension or an emergency. Authorised Absence may be resumed at the discretion of COs.

SACRED FESTIVALS

DEFINITION

2.009 Leave for Sacred Festivals is an authorised period of absence granted to Service personnel to enable them to observe their sacred festivals. With the exception of those festivals which fall within national public holidays, members of

all faith groups, including Christian, are expected to use Annual Leave for religious festivals.

2.010 Many religions or beliefs have special festivals or spiritual observance days and an individual may request Annual Leave to celebrate festivals or attend ceremonies. COs and line managers should make every effort to allow individuals time-off to celebrate religious festivals or holidays (e.g. Yom Kippur, Vai Sakhi, Eid Al-Fitr, Diwali, etc).

2.011 Requests for time off should be considered objectively and sympathetically where it is reasonable and practical for a Service person to be away from work and where they have sufficient Annual Leave entitlement. Care should be taken to ensure that, where there are numerous requests for leave at the same time, decisions on who should or should not be allowed leave are made according to fair and objective criteria with a mind to the need not to indirectly discriminate. It is important not to make assumptions on the basis of an individual's religion or perceived religion, for example, that non-Christians will be prepared to work during the Christmas holiday period

2.012 Service personnel should give as much notice as possible when requesting leave and bear in mind that a number of their colleagues may request leave at the same time. Care should also be taken to ensure that Service personnel who do not hold any religion or belief are not disadvantaged in the process. The practice of operating a holiday system whereby the unit closes for specific periods when all personnel must take leave may be justifiable for operational or business reasons. However, the needs of the organisation should be balanced against those of the individual, particularly as closed periods may prevent Service personnel taking leave at times of specific religious significance to them.

2.013 In cases where the festival begins at sunset on the previous day, those who are granted leave should be afforded every opportunity to reach their destination by that time.

REFUSAL OF APPLICATION FOR LEAVE TO OBSERVE SACRED FESTIVAL

2.014 An application for Annual Leave in order to observe a sacred festival is to be refused only in exceptional circumstances.

STAND-DOWNS

DEFINITION

2.015 Stand-Down is an Authorised Absence from duty granted by a CO in excess of the normal leave allowance. Stand-downs are a management tool to compensate or reward Service personnel and are not to be used to replace or defer the ALA. Stand-downs are only to be awarded for short periods, less than 1 week; longer periods should be covered by Special Paid Leave.

GENERAL

2.016 COs may stand down their personnel at their discretion for exceptional circumstances not covered by routine Leave allowances. Stand-down will usually be awarded as compensation for periods of intensive activity in which personnel have worked longer hours than normally expected over an extended period; it may also be awarded in recognition of consistent effort such as following a successful exercise.

PERIODS WHEN NOT REQUIRED FOR DUTY

2.017. Where an individual is not required to work between cease work on a Friday and start work on a Monday, or an equivalent period for shift workers, a stand-down utilising the 'not required for duty' provisions, as used when a period of annual leave covers a weekend, will apply. Such absences only need to be recorded on JPA where an individual is paying food charges and will not be taking food from Service sources.

UNPAID LEAVE

2.018 Unpaid Leave is dealt with in Chapter 17.

SPECIAL PAID LEAVE

DEFINITION

2.019 Special Paid Leave is an authorised period of absence granted to Service personnel in circumstances not covered by any other form of leave allowance. Guidance on the appropriate action to be taken in respect of Service personnel engaged in paid activities such as sport or cultural events is included in Chapter 17 on Unpaid Leave. Annual Leave must normally be taken before Special Paid Leave is granted.

2.020 Service personnel may be granted Special Paid Leave in order to sit civil examinations. Authority for granting Special Paid Leave for civil examinations is vested in the CO. Exceptionally, where the balance of Annual Leave has been exhausted, Special Paid Leave may also be granted in order to study for these examinations.

SERVICE PERSONNEL UNDER TRAINING

2.021 Special Paid Leave may be granted to Service personnel whose entry into or exit from any stage of military training is delayed when it is not possible to find suitable employment and/or accommodation for them, whether at the unit with which they are serving, the unit to which they are about to be assigned, or at another unit within the Command. Annual Leave must normally be taken before any grant of Special Paid Leave. Authority for granting Special Paid Leave is vested in the CO.

2.022 When it is necessary to grant Authorised Absence at the end of recruit training, in the first instance this must include up to 5 days from the Service person's ALA. Special Paid Leave may be granted only to make up any additional days of Authorised Absence which are deemed compulsory and that are beyond the number of days for which stand-down would be given.

2.023 When it is necessary to grant Authorised Absence immediately before entry into training, between training courses, or immediately on completion of full training (i.e. before assignment to productive service), Service personnel must first be given any normal grant of Annual Leave which may be due. Thus, if an individual is due to proceed on 5 days' Annual Leave following a three month training course and it is decided that the period of Authorised Absence must be extended to 21 days, the period of Special Paid Leave required will be 16 days (i.e. 21 days less normal grant of 5 days' Annual Leave and the required amount of weekend stand-down).

SERVICE PERSONNEL WITHDRAWN FROM TRAINING

2.024 The Commandant or CO of the training establishment may grant Special Paid Leave, up to a maximum of 10 days, to Service personnel who fail or who are withdrawn from training. During this period the Service person's case will be reviewed by the appropriate authority and the necessary termination or assignment instructions will be issued.

SPORTS, GAMES AND EXPEDITIONS

2.025 An application for Special Paid Leave in excess of the Annual Leave Allowance will be considered when the reason for the application satisfies the following conditions:

a. **When the Service person has been selected to represent their country at competitive games and sports or officiate at Competitions involving National Representative Teams.** The governing body of the sport concerned should initiate the application. Special Paid Leave will be granted where the exigencies of the Service permit. The principle will be that a Service person granted leave in this way will suffer no loss of official emoluments, but that equally they will not be placed in a position to make a financial profit from the period of leave. When the sport concerned involves the payment of the individual as a professional player, any leave that is granted will normally be Unpaid Leave (see Chapter 17).

b. **When the Service person has been selected or invited to take part in organised activities which are sponsored by the Services, or by national or international bodies.** It must be established that the activity concerned will be to the advantage of the Service, and that it will enhance the prestige of the Nation and the Service.

2.026 Service personnel granted Special Paid Leave will normally be required to take a proportion of their Annual Leave as part of the period for which Special Paid Leave is requested. The amount of Annual Leave to be taken in such cases will be assessed by the single Service personnel centres when considering the application for Special Paid Leave.

2.027 a. Applications for Special Paid Leave of less than 3 months may be authorised by COs when all of the following conditions are met:

- (1) The applicant can be released from current duties.
- (2) There is no intention to request unit assistance from the relevant Command, or backfill the assignment from internal sources (ie the award of local acting rank or substitution pay).
- (3) There is no question of any impact on the Service person's career.

b. Applications for Special Paid Leave in excess of 3 months are to be forwarded to the single Service Personnel manning organisation

accompanied by a full report on the circumstances together with the CO's recommendation.

PERSONNEL IN OTHER SITUATIONS

2.028 In certain circumstances Special Paid Leave, normally up to a maximum of 10 days, may be granted by the CO to the following personnel:

- a. Service personnel who have been prepared for overseas assignment, but whose movement overseas has been delayed due to circumstances beyond the control of the Service person.
- b. Service personnel on a period of Authorised Absence in the UK from overseas whose return overseas is unavoidably delayed due to circumstances beyond the control of the Service person.
- c. Service personnel repatriated to UK unavoidably early for termination, where the exit date cannot be amended and for whom no employment can be found.

RECALL FROM SPECIAL PAID LEAVE

2.029 Service personnel are still liable for recall to duty throughout the whole period of Special Paid Leave.

DEATH, INJURY OR ILLNESS

2.030 If a person is killed, injured or falls ill while they are involved, on Special Paid Leave or Unpaid Leave, in the training, preparation, officiating and participation for competitive games, sports or organised activities at national and international level, this may not, for compensation purposes, be considered due to Service. See JSP 765, Chapter 1. It is advised therefore that Service personnel take out appropriate private personal insurance.

SECONDMENTS

2.031 The Secondment Programme is co-ordinated by IPP OS LS (formerly D Def Dip) and administered on a single Service basis by direct liaison with the host organization. Service Persons on Secondment are employed, on contract, by the host country or organization, with all costs, pay and benefits provided by the new employer in accordance with the contract. Although the record of a

Service Person on Secondment is retained on JPA, an "Unpaid Absence Record" is created with a value of "Secondment" which automatically stops Service Pay for the duration of the Secondment. As Service Persons on Secondment have effectively left military service for the duration of the contract, this period will not count towards Service pension, terminal grant or other non-effective benefits unless a 'buy-back' option exists. Further information is contained in JSP 468 (Joint Service Manual for the Loan and Secondment of Personnel to Commonwealth and Foreign Forces) and JSP 755 (Tri-Service Procedures for Managing Inter-Service Positions).

PERSONNEL DRAFTED FROM SHORE SERVICE TO SEA SERVICE

2.032 Sea Service is defined for RN personnel in BR14 Drafting Instructions Art 0102.2. In giving leave, operational ships are at a disadvantage compared with shore establishments and it is therefore essential that personnel joining ships are in date for leave.

PERSONNEL DRAFTED FROM SEA SERVICE TO SHORE SERVICE

2.033 It is the responsibility of the CO of the discharging ship to ensure that the availability date for assignment (reported to DGHRN) is promptly reported and includes the full entitlement to any balance of Annual Leave and any other leave allowances for service in that ship. On receipt of the Assignment Order it is the responsibility of the CO of the receiving establishment to take any action necessary to extend an individual's leave to conform to the establishment's leave pattern if a Service person's date of joining falls in a leave period. In particular, care should be taken to avoid personnel having to travel on leave twice in a short period.

GRANTING LEAVE

2.034 In ships on sea service every effort is to be made to grant all leave earned whilst on board to a Service person during their time with that ship.

SURVIVORS' LEAVE

2.036 Survivors' Leave is a discretionary privilege granted to Service personnel whose ship has been lost or damaged in a traumatic incident that necessitates the ship's company to move off. After consulting the CinCFLEET, the CO may grant up to one week's leave.

APPRENTICES, JUNIORS AND PERMANENT STAFF IN JUNIOR UNITS

2.037 Apprentices, Junior soldiers, and permanent staff of junior units whilst on the strength of a junior unit, may be granted up to 20 days at the discretion of the CO in addition to the normal ALA. This additional leave will be taken usually with seasonal block leave in the Spring, Summer and at Christmas.

2.038 Discretionary Leave is admissible for Junior soldiers on assignment to adult service as follows:

a. on graduation - 15 days' leave.

b. In addition to (a) above, another 1½ days for each month remaining in the current leave year, starting from the first day of the month. Odd half days accruing should be rounded up (eg a junior soldier graduating in December is eligible for 5 days (for January, February and March, the remainder of the current leave year)). This leave may be added to graduation leave or may be taken later in the same leave year.

WATCHKEEPING/SHIFT PATTERNS

2.039 On joining a dedicated watchkeeping post or being nominated for shift duties, Service personnel will fall into the local cycle with the stand-downs for that cycle being determined by local management.

2.040 Annual Leave is to be incorporated into the stand-down calculation and should not be accrued except in exceptional circumstances. Where necessary, annual leave is to be re-calculated on a pro-rata basis at the commencement of the cycle.

2.041 Some watchkeeping/shift patterns can be very demanding, and Service personnel nominated for these roles should be encouraged to take any accumulated leave prior to taking up the new post.

3. POST OPERATIONAL LEAVE

AIM

3.001 Post Operational Leave (POL) was introduced in recognition of the stresses and strains that Operational Deployments bring to Service personnel, their families and friends. It is awarded solely as a result of time spent on qualifying Operations or deployments and does not apply to exercises and maritime deployments. In cases of doubt as to whether a particular assignment gives entitlement to POL, advice is to be sought through the single Service Front Line Commands (or PJHQ).

ENTITLEMENT

3.002 POL is granted to Regular and Reserve Service personnel following periods away on qualifying Operations or deployments¹² and who are not entitled to Seagoers' Leave¹³. A Sponsored Reservist's (SR) entitlement to POL is a matter between the contractor and the SR unless, when mobilised, the SR is paid by the MOD. In the event the SR is paid by the MOD, the regulations in this Chapter apply. When not in receipt of MOD-pay, contractors should be encouraged to award POL to SRs in line with MOD policy.

POST OPERATIONAL LEAVE ALLOWANCE

3.003 The allowance, additional to the Annual Leave Allowance, is one day of POL for every 9 calendar days deployed. There is no qualifying period before POL can be received and entitlement will commence on the day that Service personnel leave their permanent duty station.

GRANTING OF POL

3.004 POL should commence as soon as possible and at the latest within one month, after a Service person's return from qualifying Operations or deployments. POL is to be taken whilst on the strength of the unit with which the Service person was deployed. Where an individual is due to be assigned on return, or shortly after return, to the duty station, POL is to be taken before taking up the new assignment.

3.005 POL is essential to the well being of Service personnel but there will be circumstances where it may need to be postponed, for instance when the career interests of a Service person require them to attend a course. Such postponements must be exceptional. POL may also need to be postponed at times to meet Service needs; however, in such circumstances COs are to

¹² Qualifying Operations and Deployments are decided by PJHQ.

¹³ Seagoer's Leave: Personnel drafted for Sea Service qualify for one working day extra leave for every 30 days served, up to an annual maximum of 12 days. See Chapter 4.

maintain a record of justification for the postponement. The overriding principle to be applied, however, should be one of fairness and POL is not to be sacrificed to cover for poor management. In either of these circumstances, budget managers are to apportion the cost of POL to the qualifying Operation or deployment on which it was earned.

RECORDING OF POL

3.006 When a Service person is assigned to a qualifying Operation or deployment that will give an entitlement to POL, the JPA system will add 1 day's entitlement for every 9 calendar days served on that assignment.

PUBLIC HOLIDAYS

3.007 PH are included within the ALA those deploying on operations do not lose the opportunity to take them albeit they will take them at a different time to that promulgated by the UK Government.

MOBILISED RESERVISTS

3.008 For ease of manual adjustment/calculation, use 30 days pro rata per year (2.5 days for each month mobilised) and then add to this figure any PH that falls within the period of mobilised service. This will give the correct annually adjusted figure to be entered onto JPA.

4. SEAGOERS' LEAVE

AIM

4.001 Seagoers' Leave (SGL) is granted to Service personnel serving in seagoing units¹ to compensate them for the separation from family and friends that this type of service necessarily entails.

ENTITLEMENT

4.002 Service personnel serving in seagoing units are entitled to one working day of extra leave for each 30 calendar days of service up to an annual maximum of 12 days.

ALLOCATION

4.003 When an individual is assigned to a Seagoing Longer Separation Allowance Qualifying Unit (SLQU) the Unit HR will, through the Move and Track process, ensure that JPA credits the Service person one day SGL Allowance every 30 calendar days. The qualifying criteria for SGL is detailed below:

- a) Service personnel assigned to units qualifying as SLQUs will qualify for SGL in accordance with the entitlement in 4.002.
- b) Service personnel who are assigned to a land based unit but who will deploy from that unit to a SLQU in accordance with the guidelines in 4.002.
- c) Personnel in land based units who deploy on operational deployments as directed by PJHQ will accrue Post Operational Leave (POL) in accordance with policy guidance in JSP 760 Ch 3 Article 3.003. SGL and POL cannot be awarded simultaneously.
- d) Personnel assigned to a "seagoing unit" for assignment purposes, who deploy for short periods or work excessive hours may be awarded stand down leave at the CO's discretion in accordance with guidelines JSP 760 Ch 2 para 2.015-2.016. SGL should not be used to compensate personnel for such working practices.

¹ Sea going unit defined in JSP 752 Article 01.0251 (extract) – Seagoing Longer Separation Allowance Qualifying Unit. (SLQU) is defined as a seagoing vessel which has a standard operating pattern requiring it to operate regularly away from its Base Port. A seagoing vessel includes ships, submarines, Royal Fleet Auxiliary (RFA), and Ships Taken Up from Trade (STUFT when Service personnel are onboard.

LEAVE PLANNING

4.004 For personnel qualifying for SGL under 4.003 (a), Commanding Officers (Cos) should make every effort to enable Service personnel to take this leave during their seagoing assignment to which it applies. For Service personnel qualifying for SGL under 4.003 (b), COs of the land based unit should make every effort for Service personnel to take that leave as soon after the exercise, deployment or operation as practically possible. Service personnel apply and record SGL through the standard Leave Absence request routines in JPA. SGL is part of the Individual Leave Allowance (ILA) as outlined in para 0.010.

5. REST AND RECUPERATION¹

INTRODUCTION

5.001 The term 'Rest and Recuperation' (R&R) is generic by nature and has widespread usage throughout the Services. Eligibility is frequently linked to the Deployed Welfare Package (Overseas) (DWP(O)), but certain deployments, not necessarily operational, may also qualify. In cases of doubt as to whether a particular appointment gives entitlement to R&R, advice is to be sought through the single Service Front Line Commands or PJHQ.

AIM

5.002 The aim of R&R is to provide Service personnel, who have been mentally and physically challenged by continuous service, usually in an operational area, time to rest out of line and 'recharge their batteries' in order to sustain operational effectiveness.

GUIDING PRINCIPLES

5.003. The decision to grant R&R rests with the in-theatre operational commander, who will consider a number of factors such as the threat, the operational requirement and minimum force levels, to determine the practicality of R&R.

5.004 R&R is not leave and is to be taken at a time, location and for a duration specified by the operational commander. R&R may only be granted to individuals and units on periods of continuous operations in excess of 4 months. Individuals should be in receipt of the DWP(O) and not receiving LOA for the theatre to which they are deployed. Those in receipt of the DWP(O) are not eligible for the Overseas Leave Travel Schemes unless specific approval is given by MoD (SP Pol Allowances) on a case-by-case basis. R&R is not to count against an individual's entitlement to Annual Leave.

5.005 The maximum permissible period for each instance of R&R is 14 nights inclusive of travelling time. The number of permissible periods of R&R is dependent upon expected tour length and is subject to the following restrictions:

¹ This policy applies to all 3 Services less operational deployments by HM Ships where Single Service rules apply.

- a. Over 4 months (120 days) but less than 7 months (210 days) - one period of R&R.
- b. Over 7 months but less than 11 months (330 days) – two periods of R&R.
- c. Over 11 months – three periods of R&R.

5.006 R&R should normally be taken in or as close to theatre as possible, provided suitable facilities exist and local cultural, climatic and health conditions render this option feasible. The R&R package should comprise:

- a. Full board and accommodation. The accommodation provided is to be of a reasonable standard¹ (determined by the operational commander) and is to take account of the prevailing operational and environmental conditions. No contracts concerning local R&R must be entered into without the agreement and financial approval of the operational commander and any such agreements must be concluded by authorised contracts staff.
- b. Access to suitable recreational facilities.

5.007 Where the operational situation permits, and subject to the operational commander's endorsement, R&R may include the public provision of passage home, where this is a cheaper option than local R&R; with associated terminal travel to either the permanent place of duty or an authorised leave address. Where this is not a cheaper option, R&R may still exceptionally include the provision of a publicly funded passage home, provided that all of the following criteria are satisfied:

- a. Deployment to an operational theatre is for a period of over 4 months duration.
- b. There is an assessment by PJHQ of a continual and high degree of danger for personnel deployed on the operation.
- c. Deployed personnel are experiencing exceptional hardship in living conditions, reflected in the declaration of field conditions.
- d. It is not practical to provide such a facility locally in terms of geography, infrastructure and the operational situation.

¹ It is difficult to be prescriptive about what constitutes a reasonable standard, as the requirements will vary between theatres and over time, depending on the prevailing military, political and climatic conditions. As a guide, Commanders should seek to provide accommodation which broadly equates to JSP315 Accommodation Scales, accepting that local conditions will influence the type and specification of accommodation which may reasonably be provided.

- e. An informed assessment by MoD (DCDS(Pers) SO1 Op Wel) based on the advice of the operational commander (and where required the Surgeon General) that operational effectiveness will be significantly prejudiced if R&R at home is not facilitated.

Travel on R&R may only be granted to the following addresses;

- a. To the family home in the UK, or to port of departure if the family home is at an overseas duty station.
- b. To a previously established and current PMP, but only if there is no family home.
- c. To a previously established leave or NOK address in the UK, but only if there is no family home or PMP.

5.008 Where R&R involves the granting of a publicly funded passage home, wherever possible, Service AT is to be used for this purpose. The only exceptions to this requirement are:

- a. Where there is an overwhelming operational justification for using civil flights. Use of civil flights in such circumstances will be subject to approval by MoD (DCDS(Pers) SO1 Op Wel).
- b. Where the use of Service AT would entail single journey times in excess of 24 hours and use of civil AT¹ can reduce this significantly².
- c. Where the cost of civil AT is the same cost or cheaper than the cost of the in-theatre R&R package.

5.009 Commanders allowing personnel to return to their home base for R&R should also take into account the requirement for decompression and normalisation.

RESPONSIBILITIES

5.010 Responsibilities for staffing and implementing R&R for operations and deployments under the authority of PJHQ are as follows:

¹ Standard civil air flights or civil air flights chartered by the MOD in lieu of Service AT.

² i.e. where an individual returns to the UK or home base by Service AT and must wait for onward travel to the home unit. In such circumstances it would be acceptable to complete the major part of the trip on Service transport and transfer to civil AT to avoid an excessive transfer delay for the final leg.

- a. **In-Theatre Operational Commander.** Initiates and staffs case to PJHQ. Once approved manages the theatre R&R package.
- b. **PJHQ.** If non-contentious, approves R&R and allocates funding. If the justification is contentious (i.e. falls outside of the stated parameters or is novel and contentious) the case must be staffed to MoD (DCDS(Pers) SO1 Op Wel) for approval.
- c. **JFLogC/NSE.** Coordinate with deployed units for the booking of R&R flights and onward connections, and liaison with permanent duty stations.
- d. **Permanent Duty Stations.** Provide MT to and from airhead. Take responsibility for those who fail or are unable to return from R&R and inform deployed unit.

5.011 For operations and deployments under single Service arrangements the authority to approve R&R and allocate funds lies with the relevant FLC. In such circumstances and before a single Service grants approval for R&R, MoD (DCDS(Pers) SO1 Op Wel) must be consulted to ensure that any tri Service implications are addressed.

5.012 This policy is intended to inform the decision making process when a consideration to grant R&R is being made. Where doubt as to the application of this policy occurs the authority for approving R&R will rest with MoD (DCDS(Pers) SO1 Op Wel), who is responsible for consulting with HM Treasury in the event that a proposal is either novel or contentious. In applying this policy commanders and staff are to be guided at all times by the key principles of operational necessity, affordability, common sense and above all financial propriety.

5.013 There may be occasions when personnel 'lose' some or all of an anticipated period of R&R as a result of changes to the tactical situation or delays to the strategic airbridge. Operational imperatives and the inherent inflexibility of the R&R programme will usually mean that an extension to compensate for days lost at the beginning of an R&R period will prove impractical. In circumstances where the lost days of R&R is as a result of Service reasons, the requisite number of lost days should be recorded by in theatre Unit HR staff on an individual's JPA record. Thereafter on return from operations, Unit HR staff should check the status of the individual's POL and lost R&R status. Commanding Officers should ensure that the appropriate number of days are added to the individual's POL. For the purposes of this policy any delay of an aircraft's scheduled arrival time in the UK of more than 12 hours should initiate the first day of compensation. Thereafter additional compensatory leave will be granted on a day for a day basis. Theatre Commanders are reminded of the vital

role R&R plays in ensuring Personnel have an effective break to 'recharge their batteries' in order to sustain operational effectiveness.

6. DOMICILED COLLECTIVE LEAVE (DOMCOL)

DEFINITION

6.001 Domiciled Collective Leave (DOMCOL) and DOMCOL Substitute Leave are authorised periods of absence to visit the country of domicile granted to eligible Service personnel who were resident outside the UK or Irish Republic immediately prior to enlistment.

ELIGIBILITY

6.002 To qualify for DOMCOL, personnel must fulfil the following conditions:

- a. Be registered by the appropriate Service Personnel Centre (SPC) for DOMCOL, in accordance with para 6.011 and Annex A below¹
- b. Have come to the UK from their home in a country abroad, specifically to join the British Armed Forces in the UK, or alternatively, joined the British Armed Forces abroad direct from their home in a country overseas. A period of absence from the Service person's home abroad which was spent in pursuing a course of full-time education at school or university immediately before joining the Services is not to be regarded as breaking this condition. Any period spent in paid employment after arrival in the UK, and before actual application to enlist will, however, break this condition.
- c. At the time of applying for registration, still have a home in the country abroad from which they joined the Services (but see also para 6.012 below).
- d. At the time of application for leave, the Service person's Commanding Officer (CO) is satisfied that the Service person's home is still in the country from which they joined the Services (but see also para 6.012 below).
- e. Be unmarried. (But see para 6.002.h below for the special concession regarding married personnel and para 6.002.i below for widowers and divorced personnel.)

¹ RN - SPOL WLB Navy Command HQ Whale Island Portsmouth PO2 8BY; Army - HQ LF, DPS(A), Level 2, Zone 2, IDL 428, Ramilies Building, Malborough Lines, Monxton Road, Andover SP11 8HJ; RAF - ACOS Manning Hurricane Block RAF High Wycombe Naphill Buckinghamshire HP14 4UE.

f. Short Service Commission Officers completing 6 years' service, including service in the ranks, and Other Ranks serving on a Notice or Open Engagement, with 6 years of service or less, must have at least 9 months to serve on return from leave.

g. Officers other than Short Service Commission Officers and Other Ranks serving on a Notice or Open Engagement, with 6 years' and one day or more service must have at least one year to serve on return from leave.

h. Married Service personnel and those in a registered Civil Partnership, whose families are resident in the country abroad from which the Service person joined the Armed Forces, and who have been separated from their families for the whole of the 5 years' qualifying period, may register and become eligible for DOMCOL under the foregoing conditions. When an individual proceeds on DOMCOL and marries during their leave in the country of domicile, entitlement to family passage to the duty station is set out in the Defence Movements and Transportation Regulations, JSP 800, Volume 2.

i. When a married Service person or one who has entered into a Civil Partnership reverts to single status, either by becoming a widower or by divorce or legal separation, the qualifying time for DOMCOL is to be assessed from the date they are assumed legally to have reverted to such status. Adequate documentary evidence must be produced i.e. date of court order, etc.

6.003 Gurkhas and Nepalese citizens serving in the Army are eligible to apply for DOMCOL registration. Other non-European soldiers enlisted locally overseas are not eligible for DOMCOL.

ENTITLEMENT

6.004 Personnel who are normally domiciled abroad are eligible for 45 working days' leave in their home country in lieu of 30 days' Annual Leave Allowance, exclusive of travelling time, and with travel at public expense, on completion of each 5 years' service outside the home country.

6.005 Service personnel enlisted below the age of 18 may be granted DOMCOL after a first qualifying period of 3 years' service, subject to the condition that DOMCOL will not be granted a second time until they have completed 10 years' service.

- 6.06** Service personnel who do not fulfil the conditions for DOMCOL may be eligible for Commonwealth Enlistment Compassionate Travel (COMECT). The categories and entitlements for compassionate travel at public expense are defined in JSP 751 Joint Casualty and Compassionate Policy and Procedures at Chapter 20.

CONDITIONS

- 6.007** Service personnel, when registered for DOMCOL, are not entitled to any other non duty travel at public expense (see para 6.010 for Get You Home (Early Years)(Overseas Assistance)).

- 6.008** If leave is taken to the UK from a duty station abroad, other than from NWE, the individual's entitlement to DOMCOL will be exhausted for the full 5 year qualifying period.

- 6.009** When a Service person is granted DOMCOL there is no eligibility for Annual Leave in that year. If Annual Leave has already been taken then there will be no eligibility for Annual Leave in the following year. No Annual Leave is to be granted to an individual who applies for DOMCOL unless DOMCOL is refused.

- 6.010** Service personnel in their first 3 years of service, serving in the UK can elect to transfer to Get You Home (Early Years)(Overseas Assistance) (See JSP 752 Chapter 5 Section 5) which provides a contribution (capped actuals) towards one return journey a year for the first 3 years of Service to a qualifying address abroad. Any DOMCOL qualifying service accrued prior to transfer will be forfeited although any leave accumulated under the DOMCOL Substitute Leave Scheme will be preserved. If still eligible for DOMCOL at the start of the fourth year of service the Service Person can re-register for DOMCOL and be eligible for DOMCOL Leave after serving for 5 years ie in year 8 of service.

- 6.011** Service personnel who wish to be considered for DOMCOL are to apply to the appropriate SPC using Annex A below. Unit HR staff will be formally notified of the outcome of all applications. Those which are approved are to be recorded on JPA at the Personnel Pay Details/Person/Flexfield using the authorisation date by CO at the Sub Date Register entry.

- 6.012** Should the Service person's next of kin move to another overseas country from the country overseas in which or from which that individual joined the British Armed Forces, this should be reported immediately to SPCs. The Individual's registration for DOMCOL to the original country will stand but on qualifying for leave they will be allowed a return passage to the new overseas

country only within the cost of travel to the original country. Such a passage will be arranged officially direct from the duty station on the strict condition that the Service person pre-pays any costs in excess of the return fare from the duty station to the original country of domicile.

6.013 Eligible Service Personnel who wish to transfer to the Get You Home (Early Years) (Overseas Assistance) scheme detailed at 6.010 must inform their SPC.

APPLICATION FOR LEAVE

6.014 After 5 years' qualifying service, a registered individual may apply for DOMCOL through the appropriate SPC using Annex B below. Unit HR Staff will be formally notified of the outcome of all applications and those which are approved are to be recorded in accordance with the JPA Desk Manual – Absences.

GRANT OF DOMCOL

6.015 The first period of DOMCOL is to be granted, wherever practicable, as soon as possible after the Service person has completed the 5 years' qualifying period and the application for leave has been approved. Leave may be deferred or anticipated, however, to coincide with a duty movement of the individual concerned where this will reduce the cost of travel to public funds. The period of anticipation is not, however, to exceed 6 months and the deferment is not to be allowed where this will breach the rules for residual service on return from leave detailed in paras 6.002f and 6.002g above. Second and subsequent periods of DOMCOL are to be granted under the same conditions after completion of each further period of 5 years' qualifying service i.e. after 10, 15, 20 etc years' service, except where DOMCOL is anticipated for compassionate reasons.

6.016 If a Service person is granted anticipated DOMCOL on compassionate grounds to their country of domicile, with travel at public expense, such leave will count as the DOMCOL for the qualifying period during which it is granted. Reckoning for the next entitlement for DOMCOL will start afresh from the date they return to their unit.

MEDICAL/DENTAL TREATMENT

6.017 Registered DOMCOL Service personnel on leave at public expense in their country of normal domicile may claim the cost of any necessary medical or dental treatment obtained while in that county. Personnel, however, are advised to arrange insurance cover to meet their out-of-pocket expenses for sickness or injury whilst in countries with which there are no reciprocal arrangements. Refunds will be made on the production of a receipted bill giving details of the emergency treatment provided.

COMMONWEALTH ENLISTED COMPASSIONATE TRAVEL (COMECT)

DEFINITION

6.018 Married and single Service personnel who were recruited overseas in a Commonwealth country and brought to the UK at public expense on enlistment may be returned at public expense to the country from where they were recruited. This travel, applicable where compassionate leave is granted, is called Commonwealth Enlisted Compassionate Travel (COMECT). The categories and entitlement for travel at public expense are defined in Chapter 20 of JSP 751 Joint Casualty and Compassionate Policy and Procedures.

ACCUMULATION OF LEAVE BY INDIVIDUALS NORMALLY DOMICILED OUTSIDE THE UK AND THE IRISH REPUBLIC WHO ARE NOT ELIGIBLE FOR DOMCOL (DOMCOL SUBSTITUTE)

DEFINITION

6.019 The following categories of Service personnel who do not meet the conditions of paras 6.002 above and are not therefore eligible for DOMCOL are however, eligible to accumulate up to 25 per cent of Annual Leave to enable them to visit their home country at their own expense. This leave is called DOMCOL Substitute.

6.020 Service personnel who wish to accumulate leave under these rules should register with their appropriate SPC. (See Annex A below.) Unit HR staff will be formally notified of the outcome of all applications and those which are approved are to be recorded in accordance with JPA Desk Manual – Absences.

ELIGIBILITY

6.021 The following are eligible for DOMCOL Substitute:

- a. Service personnel who, but for marriage, would have been eligible for DOMCOL.
- b. Service personnel of British origin whose next of kin have emigrated from the UK to an overseas country since the individual joined the British Armed Forces.
- c. Service personnel domiciled overseas who came to the UK not specifically to join the British Armed Forces, but who subsequently did so.
- d. Gurkhas and Nepalese citizens serving in the Army.

6.022 The following are not eligible for DOMCOL Substitute:

- a. Service personnel serving with colonial forces not administered by MOD;
- b. Non-European Other Ranks enlisted locally overseas other than Gurkhas and Nepalese citizens, see para 6.021d.

CONDITIONS

6.023 DOMCOL Substitute is subject to the following conditions:

- a. The Service person has not been conveyed at public expense to their home country during the accumulation period.
- b. The same conditions for service on return from leave apply as laid down in para 6.002f and 6.002g above.
- c. The Service person is registered with the appropriate SPC.

PERIOD OF LEAVE

6.024 Service personnel who are eligible under para 6.022 above may accumulate up to 25 per cent of the Annual Leave admissible in each year over a period not exceeding 5 years. This is not retrospective and may be accumulated only from the leave year in which registration is approved by the SPC.

- a. This accumulation may be added to Annual Leave admissible for the year in which the DOMCOL Substitute is taken. The total amount of DOMCOL Substitute combined with Annual Leave is not to exceed 45 working days.
- b. Any other leave, except Relocation Leave, for which the individual is eligible, may be added to DOMCOL Substitute.

APPLICATION FOR LEAVE

6.025 A registered individual may apply for DOMCOL Substitute using Annex B below.

GRANT OF LEAVE

6.026 COs, at their discretion, may grant DOMCOL Substitute, if admissible, for a period not exceeding 45 working days under the conditions set out in para 6.023 above. Permission to exceed 45 working days for exceptional reasons must be sought from SPCs. A copy of the approved application for DOMCOL

Substitute is to be forwarded by Unit HR staffs to the SPC for information purposes.

ANNEX A	
APPLICATION FOR DOMCOL / DOMCOL SUBSTITUTE* REGISTRATION	
(* Delete where applicable)	
Part 1 - To be completed by the applicant	
1. Name.....Initials.....Rank.....	
Number.....Regt/CorpsBranch/Trade.....	
Unit.....Contact Number.....	
Date & Country of Birth.....	
2. I wish to apply for registration for DOMCOL / DOMCOL Substitute* to (state country).....	
3. I am *unmarried	
*married but my	*wife
	*husband
	*family (in case of widower or widow only)
is resident at (state address).....	
because.....	
4. My next of kin is.....	
living at.....	
relationship.....	
(An explanation is required if next of kin is different from that noted in official records.)	
5. At the time of my enlistment I was domiciled in.....	
(A full explanation, to include dates of residence, is required if the countries noted at paras 2 and 5 are different).....	
6. I left my country of domicile on (state date).....	
7. I came to the UK to (explain reasons).....	

8. I attended full time school/technical etc college/university in UK as follows:

Place	Date from	Date to

9. I was gainfully employed after arriving in the UK and before joining the UK Armed Forces as follows:

Firm/Establishment	Date from	Date to	Full or part time

(An explanation will be required to show why any period spent in paid employment after arrival in the UK and before application to enlist should not render the individual ineligible for DOMCOL).

10. I first applied to join the UK Armed Forces at.....on.....
If this application was unsuccessful give reasons why

11. I joined the UK Armed Forces at..... on.....
and I am serving on a*commission. Expiry date.....
.....*engagement. Expiry date.....

If enlistment did not take place immediately on arrival in the UK, state manner (if not already covered at paragraph 7) in which time was spent in the UK before enlistment:

12. *During the last 5 years I have been granted leave to the UK at public expense from overseas commands (other than NWE) as follows:

Date from	Date to

13. *I have been granted anticipated DOMCOL or compassionate leave with travel at public expense to my country of domicile as follows:

Date from	Date to

14. *I understand that permission to take Terminal Leave in my overseas station is contingent upon my undertaking to repay any additional cost arising from my deferred passage, and also to report for embarkation/enplanement at.....	
.....on (date).....at (hrs).....	
15. *I further understand that, should I fail to report for embarkation/enplanement as instructed above and the berth/seat which I should otherwise have filled is left vacant, I shall be required to repay the full cost of passage.	
Date..... Signature	
.....	
(* Delete where applicable)	
Part 2 - To be completed by the CO (On completion, forward to appropriate SPC)	
16. The accuracy of the above statements have been verified as far as is practicable.	
Date.....	Signature.....
Commanding	Officer
Part 3 - To be completed by the SPC	
17. Verified.	
Date.....	Signature..... Service Personnel Centre Stamp

ANNEX B
APPLICATION TO TAKE DOMCOL / DOMCOL SUBSTITUTE* LEAVE
(* Delete where applicable)
Part 1 – To be completed by the applicant
1. Name.....Initials.....Rank..... Number.....Regt/CorpsBranch/Trade..... Unit.....Contact Number..... Date & Country of Birth.....
2. I wish to apply for DOMCOL / DOMCOL Substitute Leave* to (state country).....
3. Date registered for DOMCOL.....SPC Authorisation Letter (Reference).....
4. My next of kin is..... living at..... relationship..... (An explanation is required if next of kin is different from that noted in official records.)
5. I am *unmarried *married but my *wife *husband *family (in case of widower or widow only) is resident at (state address)..... because..... . The period of continuous separation has been.....
6. I am serving on a*commission. Expiry date.....*engagement. Expiry date.....
7. Leave is requested to (state country)..... From.....To.....
8. Leave

Address.....	
9. Do you wish to take any other form of leave (as specified in JSP 760) in conjunction with	
DOMCOL / DOMCOL Substitute Leave (specify type of leave and reasons why)	
.....	
.....	
.....	
10. *During the last 5 years I have been granted leave to the UK at public expense from overseas commands (other than NWE) as follows:	
<i>Date from</i> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<i>Date to</i> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
11. *I have been granted anticipated DOMCOL or compassionate leave with travel at public expense to my country of domicile as follows:	
<i>Date from</i> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<i>Date to</i> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
12. I certify that my country of domicile remains as stated in the application for registration	
I submitted in accordance with Annex A to Chapter 6, JSP 760.	
Date.....	
Signature.....	
(* Delete where applicable)	
Part 2 - To be completed by the CO	
13. * Application for DOMCOL. The accuracy of the above statements have been verified	
as far as is practicable. This application is forwarded to the SPC for approval.	
14. * Application for DOMCOL Substitute. The accuracy of the above statements have	
been verified as far as is practicable. This application is approved.	
(A copy of this approved application is to be forwarded to the SPC for information purposes).	

(* Delete as appropriate)		
Date.....		
Signature.....		
Commanding		Officer
Part 3 - To be completed by the SPC		
15. Application for DOMCOL is approved.		
Not approved for the following reasons.....		
.....		
.....		
Date.....	Signature.....	Service Personnel Centre Stamp

7. RE-ENGAGEMENT LEAVE

DEFINITION

7.001 Re-engagement Leave is a period of Authorised Absence granted to Service personnel who joined the Services before 31 Mar 99 as an inducement to commit for a further period of service and as compensation for the postponement of Terminal Leave. To reflect the differences in administration of Re-engagement Leave between the 3 Services this chapter has been broken down into 3 separate Annexes. (Annex A – Naval Services, Annex B – Army, Annex C – RAF).

RE-ENGAGEMENT LEAVE ADDED TO OTHER TYPES OF LEAVE

7.002 For RN and RAF personnel, Re-engagement Leave is not to be added to Terminal Leave (Army personnel see para 7B.006d at Annex B). For personnel from all three Services Re-engagement Leave is not to be taken after a Service person has given notice to leave unless the individual is being invalided from the Service.

NAVAL SERVICE

ENTITLEMENT

7A.001 Qualifying personnel already in service on 1 April 1999 have reserved rights as follows:

- a. On transfer from LSR to LS2 engagement.
- b. On transfer from LSR to LS3 engagement.
- c. On transfer from LS2 to LS3 engagement.
- d. On transfer from LS3 to LS4 engagement.
- e. On transfer from CS1 to CS2 engagement.
- f. On transfer from CS2 to CS3 engagement.
- g. QARNNS and female RN ratings (who joined the WRNS prior to September 88 and have not transferred to the Open Engagement) who re-engage on completion of one engagement to serve for the period of another, subject to a maximum of 2 periods of 20 working days up to the completion of 22 years' service.
- h. Re-engagement Leave may not be allowed to personnel who re-enter after a break in service, since they will previously have been granted Terminal Leave, nor will it be granted for re-engagement during or on completion of Terminal Leave.
- i. Re-engagement Leave will be granted on transfer to the Second Open Engagement from LS or CS engagements but not to ratings serving on the Open Engagement (OE1).

7A.002 The period of Re-engagement Leave should be equal to the period of Terminal Leave for which a rating would have been due on completion of an engagement of fixed term of service, and is expressed in working days (ie 20 working days' Re-engagement Leave is the equivalent of 28 calendar days' Terminal Leave).

APPLICABILITY TO EXTENDED SERVICE ENGAGEMENTS

7A.003 Re-engagement Leave (RENL) is not applicable to Extended Service Engagements.

7A.004 Commanding Officers (COs) are to ensure that sufficient leave for re-location purposes is given to Service personnel taking up Extended Service assignments. Advance of Annual or Terminal Leave may be allowed for this purpose at the COs discretion. Those re-engaging for Extended Service without a break in service, or a break in service of not more than one day, will either be granted 28 days' or the balance of any Terminal Leave granted for re-location purposes in final discharge (on completion of engagement or on termination of engagement at own request) but this leave will not be granted in respect of Extended Service Engagements entered into after a break in service of more than one day.

MANAGEMENT OF RE-ENGAGEMENT LEAVE

7A.005 Normally, RENL should be taken during an assignment if the SP can be spared, but may be taken between assignments, provided the notice below is given and DNCM can spare the individual for the period requested. All requests for leave between assignments should be forwarded to the appropriate career manager in DNCM by e-mail as follows:

- a. For assignments from Sea to Shore service, Sea to Sea or Shore to Shore, applications must be made giving at least 4 months' notice. Once approved, the amount of RENL is taken into account when calculating and reporting the Future Availability Date.
- b. For assignments from Shore to Sea service, applications must give at least 7 months' notice.
- c. WO1s must consult their career manager in good time to take RENL between assignments.

7A.006 Re-engagement Leave is normally to be taken all at once or for shorter periods of 5 working days or more. Periods of less than 5 working days will not normally be granted but the CO has the discretion to vary this rule should circumstances warrant it.

FORFEITURE OF RE-ENGAGEMENT LEAVE

7A.007 Re-engagement Leave is to be taken during the engagement to

which it relates. At least three-quarters of the Re-engagement Leave due must have been taken by a date 2 years before the expiry of the relevant engagement, otherwise it will be forfeited. (But see para 7.010 below.) One quarter of the Re-engagement Leave due may be deferred until the final 2 years of the engagement to which it relates. Any portion of Re-engagement Leave outstanding one week before the planned commencement of Terminal Leave will be forfeited.

7A.008 Where compelling Service needs have prevented a Service person from taking at least three-quarters of their Re-engagement Leave before entering the final 2 years of the relevant engagement, the matter may be referred to the CO to determine whether exceptional permission may be granted to take the balance of Re-engagement Leave after this date.

7A.009 Re-engagement Leave should not be granted during a period of notice, or for RM personnel, if Premature Voluntary Release has been applied for or approved. Exceptionally, COs may, consider allowing a Service person undergoing a period of notice to take outstanding Re-engagement Leave provided:

- a. They will have completed the engagement for which the leave was granted before the end of their notice period.
- b. There are compelling Service reasons why they have not been able to take the Re-engagement Leave 2 years before the expiry of the engagement to which it relates.
- c. They can be spared to take the leave.

7A.010 In no circumstances may service be extended to take account of outstanding Re-engagement Leave. Nor may Re-engagement Leave be added to Terminal Leave. If not taken before this time it will be forfeited.

ARMY

ENTITLEMENT

7B.001 20 working days' Re-engagement Leave may be granted to eligible soldiers, including those in the R IRISH (HSFT), on Notice or Open Engagements who have committed themselves to 12 years' continuous service having completed 11 years' continuous service. A soldier who signifies an intention to leave the Service is no longer eligible for Re-engagement Leave.

7B.002 20 working days' Re-engagement Leave may also be granted to eligible soldiers, including those in the R IRISH (HSFT), on the Notice or Open Engagements who have committed themselves to 18 years' continuous service having completed 17 years' continuous service. A soldier who signifies an intention to leave the Service is no longer eligible for Re-engagement Leave.

7B.003 Not more than one period of Re-engagement Leave is admissible to soldiers eligible under the terms of para 7B.001 above and not more than one period to soldiers eligible under the terms of para 7B.002 above.

7B.004 Eligibility for reserved rights to Re-engagement Leave ceases when soldiers change their engagement, unless from a Notice or Open engagement to a VEng, in which case the eligibility is retained.

7B.005 A soldier who has spent a period in the Regular Reserve during the currency of his engagement will not be eligible for Re-engagement Leave. A soldier, however, who rejoins from the Reserve and subsequently completes the required period of continuous service, required by paras 7B.001 and 7B.002 above, will be eligible for Re-engagement Leave.

MANAGEMENT OF RE-ENGAGEMENT LEAVE

7B.006 Re-engagement Leave is to be taken at the earliest convenient opportunity after qualifying for it, either separately or in addition to any other form of leave (except Terminal Leave) for which the individual is eligible.

- a. Soldiers granted Re-engagement Leave in addition to other leave are to remain on the strength of their unit during the whole period of absence on leave. They will not be replaced.
- b. No additional free travel is admissible.

c. It may not be taken after a soldier has signified his intention to leave the Service.

d. Re-engagement Leave may be added to Terminal Leave but only in exceptional circumstances. When such a requirement arises, a formal case explaining the reason for delay beyond 3 years or addition to Terminal Leave should be submitted to higher authority, normally the brigade or garrison commander, for authorisation.

e. Re-engagement Leave will be granted only on the authority of the CO.

COs are encouraged to grant this leave to those eligible to receive it.

7B.007 Re-engagement Leave is to be taken as soon as possible after qualifying, and within the first 3 years of doing so. If necessary it may be taken as individual days. Exceptional reasons for deferment should be referred to the MCM Div at the APC.

7B.008 Soldiers who qualify for such leave during overseas service (including international posts but excluding other posts in NWE) may have the period during which it may be taken extended, if applicable, to up to 2 years from the date of reversion to home establishment or return to national duty. Exceptional reasons for further deferment should be referred as laid down in para 7.B007 above.

7B.009 The grant of Re-engagement Leave is not a benefit in consideration of which a soldier serving on a Notice or Open engagement may waive his right to leave the Service.

RE-ENGAGEMENT LEAVE IS NOT A PRESCRIBED BENEFIT

7B.010 The grant of Re-engagement Leave is not a benefit in consideration of which a soldier serving on either a Notice or Open engagement may waive his right to leave the Service.

RAF

ENTITLEMENT

7C.001 20 working days' Re-engagement Leave may be granted provided that the extension or re-engagement does not take place during, or on completion of, Terminal Leave. Re-engagement Leave will be permitted only for one instance of extension or re-engagement, after which entitlement will be forfeited. Service personnel, however, who are granted a period of Re-engagement Leave prior to 1 Apr 99, will retain a reserved right to further period of Re-engagement Leave upon successful re-engagement to complete 22 years' service.

7C.002 Under no circumstances will more than one period of Re-engagement Leave be permitted and Service personnel who have already qualified for Re-engagement Leave by virtue of undertaking a pensionable engagement are not eligible for a further period on re-engagement to Length of Service 30 or 55. Re-engagement Leave will not be permitted on extension of service from 12 to 15 years' regular engagement. Re-engagement Leave will not be added to Terminal Leave nor will it be taken after a Service person has given notice to leave unless the Service person is being invalided from the Service.

MANAGEMENT OF RE-ENGAGEMENT LEAVE

7C.003 Where possible, Re-engagement Leave is to be granted at the time of qualification. If this is not possible, or the Service person is serving abroad at the time and does not wish to take the leave locally, it is to be granted at the first convenient opportunity within the following limits:

- a. Service Personnel Serving at Home. 5 years from the date of qualifying for the grant.
- b. Service Personnel who become Eligible for Re-engagement Leave during a Tour of Duty Abroad. 5 years from the date of qualifying for the grant, or 3 years from the date of return to the UK, whichever is the later.

8. RELOCATION LEAVE

AIM

8.001 Relocation Leave is an authorized period of absence granted to Service personnel posted between locations on non-operational tours of duty to facilitate the settling in/relocation process for themselves and for their dependants. Relocation Leave is in addition to Annual Leave and for the purposes of this type of leave there are three theatres: the UK, NWE and the Rest of World.

ALLOCATION

8.002 Relocation Leave is to be set against the losing unit's establishment, although this may be varied if both units agree, and should be taken into account when specifying reporting dates on individual assignment orders. Authorising Relocation Leave is subject to the requirement and exigencies of the service. In the case of reverse handovers, where an individual takes over a new post before returning to his previous unit to carry out a handover there, Relocation Leave is normally to be taken immediately prior to finally starting work at the new unit.

INTER-THEATRE MOVES

8.003 On assignments between theatres, or from one overseas location to another overseas location, for a normal tour of duty, 10 working days Relocation Leave will be granted.

INTRA-THEATRE MOVES

8.004 Trained strength personnel after joining their first unit, and those personnel completing Phase 2 and 3 training courses with a duration of six months or more, are to be granted 5 working days' Relocation Leave for normal moves. This may be extended to up to 10 days by Commanding Officers, who are to take into account single Service guidance¹, unit manpower liability and the needs of the individual. One day's Relocation Leave is to be granted for local moves.

¹ RN:

RAF: IBN 19/08.

QUALIFYING MOVE

8.005 Normal moves are those resulting from an assignment order normally necessitating a change of SFA, SLA, substitute equivalents, Residence at Work Address or Selected Place of Residence (as defined in JSP 752 Tri-Service Regulations for Allowances). Local moves are those normally within the same establishment between SLA, or between units when no change of accommodation is required. Further advice, if required, should be sought from single Services.

RELOCATION LEAVE ADDED TO OTHER TYPES OF LEAVE

8.006 Service personnel who return from overseas towards the end of their service must normally have an expectation of at least 2 months' further productive service after completion of Relocation Leave and before commencement of Terminal Leave to qualify for Relocation Leave. Relocation Leave is not to be added to any period of Terminal Leave. Time spent on resettlement courses or attachments does not count towards this two month period.

DEFERRAL OF RELOCATION LEAVE

8.007 Personnel who are, for Service reasons, unable to complete their domestic move for Service reasons and take immediately the full amount of Relocation Leave authorised by their CO immediately may, at the CO's discretion, defer the outstanding balance of Relocation Leave which is to be taken as soon as circumstances permit and, in any event, not normally more than 6 months after the date of relocation.

RESERVE PERSONNEL

8.008 There is no entitlement to Relocation leave for Reserve Personnel.

9. GRADUATED RESETTLEMENT TIME (GRT)

AIM

9.001 The Tri-Service Resettlement Policy was designed to ensure that all Service personnel have access to timely and accurate resettlement information and advice before leaving the Services. This may include, for example, workshops, further training and job finding. Service personnel may use their GRT in the period 2 years prior to discharge, on dates agreed by their Commanding Officer.

ENTITLEMENT

9.002 The majority of serving personnel are entitled to access to resettlement activities, but the type of activity and the length of time permitted to pursue them are determined by length of service.

FULL TIME RESERVE SERVICE

9.003 Full Time Reserve Service (FTRS) personnel must complete the same length of service as regular Service personnel to be eligible for resettlement. Previous regular service will not be counted.

ALLOWANCE

9.004 The table below summarises the provision of Graduated Resettlement Time.

Years Service		Normal Discharge ⁽⁴⁾ Graduated Resettlement Time (5)	Medical Discharge ⁽³⁾ (6) Graduated Resettlement Time (5)
Before ⁽¹⁾	After ⁽²⁾		
<1	<1	0	10
1+	1+	0	30
3+	4+	0	30
5+	6+	20	30
8+	8+	25	30
12+	12+	30	30
>16 ⁽³⁾	>16 ⁽³⁾	35	35

Notes:

- (1) Those who enlisted prior to 1 Sep 02.
- (2) Those who enlisted on 1 Sep 02 or later.
- (3) For ALL Service personnel, including those medically discharged, Graduated Resettlement Time is an entitlement.
- (4) These entitlements do not apply to those Service personnel who are discharged compulsorily and lose entitlement they otherwise have because of circumstances of discharge.
- (5) Amount of Graduated Resettlement Time is in working days.
- (6) This includes reserves who are medically discharged due to injuries sustained during operational commitments.

9.005 For full details on all aspects of Graduated Resettlement Training Service personnel are advised to refer to JSP 534 The Tri-Service Resettlement Manual.

10. INVALIDING LEAVE

10.001 Invaliding Leave (IL) is an authorised period of absence granted to personnel, to assist them to resettle in civilian life when they exit the Service on invaliding terms. It is granted in addition to terminal leave and any annual leave¹ the individual has accrued.

SCOPE / ELIGIBILITY

10.002 This chapter applies to Regular personnel, those serving on Full-time Reserve Service, Additional Duties Commitments (on a pro-rata basis) and Non-Regular Permanent Staff (Territorial Army). Reservists in permanent service under a call-out or recall order (ie.mobilised service) or serving on Man Training Days are only eligible for IL when they are unable to return to their civilian employment.

ENTITLEMENT

10.003 Personnel who are invalided from the Service, plus those who exit under single-Service provisions which qualify for IL², will be granted 20 working days IL. Normally, IL and terminal leave, or the balance, is to commence after the completion of the appropriate period of Graduated Resettlement Time, but this may be varied to meet the needs of the individual.

10.004 Personnel whose service is terminated on medical grounds will not be eligible for IL if the disability concerned was incurred before entry to the Service and is discovered within 21 calendar days of their enlistment.

10.005 Invaliding and terminal leave are not admissible in the case of an individual discharged on medical grounds while serving a sentence of imprisonment, civil or military detention, or borstal training.

10.006 Leave is to be reckoned from the date on which the individual is officially notified of the decision that they are to be invalided. The first day of leave being fixed by the Personnel Management Authority. The date of retirement/discharge is as notified by the Personnel Management Authority and is calculated having taken into account any entitlement to Graduated Resettlement Time, invaliding and terminal leave.

¹ Historically Naval Service personnel have been awarded Invaliding Leave only with remnant Annual Leave normally being forfeit. Any Terminal Date which falls on or after 1Jan 09 using this methodology should be recalculated to include outstanding Annual Leave.

² Exit under BR1991 Chap 18, QR 1975 (paras 9.385-9.387) for Army personnel and QR 607(16)(b) for RAF personnel.

10.007 An individual who is to be invalided and whose repatriation to their country has been approved is to be retained on full pay until the date of disembarkation in their home country (provided that embarkation to that country takes place at the first available opportunity) and for the periods of invaliding and terminal leave admissible thereafter, notwithstanding that these may involve the continuance of pay beyond the appropriate period¹, or beyond the normal date for termination of service. If, however, the individual is currently residing in his/her country of domicile, or has elected to remain in the country in which he/she is located at the date when the decision to invalid is taken, pay is not issuable beyond the appropriate period specified in para 10.007 or in relevant footnotes.

10.008 An individual who is an in-patient on the due date for normal termination of service, and still requires such treatment, is to be retained on pay until:

- a. In-patient treatment ceases to be required, or
- b. Five months have elapsed since they were last at duty, whichever is the earlier.

¹ An individual may be retained in the Service on full pay beyond a period of 12 months on the authority of their Personnel Management Authority provided that, in the opinion of the approved medical authority, there is a reasonable prospect that the individual will become fit for duty and also provided that the individual's date of termination of whole-time service does not occur within that period (in which case it must be put into effect unless covered by para 10.007).

11. ABSENCE WITHOUT AUTHORITY

GENERAL

11.001 Absence without Authority refers to those times when a Service person is absent from their place of duty without their Line Manager's Approval and where they have not informed the unit of their reason for non-attendance.

11.002 All cases of Absence without Authority will require further investigation to ascertain the Service person's whereabouts which should normally be started within 4 hours of the Service person's absence being notified.

11.003 On most occasions there is a genuine reason why a Service person has not reported for duty and this will be established once an investigation has commenced. Nonetheless it is important that details of the Service person's absence are recorded onto JPA to assist in both management information and as a record should future disciplinary proceedings be taken.

11.004 All cases of Absence without Authority are to be considered as an Unauthorised Absence (see paras 11.013-11.015 below) in the first instance except in the following circumstances:

- a. If the absence refers to a first reporting for duty on either a new assignment at a new location it must be regarded as a Move and Track Non Arrival (see paras 11.006-11.009 below). For all other cases it should be considered as an Unauthorised Absence.
- b. If the absence occurs within an Operational Environment then it must be considered as Missing (see para 11.010 to 11.012 below).

11.005 It is essential that absence start and end dates (where known) are recorded so that the appropriate pay, allowances, charges and career management action can be taken.

MOVE AND TRACK NON-ARRIVAL

11.006 This absence type is only to be selected when a Service person is reporting for duty at a new location and fails to arrive as expected. This could be as part of a new assignment or in respect of a detachment.

11.007 The Move and Track Non-Arrival absence type takes into account, for example, the fact that the Service person is likely to be making an unfamiliar journey where they could be unaware of normal delays or transport timings. It also covers those occasions where a Service person might be delayed on a

Service Flight or Sea Passage as well as the extra time required to register for car passes on entry to a new barracks. Additionally there may be occasions where confusion has arisen over reporting dates and times, for example, where local reporting arrangements have superseded the reporting dates originally notified on the Service person's Assignment Order.

11.008 Any Absence without Authority should prompt further investigation and the selection of Move and Track Non-Arrival allows the Unit HR Administration staff to record and establish the fact that the individual has failed to arrive as planned. It also prompts the Administrator to contact the Service person's previous unit as part of the investigation and allows for the recording of additional information pertaining to the non-arrival.

11.009 If no reason for the Non-Arrival has been established and a longer more complex investigation is required, the Unit HR Administration staff should consider closing the Non-Arrival Record and selecting the more appropriate Unauthorised Absence with effect from the first day of the Absence. As a guideline it is suggested that a Service person is removed from Move and Track Non-Arrival within 48 hours and moved to Unauthorised Absence if no further details of that individual's whereabouts have been established.

MISSING

11.010 The Absence type of Missing is only to be selected when a Service person has not reported for duty in an Operational Environment. In this instance their absence will also be reported through the Joint Casualty and Compassionate Centre under a separate reporting chain where the absence type of Missing will be described in more detail, for example, "Missing – details Not Known" or "Missing Presumed Detained Against Will" etc.

11.011 The use of the Missing Absence type in these circumstances rather than Authorised Absence prevents any adverse action affecting pay and allowances which would normally be implemented on day 8 of the absence.

11.012 The Service person is to remain marked as Missing until they have returned to duty or until they are moved to a more appropriate absence type. Typically this might be Hospital In-Patient or Sick Leave, for example. The reallocation of a Service person from Missing to Unauthorised Absence or Long Term Absentee must only be undertaken once the Chain of Command has thoroughly investigated the absence and is satisfied that the use of the new absence type is more appropriate.

UNAUTHORISED ABSENCE

11.013 Unauthorised Absence is to be used in all cases where a Service person is absent from their place of duty without authority except when a Move and Track Non-Arrival has been selected as above.

11.014 The selection of Unauthorised Absence for a Service person should prompt an investigation to ascertain the reason for non-attendance. In the interests of the Service person's own safety it is recommended that any investigation is started within 4 hours of the first report of non-attendance.

11.015 A Service person will remain in the Unauthorised Absence category until one of the following conditions are met:

- a. The Service person is able to give a reason for their absence, for example, hospitalisation following a car accident. Following confirmation of the reason for their absence, they are moved to the most appropriate absence type by the Unit HR Administration staff.
- b. The Service person returns to duty and an end date is entered on JPA. Disciplinary proceedings may then follow resulting in Disciplinary Award of Absence Without Leave (11.016-11.019 below).
- c. The Service person is moved to Long-Term Absentee (see para11.020-11.023) following a Board of Inquiry.

DISCIPLINARY AWARD OF ABSENCE WITHOUT LEAVE (AWOL)

11.016 Disciplinary Award of AWOL is an absence type which can be selected and implemented retrospectively only by the Unit HR Administration staff to cover the period that a Service person has been away from their place of duty without the appropriate authorisation. The decision on what is deemed to be 'appropriate authorisation' falls to the discretion of the Service person's CO.

11.017 Disciplinary Award of AWOL can be selected only when a Service person has returned to duty following a period of Unauthorised Absence irrespective of whether that return to duty has been voluntary or involuntary. The Service person must then be found guilty of the offence before a Disciplinary Award AWOL is selected.

11.018 Disciplinary Award of AWOL cannot be used if the Service person is not found guilty of being AWOL as this would have a negative effect on pay, allowances, charges and career management.

11.019 If the Service person is not found guilty of the offence of AWOL and the Chain of Command is satisfied that there are extenuating circumstances relating to the absence then Authorised Absence (refer to Chapter 2 above) may be used if no other absence type is deemed to be more appropriate.

LONG-TERM ABSENTEE

11.020 Long-Term Absentee is the category to be used when a Service person is shown under Unauthorised Absence and there is no reasonable expectation that they will report for duty in the foreseeable future. The selection of this type of absence will ensure that correct career, pay, allowances and charges actions are taken.

11.021 On or about day 8 of the Unauthorised Absence the Service person's CO will convene a Board of Inquiry in accordance with single Service regulations to ascertain if there is a reasonable expectation that the Service person will return. If in the opinion of the Board there is little expectation of this then the individual should be shown as Long-Term Absentee from the first day of the absence. This does not apply to personnel in the Royal Navy – Naval personnel should consult Chapter 40 of QRRN.

11.022 If there is an expectation that the Service person will return, for example, based on firm evidence given by close friends or colleagues, then the individual should remain as Unauthorised Absence until the CO recommends otherwise.

11.023 The Long-Term Absentee category is not to be used when the reason for the long-term absence is known and for which a more appropriate absence type can be selected. This may include, but is not restricted to, medical, custodial, special unpaid and certain statutory absences.

12. CUSTODIAL ABSENCE

GENERAL

12.001 Custodial Absence applies to personnel who are in:

- a. Military custody.
- b. Civil custody.
- c. Home Office Detention Rooms
- d. Military Correction and Training Centre and civil prison.

12.002 Custodial Absence is dealt with by the appropriate authorised Unit HR Administration staff as part of the disciplinary process.

12.003 Reference should be made to:

Navy RN BR 11

Army AGAI Volume 2, Chapter 62 and Annex F
Rules for Regulations to Military Sentences (Army) Rules 1979 (Army Code 62019).

RAF AP 3392, Vol 4, Leaflet 1001.

13. SUSPENSION FROM DUTY

13.001 Suspension from Duty is dealt with by the appropriate authorised Unit HR Administration staff as part of the disciplinary process. A Suspension from Duty is a command decision with the Commanding Officer of the Unit seeking advice from Higher Authority. Single Service regulations apply for each Service. Reference should be made to the following:

Navy BR11 Manual of Naval Law
 QRs for the RN

Army Manual of Military Law
 QRs for the Army

RAF AP3392 Vol 4
 Manual of Air Force Law
 QRs for the RAF

14. JURY SERVICE

GENERAL

14.001 Under the terms of the Juries Act 1974 as amended by the Criminal Justice Act 2003, full-time serving members of the Armed Forces (including Reservists on full time duty and those with Additional Duties Commitments) are liable to be called upon to perform jury service in England and Wales, if they are registered as electors in those two countries.

14.002 For the present, full time members of Her Majesty's Forces continue to be excused as of right from jury service in Scotland. Members of Her Majesty's Forces are exempt from jury service in Northern Ireland under the terms of the Juries (Northern Ireland) Order 1974.

14.003 The Act retains special provision (closely based on the provision in the previous legislation) for deferral or excusal of jury service by personnel of the Armed Forces, in cases where a Commanding Officer (CO) certifies that absence on jury service would be prejudicial to the efficiency of the Service. There are no special provisions for excusal or deferral of part-time personnel, but Commanding Officers may support applications for excusal or deferral where the jury service prevents an individual attending Annual Camp or other period of continuous training

ARRANGEMENTS

14.004 In common with other members of the public, Service personnel registered as electors in England and Wales and who are over the age of 18, may be summoned to perform jury service. Names will be chosen from those on the Electoral Register and a summons will be sent specifying a date on which the individual is to attend court.

14.005 Again in common with other members of the public, Service personnel who are summoned will be able, as individuals, to apply to defer jury service to another date within a period of one year from the date of the summons, or to be excused jury service completely in relation to the summons they have received.

14.006 In such cases the individual must satisfy the summoning authority that there is "good reason" to defer or excuse. They should notify their CO of their intention to make such an application and of its result. But no such application should be made until the individual's CO has indicated that he does not intend to certify that the individual's absence would be prejudicial to the efficiency of the Service (see 14.011 below).

14.007 The CO of a full-time serving member of any of the Armed Forces (including Reservists) may issue a certificate which will result in either deferral of the jury service to another date or complete excusal from a duty to comply with the summons, where it is considered that the absence of the individual would be prejudicial to the efficiency of the Service. The CO of a part-time Reservist may write in support of a claim for deferral or excusal, where the Reservist would miss Annual Camp or other period of continuous training. In this case the letter should cover the individual's completed Jury Summoning Form, and be forwarded to the Jury Central Summoning Bureau, without a certificate.

PROCEDURES TO BE FOLLOWED

14.008 On receipt of a jury summons the individual must immediately inform their CO. The individual should not return the reply form attached to the jury summons, or seek excusal or deferral of their jury service, until the CO has considered the matter.

14.009 The CO should consider whether the individual's attendance at jury service would be prejudicial to the efficiency of the Service. The CO should not exercise discretion to obtain deferral or excusal from jury service when jury service would merely be inconvenient. Only where an individual's absence would impinge on the Service's ability to carry out its functions will it be proper to issue a certificate. Particular attention should be given to any effect on the more important commitments, such as forthcoming deployments, operations, operational training and support for operations. It will be appropriate to take into account direct and indirect effects. Indirect effects would include, for example, the impact of Service efficiency if individuals have to postpone leave or lose benefit of a period of recovery after operations. In these circumstances, the CO should always consider first whether it would be acceptable from a Service efficiency viewpoint for the individual concerned to defer their jury service, rather than be excused from it altogether.

14.010 Where deferral/excusal is necessary, the CO will issue a certificate (See Annex A) which will result in the deferral of the jury service to another date or complete excusal from the duty. He will then attach it to the Jury Summoning Form and return to the Jury Central Summoning Bureau. They, in turn will confirm deferral/excusal to the individual, copied to the CO. The bureau is legally obliged to grant such excusal/deferral, but if any difficulties arise the guidance of the relevant service legal officers should be sought. Where confirmation of deferral or excusal has not been received by 7 days before date of attendance, the individual should contact the Jury Central Summoning Bureau, through Service channels if necessary (e.g. if on operational duty).

14.011 If the CO does not consider that the individual's absence on jury service would be prejudicial to the efficiency of the Service, he should notify the

individual accordingly. The individual may then consider whether they have any personal commitments (e.g. family, medical) which would enable them to demonstrate 'good reason' to apply for excusal/deferral in their own right in accordance with the instructions sent to them by the Jury Central Summoning Bureau. If they decide to apply, they should notify their CO of their intention to do so. They should also immediately inform their CO when notified by the Jury Central Summoning Bureau that the request has been accepted or refused. If however, there are service reasons justifying deferral/excusal then it would be inappropriate for individuals to make such an application in their own right, in such cases the CO should proceed as outlined in paras 14.009 and 14.010.

14.012 Where the CO informs the individual that he does not intend to issue a certificate requesting excusal or deferral, and the individual does not wish to apply for excusal/deferral on personal grounds, the individual is to confirm availability to the Jury Central Summoning Bureau, using the reply form attached to the jury summons.

14.013 The costs of returning Service personnel from overseas to carry out jury service will not be met by court authorities. The time and expense of each journey would ultimately have a detrimental effect on Service efficiency, and COs should therefore seek deferral or excusal in all cases where personnel are deployed or based overseas, irrespective of any other factors (following the same procedure as in other situations where an application for deferral/excusal on Service grounds is necessary).

14.014 If the individual concerned is registered as an elector in England or Wales, and summoned for jury service in those countries, but their place of duty is in Scotland or Northern Ireland at the time the summons is received, then a similar situation arises insofar as time and expense are concerned. In such instances COs should therefore seek deferral or excusal on grounds of Service efficiency. See para 14.017 regarding travel in England and Wales.

14.015 In cases where the individual concerned was to undertake jury service, but is then required for duties not foreseen at the time the original jury summons was received and their absence would be prejudicial to Service efficiency, the CO can certify to the Jury Central Summoning Bureau the requirement to defer or excuse. If this arises within the week before attendance as a juror, release from jury service is a matter for the court concerned and, once a juror has been sworn, for the trial judge. But the principle remains that members of the Armed Forces should not be put in a position where there might be conflict between their civic and military duties, and the CO and Jury Central Summoning Bureau should liaise as necessary to ensure that such conflicts are avoided.

14.016 In cases where an application for excusal/deferral was made by an individual on personal grounds, which was refused by the summoning authorities, but then new factors arising mean that absence from duty would be prejudicial to

Service efficiency, the CO's certificate should be sent to the Jury Central Summoning Bureau attached to the letter informing the individual that their request had been refused. If this is not readily available the juror's reference number must be quoted. If the individual is already on jury service the Jury Manager at the court concerned should also be contacted in the first instance should an unforeseen, urgent situation necessitate the urgent release of an individual.

PAY/EXPENSES

14.017 Personnel who attend courts to undertake jury service will continue to receive Service pay. Ordinarily any additional travelling costs arising within England and Wales should be claimed from the court authorities, in the same manner as for civilian jurors. Where an individual undertaking jury service is residing at a place of duty which is at some distance from his home address, and has been summoned to perform jury service in the vicinity of the latter, he should ask the Jury Central Summoning Bureau to be re-allocated to a court closer to the place of duty. If a Service travel warrant is issued for a journey, the individual concerned is responsible for claiming the expenditure entailed from the court authorities and then refunding the sum to the unit that issued the warrant.

DURATION OF JURY SERVICE

14.018 Most jurors are required to serve for no longer than 10 working days. However, due to the nature of criminal trials, this cannot always be guaranteed and personnel may be required to sit longer. If personnel are serving as jurors on cases likely to last more than 10 working days they should inform their CO, indicating how much longer they are likely to have to serve. Whilst it is the responsibility of each individual on jury service to alert the court to the potential difficulties of serving longer than 10 days, the final decision on whether or not to keep the individual on a long trial lies with the judge, although should an urgent situation arise necessitating the release of an individual the procedure at para 14.016 above should be followed.

ANNEX A

To (Jury Central Summoning Bureau)

I certify that

.....

(Number, Rank, Full Name, Unit)

is a full-time member of my Unit and that "his/her absence from duty

on (Date(s)) would be:

- a. prejudicial to the efficiency of the Service. I therefore request that the Jury Service be **deferred** until
- OR*** b. prejudicial to the efficiency of the Service and this position is likely to remain in being for 12 months. I therefore request that *he/she be **excused** Jury Service.
- OR*** c. deferral in pursuance of this summons has previously been made or refused. I therefore request that *he/she be excused from Jury Service.

Please confirm to the individual concerned (copied to me) as soon as possible that you have accordingly ***deferred/excused** *him/her from this summons.

Signature

Name/Rank (capitals)

Unit Address

.....

Date

*Delete as appropriate

15. ABSENCE ON MEDICAL GROUNDS

AIM OF LEAVE ON MEDICAL GROUNDS

15.001 Leave on Medical Grounds is an authorised period of absence in addition to Annual Leave to allow Service personnel the opportunity to rest or receive treatment for an illness or injury.

DEFINITION OF MEDICAL ABSENCE TYPES

15.002 Leave on Medical Grounds includes 3 types of absence:

- a. Sick Leave is an authorised period of absence or convalescence granted to a Service person who is, due to sickness or injury, unfit for military duty. This Absence type also covers a period of absence where the patient's consultant decides a period of convalescence is required, after they have received hospital treatment, before the Service person returns to work. For administrative purposes the Service person is under the authority of their parent unit.
- b. Hospital In-Patient is a period of absence granted to a Service person who is admitted to hospital for treatment for more than 24 hours.
- c. Hospital Sick Leave is a period of absence recommended by the patient's consultant whilst a patient is undergoing treatment at a secondary care facility. The patient may be required to return to hospital following leave.

GRANTING OF SICK LEAVE

15.003 The following personnel have the authority to grant absence on medical grounds:

- a. A uniformed medical officer in primary and secondary care or a Civilian Medical practitioner, additionally sick leave may be recommended by a civilian hospital specialist and can be granted following liaison with the individual's unit medical staff.
- b. The Commanding Officer (CO) of a Ministry of Defence Hospital Unit, after liaison with the individuals unit medical staff, if the individual

is in hospital or attending as an outpatient, if recommended by a civilian hospital consultant or specialist registrar.

c. A Military Administrative Officer (Civilian Hospitals) after liaison with the individual's unit medical staff, on the recommendation of a civilian practitioner.

d. The President of a Medical Board.

SICKNESS ON LEAVE

15.004 The action to be taken by personnel who fall ill or are injured when on leave is set out in single Service regulations. Personnel are to inform their Unit as soon as possible so that the necessary action can be taken to update their absence record.

15.005 Service personnel who forward a medical certificate whilst on leave stating that they are unfit to travel may, at the discretion of their Unit and after advice from a Medical Officer, be considered to be on sick leave from the date of the medical certificate. Such Service personnel are to return to duty as soon as they are fit to travel, or at the date initially set as the expiration date of their leave, whichever is the later. Time spent on Sick Leave is not to count against the Individual Leave Allowance (ILA) except when occurring during Terminal Leave. If Service personnel become sick during periods of unpaid absence they are not normally to be permitted to extend the period of unpaid absence beyond that originally agreed.

LEAVE FOR PRIVATE CONSULTATIONS AND SPECIAL LEAVE FOR PRIVATE MEDICAL TREATMENT

15.006 Except in the special circumstances set out in para 15.007 below, Special Paid Leave for Private Medical Treatment will not be granted under the terms of this section for the purpose of consultation under private arrangements with an individual's private practitioner or specialist. Leave granted for such a purpose is to count against Annual Leave.

15.007 Special Leave for Private Consultations and for Private Medical Treatment may be permitted where full time medical attendance or hospital treatment is required. The authority for granting Leave for private treatment rests with the CO of the Unit on whose strength the Service person concerned is borne. The CO is to seek advice from the unit Medical Officer of the effect of the proposed treatment on the patient's medical employment status (MES) prior to granting leave for this purpose. Such leave is not to count against the individual's ILA.

16. COMPASSIONATE LEAVE

AIM

16.001 The purpose of Compassionate Leave is to allow Service personnel an authorised period of absence to enable them to attend to a personal crisis.

ALLOCATION

16.002 The amount of Compassionate Leave which may be awarded rests with the Commanding Officer (CO), but it should exceed 4 weeks only in exceptional circumstances and only following a re-examination of the justification for continued absence. Repeated periods of Compassionate Leave should rarely be authorised; Service personnel are expected to resolve their personal affairs within a reasonable timescale. Recurring problems should be dealt with by applying for some other form of resolution through single Service channels.

TRAVEL

16.003 Arrangements for travel will be co-ordinated normally by the JCCC, in liaison with the Compassionate Travel Cell at Andover and the individual's administering unit. The categories and entitlements for travel at public expense are defined in Chapter 20 of JSP 751 Joint Casualty and Compassionate Policy and Procedures.

IN-SCOPE RELATIVES

16.004 Compassionate Leave requires individual, objective and sensitive assessment, further direction can be found in JSP 751 Volume 1, Part 3, Chapter 1, Paragraph 0104.

RECORDED EMERGENCY CONTACT

16.005 Recorded Emergency Contacts (ECs) have been introduced in recent years to assist with the Casualty Reporting procedures. Unless the EC could justify being 'in-scope' under one of the categories at sub-paras a-f above, the Service person may not always be entitled to Compassionate Leave.

17. UNPAID LEAVE

DEFINITION

17.001 Unpaid Leave is a period of absence of any amount up to a maximum of 93 days at any one time which does not merit the grant of Special Paid or Compassionate Leave. Authority to grant Unpaid Leave rests with COs.

CIRCUMSTANCES IN WHICH UNPAID LEAVE MAY BE GRANTED

17.002 Unpaid Leave, with the exception of Parental Leave which is dealt with in Chapter 23, may be granted when there are no grounds for the grant of Authorised Absence. As Unpaid Leave does not count towards pension/gratuities etc, Service personnel may request to extend their period of service by the amount of Unpaid Leave granted.

RESTRICTIONS ON THE GRANT OF UNPAID LEAVE

17.003 The following restrictions apply to the grant of Unpaid Leave:

- a. Service personnel¹ can be granted Unpaid Leave, or allowed to remain on such leave only so long as the exigencies of the Service permit.
- b. When an individual has had an application for early termination declined Unpaid Leave may not be granted to substitute for this. However, unpaid leave may be granted by COs to relieve immediate hardship when premature termination of service has been applied for and is under consideration.
- c. Absence for Reserve Forces personnel on Annual Continuous Training is covered in single Service Reserve Forces regulations.

EFFECT OF UNPAID LEAVE

17.004 Service personnel will not be entitled to pay or certain allowances during any period of Unpaid Leave. Service personnel must take into account the impact of unpaid leave on loss of pension, seniority, LS&GC medal, etc. (See Allowances JSP 752, Chapter 1, Section 5 - Absence Matrix).

¹ Sponsored Reserves will be subject to the Terms and Conditions set out in the contract with their civilian employers.

17.005 Periods of Unpaid Leave will not count as service for the purpose of promotion, increments of pay, retired pay, pension or gratuity or for reckoning the eligibility for other types of leave except where permitted by current regulations. In addition, Unpaid Leave may be allowed to reckon towards the completion of an engagement but not towards the length of Service Pay, or for any time qualifications for examination, advancement or confirmation. Seniority and the date of passing an examination for a higher rating, if prior to the period of Unpaid Leave, will be post-dated by the amount of Unpaid Leave granted.

17.006 At the beginning of a period of Unpaid Leave, Service payments under the Earnings Related National Insurance Contribution Scheme will stop. If Service personnel wish to find out whether they are required to take action to preserve any rights to which they may be entitled regarding contributions already made under the Scheme, they should contact their local Department of Social Security (Benefits Agency).

17.007 Any injuries sustained during a period of Unpaid Leave will not be regarded as attributable to Service, unless that injury is somehow directly attributable to the fact that the individual is a member of the Armed Forces (eg the individual is specifically targeted by a terrorist group because he is a member of the Armed Forces). Service personnel are advised to take out private insurance cover.

17.008 Where eligible, Service personnel on Unpaid Leave may continue to obtain medical and dental treatment from Service resources, or from the National Health Service (NHS). They may not register with both however. Service personnel wishing to register with an NHS GP will need to explain to that GP that they are on Unpaid Leave from the Armed Forces, as Service personnel are not ordinarily permitted to register with an NHS GP. Also, personnel obtaining treatment from non-Service sources will be responsible for any costs incurred, including travel expenses.

17.009 Service personnel remain subject to military law and discipline during Unpaid Leave in accordance with the provisions of the relevant single Service Act.

17.010 Payments by the MOD will cease during the period of Unpaid Leave, and if not met privately by the individual, any arrears that accrue may be liquidated by a maximum stoppage of pay on his return to duty.

17.011 The Annual Leave Allowance of personnel who have spent part of the leave year on Unpaid Leave is to be calculated on a proportionate basis. (See Chapter 1, para 1.005 above). An individual who is granted Unpaid Leave and subsequently has untaken Annual Leave left at the end of the leave year will not

be permitted to carry that leave forward unless they have been unable to take the annual leave due to the exigencies of the Service,

18. CAREER BREAKS

AIM

18.001 The aim of this Chapter is to set out the general terms and conditions under which the Armed Forces offer limited opportunities for Service personnel to take a Career Break (CB) where this does not compromise operational effectiveness. It is emphasised that CBs are granted at the absolute discretion of the Service; they are not a right and will only be permitted where manning margins allow and where they do not compromise operational capability. This means that inevitably some applications will be refused. Personnel on a CB will not be paid and will remain liable for recall to duty in the event of operational necessity. CBs may be for any period over 93 days¹ and up to 3 years. Service personnel management authorities, however, may cap their duration at less than 3 years to minimise gapping and maintain operational capability. For the same reason it may be necessary to restrict the number of personnel on CBs at any one time.

SCOPE

18.002 This Chapter provides guidance on managing requests from Regular Service personnel to undertake CBs. Arrangements for members of the Reserve Forces are outside the scope of this JSP. Arrangements for absence from Reserve Annual Training can be found in single Service Reserve Forces Regulations.

ELIGIBILITY

18.003 CB arrangements enable Service personnel to take a specified period of time out of their Service careers to meet personal objectives or to deal with personal circumstances, which they would otherwise be unable to do using leave entitlements. The intention is that this will not only be beneficial to individuals, but that it will also encourage retention in the longer term. Eligible Service personnel may apply for a CB for any reason², and each application will be considered on its own merits, although the approval of a CB will remain subject to the overriding needs of the Service. CBs will not be granted simply in order to enable personnel to take up other paid employment, but it is acknowledged that individuals might need to do so to support themselves while pursuing a personal or professional ambition during a CB.

¹ Periods of 93 days and less are covered by arrangements for Special Unpaid Leave, Chapter 17 of this JSP. Unpaid leave for more than 93 days is governed by CB rules.

² Subject to the prohibitions in JQR (Annex A, para 1v).

18.004 CBs need to be planned carefully by both the applicant and their personnel management authority, and it is important for applicants to take career advice beforehand. From the perspective of overall personnel management and, in particular, an individual's career management, firm control needs to be maintained over the timing of CBs. To this end, Service personnel will not be granted a CB:

- a. During any period up to and including 3 years after completion of Phase 1 and 2 military and trade training, except in exceptional circumstances at the discretion of single-Service manning authorities.
- b. Until the expiration of a recognised training or Financial Retention Incentive Return of Service (RoS) commitment. Servicewomen who give birth whilst on a CB may defer the RoS required by the Armed Forces Occupational Maternity Scheme (AFOMS) until their return to work at the end of their CB. Maternity provisions take precedence over CB Terms and Conditions of Service (TCOS) (See para 18A.001o below.)
- c. Where the applicant is subject to a disciplinary investigation or disciplinary action.
- d. Where the applicant is subject to a formal warning or an administrative investigation¹ that might lead to administrative action or discharge.
- e. If the applicant is in a reduced medical category likely to lead to premature discharge.²
- f. If the Service person wishes to undertake civilian employment that falls outside the regulation set out in their respective Service Queen's Regulations. For example, permission will not be granted for Service personnel to undertake employment as a retained fireman or a member of any constabulary.

18.005 CB applicants must not have submitted notice to leave. Although an unpaid CB counts towards a fixed-term commission/engagement it is not reckonable for pay or pension purposes; as a result those granted a CB may request a delay in their exit date that enables them to complete the same period of reckonable service that their pre-CB Terms of Service provided. There may be exceptional reasons why this latter condition may not be possible and each case will need to be considered individually.

¹ This does not include investigations in connection with redress of complaint.

² Except where the reduced medical category is related to pregnancy.

HANDLING APPLICATIONS FOR CAREER BREAKS

18.006 Service personnel wishing to undertake a CB should submit a written application to their Commanding Officer (CO) giving notice equating to the normal assignment notification period applicable to their Service. Exceptionally, applications submitted at shorter notice will be considered on a case-by-case basis. The CO will forward the application, along with their recommendation, to the appropriate personnel management authority and applications will be processed in accordance with single Service instructions. Personnel are to be advised that when returning to paid service, it may not be possible for them to return to the same assignment or geographical region.

18.007 Applications for CBs will be considered by a Board of Officers in the personnel management authority of each Service. Manning requirements fluctuate over time and by Service, therefore it may be necessary to limit the number of CBs that can be granted. CBs are not a right therefore applicants should not expect that they will be granted automatically. The number of CBs that may be taken is for individual Services to determine, based on operational considerations. Normally, Service personnel will be permitted to take a maximum of 3 CBs during their Service career, amounting to an aggregate of 3 years, in order to guard against skill loss and minimise the impact on operational capability. Further CBs, or an extension to an existing one that would cause the 3 year limit to be exceeded will be permitted only in exceptional circumstances. Applicants may appeal against decisions concerning CBs in accordance with normal single Service complaints procedures.

18.008 Prior to embarking on a CB, the applicant should consult their single Service personnel management authorities in order to ascertain the specific effects it might have on their career. An individual's TCOS will change while they are on a CB. On returning to duty, their previous TCOS will resume, subject to any overriding changes that may have occurred during the CB. Tri-Service TCOS are set out at Annex A and a summary of permissible allowances is at Annex B. Further guidance will be promulgated through single Service channels. Applications for CBs should be made in accordance with single Service instructions.

DIVERSITY IMPACT ASSESSMENT

18.009 This policy does not discriminate on grounds of race, ethnic origin, religion or belief, sexual orientation or social background. Neither does it discriminate on grounds of gender, disability or age, insofar as the legislation applies to the Armed Forces. Variations in manning levels and operational commitments, however, may result in more CBs being permitted in some branches and trades than others.

MONITORING

18.010 Manning authorities are to keep records of CB applications. These are to include the name and Service details of each applicant, whether their application was approved or not, and, if turned down, the reason why.

Annexes:

- A. Career Breaks - Terms and Conditions of Service.
- B. Career Breaks - Allowances.

CAREER BREAKS – TERMS AND CONDITIONS OF SERVICE

18A.001 General Conditions. The granting of a CB will be subject to the following general conditions:

a. **Pay.** Personnel will not be entitled to Service pay or the majority of allowances during the period of the CB (see Annex B). An individual's incremental pay level and incremental base date (IBD) will be suspended on the start date of the CB. Suspension of the incremental pay level will be lifted the day the individual returns to duty (the individual will return to the increment level they held immediately prior to taking the CB) and the IBD will start accruing time from this point. As a CB is non-reckonable service, the incremental due date (IDD) will be deferred by the period of the CB and will re-start accruing time on the day the individual returns to duty. Time spent on a CB will not count as qualifying service towards progression up the Specialist Pay (SP) payment levels when the SP payment level is time-based.

b. **Effect on Reckonable Service and Benefits.** The period of the CB is not reckonable for the purposes of time promotion, seniority in rank/rate and therefore for increments of pay, including SP. It does not qualify or reckon for pension purposes. However, AFPS members will remain eligible for non-attributable death-in-service benefits. On returning to work, all pension entitlements will resume and the periods of service before and after the CB will be aggregated. Any in-house Assisted Voluntary Contributions are suspended for the period of the CB. In order to enable the completion of an engagement or commissioned service, personnel on fixed term engagements/commissions may request delaying their exit by the length of their CB. As stated at para 18.008, prior to embarking on a CB, Service personnel are to consult their Service personnel management authority for advice on the specific affects the CB might have on them. Service personnel on full term engagements with an age-related retirement date do not have the right (but may apply) to extend their service past their normal retirement date. Alternatively, for those who wish to recover CB years it may be possible for these to be bought back through the purchase of 'added years' AVCs on return to work, provided they do not exceed the maximum pensionable earnings limit. All general enquiries about the effect of a CB on an individual's Service pension should be directed to the SPVA (01800 085 3600 or 94561 3600) telephone enquiry service.

c. **Insurance Cover.** Personnel are advised to make appropriate insurance arrangements. There are a wide variety of commercial insurance schemes for which the policy conditions and administrative arrangements vary. If personnel have any doubt about whether their cover will continue during a CB they should contact their insurance providers. PAX and for those with payroll deduction SLI will continue to provide cover but CB applicants must contact the PAX and/or SLI Customer Centre before their CB commences. They will need to state the period of time during which deductions from pay will cease and make arrangements for the premiums covering the period of the CB to be paid directly to PAX and/or SLI. Once they return to work, Service personnel should contact their unit administrative staffs and arrange for the correct deductions from pay to re-commence. A disability sustained¹ during the period of a CB will not be regarded as attributable to service in the Armed Forces.

d. **Service Law and Discipline.** Service personnel will remain subject to their relevant single Service Discipline Act while on a CB and will be required to continue to conform to the values and standards expected of them. Service personnel may be ordered to return to service for any reason which the Service considers necessary, either permanently or temporarily (eg to attend for interview in connection with administrative or disciplinary proceedings). Further information about early termination of a CB is at sub para 18A.001m, below.

e. **Medical and Dental Treatment.** Service personnel on CBs may continue to obtain medical and dental treatment from Service resources, or from the National Health Service (NHS). However, they may not register with both. Personnel wishing to register with an NHS GP will need to explain to that GP that they are on a Service CB and, as Service personnel are not ordinarily permitted to register with an NHS GP, to register as a temporary resident. Service personnel will be responsible for any costs incurred in obtaining medical and dental treatment, including travel expenses. Prior to commencing, and on return from, a CB an individual's medical fitness must be assessed and recorded. If the Service person is in a lower medical category this will not preclude them from taking a CB unless it is because of a condition that is likely to lead to consideration being given to their future employment by medical boards. In this case the CB should be debarred. On return to work the individual must undertake a medical examination to ensure they are fit to return to full duties or are given the appropriate medical grading.

¹ This refers to any new disability sustained during the CB, not to a long-term injury or illness which is subsequently diagnosed as a disability during the period of the CB as the latter could be attributable to the Service. Death occurring during a CB will not be regarded as attributable to Service in the Armed Forces.

f. **Deductions from Pay.** MOD will not facilitate any deductions from pay for personnel on CBs; therefore, individuals will need to make private arrangements to meet payments for such things as Service Accommodation and Food Charges, PAX, SLI (for those with payroll deduction) ADT, ADAT and CSA, as court action may result from non-payment. Service personnel on CBs will also need to make private arrangements for voluntary payments such as standing orders and direct debits, including contributions to Service Trusts and Funds (para 18A.001y refers). These payments are the responsibility of the Service person.

g. **Earnings-Related National Insurance Contributions.** The responsibility of the Services for payments under the Earnings Related National Insurance Contribution Scheme (ERNIC) will cease during the period of the CB. Personnel should contact their local Department of Work and Pensions to ascertain what action, if any, they are required to take to preserve any rights to which they may be entitled in respect of contributions already made under the Scheme.

h. **Annual Leave.** The Annual Leave allowance for Service personnel for the leave year in which a CB is granted and the year in which they return to duty will be reduced proportionately. Annual Leave will not accrue during the CB. In accordance with existing Service rules, leave may still be carried forward to the next year of duty.

i. **Entitlement to Service Families' Accommodation.** As soon as their application has been approved, personnel embarking on a CB who occupy Service Families' Accommodation (SFA) or Substitute Service Families Accommodation (SSFA) are to inform their Defence Estates/Housing Directorate (DE/HD) of the change in their circumstances. For the first 93 days they will be entitled to retain their existing SFA or SSFA, but after this, they will lose their entitlement. Thereafter, they are eligible, although with no guarantee of being able to do so, to apply to the DE/HD to occupy temporarily surplus SFA at the full market rate¹ in their preferred area of choice in Great Britain. Whilst they may express a preference to retain their existing SFA, there is no guarantee that they will be permitted to do so. If personnel on CBs occupy SSFA they will be required to vacate the property on completion of the initial period of 93 days and either move into temporarily surplus SFA, if available, or make private arrangements. SFA charges for the initial period of 93 days and for any subsequent period of occupation will need to be paid personally and locally direct to the sponsoring unit. Service personnel who become irregular

¹ To be determined by DE.

occupants will be required to pay Damages for Trespass direct to the local DE/HD office.

j. **Single Living Accommodation/Substitute Single Living Accommodation.** Service personnel on CBs who are occupying Single Living Accommodation (SLA) or Substitute Service Single Accommodation (SSSA) will be entitled to remain in the accommodation for the first 93 days of their CB, after which they will lose their entitlement. Service personnel may apply to the CO of the sponsoring unit to remain in SLA beyond the initial period of 93 days on payment of non-entitled food and accommodation charges. As with SFA, there is no guarantee that they will be permitted to do so. Food and accommodation charges for the initial period of 93 days and for any subsequent period of occupation will need to be paid personally and locally direct to the sponsoring unit. If Service personnel on CBs occupy SSSA they will be required to vacate the property on completion of the initial period of 93 days and either move into SLA or make their own private arrangements.

k. **Annual Reports.** Annual appraisal reports are not to be raised during a CB but may be advanced or delayed in accordance with existing regulations to ensure the maximum coverage of an individual's work prior to the commencement of and on return from the CB.

l. **Promotion and Transfer Boards.** For the purpose of promotion and longer commission transfer boards the last report raised prior to the CB will be considered the up-to-date report. Service personnel on CBs are subject to single Service promotion/transfer rules.

m. **Early Termination of Career Break by the Service.** Other than for the reasons set out at sub para 18A.001d above, the Services will endeavour not to recall personnel on a CB. In extreme circumstances, however, the CB may have to be terminated at very little notice. This reflects the fact that those on CBs remain members of the Regular Service and are thus liable to meet operational contingencies. In such circumstances CB personnel would be called up concurrently with the Reserves. Service personnel on CBs will, therefore, be required to sign a declaration prior to commencing their CB agreeing that the MoD can contact them and require their return to Reckonable Service¹. Where early termination results in the individual suffering a financial penalty, such as the inability to complete a course of study for which fees have been paid, consideration will be given, on a case by case basis, and in consultation with MoD SPPol Allowances, to recompensing the individual.

¹ Personnel who consider they have grounds for appeal against such recall have recourse to normal Service redress procedures.

n. Early Termination of a Career Break by the Service Person.

An individual may apply to the relevant manning authority at any time to return to duty early, however, they will need to give notice to allow for administrative and posting action. The required period of notice must be made clear to the individual prior to the commencement of the CB. Personnel management authorities will undertake to assign the individual into an assignment in accordance with normal assignment procedures.

o. Pregnancy During Career Break. The following provisions apply to pregnant Servicewomen during a CB:

(i) Maternity provisions take precedence over CB TCOS. Accordingly, a Servicewoman who becomes pregnant during a CB may be eligible for certain benefits under the Armed Forces Occupational Maternity Scheme (AFOMS)¹ explained in Chapter 20 of this JSP. To take advantage of those benefits, which are set out below, it is essential that the Servicewoman notifies her manning authority of her pregnancy as soon as possible or at the latest by the end of the 15th week before the expected week of childbirth.

(ii) Notwithstanding her being on a CB, a Servicewoman will be entitled to 26 weeks' Ordinary Maternity Leave (OML) and 26 weeks' Additional Maternity Leave (AML). Subject to certain qualifying criteria (see (iii) below) Statutory Maternity Pay (SMP) is payable during the 26 weeks of OML and for the first 13 weeks of AML. (The remaining 13 weeks of AML are unpaid). Unlike the CB, the 26 weeks of OML and first 13 weeks of AML will be reckonable service. A Servicewoman may (see below) be eligible for full pay for the first 26 weeks of OML. Her CB will, effectively, end the day before her maternity leave commences and then resume at the end of the period of maternity leave that she chooses to take. Since her maternity leave and CB are deemed to run concurrently², her return to work date will not be extended beyond the last day of her CB unless there is a period of maternity leave left to run. In that case the return to work date will be the last day of Maternity Leave (unless she opts to return to work sooner).

¹ In terms of other allowances, however, the Servicewomen would only be entitled to the package set out in Annex B to this Career Breaks DIN.

² Similarly, adoption, paternity or parental leave would take precedence over CB TCOS and a CB would run concurrently with adoption, paternity or parental leave.

(iii) One of the requirements for entitlement to SMP is that a woman's average income, calculated over a certain period during pregnancy, is over a certain limit. Depending on the timing of the pregnancy, therefore, a Servicewoman may be entitled to SMP, and she should contact her unit personnel management staffs to ascertain eligibility. She may also be entitled to other statutory benefits, and should consult her local Jobcentre Plus or the Department of Work and Pensions benefits office accordingly.

(iv) The Servicewoman may postpone her compliance with the obligation in the AFOMS to return to work after maternity leave, until the agreed end of the CB, but will be required to comply with the RoS commitment as specified in the Chapter 20 of this JSP on Maternity Arrangements for Servicewomen in the Regular Armed Forces.

(v) Any charges/deductions from pay that had stopped because a Servicewoman was on a CB would not be deducted automatically from her maternity pay and will remain her responsibility throughout this period and for the remainder of the CB. If she decides to return to work on completion of maternity leave and forego the remainder of her CB, deductions will recommence from the first day of OML.

(vi) Personnel management authorities must ensure that Servicewomen who undertake CBs are advised about the possible effect on their entitlement to maternity benefits. In particular, Servicewomen need to be aware that because SMP is calculated on the basis of salary, if they become pregnant whilst on a CB (which is unpaid), they are unlikely to receive SMP (although they may be eligible for other benefits).

p. **Notice to Leave the Service.** Individuals who are eligible to give notice to leave the Service, or who wish to PVR whilst serving on a CB, may do so. They may be required to return to work to serve their notice. Any variation to this provision is at the discretion of the parent Service, and will largely depend on manning levels in the trade/branch concerned.

q. **Redundancy.** During a CB an individual will remain eligible to apply or be selected for redundancy should an Armed Forces redundancy programme be introduced. Redundancy payments would be calculated based on the individual's length of Service prior to the CB.

r. **Dress.** Civilian clothing is to be worn while on a CB. Uniform may not be worn unless attending a formal Service event such as a Remembrance Service or mess function. In such cases it is to be worn in accordance with the relevant Service Queen's Regulations.

s. **Mess Membership.** Service personnel on CBs may, at the discretion of their parent Service, continue their membership of Service messes in accordance with normal rules.

t. **Security.** ID cards are to be retained and any loss reported in accordance with normal Service procedures. Service personnel on a CB of more than 12 months will need to have their security clearance reviewed on return. Personnel management authorities should contact individuals at least 6 months prior to return to work to initiate the necessary vetting action. A Service person intending to travel during a CB to or through a country to which special security regulations pertain is to apply for approval to do so in accordance with normal single Service procedures.

u. **Welfare support.** Service personnel will remain eligible for Service welfare support for the duration of the CB.

v. **Civilian Employment.** Service personnel wishing to undertake civilian employment during their CB may apply to do so in accordance with the appropriate regulation in their respective Service Queen's Regulations¹. They are required to gain approval before taking up any profitable employment and any application for approval must contain an undertaking that their private business will not interfere with their Service duties. This will entail signing a declaration agreeing that the MoD may contact their employer directly and require their return to Regular service. Service personnel should note that prohibitions are placed on them taking up certain types of employment².

w. **Inability to Return to Service for Medical Reasons.** If Service personnel are unable to resume normal duties because of ill health, they must be assessed by a medical officer and be graded in accordance with the Service system. Normal procedures for medically downgraded personnel will apply.

x. **Fitness.** Service personnel are expected to retain their level of fitness during their CB.

¹ For RN QRRN J.8401-8408; for Army QR J 5.076-5.078; for RAF QR J 910.

² In particular, permission will not be granted for individuals to undertake employment, whether temporary or part time, as a retained fireman; a member of any constabulary; or as a security guard (this includes 'bouncers' outside nightclubs and public houses); or in a defence or security-related firm. This prohibition applies to employment whether in GB or overseas.

y. **Service Trusts and Funds.** Service personnel on CBs will remain eligible for benefits from Service Trusts and Funds.

18A.002 Effect on Career and Remuneration. Service personnel management authorities must ensure that CB applicants fully understand the effects that a period of absence from paid Service may have on their career and remuneration, and the changes to their TCOS that may result. Those returning, particularly from CBs longer than a year, are advised to seek a career review immediately on their return to duty.

18A.003 Refresher Training. A CB of any length may cause a degradation of existing branch and specialist knowledge and preclude the development of new knowledge. There may, therefore, be a requirement for a Service person to undergo refresher training on return to work.

18A.004 Contact Details. Service personnel are to ensure that they update their personal contact details (including NOK) either via a self-service terminal or by contacting the Joint Personnel Administration Centre throughout their CB. Failure to do so within 14 days of any change may result in disciplinary action.

ALLOWANCE PACKAGE FOR CAREER BREAKS

18B.001 With effect from the first day of the CB, most allowances in issue will cease¹. There are exceptions as detailed in Para 18A.002 below and individuals may submit cases for further exceptions in the normal manner. Approval for such cases will be granted only in the most exceptional circumstances. On return to duty following a CB, an individual's entitlement to allowances will be reassessed in accordance with current allowance regulations.

18B.002 The CB allowances package is as follows:

- a. **Education Allowances.** There will be no entitlement to the continued payment of Continuous Education Allowances (CEA), with CEA (Board), CEA(SENA), CEA(Day), CEA(SENA(Day) and CEA(Guardians) during the period of a CB and no new claims for these allowances will be admissible. Education allowances will cease from the end of the term in which the individual starts a CB this is separate to the one terms notice rule in JSP 752, Chapter 9, para 09.0123. They will re-commence, if the child remains at the school during the CB, from the start of the term following the individual's return to duty after a CB. If, during the CB, a Service parent removes their previously eligible child(ren) from a school for which they were in receipt of the education allowances, this will debar them from future entitlement to the allowances during that stage of education when they return to duty (JSP 752, Chapter 9).
- b. **School Children's Visits.** There will be no entitlement to School Children's Visits for the duration of the CB.
- c. **Individual Resettlement Training Costs (IRTC) Grants.** Personnel who give notice to leave the Service, or who wish to PVR after a CB has commenced may request payment of IRTC grants during their CB in accordance with JSP 534.
- d. **Learning Credits.** Entitlement to Enhanced Learning Credits will continue for the duration of the CB. There will be no entitlement to Standard Learning Credits.
- e. **Subsistence Allowance.** Service personnel and accompanying families based in Northern Ireland (NI) and overseas, will be eligible for subsistence allowance, subject to normal regulations, for the

¹ Advice should be sought from parent unit administrative staffs about allowances that may be claimed where both parties are serving but only one is on a CB.

repatriation journey back to the point of arrival in the UK¹, and for the journey to a place of duty outside the UK on completion of their CB. Subsistence allowance covers Night Subsistence (NS), Day Subsistence (DS), Incidental Expenses (IE) and Private Arrangement Rate (PAR) as appropriate. There will be no further entitlement to these allowances during the CB.

f. **Compensation for Higher Motor Insurance (NI).** No recovery will be made of a premium that has already been paid for a period that falls within a CB, but no new claims will be paid during the CB.

g. **Duty Travel and Privately Arranged Passage.** Service personnel, and accompanying families, based in NI and overseas, will be eligible for publicly funded travel including Privately Arranged Passage, subject to normal regulations, for the repatriation journey back to the port of arrival in the UK, and for the journey to a place of duty outside of the UK on completion of their CB, subject to meeting current eligibility criteria.

h. **Long Service Advance of Pay.** LSAP payments will cease for the duration of the CB². No new claims for LSAP will be admissible during the period of the CB. Any applications submitted but not paid prior to the CB start date will be paid during the CB provided all the criteria are fully met. Service personnel in receipt of a LSAP prior to the CB must continue to pay the premium levied to permit the waiver of recovery in specified circumstances. Such payments will need to be made through private arrangements. Repayment arrangements must be agreed prior to the CB being authorised.

i. **Service Home Savings Scheme.** Entitled Service personnel will be eligible to claim Service Home Savings Scheme benefits during a CB in accordance with the regulations.

j. **Disturbance and Insurance Allowances.** All Service personnel and accompanying families are not eligible for Disturbance Allowance (DA) and Insurance Allowance (IA) including those based in NI and overseas prior to undertaking their CB. On completion of the CB all Service personnel who move residence for Service reasons on assignment will be eligible for DA or IA within current eligibility rules. If, however, a UK based Service person vacated Service accommodation at the start of the CB and then returned to the same duty station on

¹ UK mainland for NI based personnel.

² If circumstances arise in which a CB applicant does not request to delay their exit by the length of the CB, then they will be required to repay the loan within the period originally stipulated. This could be achieved either through continued repayment of LSAP during the CB, or by cessation of repayment during the CB, with repayment recommencing upon return to work at an appropriate rate to allow full repayment by the date stipulated. Any outstanding LSAP balance will be recovered from immediate terminal benefits.

completion of the CB they would have no entitlement to DA or IA. Where appropriate, Child Elements of DA will be paid along with normal rates of DA.

k. **Furniture Removals and Unaccompanied Baggage.** Furniture Removals and Unaccompanied Baggage Allowance will be paid as for authorised journeys in accordance with the rules for DA set out in para 18B.001j above.

l. **Storage Charges.** There is no entitlement to continued payment of storage charges at public expense for the duration of the CB. Service personnel who choose to leave their effects in storage will become responsible for their own storage charges for the duration of the CB period. Service personnel based in the UK, or who return to the UK for their CB, who move their storage to their CB address may have their removal costs from store to the CB address paid at public expense. No removal costs will be paid at public expense from the CB address to a store on completion of the CB.

m. **Refund of Legal Expenses.** Service personnel who hold a Re-Entry Certificate prior to starting a CB may not use it during the period of the CB but may use it on completion of the CB. On completion of a CB, individuals wishing to apply for a refund of Legal Expenses must have owned a property at their previous duty station (ie immediately prior to their CB) or a former duty station, or be in possession of a Re-Entry Certificate/Home-Owners Certificate, and meet all other eligibility criteria.

n. **Funeral Grants and Allowances.** Should a Service person die whilst on a CB their Next of Kin will be eligible for the normal entitlements, as detailed in current regulations, as if the Service person was in receipt of full salary when they died.

o. **Service Risk Insurance Premiums.** No recovery will be made of a premium that has already been paid for a period that falls within a CB, but no new claims will be paid during the CB.

p. **State Benefits.** Service personnel on CBs are advised to contact their local Benefits Office for advice on State Benefits for which they may be eligible.

19. TERMINAL LEAVE

AIM

19.001 Terminal Leave is designed to assist resettlement and is to be granted to qualifying Service personnel on completion of service.

ENTITLEMENT

19.002 Service personnel are to be granted 20 working days' Terminal Leave on completion of their commission/engagement. Also, although it is a concession at the Commanding Officer's (CO) discretion, Terminal Leave should normally be granted to Service personnel leaving prematurely (eg. on PVR, pregnancy or compassionate reasons). Subject to the maximum Terminal Leave period of 20 working days, Service personnel whose service is terminated prematurely are to be granted 1 day's Terminal Leave for each complete month of service, provided that they will have completed a minimum of 6 months' service. Terminal Leave, however, is not normally to be granted to Service personnel whose service is terminated prematurely for misconduct.

19.003 Where Service personnel serving outside the UK have applied to serve their last six months in the UK and for Service reasons their applications is declined by their career management staffs they are exceptionally to be granted a total of 40 working days Terminal Leave.

APPLICATION

19.004 Terminal Leave is to be granted, where possible, in the last 20 working days of paid service (where 19.003 applies, it is to be taken in the last 40 working days of paid service). Only in exceptional cases (eg. sickness or injury) may service be extended to enable Terminal Leave to be taken, and extensions are not permitted to fulfil any other type of absence.

19.005 At the discretion of the CO, and on the understanding that a replacement will not be brought forward, all outstanding leave, other than Re-Engagement and Relocation Leave, must be taken with Terminal Leave. However, it is essential that individuals make sure that they do not accumulate too much leave prior to departing the Service as it may not always be possible for units to accede to their request for leave. Service personnel will not be paid for untaken leave except in lieu of death in Service. (see Annual Leave para 1.013)

RESERVE PERSONNEL

19.006 FTRS or ADC Reserve personnel receive Terminal Leave but at the following rates:

- a. FTRS – one day Terminal Leave for each calendar month up to a maximum of 10 working days.
- b. ADC – one day Terminal Leave for every 21 days worked up to a maximum of 7 days.

20. MATERNITY LEAVE AND ARRANGEMENTS

INTRODUCTION

20.001 This chapter sets out the Armed Forces' maternity policy for maternity leave and pay, including the Armed Forces' Occupational Maternity Scheme (AFOMS); the options available to pregnant Servicewomen, including the right to leave the Service on the grounds of pregnancy; and the actions required by pregnant Servicewomen and their Commanding Officers following confirmation of pregnancy.

APPLICABILITY

20.002 This chapter is applicable to all Servicewomen in the Regular Forces, those members of the Reserve Forces serving on Full Time Reserve Service commitments and members of the Non Regular Permanent Staff (NRPS) of the Territorial Army, regardless of length of service. Separate instructions have been issued for women undertaking all other forms of reserve service¹.

KEY TENETS

20.003 The Armed Forces are like no other profession. Personnel are not commissioned or enlisted to perform a single role, but undertake a range of tasks or assignments within their Service careers. Each individual has an underlying commitment to serve at short notice in operations both in the UK and overseas in the most demanding circumstances. In recognition of the particular challenges that may be faced by pregnant Servicewomen, the Armed Forces offer supportive arrangements to enable them to accommodate pregnancy and maternity absence within their Service careers.

20.004 The essential tenets of the Armed Forces' maternity policy are:

- a. To provide supportive arrangements to enable a Servicewoman to accommodate pregnancy and maternity absence within her Service career. This includes prenatal arrangements, and, for those who choose to return to duty following pregnancy and maternity leave, additional provisions under the AFOMS;

¹ DIN 2010DIN01-073 sets out Revised Maternity Arrangements for Servicewomen in the Reserve Forces.

- b. That no Servicewoman will be treated less favourably because she is pregnant, absent on maternity leave or for any other reason connected with her pregnancy (see para 20.005 below);
- c. The health and safety of a pregnant Servicewoman and her unborn child and, subsequently, the mother and new born baby, are paramount and will be safeguarded in accordance with the law;
- d. Unless she volunteers otherwise, a Servicewoman who returns to work after a period of maternity leave will not be deployed on operations and exercises either overseas or in the UK for a period of at least six months following the birth of her child¹, although she will be liable for the full range of her remaining duties (compatible with any health and safety or medical grading restrictions)²;
- e. A Servicewoman may choose to leave the Service prematurely on the grounds of pregnancy.

PROTECTION FROM DISCRIMINATION DURING PREGNANCY

20.005 The Equality Act 2010, which came into effect on 1 Oct 10, sets out personal characteristics (known as “protected characteristics”) that are protected by law. The Act also sets out behaviour that is unlawful and under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics. The Act lists pregnancy and maternity as one of the protected characteristics and it is therefore unlawful for an employer to subject a woman to unfavourable treatment because of her pregnancy or a related illness, or because she is exercising, has exercised or is seeking to exercise her right to maternity leave. The protected period, in relation to a woman’s pregnancy, begins when the pregnancy begins, and ends, if she has the right to Ordinary and Additional Maternity Leave, at the end of the Additional Maternity Leave period or (if earlier) when she returns to work after the pregnancy. Unfavourable treatment would include: demoting or dismissing a woman, or denying her training or promotion opportunities, because she is pregnant or on maternity leave. (Outside the protected period, unfavourable treatment of a woman in service because of her pregnancy would be considered as sex discrimination rather than pregnancy and maternity discrimination). In some cases, a Servicewoman who is pregnant or who has recently given birth may have to be treated more favourably than other personnel. In cases of doubt, advice should be sought from the respective single-Service Equality and Diversity policy staff. Further information about the provisions of the Act relating to

¹ Single Service arrangements may permit further screening from deployment where this does not compromise operational capability. Servicewomen should discuss this with their appropriate personnel manning authority.

² It should be noted that all parents and carers, including those in the Armed Forces, are responsible for making appropriate arrangements for their children if they are absent. See also para 64 on private fostering.

pregnancy and maternity can be found in the Equality Act 2010 Code of Practice – Employment published by the Equality and Human Rights Commission on its website at www.equalityhumanrights.com.

OPTIONS FOR PREGNANT SERVICEWOMEN

20.006 A pregnant Servicewoman may opt to:

Option A Return to work immediately after a period of Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML); or OML, AML and/or Parental Leave by completing the Maternity Notice Form at Annex A;

Option B Exercise a special right to leave the Service prematurely on the grounds of pregnancy by giving notice using the Maternity Notice Form at Annex B. Before doing so, Servicewomen are strongly advised to seek advice from the appropriate personnel manning authority, as leaving the Service prematurely might affect entitlement to, or the amount of, maternity pay. Servicewomen may opt to leave at any time after confirmation of pregnancy, but should normally give sufficient notice to allow discharge procedures to be completed, noting that to establish an entitlement to SMP they must have completed a minimum of 26 weeks of continuous service as at the 15th week before the Expected Week of Childbirth (EWC). Servicewomen may opt to leave under these special terms at any time up to their return to work after maternity leave. On return to duty (ie when they have started work again), the normal rules on leaving the Service apply.

OVERVIEW OF MATERNITY PROVISIONS

MATERNITY LEAVE

20.007 Servicewomen are not entitled under law to Statutory Maternity Leave, however provision for maternity leave equating to the statutory arrangements is made by the AFOMS. Any reference in this Chapter to OML and AML is to maternity leave under the AFOMS, not to statutory arrangements. All Servicewomen, regardless of their length of service, are entitled to take up to 52 weeks of maternity leave¹. This is made up of 26 weeks of OML and 26 weeks of AML. Maternity leave remains at 52 weeks regardless of the number of children resulting from a single pregnancy. The total amount of leave that can be taken in

¹ A Servicewoman who enters into an arrangement to have a surrogate pregnancy would be entitled to take maternity leave. Subject to meeting the qualifying criteria, she would also be eligible for maternity pay.

connection with pregnancy is 52 weeks (or 55 weeks if unpaid prenatal leave is taken, see para 20.038), plus any entitlement to parental leave. This underlines the need for Commanding Officers to discuss Servicewomen's maternity leave plans at the earliest opportunity.

COMPULSORY MATERNITY LEAVE

20.008 The first two weeks of leave after the birth of a child count as compulsory maternity leave and it is a legal requirement that women must not work during this time. (This includes Keeping in Touch Days, see para 20.071) Other than these two weeks, a Servicewoman may choose how much maternity leave (OML and/or AML) she wishes to take.

START OF OML

20.009 The earliest that OML can start is the 11th week before the EWC. OML will start on the date given in the Servicewoman's written notice (see para 20.029) unless the baby is born before maternity leave is due to start, in which case OML will start on the actual date of childbirth. Premature birth and sickness during pregnancy may affect the date of commencement of OML. For further information see paras 20.048 and 20.044.

TERMS OF SERVICE DURING OML

20.010 During OML a Servicewoman is entitled to the benefit of her normal terms and conditions of service, excepting that her pay may change during all or part of OML regardless of whether she intends to leave the Service or return to duty after childbirth. OML counts towards the completion of a Servicewoman's engagement/commission and is reckonable service for purposes such as pay increments, seniority, advancement/promotion, gratuity, pension, redundancy compensation purposes and Annual Leave Allowance (ALA) (which includes Public Holidays). A period of granted annual leave taken after OML/AML/Parental Leave counts as a return to duty. There is no entitlement to re-start OML/AML once a Servicewoman has returned to duty. A period of Parental Leave may, however, be applied for in accordance with Parental Leave policy as set out in Chapter 23 below.

START OF AML

20.011 If a Servicewoman chooses to take AML, it must start the day after OML ends and can last for up to 26 weeks.

TERMS OF SERVICE DURING AML

20.012 AML counts towards the completion of a commission or an engagement. Only the paid element of AML (ie the first 13 weeks) is reckonable

for pay increments, gratuity, pension and redundancy compensation purposes. The 13 week period of unpaid AML (ie the second half of AML) is un-reckonable for these purposes. ALA may be accrued throughout AML.

STATUTORY MATERNITY PAY

20.013 Servicewomen are entitled to receive Statutory Maternity Pay (SMP), provided they meet the qualifying criteria. SMP is a weekly payment payable for a maximum of 39 weeks. It is payable from the date that OML starts until the end of the 13th week of AML. The 39 weeks in which SMP is paid is known as the Maternity Pay Period (MPP). The amount of SMP received depends on the Servicewoman's rate of pay. Servicewomen who meet the required criteria are entitled to receive SMP whether or not they intend to return to duty following their pregnancy. If a Servicewoman leaves the Service during her MPP, she is still entitled to receive her SMP. SMP does not have to be paid back if a Servicewoman leaves the Service and does not return to duty from maternity leave.

QUALIFYING CRITERIA FOR SMP

20.014 To qualify for SMP a Servicewoman must satisfy two basic rules:

a. the continuous service rule – this means that a Servicewoman must have served for a continuous period of at least 26 weeks into the Qualifying Week¹, including one day's service in the Qualifying Week;

and

b. the earnings rule – this means that a Servicewoman must have had average weekly earnings of not less than the Lower Earnings Limit² in the eight weeks up to and including the last pay day immediately before the end of the Qualifying Week. Service Pay exceeds the Lower Earnings Limit for National Insurance Contributions, but this factor may need to be taken into consideration where a Servicewoman may have qualified for SMP with a previous civilian employer, or where she has been on a recent period of unpaid leave.

20.015 The other criteria which a Servicewoman must meet in order to qualify for SMP are:

a. She must still be pregnant at the 11th week before the EWC or have given birth by this time;

¹ The Qualifying Week is the 15th week before the beginning of the week in which the baby is due.

² Details of the current rate of the LEL are available from the HM Revenue and Customs website at www.hmrc.gov.uk

b. She must inform her Commanding Officer in writing that she is pregnant by the beginning of the Qualifying Week, or as soon as possible, and give at least 28 days' notice of the date she intends to start OML;

c. She must produce medical evidence of her pregnancy which gives the EWC, such as maternity certificate MATB1 or other statement from a medical practitioner, registered midwife or registered health visitor.

20.016 *Rates of SMP.* The first six weeks of SMP¹ will be paid at the higher rate of SMP, which is equivalent to 90% of a Servicewoman's average gross weekly earnings. The remaining 33 weeks will be paid at the lower of either the standard rate of SMP² or 90% of the Servicewoman's average gross weekly earnings.

20.017 *Variation in the commencement date of SMP.* SMP will not normally start prior to the 11th week before the EWC. However an absence from Service wholly or partly because of pregnancy may trigger the start of the MPP (ie the 39 weeks during which SMP will be paid). If a Servicewoman is absent from work for a pregnancy related illness on or after the fourth week before the EWC, the MPP will start automatically from the day following the first day the Servicewoman is absent from service. In such cases payment under the AFOMS and OML will also start on the same day. (See para 20.044 in relation to sickness and para 20.048 about premature birth)

20.018 *Childbirth before commencement of SMP.* It is a Servicewoman's responsibility to inform her Commanding Officer, or appropriate Unit HR staffs, if childbirth occurs before the 11th week before the EWC, even if she is due to leave the Service, so that any entitlement to SMP can commence.

20.019 *Calculation of maternity pay.* Rules for the calculation of SMP are set out in the Statutory Maternity Pay (General) Regulations 1986 SI 1986/1960 as amended. All payments attracting National Insurance Contributions that were not payments on account (or any other remuneration falling into subsection (a) of Section 171(4) of the Social Security and Benefits Act 1992) are taken into consideration. This includes commitment bonuses paid by the Services, FRIs and Specialist Pay. In a small number of cases, normally confined to circumstances where such payments have been made in the period relevant to the SMP calculation, higher rate SMP could exceed "full pay" as defined under the AFOMS. In these circumstances where a Servicewoman is entitled to full pay but the rate of SMP calculated on a weekly basis is higher, she should be paid the Higher Rate of SMP for the first 6 weeks of the maternity pay period, revert to

¹ Where applicable, Specialist Pay (SP) is included in the SMP calculation during this period.

² Details of the current rate of SMP are available from the HM Revenue and Customs website at www.hmrc.gov.uk

full pay from the seventh to the twenty-sixth week, and be paid the Standard Rate of SMP thereafter.

20.020 Payment of SMP when last day of service is during/after the Qualifying Week. SMP will be available to pregnant Servicewomen who either voluntarily or involuntarily leave the Armed Forces at the end of their commission or engagement provided that the exit date is during or after the qualifying week. In these circumstances the SMP will start on the Sunday after the date the ex-Servicewoman elects to start her OML, unless triggered by a pregnancy-related illness in the last four weeks of her pregnancy, or by the early birth of the baby. (See paras 20.044 and 20.048)

20.021 *Health in pregnancy grant.* In Apr 09 a new benefit for pregnant women, called the Health in Pregnancy Grant (HIPG), was introduced. This has now been withdrawn and only Servicewomen who reached the 25th week of pregnancy before 1 Jan 11 qualify for it, subject to meeting the qualifying rules. Details of how Servicewomen could apply for an HIPG were published in DIN 2009DIN01-009 dated Jan 09. Further information is available from the HM Revenue and Customs (HMRC) website at www.hmrc.gov.uk.

ARMED FORCES OCCUPATIONAL MATERNITY SCHEME (AFOMS)

20.022 *Overview of AFOMS.* In addition to statutory maternity arrangements, the AFOMS provides for a period of maternity leave (OML/AML) and additional maternity pay for Servicewomen who meet the required criteria. All Servicewomen, regardless of their length of service, are entitled to 26 weeks of OML and 26 weeks of AML. During this period they may be entitled to receive other State benefits and are advised to consult their local Jobcentre Plus.

QUALIFYING CRITERIA FOR AFOMS

20.023 *Qualifying criteria for AFOMS.* Servicewomen who have completed a year's continuous service by the Qualifying Week and who have stated an intention to serve for a period of at least twelve months following their pregnancy (return of service (ROS)), qualify for the enhanced pay element of AFOMS¹. They are entitled to 26 weeks of OML plus 26 weeks of AML. The 26 weeks of OML will be paid at the full pay rate. The first 13 weeks of AML will be paid at the standard rate of SMP, the remaining 13 weeks of AML will be unpaid. For rates of SMP see para 20.016².

¹ In certain circumstances, the ROS commitment may be waived. See para 20.084c for details of when a waiver may be granted.

² Where a Servicewoman is not entitled to SMP because she has been on unpaid leave or a career break she will be entitled to 26 weeks' full pay under the AFOMS.

20.024 Table of maternity provisions. A “quick reference” table of maternity provisions is set out below.

Serial	Length of Service	Maternity Provision
1.	All Servicewomen, regardless of their length of service.	Up to 52 weeks of maternity leave. This is made up of 26 weeks of OML and 26 weeks of AML. The first two weeks after the birth count as compulsory maternity leave and it is a legal requirement that women must not work during this time.
2.	Servicewomen with less than 26 weeks of continuous service by the Qualifying Week, who are still serving into the Qualifying Week, regardless of whether or not they intend to return to duty following maternity leave. (See footnote 3 for a definition of the Qualifying Week)	Up to 52 weeks of maternity leave. This is made up of 26 weeks of OML and 26 weeks of AML. Servicewomen will not be entitled to enhanced pay under the AFOMS during OML; nor will they be entitled to SMP. However, depending on individual circumstances they may be entitled to other State benefits ¹
3.	Servicewomen with 26 weeks or more service, but less than a year's continuous service by the Qualifying Week who are still serving into the Qualifying Week (whether or not they intend to return to service following maternity leave).	Up to 52 weeks of maternity leave. This is made up of 26 weeks of OML and 26 weeks of AML. During OML they will not be entitled to enhanced maternity pay under the AFOMS but may be eligible for SMP. The qualifying criteria for SMP and rates are set out in paras 20.014, 20.015 and 20.016 respectively. SMP is payable during the 26 weeks of OML and the first 13 weeks of AML.
4.	Servicewomen with a year's continuous service by the Qualifying Week, who are still serving into the Qualifying Week and who state their intention to return to duty for a minimum period of twelve months	Up to 52 weeks of maternity leave. This is made up of 26 weeks of OML and 26 weeks of AML. During the 26 weeks of OML they will be entitled to their full normal pay under AFOMS. (This will include any

¹ In these circumstances, a Servicewoman may be eligible for Maternity Allowance (MA) and should seek further details from her nearest Jobcentre Plus.

	following maternity leave.	entitlement to SMP, which is not paid in addition to the normal rate of pay). During the first 13 weeks of AML they will receive the standard rate of SMP (see footnote 8). The remaining 13 weeks of AML will be unpaid.
5.	Servicewomen with a year's continuous service by the Qualifying Week, who are still serving into the Qualifying Week and who choose not to return to duty.	Up to 52 weeks' maternity leave. This is made up of 26 weeks of OML and 26 weeks of AML. During the 26 weeks of OML and the first 13 weeks of AML they will be entitled to receive SMP. The remaining 13 weeks of AML will be unpaid.

20.025 Reasons why SMP and/or the full pay element of AFOMS may cease to be payable. The Services' liability to pay SMP and/or the full pay element of AFOMS ceases if:

- a. A Servicewoman starts work with a new employer after the birth of her baby and before the end of the 39 weeks in which SMP may be paid. It is a Servicewoman's responsibility to inform her releasing Unit if she takes up civilian employment whilst in receipt of SMP;
- b. A Servicewoman is taken into custody at any time during the MPP then SMP will cease. (Legal Custody means being detained by the police (including the Military Police) usually arrested and/or in prison). A Servicewoman will not be able to re-claim SMP once she is discharged from custody. Entitlement to SMP is not affected if a Servicewoman is voluntarily helping police with their enquiries, out on bail or serving a suspended sentence. Payment under the AFOMS will also cease in respect of any day during which a Servicewoman is detained in custody. It will however recommence upon release. (Note that any pay received under the AFOMS will be less any SMP to which she was previously entitled);
- c. A Servicewoman dies during the MPP. SMP should be paid for the week in which she dies, but not for any week in the MPP after that.

DEDUCTIONS FROM PAY

20.026 While SMP/AFOMS is paid, deductions from pay, such as repayment of loans, advances of pay, messing and accommodation charges will continue to be made. Voluntary payments to Service benevolent funds and

insurance schemes eg PAX, Forces Safeguard, etc will continue to be deducted while SMP and/or AFOMS is payable unless a Servicewoman gives JPAC written instructions to cease deductions. When SMP is no longer payable, or is insufficient to cover repayment of sums owed to the MOD, the balance of payments due to the MOD will be suspended. When SMP is no longer payable, or is insufficient to cover voluntary payments these will become the Servicewoman's personal responsibility and she should make her own arrangements to pay them.

RECOVERY OF DIFFERENCE BETWEEN SMP AND THE FULL PAY ELEMENT OF AFOMS

20.027 The Service will recover the difference between SMP and the full pay element of AFOMS received during the period of OML in the following circumstances

- a. A Servicewoman does not return to duty at the end of, or within, the agreed period of OML/AML/Parental Leave;

OR

- b. A Servicewoman fails to complete the full period of twelve months return of service (ROS).

However, recovery of pay will not be imposed where the Servicewoman cannot meet the criteria due to Service reasons, such as discharge on medical grounds, expiry of engagement, etc. See also the following paragraphs detailing circumstances in which the ROS commitment will either be waived, or the requirement to pay back the difference between SMP and the full pay element of AFOMS will not be imposed (either in part or in total):

- a. Para 20.084c (pregnancy occurring in the final year of a period of engagement or commission);
- b. Para 20.075 (selection for redundancy);
- c. Paras 20.104 and 20.105 (ROS commitment and consecutive pregnancies)

20.028 Recovery of bursary, cadetship costs, loans and other payments. A Servicewoman who leaves the Armed Forces on pregnancy or during OML/AML will be required to pay any outstanding charges and repay any loan, advance of pay, bonus, bounty or other sum owed to the MOD in accordance with the normal rules. Reimbursement of bursary award, cadetship or external training course costs will be required in accordance with the normal rules for personnel who opt to leave the Service before completing the return of service to

which they were committed. Any repayment of sums due from a Servicewoman will be offset against any gratuity or pay, etc due to her on leaving the Service.

ACTIONS REQUIRED ON CONFIRMATION OF PREGNANCY

20.029 Duty to inform. Pregnant Servicewomen must notify their personnel manning authority in writing, through the Chain of Command that they are pregnant no later than the 15th week before the EWC, or if this is not possible, as soon as reasonably practicable. Pregnant Servicewomen should complete a maternity notice form in the format of ANNEX A or B, stating her chosen option for her maternity arrangements. This should:

- a. state that she is pregnant;
- b. state the date of the EWC (or the date of birth if this has already occurred);
- c. state the intended start date of maternity leave;
- d. enclose the maternity certificate (Department of Work and Pensions MATB1), or equivalent if serving overseas. Alternatively, this should be supplied separately as soon as it is available;
- e. state whether she intends to leave the Service or return to duty after taking OML only; or return to duty after taking OML, plus AML; or AML and/or Parental Leave;
- f. state the last day of Service, if leaving the Service.

20.030 The Commanding Officer should countersign the maternity notice form and return a copy to the Servicewoman within 28 days of receipt, together with a letter of acknowledgement in the form of ANNEX C, confirming the maternity leave and pay entitlements based on the information supplied by the Servicewoman and any other relevant information.

20.031 One copy of the countersigned maternity notice form should be retained by the Servicewoman and the original should be forwarded to the appropriate personnel manning authority, copied to the JPAC. In the Naval Service, the UPO Maternity desk will send the original to JPAC. The Servicewoman keeps a copy and another copy is sent to the Career Manager. Servicewomen are reminded of the requirement to notify their unit HR administration staff of any changes to their family circumstances that will result in a change in their PStatCat. (JSP 752 para 01.0114.c refers)

20.032 It is in a Servicewoman's interests to notify her Commanding Officer, Medical Officer and the relevant authorities as soon as she becomes aware that she is pregnant. This is because the measures designed to protect a pregnant woman and her unborn child (eg risk assessments of hazards in the workplace and paid time off to attend ante-natal appointments) only apply once notification of pregnancy has been given. The latest a Servicewoman must inform her Commanding Officer that she is pregnant is the 15th week before the EWC.

HEALTH AND SAFETY

20.033 Pregnant Servicewomen have a duty to co-operate with their respective Services to enable them to comply with their health and safety obligations¹. Unless a Servicewoman notifies her line management/chain of command as soon as pregnancy has been confirmed, the Service will be unable to conduct a risk assessment of her work environment and the Servicewoman and her unborn child may be exposed to stressful or potentially harmful situations. Servicewomen are therefore strongly advised to provide notification of their pregnancy and formal medical confirmation to their line management/chain of command as a matter of urgency at the earliest opportunity.

RISK ASSESSMENT

20.034 When a Servicewoman provides notification of her pregnancy, the Service may place restrictions on her duties to ensure that it can fulfil its legal obligations and responsibilities for her health and safety and that of her unborn child, or to preserve operational effectiveness. Line Management/the chain of command are responsible for assessing the risks to the health and safety of personnel at work, including that of pregnant women. Detailed guidance for line managers/Commanding Officers on health and safety matters relevant to new and expectant mothers is set out in Volume 2, Leaflet 36 of JSP 375². MOD Form 5010a (MOD Risk Assessment Form) should be completed for the assessment. It is good management practice that the pregnant Servicewoman should be given the opportunity to see and agree the risk assessment form. Once it has been agreed, the Servicewoman should be given a copy of the form. A copy of the form should also be kept locally by line management for 3 years, after which it can be destroyed. The risk assessment for a new or expectant mother must be kept under review. Although the hazards are likely to remain constant, the possibility of damage to the unborn child will vary at different stages of pregnancy. Medical officers should be asked to provide an opinion on the employability of individual pregnant Servicewomen in specified jobs, according to their particular medical circumstances.

¹ The Health and Safety at Work Act 1974, Section seven and the Management of Health and Safety at Work Regulations 1999.

² The MOD Health and Safety Handbook

ADDITIONAL LEAVE DURING PREGNANCY

20.035 In certain circumstances it may be necessary for a pregnant Servicewoman who is not ill, and does not therefore qualify for paid sick leave, to cease work prematurely (irrespective of whether she plans to leave the Service or take maternity leave and return to duty after childbirth). If, in carrying out her normal Service duties, she would be endangering her health and safety or that of her unborn child and no suitable alternative work can be found for her she will qualify for special paid leave in accordance with Chapter 2 above.

20.036 Line Management/Commanding Officers may grant additional leave to a pregnant Servicewoman if, following a risk assessment, it is considered that her work environment puts her or her unborn child at risk. In the Army a Servicewoman's personnel management authority is responsible for advising her Commanding Officer that she is to be given an additional period of paid leave up to the date that she would have ceased duty. In the Naval Service and RAF, a Servicewoman's Commanding Officer is responsible for informing her personnel management authority that she is to be given such leave. Where a Servicewoman has opted for OML/AML, this additional period of paid leave will not count towards the maximum allowable period of OML/AML. Where a pregnant Servicewoman is leaving the Service, special paid leave will continue until the start of OML or her last day of service, as appropriate, unless any other leave or resettlement time on full pay eg Annual Leave/Terminal Leave is allowable. A Servicewoman absent on special paid leave for Health and Safety reasons will start her OML automatically no later than four weeks before the EWC (irrespective of the date given) because she will be absent because of her pregnancy.

20.037 Duties/additional leave after childbirth. Women who have given birth (including stillbirth) must not be given work that compromises their health and safety. Employment grading on return to duty post-confinement should address both the requirements of health and safety legislation and any residual physical limitations on the ability of the Servicewoman to resume military duties. It may be necessary to grant a Servicewoman additional paid leave on her return to duty following OML/AML if, by undertaking her normal Service duties, her health or her baby's health is put at risk and no suitable alternative work can be found for her. A Servicewoman who performs night duty must be offered suitable alternative work or granted additional paid leave if she provides a medical certificate from Service medical staff or alternatively a certificate from a registered civilian medical practitioner or registered midwife that is subsequently endorsed by Service medical staff. The certificate should state that it is necessary for her health and safety to avoid such work for a specified period.

PRENATAL LEAVE

20.038 Prior to childbirth, at around the 12th week before the EWC, foetal movements are more strongly felt by the mother. Therefore, as a concession to the often arduous conditions of Service life, all Servicewomen, irrespective of whether they intend to return to work, may take up to three weeks' unpaid prenatal leave between the 14th and 11th week prior to the EWC. Unpaid prenatal leave is not reckonable service. In order to qualify for this leave, Servicewomen must elect to start their OML at the earliest opportunity at the 11th week prior to the EWC. There is no corresponding loss of entitlement to OML or AML.

20.039 Time off for prenatal care appointments. Following notification of pregnancy (see para 20.029) and the production of a doctor's certificate confirming pregnancy, a Servicewoman is entitled to reasonable time off, with pay, to keep appointments for prenatal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Prenatal care can include attendance at relaxation and parent-craft classes as well as medical examinations. After the first appointment, a Servicewoman may be asked to produce written proof of further appointments.

MATERNITY UNIFORM

20.040 As soon as a Servicewoman's pregnancy is confirmed she should be provided with maternity uniform, which she should begin to wear when it is no longer comfortable to wear standard uniform.

MEDICAL AND SINGLE-SERVICE RESTRICTIONS

20.041 Medical grading during pregnancy. Pregnancy is classified as a temporary condition and as soon as pregnancy is medically confirmed a Servicewoman should be graded in accordance with the Joint Medical Employment Standard (JMES). Details of JMES grades are set out in chapter 5 of JSP 346. The extant medical policy on pregnant Servicewomen is set out in chapter 3, Leaflet 11 – PULHEEMS, a Joint Service System of Medical Classification of JSP 346. (See also JSP 950, Medical Policy)

20.042 Single-service restrictions. Single Service restrictions on pregnant Servicewomen may also apply to satisfy health and safety regulations. For example, aircrew will not be permitted to continue their flying duties immediately after pregnancy is confirmed; land-based Servicewomen on operations will be withdrawn; and Servicewomen serving in ships, or deployed with a Fleet Air Arm Squadron outside of UK waters will be returned to the UK at the earliest opportunity to the management of the relevant Recovery Cell in accordance with BR3 Part 5, chapter 33 (Recovery Pathway). In the case of the RAF, Servicewomen on operations will only be withdrawn if the clinical risk assessment confirms that this is necessary. Exceptionally, where it can be demonstrated that

the clinical risk is acceptable, a return to the UK may be deferred to a later stage of the pregnancy. Single-Service policy on restrictions applying to pregnant Servicewomen can be found in the following publications:

- a. Naval Service: BR1750A
- b. Army: PULHHEEMS Administrative Pamphlet
- c. RAF: AP1269A

20.043 Flying as a passenger. Servicewomen with a singleton pregnancy (that is one baby) may fly as passengers in RAF transport aircraft in the following circumstances:

- a. up to 28 weeks of pregnancy, provided there are no complications with the pregnancy and the expected date of delivery has been confirmed by ultrasound;
- b. between 28 and 36 weeks of pregnancy, provided a doctor's letter certifying the pregnancy is normal and including the expected date of delivery is produced.

SICKNESS DURING PREGNANCY OR MATERNITY LEAVE

20.044 Sickness during pregnancy or OML. Normal provisions for paid sick leave will apply if a Servicewoman is unfit for duty during pregnancy and/or following childbirth and there is a reasonable prospect of recovery and return to duty. If, however, a Servicewoman has a pregnancy-related illness and is absent from duty in the last four weeks of her pregnancy (ie the fourth week before the EWC), OML and SMP (if appropriate) will start automatically on the first day of absence following the beginning of the fourth week before the EWC. This applies even if the first day of absence is before the date that the Servicewoman notified her intention to start OML. If a woman becomes ill after childbirth, sickness absence cannot commence until the period of OML/AML has been completed.

20.045 Sickness during AML. A Servicewoman who becomes ill during AML, having previously provided 56 days' notice of her intention to return to duty on a specified date, will be entitled to paid sick leave from that date on production of a medical certificate. No distinction will be made between pregnancy and non-pregnancy related illness. Servicewomen who become ill during AML but who have not given the 56 days' notice of their return to duty date are not eligible for paid sick leave (irrespective of whether they are in possession of a medical certificate or not). However, they may be eligible to claim Employment and Support Allowance (ESA). For further details about ESA a Servicewoman should apply to her local Jobcentre Plus.

20.046 Illness during maternity leave. A Servicewoman who becomes ill during maternity leave, whether or not it is related to her pregnancy, and seeks medical care from Service or civilian sources, should notify her Commanding Officer/personnel manning authority as soon as possible in case her illness affects her planned return to duty.

20.047 Medical care. A Servicewoman who remains at a Service location during OML/AML will be afforded medical care, whilst still serving, from Service or civilian sources for herself and her child to the extent that this is provided for other Service personnel and their dependants at that location.

PREMATURE BIRTHS

20.048 Servicewomen whose babies are born prematurely after 24 weeks of pregnancy qualify for all the rights described in this policy. If the baby is born before OML has begun, but after the Qualifying Week, then the Servicewoman must, if reasonably practicable, inform her Commanding Officer of the birth within four weeks. The MPP will start from the day following the birth of the baby. If the baby is born before or during the Qualifying Week then the Servicewoman must, if reasonably practicable, inform her Commanding Officer of the birth within four weeks. This will satisfy the continuous service rule she would have satisfied had it not been for the premature birth. The MPP will run from the day following the birth of the baby.

20.049 If a Servicewoman's baby is born in either of the two circumstances above and she has not yet submitted her Notice Form A or B to her Commanding Officer, she will still be able to receive SMP starting the day following the birth of the baby.

20.050 Miscarriage. A miscarriage occurs when the body terminates a pregnancy on its own, before the pregnancy has carried to 24 weeks. A Servicewoman who has a miscarriage will not be entitled to maternity leave or pay, but normal sick leave provisions will apply.

20.051 Stillbirth. Stillbirth is when a pregnancy has carried to 24 weeks but the baby dies before it is born. If the baby is stillborn before the 25th week of pregnancy a Servicewomen will not qualify for maternity leave or pay, but normal sick leave provisions will apply. If the baby is stillborn after the start of the 25th week of pregnancy, a Servicewoman will qualify for maternity leave and pay.

20.052 Definition of a live birth. If a baby is born alive but survives only for an instant, it is a live birth whenever it is born and the rules for a live birth will apply. If a baby lives for a short time after being born and then dies, this is called a perinatal death.

20.053 Death of baby during SMP pay period. If the baby dies during the SMP pay period, payment of SMP should continue as normal.

RETURNING TO DUTY

20.054 Confirmation of return to duty. Fifteen weeks from the start of her OML a Servicewoman will be asked in writing by her unit HR staff to confirm in writing her child's date of birth and whether she still intends to return to duty. The Servicewoman must reply within 28 days of receiving the letter. It is in the Servicewoman's interest to give her unit HR staff as much notice as possible of her intended return to duty.

20.055 Amendment of return to duty date. The Services recognise that circumstances may change during pregnancy and following childbirth. Servicewomen may wish to revise their plans, such as their return to duty date, at any time but they must give at least 56 days (ie eight weeks) notice before returning to duty. Any such change could affect their entitlement to and amount of their pay.

20.056 Returning to duty before the end of OML. If a Servicewoman has provided written notification that she wishes to return to duty on the first working day after the end of the 26 weeks of OML, she is not required to give further notification of her date of return. If however a Servicewoman decides to return sooner than the first working day after the end of 26 weeks of OML she must give 56 days' notice of her intended date of return in writing. If she does not give the required notice, her personnel management authority may postpone her return for up to 56 days, if it is in the Service's interest to do so; any such extension must not exceed the 26 week OML period. A Servicewoman who returns to duty before the end of 26 weeks of OML will return to full paid service and entitlement to SMP or other State benefits will cease. The exception to this is if a Servicewoman chooses to take optional Keeping in Touch Days (see para 20.071) which provide the opportunity to undertake training and/or to keep in touch with major job-related developments without losing the right to receive maternity pay. It is helpful if Servicewomen on maternity leave keep in regular contact with their unit HR staffs and advise them of any changes to their original plans.

20.057 Returning to duty before the end of AML. A Servicewoman may return to duty at any time before the end of her AML subject to giving her unit HR Staff 56 days' written notice of the day on which she proposes to return.

POSTPONING RETURN TO DUTY AFTER AML

20.058 A Servicewoman may not postpone her return after AML other than to take a period of Parental Leave, which is notified when completing Annex A. If she is unable to return due to illness then she must notify her personnel management authority accordingly, providing a signed medical certificate before she is due to return to duty, so that paid sick leave can be granted. Normal sick leave regulations will then apply.

MEDICAL EXAMINATION ON RETURN TO DUTY

20.059 A Servicewoman must be examined by a Medical Officer when she returns to duty. It is imperative that this happens as soon as is practicable on the woman's return to duty and before she undertakes any activity at work that may be prejudicial to her health. A Servicewoman's medical grading on return will determine her immediate duties.

20.060 Screening from deployment. In recognition of the fact that, following childbirth, it may take time to adjust to a new routine when balancing the demands of work and parenthood, a mother will not be deployed on operations and exercises either overseas or in the UK for at least six months after the birth of her child (that is during the first 26 weeks following childbirth), unless she volunteers otherwise (and subject to meeting the medical grading restrictions applicable to women who have given birth) ¹. Once she returns to work she will, however, be liable for the full range of her remaining duties, compatible with any health and safety or medical grading restrictions. Servicewomen who wish to be sure of being able to breastfeed beyond the six month stage are reminded that they may take AML.

OTHER GENERAL MATERNITY PROVISIONS

20.061 Co-location of serving parents and deployment of serving parents. It should be noted that if both parents are Service personnel there is a risk that it may not be possible for them to be co-located. The Services will endeavour not to deploy both serving parents of dependant children at the same time, where this does not affect operational capability. Reference should be made to single-Service arrangements on the deployment of parents.

CHILDCARE

20.062 . Service personnel are responsible for making their own arrangements for the care of their children and for meeting the costs involved. Service personnel need to consider carefully how they will meet their Service commitments as well as the needs of their children. Assistance in obtaining

¹ Single-Service arrangements may permit further screening from deployment where this does not compromise operational capability. Servicewomen should discuss this with their personnel management authority.

details of OFSTED registered child minders and workplace crèches may be obtained from unit personnel management staffs/HIVE/SSAFA etc.

20.063 Childcare Voucher Scheme. In Dec 07, MOD launched a Childcare Voucher Scheme for all members of the UK Armed Forces on full time terms and conditions of service. The scheme provides access to tax efficient childcare vouchers through a salary sacrifice mechanism¹.

PRIVATE FOSTERING

20.064 Service personnel should note that if they leave their child (or children) in the care of another person for more than 28 days it becomes a private fostering arrangement. Legislation and guidance relating to private fostering has been established by the United Kingdom Government, the Scottish Executive and the Welsh Assembly to ensure that children who are being looked after under private arrangements are safeguarded by the supervision of an appropriate authority. Further details about private fostering are set out in DIN 2008DIN01-189.

20.065 Flexible working patterns. The Armed Forces do not offer part-time working. However, guidance on non-standard working hours (starting and finishing the working day at different times from those considered to be the norm, but with no reduction in hours worked) is set out in a DIN². Service personnel may also apply to take unpaid career breaks and unpaid leave. The regulations for these types of leave are set out in Chapters 17 and 18 above.

20.066 Parental leave. Parental Leave is intended to allow parents to take time off from their normal duties for the purposes of caring for a child. It is unpaid and does not count towards the completion of a commission/engagement and is not reckonable for pension purposes. Details of the qualifying terms and conditions for Parental Leave are set out in Chapter 23 below.

20.067 Paternity leave. The Armed Forces' Paternity Leave Scheme enables qualifying personnel (usually fathers) to take two weeks' paid paternity leave at the time of the birth of a child, subject to meeting the qualifying conditions set out in Chapter 22 below. This is known as Ordinary Paternity Leave.

20.068 Additional Paternity Pay and Leave. The Armed Forces Occupational Paternity Leave Scheme (AFOPLS) allows qualifying personnel (usually fathers) to take up to 26 weeks of Additional Paternity Leave (APL) in order to care for their new child in the first year of the child's life or the first year after a child's placement for adoption, and in some cases to receive Additional

¹ The policy for the Armed Forces Childcare Voucher Scheme is set out in DIN 2010DIN01-219.

² Guidelines for Managing Non-Standard Working Hours for Members of the Armed Forces are set out in DIN 2005DIN02-012 published in Mar 05.

Statutory Paternity Pay (ASPP). In the case of births, it applies to Service personnel who are the fathers of babies due on or after 3 Apr 11 and/or the husband or partner (including same sex partner or civil partner) of a woman who is due to give birth on or after 3 Apr 11. To qualify for APL&P, personnel must meet certain qualifying criteria, the first being that this type of leave and pay is only available if the child's mother has returned to work with at least 2 weeks of unexpired maternity leave entitlement remaining. The regulations for APL&P are set out in Chapter 22 below.

COMPASSIONATE LEAVE

20.069 If a Servicewoman is unable to return to duty within the maximum allowable period because her child is seriously ill or disabled and requires continuous attention at home, she will be entitled to seek compassionate leave under normal Service arrangements and Compassionate Discharge may need to be considered. If, subsequently, she exercises her right to leave the Service to look after her child then consideration will be given to waiving any repayment of pay overpaid, bursary, cadetship, external training costs (but not outstanding charges, loans, advances of pay, bonuses/bounty, etc which must be repaid). Medical evidence will be required and should be sent to her personnel manning authority as soon as possible. Other circumstances that are considered to justify a waiver of repayment will be considered exceptionally and any such cases must be submitted to the appropriate personnel manning authority for approval.

REASONABLE CONTACT DURING MATERNITY LEAVE

20.070 In line with statutory provision¹ reasonable contact may be made from time to time between a Servicewoman and her line management/Chain of Command during her maternity leave period. Such contact will not bring the period of maternity leave to end.

KEEPING IN TOUCH DAYS

20.071 A Servicewoman may return to duty for up to 10 days during her maternity leave period without bringing her maternity leave to an end. These are known as "Keeping in Touch" (KIT) days and enable her to return to duty, for example to undertake training or to keep in touch with major developments, without losing the right to maternity pay. Keeping in Touch Days may not be taken during the two weeks of compulsory maternity leave which starts on the day on which childbirth occurs. It should be noted that Keeping in Touch Days are optional and must be agreed between a Servicewoman and her line management. Commanding Officers cannot demand that a Servicewoman undertakes Keeping in Touch Days, nor is there a right for Servicewomen to demand the opportunity to undertake them. Any such days worked during

¹ The Work and Families Act 2006

maternity leave do not have the effect of extending the maternity leave period. A Keeping in Touch Day taken during OML or AML (including the 13 week unpaid period of AML) will be paid at the Servicewoman's normal daily rate of pay and will be reckonable for pension purposes. Duty Travel may be claimed.

APPRAISALS DURING PREGNANCY AND MATERNITY LEAVE

20.072 The unreported period prior to a Servicewoman proceeding on maternity leave should be kept to a minimum in order to ensure that no Servicewoman will be treated less favourably because she is pregnant, absent on maternity leave or for any other reason connected with her pregnancy. Under the Equality Act 2010 failing to carry out an appraisal of a Servicewoman because of her pregnancy would be considered to be pregnancy and maternity discrimination. (See para 20.005 above) Details of single-Service policies for appraisals for Servicewomen on, or proceeding on maternity leave, can be found in JSP 757.

REASSIGNMENT ARRANGEMENTS

20.073 Reassignment arrangements during pregnancy and following OML. Service authorities will not ordinarily post a Servicewoman as a result of her pregnancy unless there are health and safety reasons which necessitate re-assignment or the Servicewoman requests re-assignment. A Servicewoman who opts to return to duty immediately after OML should return to her previous post if possible and if she so wishes. In cases where she cannot return to her previous post the Servicewoman is to be offered a suitable post appropriate to her rank and specialisation/trade in the same location as her previous post, unless this is not possible for Service reasons. In cases of doubt the relevant Service manning staffs should seek the advice of their specialist maternity policy staffs.

20.074 Reassignment arrangements following AML. When a Servicewoman returns to duty after AML and/or Parental Leave, the Services will endeavour to meet her geographical and reassignment preferences in accordance with normal Service arrangements.

20.075 Advancement/selection for promotion and redundancy. A Servicewoman is not to be overlooked for advancement or promotion because she is pregnant or on maternity leave, nor should any account be taken of any period of pregnancy-related sickness absence when a decision is made about her assignment/re-assignment. Throughout pregnancy and OML/AML/Parental Leave a Servicewoman remains eligible for advancement or to be selected for promotion and no seniority or pay losses in the higher rank/rate will be incurred as a result of pregnancy. If an Armed Forces' redundancy programme is

conducted, applicants for redundancy who are on maternity leave will be treated the same as applicants not on such leave. Non-applicants on maternity leave at the proposed last day of service (ie 12 months after issue of the redundancy notice) may have additional protection from redundancy. Given the timescale involved, the selection board may not know if an individual falls into this category. Advice should be sought should a non-applicant be on maternity leave at their proposed last day of service. Servicewomen should refer to the relevant Service-specific Defence Instructions and Notices (DINs)¹. During OML/AML/Parental Leave a Servicewoman's personnel manning authority is responsible for informing her if plans for promotions or redundancies are announced and she is eligible for selection.

ACTING HIGHER RANK

20.076 Where a Servicewoman has held an acting higher rank when she ceases duty to begin OML, she will continue to hold the acting higher rank for as long as she would have done had she not proceeded on maternity leave.

ENTITLEMENT TO OFFICIAL ACCOMMODATION

20.077 The tri-Service Accommodation Regulations are set out in JSP 464. This provides the overarching and definitive policy for the provision of Defence living accommodation. Servicewomen are advised to consult the relevant sections of JSP 464 to establish the type of accommodation to which they are entitled and the rate of charges payable as special provisions apply to pregnant single Servicewomen.

GRADUATED RESETTLEMENT TIME

20.078 Graduated Resettlement Time (GRT) is designed to reward greater length of service with an increased period of preparation for retirement. Servicewomen leaving the Armed Forces on the grounds of pregnancy or childbirth will be eligible for GRT in accordance with JSP 534. A Servicewoman's exit date may be extended in order for her to complete GRT if she has been unable to do so before her normal exit date for Service or other mitigating reasons.

ACCRUAL OF LEAVE DURING OML AND AML

¹ The relevant DINs are: DIN2011DIN01-100 Naval Service Redundancy Programme Policy; DIN 2011DIN01-097 Army Compulsory Redundancy; DIN 2011DIN01-60 RAF Redundancy Programme

20.079 ALA (which includes PH) continues to accrue during OML and AML subject to accurate recording of leave on JPA and is proportionate according to the exit date in the leave year. Any accrued leave over 28 days within a one year period will need endorsement by the personnel manning authority/CM.

TEMPORARY CIVILIAN EMPLOYMENT DURING OML/AML

20.080 The rules governing civilian employment whilst on leave which include maternity leave are laid down in each Service's Queen's Regulations: Naval Service – QRRN J.8403; Army – QR J5.075-J5.079; and RAF – QRJ910. Individuals seeking such employment must first gain their Commanding Officer's or personnel manning authority's agreement. If a Servicewoman takes up civilian employment during OML, before the birth of her child, the Services are still liable to pay SMP when she stops work. If a Servicewoman starts work for a civilian employer during OML or the first 13 weeks of AML, after the birth of her child, the Services' liability to pay SMP/full pay during OML/the first 13 weeks of AML ends. It is the responsibility of individuals to inform their respective releasing units should they take up civilian employment whilst in receipt of SMP.

20.081 Return to the UK of single and unaccompanied servicewomen serving overseas. Single and unaccompanied Servicewomen serving overseas who become pregnant will normally be assigned to the UK shortly before they begin OML. They may remain overseas if they wish, but should be made aware that UK State benefits to which they may be eligible may only be payable to claimants resident in the UK.

LEAVING THE SERVICE ON PREGNANCY

20.082 As stated in the Key Tenets of the Armed Forces' maternity policy (see paras 20.003 and 20.004), a Servicewoman may choose to leave the Service prematurely on the grounds of pregnancy. As leave accrues during OML and AML a Servicewoman's exit date may be extended in order for her to complete leave accrued and TL/GRT if she has been unable to do so before her normal exit date for Service or other mitigating reasons.

20.083 Servicewomen should also note that if they opt to leave the Service, they do not have an automatic right to retract their notice.

20.084 Servicewomen who have already given notice to leave or been given notice to leave¹ before becoming pregnant. Servicewomen who become

¹ This may include Servicewomen to whom the Service has given notice of exit for administrative/medical reasons.

pregnant after they have already given, or been given, notice to leave the Service may need to consider the following:

a. Extension of engagement/commission. If Servicewomen become pregnant after having already given notice to leave the Service or they become pregnant before completing their engagement/commission such that their exit dates falls after the qualifying week (see footnote 3) but before the end of OML/AML, they will not have their engagement/commission extended beyond their due date of leaving the Service in order to allow OML/AML to be taken or for it to continue to be taken¹. Subject to meeting the conditions for OML/AML they may exercise their right to take such leave prior to their due date of leaving the Service providing it does not start before the 11th week before the EWC (see para 20.009). They may however be entitled to receive SMP. (See paras 20.014 and 20.015);

b. Entitlement to AFOMS. Servicewomen who give notice to leave before they become pregnant will not be entitled to the full pay element of AFOMS during the 26 weeks of OML if the time between their EWC and their discharge date dictates that they cannot return to duty after OML/AML for the minimum ROS period of twelve months. If, subsequently, a Servicewoman is able to return to duty after OML/AML for the minimum of twelve months, full pay for the 26 weeks of OML will be granted retrospectively. They may however be entitled to receive SMP (see para 20.023). Note, however, the exception in para 20.084c;

c. Return of service commitment. If pregnancy occurs in the final year of a period of engagement or commission² the twelve months ROS stipulation will be waived, wholly or in part by the Service personnel management authorities if³:

(1)The Servicewoman's exit date has remained unchanged for at least 18 months, there is insufficient time left for her to complete the required ROS and the Service chooses not to extend the period of her engagement or commission to enable her to do so;

OR

(2)The Servicewoman is eligible for immediate financial benefits and there is insufficient time left for her to complete the required ROS and

¹ See also para 20.078 on Graduated Resettlement Time (GRT).

² This does not apply to circumstances where pregnancy occurs during the year prior to an optional retirement date. Optional Retirement Dates (ORDs) are not conditioned exit points until the option has been exercised and paras 20.084 c(1) and (2) will apply at exercised option points.

³ The following does not apply to FTRS personnel who have insufficient time to complete their ROS commitment.

the Service chooses not to extend the period of engagement or commission to enable her to do so.

20.085 Reckonable service and return to duty. Annual leave, Terminal Leave and Graduated Resettlement Time are forms of reckonable service and, therefore, if taken after OML or AML are counted as a return to duty.

20.086 Servicewomen who opt to leave the Service on grounds of pregnancy – “Option B”¹. Servicewomen who opt to leave the Service on pregnancy will need to consider the following:

- a. Entitlement to AFOMS. Servicewomen who opt to leave on the grounds of pregnancy and who intend to take OML/AML prior to leaving the Service may be eligible for SMP but will not be entitled to the full pay element of AFOMS during the 26 weeks of OML².
- b. Exit date. A Servicewoman's exit date will be the last day of OML/AML unless outstanding annual leave and/or Graduated Resettlement Time are taken into account, in which case the exit date will be extended in accordance with paras 20.088-20.091.

20.087 Decision to leave the Service whilst on OML/AML – affect on AFOMS. A Servicewoman who has qualified for the full pay element of AFOMS and who has been in receipt of this and who then wishes to amend her leaving date, will need to consider that if she leaves the Service without completing the required period of ROS she will be required to pay back the difference between the full pay she received during the 26 weeks of OML and SMP. Other sums of money may also be recoverable from a Servicewoman who chooses not to return to duty (see Recovery of Bursary, Cadetship Costs, Loans and Other Payments, para 20.028).

20.088 Calculation of last day of service. The following parameters are to be adhered to when calculating a Servicewoman's exit date:

- a. unless a Servicewoman leaves at the end of her current commission or engagement, exit on the grounds of pregnancy will be treated in the same way as PVR;
- b. as OML, the first 13 weeks of AML, GRT, accrued ALA and TL all count as reckonable service they are not to run concurrently;
- c. a Servicewoman's commission or engagement will not under normal circumstances be extended to complete TL.

¹ See para 20.006, options for pregnant Servicewomen.

² They will however be entitled to 26 weeks of OML and 26 weeks of AML.

20.089 Election to leave prior to the birth of the child. The last day of service for a Servicewoman who chooses to leave the Service prior to the birth of her child will be the date that she has stated in Maternity Notice Form B, para 3a (Leaving the Service) (if the Servicewoman does not intend to take any OML/AML before leaving the Service she will complete para 4a) noting that time will be required to effect discharge procedures. Any admissible leave/resettlement time should be taken prior to the last day of service.

20.090 Election to leave during OML. Servicewomen who choose to leave the Service during OML should consider the following:

- a. Where a Servicewoman has no admissible leave and/or resettlement time to be taken into account, the last day of service will be the last day on which SMP is payable;
- b. Where an entitlement to accrued ALA and/or GRT/TL exists the exit date is to be the last day on which SMP is payable, plus the number of days' ALA/GRT/TL to which the Servicewoman is entitled.

20.091 Election to leave during AML. Servicewomen who elect to leave during AML should consider the following:

- a. Where a Servicewoman has no admissible leave and/or resettlement time to be taken into account, the date of exit will be either no more than 28 days after SMP ceases, or no more than 28 days after she notifies her unit in writing of her intention not to return, whichever is the later, in order for the unit to complete release procedures. The Servicewoman is to continue on unpaid leave between notifying her unit and exiting the Service;
- b. In general, where a Servicewoman has admissible leave and/or resettlement time the release date will be after this has been taken. She will be brought back onto paid service from the date of her notification letter and this will be the date that her admissible leave/resettlement time commences. However, if the amount of leave/resettlement time is less than 28 days, discharge procedures will be effected such that she will leave no later than the 28th day. A Servicewoman will be placed on unpaid leave if there is any time between the last day of her admissible leave/resettlement time and her exit date. If her admissible leave/resettlement time exceeds 28 days, her last day of service will be the last day of admissible leave/resettlement.

20.092 Final medical examination. A Servicewoman will be required to undergo a final medical examination on leaving the Service as part of the normal discharge process.

20.093 Timing of medical discharge from the Services during pregnancy/maternity leave. A pregnant Servicewoman who is given a medical discharge during her pregnancy or maternity leave should be given the benefits of the medical discharge. If the period of terminal leave¹ and resettlement is not completed by the time OML/AML commences the balance of terminal leave and resettlement is to be completed after the end of maternity leave.

ATTENDANCE ON COURSES DURING PREGNANCY

20.094 In accordance with the normal rules, a Servicewoman who becomes pregnant and opts to leave the Service may not be permitted to commence a training course. The decision whether or not to allow a pregnant Servicewoman to commence, or continue, a training course will need to take into account her wishes, the physical demands of the course and any health and safety regulations relating to the protection of a pregnant woman and her unborn child. The regulations relating to the health and safety of pregnant Servicewomen are paramount. Medical advice must be obtained in writing before a pregnant Servicewoman is permitted to commence, or continue, a training course.

PENSIONS

20.095 Overview. Awards to members of the Armed Forces Pension Scheme 1975 (AFPS 75) or Armed Forces Pension Scheme 2005 (AFPS 05), ie those serving on pensionable commissions or engagements, (but not those who have opted out of the pension scheme) are normally assessed on full paid service. However, the period when SMP is paid counts as reckonable service whether or not full pay is in issue. (This includes Keeping in Touch Days (KIT days), which are paid at the individual's normal daily rate of pay). The 13 weeks of AML when SMP is payable are reckonable for pensions purposes. The 13 week period of AML which is unpaid does not count as reckonable service for pensions purposes. Individuals thus affected may apply to extend their service to make up this shortfall in their pension rights. It is the responsibility of each Service's personnel management authority to advise eligible Servicewomen of this option at the conclusion of their engagement or upon giving notice to terminate their service.

20.096 Additional Voluntary Contributions (AVCs) and Added Years. In-scheme AVCs are not available in AFPS 05. AFPS 75 in-scheme AVCs or AFPS 05/AFPS 75 Added Years contracts will continue whilst full pay or SMP alone is in issue during OML or the first 13 weeks of AML unless a

¹ Terminal Leave includes invaliding leave in the Army.

Servicewoman gives SPVA instructions in writing to cease deductions. Contributions will be based on the amount of pay or SMP received. If an overpayment has to be repaid because a Servicewoman who opts for OML/AML does not return to duty for a minimum period of twelve months, AVCs or Added Years made in respect of the period covered by such repayment will be refunded less a charge for tax or offset against the repayment due, as appropriate.

20.097 Officers leaving the Armed Forces. If an officer decides to leave as a result of her pregnancy or does not complete her commission after OML/AML, her award under AFPS 75 will be at the voluntary retirement rate. There is no equivalent to the voluntary retirement rate in the case of other ranks or those in AFPS 05.

20.098 Extensions of service in order to qualify for pension. For AFPS 75 members it would be possible in certain circumstances for a Servicewoman to complete a 16-year commission or a 22 year engagement but not qualify for an Immediate Pension (IP)¹, or for AFPS 05 members to complete service to the Early Departure Payments (EDP) 18/40 Point but not qualify for an EDP. Where this is the case Servicewomen may apply to extend their service by a period equivalent to the 13 weeks of unpaid AML to enable them to qualify for an IP or EDP on completion of their commission/engagement that they would otherwise forgo. There is no right to extend where the immediate payment of such benefits is not jeopardised. It is the responsibility of each Service's personnel management organisation to advise Servicewomen when they are eligible to apply, at the conclusion of their engagement or upon giving notice to terminate their service, to extend their service to make up this shortfall in their pension rights.

PAYMENT OF ALLOWANCES DURING MATERNITY LEAVE

20.099 Local overseas allowances. The regulations for Local Overseas Allowances (LOA) are set out in chapter 6 of JSP 752 (Tri-Service Regulations for Allowances).

20.100 Disturbance allowance. The regulations for Disturbance Allowance, for example when a Servicewoman is required to move to another location for Service reasons during OML/AML because official accommodation is not available at her present location, or she is reassigned from overseas at the start of OML, are set out in Chapter 7 of JSP 752 (Tri-Service Regulations for Allowances).

¹ Eg where, because she takes AML and the last 13 weeks are unpaid and therefore not reckonable for pension purposes, a Servicewoman does not complete her 16 year engagement.

CONSECUTIVE PREGNANCIES SEPARATED BY LESS THAN SEVEN MONTHS

20.101 Lengthy periods of maternity leave. In the event of closely spaced pregnancies, it is possible for a Servicewoman to be absent for lengthy periods. For example, it is possible for a woman to take OML, followed by AML relating to one pregnancy, followed by period of OML/AML relating to a second pregnancy, resulting in Maternity Leave of up to 24 months followed by additional Annual Leave Allowance.

20.102 Eligibility for AFOMS. If a Servicewoman who intends to return to work has taken a period of OML/AML and then, because of a second pregnancy, becomes eligible for a second period of OML/AML before returning to work, she will also be eligible for a second period of the pay element of AFOMS provided she intends to return to work.

20.103 Where a period of OML/AML is closely followed by a further pregnancy and the woman chooses not to return to work, she will not qualify for the pay element of AFOMS. It is possible that the qualifying week and/or calculation period for SMP (26 weeks' service prior to the EWC) for the second pregnancy may fall during OML/AML for the first pregnancy where the Servicewoman may be receiving less than full pay. Consequently, the Servicewoman's higher rate of SMP (90% of average weekly earnings for the first six weeks) for the second period of SMP may be affected or, she may not qualify for SMP at all. If she does not qualify for SMP it is possible that she may qualify for other State Benefits and she should contact her local Job Centre Plus accordingly.

20.104 Return of service commitment. If a Servicewoman has not completed the required period of ROS from a previous pregnancy before she starts maternity leave from a second pregnancy, the second period of OML may be counted towards completion of the ROS commitment from the first period of maternity leave. Any outstanding period of ROS may be completed after the return to duty from the second period of maternity leave.

20.105 Failure to complete an aggregated 12 months' ROS would require the repayment of the difference between the pay element of AFOMS and SMP for both periods; calculated on a pro-rata basis for the first period of absence. Servicewomen who complete more than 12 but less than 24 months' ROS after two periods of maternity leave will be required to repay the difference between the pay element of AFOMS and SMP for the second period of absence on a pro-rata basis. If a woman leaves the Service after either her first or second pregnancy without completing the required ROS the difference between the pay element of AFOMS and SMP for the uncompleted ROS will be recovered unless her departure is due to medical discharge or on compassionate grounds.

FURTHER INFORMATION

20.106 Any questions on maternity arrangements for Servicewomen should be addressed, in the first instance, to the appropriate single-Service personnel management authorities.

ANNEX A

MATERNITY NOTICE FORM A

This form should be completed by a pregnant Servicewoman who is intending to return to work following a period of Ordinary Maternity Leave (OML), Additional Maternity Leave (AML) or Parental Leave. The form should be sent to the Servicewoman's Commanding Officer.

20A.001 I am pregnant and enclose a completed Maternity Certificate (MAT B1), otherwise I will supply this as soon as it is available.

20A.002 I have read and understand the contents of the Maternity Policy for Servicewomen in the Regular Armed Forces set out in JSP 760. The options available to me which are detailed in this ANNEX have been fully explained to me and

[insert as appropriate]

I intend to return to work on completion of a period of Ordinary Maternity Leave (OML)/OML and Parental Leave. I understand that if I return to work after a single period of OML only the Service will make every effort to return me to the same post (if I so wish). If I am returning to work from OML after a consecutive period of maternity leave, I understand that in these circumstances the Service will endeavour to meet my assignment preference in accordance with normal Service arrangements.

OR

I intend to return to work on completion of a period of OML followed by Additional Maternity Leave (AML)/AML and Parental Leave. I understand that under these circumstances the Service will endeavour to meet my assignment preference in accordance with normal Service arrangements.

20A.003 I expect the week of childbirth to be the week beginning (insert as appropriate)

20A.004 I intend to take (complete as appropriate):

- a. Prenatal Unpaid Leave for weeks beginning on
(one to three weeks' unpaid leave available between the 14th and 11th week prior to the EWC. OML must start immediately after this)
- b. OML for weeks beginning on (OML lasts for 26 weeks. The first two weeks are compulsory maternity leave and you must take them. After that, you can choose how many weeks you wish to take)
- c. AML for weeks beginning on (AML lasts for 26 weeks. The first 13 weeks are paid at the SMP rate. The remaining 13 weeks are unpaid. You can choose how many weeks you wish to take)
- d. Unpaid Parental Leave for weeks beginning on
..... (You can choose to take from one to four weeks' unpaid leave)

20A.005 I expect to return to duty on

20A.006 I understand that I may vary both my start date and my return to work date but must give at least 28 days' and 56 days' notice in writing, respectively.

20A.007 I understand that OML and Statutory Maternity Pay (SMP) cannot start earlier than the beginning of the 11th week before the expected week of childbirth (unless childbirth occurs before then)¹.

20A.008 If I qualify for the Armed Forces Occupational Maternity Scheme (AFOMS), I will be paid my full rate of pay for the 26 weeks of OML, conditional on my returning to duty for a minimum period of 12 months after OML/AML/Parental Leave. If I do not return to duty for a minimum period of twelve months, I undertake to repay any outstanding charges and any pay paid to me under these arrangements above the rate of SMP. I also agree to repay any loan, advance of pay, bonuses, bounty or other sums owed to the MOD in accordance with the normal rules. I also understand that reimbursement of bursary award, cadetship or external training course costs will be required in accordance with the normal rules for personnel who opt to leave the Service before completing the return of service to which they were committed.

20A.009 I undertake to notify the Service as soon as practicable of the actual date of my child's birth.

¹ Servicewomen may nominate a date after the EWC to start their OML. However, if childbirth occurs prior to the date nominated OML will commence on the date of childbirth.

20A.010 I understand that if I am serving overseas and wish to return to the UK I may have to do so before the start of my maternity leave to avoid certain restrictions on flying during the later stages of pregnancy. If I choose to remain overseas I understand that I may, in some circumstances, not be eligible for certain state benefits.

20A.011 I understand that if I qualify for maternity leave with full pay and am serving overseas and in receipt of Local Overseas Allowance, I will no longer be eligible for this allowance if I choose to return to the UK. If I remain overseas during AML, I understand that I will qualify for Local Overseas Allowance during the first 13 weeks when SMP is payable, but not during the remaining 13 weeks which are unpaid. I also understand that this applies to any additional allowances that are based on a theatre's location.

20A.012 I understand that I may change my assignment preferences at any time and that if I wish to do so while on maternity leave I will do so through my personnel manning authority.

To be completed by the Servicewoman:

Signed:

Name:

Rank/Rate:

Service No:

Unit/Ship:

Date:

To be completed by the Commanding Officer and a copy returned to the Servicewoman with a written confirmation of entitlements/reply within 28 days of receipt of this form

Signed:

Name:

Rank:

Date:

Confirmation/replay sent on

Once completed by the Commanding Officer, the original of this letter should be sent by the relevant single-Service maternity desk to JPAC. A copy should also be held by the Servicewoman and a copy is to be sent to the Career Manager.

MATERNITY NOTICE FORM B

This form should be completed if a Servicewoman chooses to exercise her special right to leave the Service on the grounds of pregnancy.

20B.001 I am pregnant and enclose a completed Maternity Certificate (MAT B1), otherwise I will supply this as soon as this is available.

20B.002 I have read and understand the contents of the Maternity Policy for Servicewomen in the Regular Armed Forces as set out in JSP 760 and I wish to exercise my special right to leave the Service prematurely on the grounds of pregnancy. I understand that although I may change the start and end dates of Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML) by giving at least 56 days' notice in writing, I do not automatically have the right to retract this notice of leaving the Service.

20B.003 I expect the week of childbirth to be the week beginning (complete as appropriate).

20B.004 I have had the options detailed in this Annex fully explained to me and (complete as appropriate from one of the following)

I have opted to leave the Service on I do not intend to return to duty after the completion of my entitlement to prenatal unpaid leave/OML/AML.

OR

I shall be leaving the Service on at the end of my commission/engagement/on redundancy

OR

Before becoming pregnant, I had given notice to leave the Service on before completing my engagement/commission.

20B.005 (Complete one of the following:)

I do not intend to take any OML/AML before leaving the Service

OR

I intend to take OML only, starting on before leaving the Service

OR

I intend to take OML/AML/Parental leave starting on
Before leaving the Service.

20B.006 I understand that OML and Statutory Maternity Pay cannot start earlier than the beginning of the 11th week before the expected week of childbirth (unless childbirth occurs before then). I also understand that if I take OML before leaving the Service I will not be eligible for full pay under the Armed Forces' enhanced maternity pay arrangements unless I can fulfil the qualifying conditions.

20B.007 I also agree to repay any loan, advance of pay, bonuses, bounty or other sums owed to the MOD in accordance with the normal rules.
Reimbursement of bursary award, cadetship or external training course costs will be required in accordance with the normal rules for personnel who opt to leave the Service before completing the return of service to which they were committed.

To be completed by the Servicewoman:

Signed:

Name:

Rank/Rate:

Service No:

Unit/ship:

Date:

To be completed by the Commanding Officer and a copy returned to the Servicewoman with a written confirmation of entitlements/reply within 28 days of receipt of this form:

I confirm that the options available to (rank)
..... (name) have been explained to her and
arrangements for her discharge on/by (date) will be
completed.

Signed:

Name:

Rank:

Date:

Confirmation/reply sent on

**EXAMPLE LETTER FROM COMMANDING OFFICER/PERSONNEL
MANAGEMENT AUTHORITY TO ACKNOWLEDGE RECEIPT OF
COMPLETED MATERNITY NOTICE FORM**

(Establishment Headed Paper)

File number

Date

Name and address of Servicewoman

Dear

20C.001 Thank you for informing me of your pregnancy and the date that your baby is due. I acknowledge receipt of your completed Maternity Notice Form stating your intentions regarding maternity leave and/ or leaving the Service. *(delete as appropriate)* I enclose a copy of your Maternity Notice Form which has been signed by me/the Commanding Officer/a delegated Officer.

Select the appropriate option:

I also acknowledge receipt of your MAT B1 form and enclose a copy for your personal retention.

OR

I look forward to receiving your completed MAT B1 Form as soon as it has been passed to you from your General Practitioner or Midwife.

20C.002 This letter is to advise you and/or confirm your maternity leave and maternity pay entitlements based on the information supplied in your Maternity Notice Form and any other relevant information known at the time of writing. Further entitlements will be explained to you by (each Service to insert its term for the authority which deals with maternity) Should your wishes and/or circumstances change then you will need to contact (each Service to insert its term for the authority which deals with maternity) to ensure that your entitlements are reviewed accordingly.

20C.003 You are eligible for 26 weeks' Ordinary Maternity Leave (OML) and 26 weeks' Additional Maternity Leave (AML)/ and weeks' Parental Leave (*state only applicable types of leave*) As specified in your Maternity Notice Form, you have chosen to take weeks' OML/ weeks' AML and weeks' Parental Leave.

20C.004 During your maternity leave you may return to duty, subject to my agreement, for up to 10 days (known as Keeping in Touch Days (KIT days)) without bringing your maternity leave to an end. KIT days are optional and may be taken for example to enable you to keep in touch with major developments or for specific purposes, such as training. Any such days worked during maternity leave will not have the effect of extending the maternity leave period. A KIT day will be paid at your normal basic daily rate of pay.

20C.005 You have told me that you would like to begin your maternity leave on If you would like to change this date you must notify me in writing at least 56 days before the new intended start date, or if that is not reasonably practicable, as soon as is reasonably practicable.

20C.006 (If appropriate) You have also told me that you intend to return to work on If you wish to come back before this date you must notify me in writing at least 56 days before your new intended return date, or if that is not reasonably practicable, as soon as is reasonably practicable. If you don't give this notice, I may need to postpone your return until 56 days from the date you informed me that you would like to return early.

20C.007 If you have chosen not to take all the leave you are entitled to (from OML, AML and Parental Leave), but subsequently wish to extend your leave, again you must notify me in writing at least 56 days before your original return date, or as soon as is reasonably practicable.

20C.008 (Select the appropriate options)

I note that you intend to return to work after the birth of your child(ren) and that you meet the qualifying criteria for Armed Forces Occupational Maternity Scheme (AFOMS). Therefore, during OML you will receive full pay for the first 26 weeks. During AML you will receive Statutory Maternity Pay (SMP) for the first 13 weeks. Please note that if you do not subsequently fulfill the twelve months return of service requirement for AFOMS, you will be asked to pay back the difference between the enhanced pay you received and the SMP to which you were entitled.

OR

I note that although you meet the qualifying criteria for Statutory Maternity Pay (SMP) you are not eligible for the Armed Forces Occupational Maternity Scheme, and therefore during OML you will receive SMP, which will be paid at 90% of your average weekly earnings for the first six weeks, and then at the standard rate for the next 20 weeks. If you take AML, SMP will be paid at the standard rate for the first 13 weeks; the remaining 13 weeks of AML are unpaid. The standard rate is set by the Government.

OR

I note that you are not entitled to Statutory Maternity Pay and therefore you will be sent separately form SMP 1 (*insert where this will come from*) which explains why you do not qualify. You may, however, be entitled to Maternity Allowance. You will need to send the SMP1 form to your local Jobcentre Plus/social security office with your Maternity Allowance claim form.

20C.009 (If appropriate) I note that you are on a pensionable engagement, in which case you may be required to complete an additional period of service, following your AML/Parental leave, in order to meet the terms of your engagement.

20C.010 Now that you have told me you are pregnant I want to make sure that your health and safety as a pregnant mother are protected while you are working, and that you are not exposed to risk. I will arrange for an assessment to be carried out to identify hazards in your workplace that could be a risk to any new, expectant or breastfeeding mothers. I will arrange for a specific risk assessment

of your job and will discuss with you any actions that need to be taken if any problems are identified. If you have any further concerns, following this assessment, specifically in relation to your pregnancy, please let me know immediately.

20C.011 During your period of maternity leave I encourage you to keep in touch to discuss and plan for your return. Please do not hesitate to contact (each Service to insert relevant details) to discuss the above and any other aspects of your maternity entitlements.

Yours sincerely,

Enclosure:

1. Copy of Maternity Notification Form A or B (as appropriate and signed by the CO/Delegated Officer)

GLOSSARY OF TERMS

AFOMS Servicewomen who have completed a year's continuous service by the qualifying week and who have stated an intention to serve for a period of at least 12 months following their pregnancy (return of service (ROS)), qualify for the enhanced pay element of AFOMS. They are entitled to 26 weeks of OML plus 26 weeks of AML. The 26 weeks of OML will be at full pay. The first 13 weeks of AML will be paid at the standard rate of SMP; the remaining 13 weeks will be unpaid.

AFPS 75 Armed Forces Pension Scheme 1975.

AFPS 05 Armed Forces Pension Scheme 2005.

AML Additional Maternity Leave. AML lasts for 26 weeks and must start the day after Ordinary Maternity Leave (OML) ends. AML counts towards the completion of an engagement or commission. The first 13 weeks of AML are paid at the standard rate of SMP or a rate equal to 90% of average weekly earnings, **whichever rate is lower**. The remaining 13 weeks are unpaid. Only the paid element of AML is reckonable for pay increments, gratuity, pension and redundancy compensation purposes. The unpaid period of AML does not count as reckonable service. During the unpaid period of AML a Servicewoman will be eligible for any allowances etc, in accordance with the normal rules for unpaid leave.

Childbirth For the purposes of OML/AML, "childbirth" is defined as the birth of a child alive, alive but premature or still born after 24 weeks of pregnancy so that, in the event of a stillbirth after this time, the normal maternity provisions apply. If a baby is born alive, regardless of how premature the baby is, and only survives for an instant, the normal maternity leave provisions apply. Normal sick leave provisions will apply in respect of a stillbirth occurring during the first 24 weeks of pregnancy.

CILOCT CILOCT is a charge made in lieu of Council Tax.

Civil Partnership Under the terms of the Civil Partnership Act 2004, a civil partnership is a legal relationship that can only be formed by two people of the same sex. Couples who form a civil partnership and register the partnership under the terms of the Act have the legal status of "civil partner".

Compulsory Maternity Leave The two weeks' leave following the birth of a child provided for in Health and Safety law.

Employment and Support Allowance Employment and Support Allowance (ESA) (which replaced Incapacity Benefit) is a weekly allowance which can be paid to pregnant women who do not qualify for Statutory Maternity Pay or Maternity Allowance. ESA may also be payable if an individual is unable to work because of illness or disability. Details about eligibility for ESA and how to claim it are available from advisers at Jobcentre Plus.

EWC Expected Week of Childbirth – the week in which the baby is due.

LEL Lower Earnings Limit – the point at which someone is treated as if they have paid National Insurance Contributions. The LEL for national insurance contributions varies from year to year. Those who earn equal to, or a little more than the LEL, will not actually pay any NI as it is only payable on a higher rate of earnings. It is therefore very important to advise a woman who pays on a zero rate of NI that she may still get SMP. This will only apply to a Servicewoman who has enlisted, having had previous employment, after qualifying week (the 15th week before the expected week of childbirth).

LOA Local Overseas Allowance.

Maternity Certificate (MAT B1) The medical certificate given to a pregnant woman by her doctor or midwife which confirms the date the baby is due.

MPP Maternity Pay Period. The period of up to 39 weeks during which SMP is payable.

MA Maternity Allowance. This is an allowance which may be payable to Servicewomen who do not qualify for SMP. It should be claimed direct from Job Centre Plus.

OML Ordinary Maternity Leave. During OML, normal terms and conditions of service apply except for remuneration. OML counts towards completion of seniority, promotion, gratuity, pension and annual leave allowance. A Servicewoman on OML, whether or not on full pay, will be entitled to Service allowances in accordance with the normal rules for paid leave.

PStatCat1 Personal Status Category 1. Those in PStatCat1 will meet one of the qualifying criteria: (1) be a married member of the Armed Forces, who lives with their spouse, or who would do so but for the exigencies of the Armed Forces: (2) be a member of the Armed Forces, who is registered in a civil partnership in accordance with the Civil Partnership Act 2004, or is in a civil partnership under an overseas scheme recognized under the Act, and who lives with their registered civil partner, or who would do so but for the exigencies of the Armed Forces.

PStatCat2 Personal Status Category 2. Those in PStat Cat2 will meet one of the following qualifying criteria: (1) be a member of the Armed Forces who has parental responsibility within the terms of the Children Act 1989 for a child(ren) and who satisfied all of the following conditions: (a) can be properly regarded as the centre and prime mover in the life of the child(ren); (b) provides a home where they normally live with the child(ren) except where unable to do so for reasons attributable to their service in the Armed Forces; (c) provides, where the child(ren) is unable to care for itself, a child carer who can look after the child(ren) during their absences attributable to their service in the Armed Forces. The child carer must not be the other natural parent of the child(ren). The other natural parent should normally only have staying access to the child(ren) for an aggregate of 56 days in any 12 month period. Staying access greater than this may render the Service person ineligible for PStatCat2 (these restrictions on access do not apply while on recognized Unaccompanied duty; (d) accepts financial responsibility for the child(ren).

QW Qualifying Week. This is the 15th week before the beginning of the week in which the baby is due.

SFA Service Family Accommodation.

SSFA Substitute Service Family Accommodation.

SMP Statutory Maternity Pay. This is payable to Servicewomen who become pregnant, whether they are leaving the Service on retirement/discharge or returning to duty after statutory maternity leave/occupational maternity absence, provided they satisfy certain qualifying conditions.

SOURCES OF ADDITIONAL INFORMATION

Service Publications

BR3 Naval Personnel Management

British Army Guide to the Employment and Deployment of Serving Parents and Carers

AP 3392 Vol 2

UK Servicewoman's Guide to Health and Performance

Other Publications and Sources of Information

Directgov website – provides information for parents <http://www.direct.gov.uk>

Department for Business, Innovation and Skills – booklet on Maternity and Paternity – Babies Due on or After 3 April 2011

<http://www.bis.gov.uk/assets/biscore/employmentmatters/doc/p/10-1168-pregnancy-and-work-employee.pdf>

Department for Work and Pensions – NI 17A A Guide to Maternity Benefits (Apr 2010) <http://www.dwp.gov.uk/publications/specialist-guides/technical-guidance/ni17a-a-guide-to-maternity>

Health and Safety Executive – Health and Safety for New and Expectant Mothers <http://www.hse.gov.uk/mothers>

Working Families - information and guidance for parents and carers <http://www.workingfamilies.org.uk>

Tommy's Baby Charity – information and guidance on how to have a healthy pregnancy <http://www.tommys.org>

21. ADOPTION LEAVE

INTRODUCTION

21.001 Adoption Leave is given to recognise the adoption of a child (or children) up to the age of 18 years. The Armed Forces' Occupational Adoption Leave Scheme (AFOALS) aims to provide supportive arrangements to personnel newly adopting children which are comparable to maternity leave arrangements. Adoption Leave under this scheme is available to qualifying Service personnel who are notified of being matched with a child and who are not taking Paternity Leave (Adoption) under the terms specified in Chapter 22 of this JSP. Adoption Leave is available to both male and female Service personnel and is available to individuals adopting a child on their own, or one member of a couple adopting a child together. Only one parent of a couple is eligible for Adoption Leave/Adoption Pay. The other parent (male or female) may be eligible for Paternity Leave and Pay as laid down in Chapter 22. No individual may take both Adoption Leave and Paternity Leave in respect of the same adoption placement. Service personnel are reminded of the requirement to notify their unit HR administration staff of any changes to their family circumstances that will result in a change in their PStatCat. (JSP 752 para 01.114.c refers)

21.002 Service personnel have an entitlement under law to receive Statutory Adoption Pay (SAP), provided that they meet the qualifying criteria, but are not entitled under law to Statutory Adoption Leave. However, provision for Adoption Leave, broadly equating to statutory arrangements is made by the AFOALS. Any reference in this JSP to Adoption Leave is to leave under this occupational adoption leave scheme, not to statutory arrangements. The AFOALS applies to all Service personnel in the Regular Forces, those members of the Reserve Forces serving on Full Time Reserve Service commitments and members of the Non Regular Permanent Staff (NRPS) of the Territorial Army. Separate instructions have been issued for personnel undertaking all other forms of reserve service¹.

21.003 The provisions of the AFOALS apply only to adoption placements arranged through legally recognised adoption agencies. They do not, for example, apply in cases where: a private adoption has been arranged; where someone becomes a special guardian; where a step-parent adopts a stepchild; when a child is in foster care; or when a child is born as a result of a surrogacy arrangement. Different rules apply to UK adoptions and overseas adoptions.

21.004 It should be noted that, unlike the Armed Forces' Occupational Maternity Leave Scheme, which allows Servicewomen to choose to leave the

¹ DIN 2006DIN02-069

Service prematurely on the grounds of pregnancy, there is no right to leave the Service prematurely on the grounds of adopting a child.

DURATION OF ADOPTION LEAVE

21.005 The AFOALS allows qualifying personnel to take up to 52 weeks of Adoption Leave. This is made up of 26 weeks of Ordinary Adoption Leave (OAL) followed immediately by 26 weeks of Additional Adoption Leave (AAL). Subject to meeting the qualifying criteria for OAL and AAL, the 26 weeks of OAL is paid leave. The first 13 weeks of AAL are paid, followed by 13 weeks of unpaid leave.

DEFERRAL OF, OR RECALL FROM, ADOPTION LEAVE

21.006 Members of the Armed Forces have an underlying commitment to be available at any time to serve at short notice both in the UK and on deployments overseas. However, it should be recognised that the deferral of Adoption Leave after a placement has been agreed, or the recall of a Serviceperson from Adoption Leave could have major consequences for the adoption. The Serviceperson taking Adoption Leave is regarded as being the child's main carer, and in extreme cases, the deferral of Adoption Leave or the recall of the individual might lead to the placement being jeopardised. For this reason, the deferral of Adoption Leave or the recall of an individual from Adoption Leave should only be considered if this is required for operational reasons in a major emergency. If deferral or recall is being considered, careful consultation will be needed with the individual concerned, appropriate welfare authorities and single-Service employment branches before a decision is taken by an officer of at least OF3 level. A decision to defer Adoption Leave or to recall an individual from Adoption Leave is to be given in writing as soon as reasonably practicable, with an explanation of the reasons for the deferral or recall, using the form at Annex E. If a Commanding Officer/Line Manager has to defer Adoption Leave, the leave should be granted as soon as reasonably practicable thereafter, when operational circumstances permit. If a Serviceperson has to be recalled from Adoption Leave for emergency reasons, the outstanding balance of Adoption Leave should be granted as soon as reasonably practicable thereafter.

ELIGIBILITY – UK ADOPTIONS

21.007 To qualify for adoption leave under the AFOALS for a UK adoption a Serviceperson must:

- a. Be newly matched¹ with a child by an adoption agency recognised in the UK;

¹ "Matched" means that the adoption agency has decided that the person would be a suitable adoptive parent for the child, either individually or jointly with another person.

- b. Have notified the agency that they agree that the child should be placed with them and agree with the date of placement;
- c. Have at least 26 weeks of continuous service in the Armed Forces before the beginning of the week when they are notified of having been matched with a child. (This is known as the “matching week”, which starts on a Sunday and ends on a Saturday);
- d. Notify their Commanding Officer/Line Manager in writing of when they wish to take Adoption Leave no more than 7 days after they are notified that they have been matched with a child and provide the required documentary evidence (see para 21.012) using Annex A.

ELIGIBILITY – OVERSEAS ADOPTIONS

21.008 To qualify for adoption leave under the AFOALS when a child is adopted from overseas a Serviceperson must:

- a. Be the child’s adopter (This is the person who will adopt or has adopted the child or, in a case where the child will be or has been adopted by two people jointly, whichever of the joint adopters who has chosen to take adoption leave in respect of the child);
- b. Have received official notification¹ from the relevant UK authority confirming the central authority² has, or is prepared to, issue a certificate confirming that they are eligible to adopt and have been assessed and approved as being a suitable adoptive parent;
- c. Have at least 26 weeks of continuous service in the Armed Forces by the time they have received official notification or by the time that their adoption leave is due to begin, whichever is later;
- d. Provide their Commanding Officer/Line Manager with the correct notification.

21.009 Personnel adopting a relative from overseas can also qualify for Adoption Leave and Pay if they have been assessed and approved as being a suitable parent. Adoption Leave and Pay will also be available to Service personnel serving in overseas commands who adopt a child through an accredited adoption agency such as the SSAFA Forces Help Voluntary Adoptions Agency, subject to meeting the qualifying criteria for Adoption Leave

¹ Official notification is written notification issued by or on behalf of the relevant domestic authority stating that the authority is either prepared to issue a certificate to the overseas authority dealing with the adoption of the child, or has issued a certificate and sent it to that authority.

² The central authority for Service personnel living in England will be the Department for Education; in Scotland it will be the Scottish Executive; and in Wales it will be the Welsh Assembly.

and Pay as set out above. Details of supporting policies and processes relevant to Service personnel and their families who are adopting are set out in DIN 2008DIN01-189 and JSP 770, Tri-Service Operational and Non-Operational Welfare Policy.

APPLICATION FOR ADOPTION LEAVE AND NOTIFICATION REQUIREMENTS

21.010 The Adoptive Parent who has chosen to take Adoption Leave should apply for their leave as follows:

a. Personnel wishing to take OAL, or OAL and AAL, or OAL, AAL and Parental Leave should complete the form at Annex A and send it their Commanding Officer/Line Manager;

or

b. Where an individual who is due to leave the Service on completion of their engagement or commission shortly after the adoption takes place, or who is leaving on premature voluntary retirement/redundancy terms, wishes to take an amount of Adoption Leave to which they are entitled prior to leaving the Service, they should complete the appropriate parts of the form at Annex B, which should then be submitted to their Commanding Officer/Line Manager.

21.011 *Documentary Evidence* A Serviceperson wishing to apply for adoption leave must provide documentary evidence that they are adopting a child through an authorised adoption agency. A “matching certificate” is issued to the adopter by the authorised agency and a copy of this document should be enclosed with either Annex A or B when it is submitted to the Commanding Officer/Line Manager, as proof of entitlement to adoption leave.

21.012 *Notice of Intention to Take Adoption Leave.* It is in the interests of both the Service and the individual concerned to give as much notice as possible of the intention to take Adoption Leave. A minimum of at least 28 days’ notice should be given by the Serviceperson requesting Adoption Leave using either Annex A or B. If this is not possible, for example because there is very little time between the date the adoption agency tells the Serviceperson that they have been matched with a child and the date the child is placed with them, notice should be given as soon as is reasonably practicable.

21.013 *Changing the return to work date or leave dates.* As personal circumstances may change during the period of adoption leave, if a Serviceperson wishes to return to work before the end of the Adoption Leave period (either OAL or AAL), a minimum of 56 days’ notice must be given. Similarly, if a Serviceperson on OAL who had previously indicated that they did

not wish to take AAL subsequently changes their mind and wishes to take AAL, they must give at least 56 days' notice, in advance of the date when the period of OAL ends, of their intention by completing the form at either Annex A or B. If a Serviceperson already on Adoption Leave has a further entitlement as a result of a separate adoption placement (see paras 21.026 and 21.027), they must give at least 56 days' notice of their intention to start the further period of Adoption Leave. The forms at Annex A or B should be used, as appropriate.

START OF OAL

21.014 OAL begins on the date chosen by the Serviceperson and can start on any day of the week. The date a Serviceperson can choose to begin their OAL will depend on whether they are adopting a child from within the UK or from overseas.

21.015 *UK Adoptions.* A Serviceperson may choose to start their OAL on the date of the placement itself or on a predetermined date no more than 14 days before the expected placement date and no later than the day of placement. If the date of placement changes before the Serviceperson begins their OAL, they should inform their Commanding Officer/Line Manager in writing as soon as possible of the new date on which OAL will begin.

21.016 *Overseas Adoptions.* A Serviceperson may choose to start their OAL on either the date the child enters the UK or a predetermined date no later than 28 days after the date the child enters the UK.

21.017 OAL must not be used to cover the period spent travelling overseas to arrange the adoption or to visit the child. Service personnel should take either annual leave or unpaid leave for these purposes.

CHANGING THE START DATE OF OAL

21.018 Service personnel can change their intended start date for OAL as long as they notify their Commanding Officer/Line Manager of the new start date. This must be done by the **earlier** of:

- a. 28 days before the original OAL start date;
- or
- b. 28 days before the new OAL start date

If it is not possible for a Serviceperson to give this much notice, they should give as much notice as reasonably practicable, which must be provided in writing.

ADOPTION PAY

21.019 Service personnel are entitled to receive Statutory Adoption Pay (SAP) provided they meet the qualifying criteria. SAP is a weekly payment usually payable for a maximum of 39 weeks. It is payable from the date that OAL starts until the end of the 13th week of AAL. The amount of SAP received depends on the Serviceperson's rate of pay. If a Serviceperson is adopting on an individual basis, they will receive SAP. Their spouse or partner (regardless of gender) may be eligible for Statutory Paternity Pay. The qualifying criteria for this are set out in Chapter 22. Where a couple is adopting on a joint basis, they can choose which adoptive parent will take SAP and which will take paternity pay.

21.020 *Rates of SAP.* The amount of SAP payable is the **lower** of

- a. the standard weekly rate of SAP¹
- or
- b. 90 per cent of the individual's average weekly earnings².

21.021 *Qualifying criteria for SAP.* There are different eligibility criteria for SAP for UK and overseas adoptions.

21.022 *Qualifying criteria for SAP – UK adoptions.* The qualifying criteria which a Serviceperson must meet in order to qualify for SAP are:

- a. They must have served for a continuous period of at least 26 weeks into the week that the adoption agency notified the adopter that they had been matched with the child (the "matching week");
- b. They must have average earnings at least equal to the Lower Earnings Limit³.

21.023 In addition, the Serviceperson must provide documentary evidence to show that they are adopting a child through an adoption agency. This is usually a matching certificate or can be a letter from the agency confirming that the Serviceperson has been matched with a child. The evidence provided by the Serviceperson must include:

¹ Details of the current rate of SAP are available from the website of HM Revenue and Customs at www.hmrc.gov.uk

² Details of how to work out average weekly earnings are available from the website of HM Revenue and Customs (see footnote 5 above)

³ Details of the current rate of the LEL are available from the website of HM Revenue and Customs (see footnote 5 above)

- a. the Serviceperson's name and address;
- b. the date the child is expected to be (or was) placed for adoption;
- c. the date the adopter was told by the adoption agency that they had been matched with a child.

21.024 *Qualifying criteria for SAP – overseas adoptions.* The qualifying criteria which a Serviceperson must meet in order to qualify for SAP are:

- a. They must have served for a continuous period of 26 weeks into the week that the adoption agency told the Serviceperson that they had been matched with a child;
- b. They must have average earnings at least equal to the Lower Earnings Limit (see footnote 7).

21.025 In addition, The Serviceperson must provide the following documentary evidence to prove their entitlement to SAP:

- a. A copy of the Official Notification from the relevant UK authority that they have agreed that the Serviceperson is suitable to adopt a child from overseas;
- b. The Serviceperson's name and address;
- c. Evidence of the child's date of entry into the UK, such as copies of the entry clearance documents.

ADOPTION OF MORE THAN ONE CHILD

21.026 If more than one child is adopted as part of the same placement arrangement, the entitlement to Adoption Leave remains the same as for a single child. If children are adopted as part of separate placement arrangements over a period of time, then there will be an entitlement in respect of each separate placement.

21.027 *Second Separate Placement During a Period of Adoption Leave.* If there should be a completely separate adoption placement, whilst the adopting parent concerned is already on Adoption Leave for a previous placement and the week in which the Serviceperson is notified they have been matched with a child (or children) for the second placement occurs during a period when the adopter was on paid OAL, the second period of paid OAL would run concurrently with the balance of the previous period of OAL (eg if 15 weeks of the first OAL entitlement is still outstanding at the time of the second placement then the additional OAL in respect of the second placement would only continue for another 11 weeks after

the first period has expired). However, the individual concerned would not be granted two sets of Adoption Pay concurrently. They would only be paid additionally for that period of the OAL in respect of the second placement which did not overlap with the OAL for the first placement (in the example given above, the 11 week period). The maximum amount of Adoption Pay that will be paid during that period of OAL in respect of the second placement which does not overlap with the first is the standard rate of SAP per week, regardless of length of time served. Any element of SAP to which Service personnel may be entitled will be included as an integral part of any Adoption Pay awarded under the terms of this JSP. Service personnel should be aware that in certain circumstances they may be eligible for additional SAP in respect of the second and separate placement. In the event that any sum awarded under the terms of this JSP in respect of any particular week is less than an individual's statutory entitlement(s), the sum will be increased to the statutory rate.

CANCELLATION/TERMINATION OF THE ADOPTION

21.028 Adoptive parents will need time to adjust and come to terms with the cancellation or termination of a child's placement for adoption, if this is due to a disruption to the placement or the death of the child. Eight weeks is allowed for this, a week being a period of seven days beginning with Sunday.

21.029 *Expected placement does not take place after OAL has commenced.* Where an expected placement does not take place, but an adoptive parent has already started OAL (which can begin up to 14 days in advance of the expected date of placement), OAL at the appropriate rate of payment will be available for 8 weeks following the end of the week during which notification is received that the child will not be placed.

21.030 *Return of child to the adoption agency during OAL.* Where during the period of OAL, the adoption is terminated and the child is returned to the adoption agency, the adoptive parent will remain entitled to OAL at the appropriate rate of payment for 8 weeks following the end of the week during which the child is returned to the agency.

21.031 *Death of child during OAL.* Where the child dies during the period of OAL then the OAL at the appropriate rate of payment will be available for 8 weeks following the end of the week during which the child dies.

21.032 *Termination of placement/death of child during AAL.* Where the child's placement is terminated or the child dies during the period of paid AAL, then paid AAL will be available for 8 weeks following the end of the week during which the child dies. If the child dies during the period of unpaid AAL, then unpaid AAL will be available for 8 weeks following the end of the week during which the child dies.

21.033 Special provision is made if the 26 week OAL period would have ended in any event within 8 weeks of the week in which the disrupting event occurs. In these circumstances, the Serviceperson's OAL continues until the expiry of the 26 weeks and they are then entitled to AAL, which will end 8 weeks after the week in which the event occurred. Likewise, special provision is made where the disrupting event occurs during AAL, and the AAL would have ended within 8 weeks in any event. In these circumstances, the Service person's AAL continues until the expiry of the 26 weeks.

ARMED FORCES' OCCUPATIONAL ADOPTION LEAVE SCHEME

21.034 In addition to statutory adoption arrangements the Armed Forces' Occupational Adoption Leave Scheme (AFOALS) provides for a period of adoption leave (OAL/AAL) and additional adoption pay for Service personnel who meet the required criteria. Service personnel who have completed a year's continuous service by the Matching Week and who have stated an intention to serve for a period of at least 12 months following their adoption leave, will receive 26 weeks of basic pay (this will include any entitlement to SAP, which is not paid in addition to the normal rate of pay). The pay will include any Specialist/Additional pay to which the individual is entitled under the regulations set out in JSP 754. During AAL the first 13 weeks will be paid at the standard rate of statutory adoption pay. (See footnote 5) The remaining 13 weeks of AAL will be unpaid.

21.035 *Return of Service Commitment.* The requirement to fulfil a 12 months' period of Return of Service (ROS) to qualify for 26 weeks of OAL at basic weekly pay may be waived, wholly or in part by Service authorities if:

- a. the expected date of placement (as specified in the matching certificate) occurs in the final year of a period of engagement or commission (not an Optional Retirement Date) that attracts the payment of an Immediate Pension;
- b. the exit date has remained unchanged for at least 18 months, but the engagement or commission expires before twelve months of service can be completed after the return to duty, and the Service chooses not to extend the period of engagement or commission to enable them to do so. (See paragraph 21.052 for guidance on extension of service to complete a pensionable engagement).

21.036 Personnel leaving the Services on premature voluntary retirement or redundancy terms, or who adopt a child shortly before completing their engagement/commission will not have their engagement extended beyond their due date of leaving the Service in order to allow Adoption Leave to be taken. Subject to meeting the conditions for OAL/AAL they may exercise their right to take such leave prior to their due date of leaving the Service.

REASONS WHY SAP AND/OR THE FULL PAY ELEMENT OF AFOALS MAY CEASE TO BE PAYABLE

21.037 The services' liability to pay SAP and/or the full pay element of AFOALS ceases if:

- a. A Serviceperson returns to duty during any week of the Adoption Pay Period (other than a KIT day (see para 21.042)) or starts work for new employer;
- b. A Serviceperson is taken into legal custody at any time during the Adoption Pay Period. (Legal custody means being detained by the police (including the Military Police) usually arrested and/or in prison). A Serviceperson will not be able to re-claim SAP once they are discharged from custody. Entitlement to SAP is not affected if a Serviceperson is voluntarily helping police with their enquiries, out on bail, or serving a suspended sentence. Payment under the AFOALS will also cease in respect of any day during which a Serviceperson is detained in custody. It will, however, recommence upon release (Note that any pay received under the AFOALS will be less any SAP to which the individual was previously entitled);
- c. A Serviceperson dies during the Adoption Pay Period. SAP should be paid for the week in which they die, but not for any week in the pay period after that.

DEDUCTIONS FROM PAY

21.038 While SAP/AFOALS is paid, deductions from pay, such as repayment of loans, advances of pay, messing and accommodation charges will continue to be made. Voluntary payments to Service benevolent funds and insurance schemes eg Personal Accident Insurance PAX, Service Life Insurance (SLI), etc will continue to be deducted while SAP and/or AFOALS is payable unless a Serviceperson gives JPAC written instructions to cease deductions. When SAP is no longer payable, or is insufficient to cover repayment of sums owed to the MOD, the balance of payments due to the MOD will be suspended. When SAP is no longer payable, or is insufficient to cover voluntary payments these will become the Serviceperson's personal responsibility and they should make their own arrangements to pay them.

TERMS OF SERVICE DURING OAL AND AAL

21.039 *Terms of service during OAL.* During OAL a Serviceperson is entitled to the benefit of their normal terms and conditions of service, excepting that their pay may change during all or part of OAL. OAL counts towards the

completion of a Serviceperson's engagement/commission and is reckonable service for purposes such as pay increments, seniority, advancement/promotion, gratuity, pension, redundancy compensation purposes and Annual Leave Allowance (ALA) (which includes Public Holidays). A period of granted annual leave taken after OAL/AAL/Parental Leave counts as a return to duty. There is no entitlement to re-start OAL/AAL once a Serviceperson has returned to duty. A period of Parental Leave may, however, be applied for in accordance with the regulations set out in chapter 23 below.

21.040 *Terms of service during AAL.* AAL counts towards the completion of a commission or an engagement. Only the paid element of AAL (ie the first 13 weeks) is reckonable for pay increments, gratuity, pension and redundancy compensation purposes. The 13 week period of unpaid AAL (ie the second half of AAL) is un-reckonable for these purposes. ALA may be accrued throughout AAL.

21.041 *Reasonable contact during the Adoption Leave Period.* Reasonable contact may be made from time to time between a Serviceperson and their Commanding Officer/line management during the adoption leave period, for example about changes which might affect the Serviceperson on their return to duty. Such contact will not bring the period of adoption leave to an end.

“KEEPING IN TOUCH” DAYS DURING THE ADOPTION LEAVE PERIOD

21.042 Service personnel may return to duty for up to 10 days during their adoption leave period without bringing their adoption leave to an end. These are known as “Keeping in Touch” (KIT) days and enable a Serviceperson to return to duty, for example to undertake training or to keep in touch with major developments, without losing the right to adoption pay. It should be noted that Keeping in Touch Days are optional and must be agreed between a Serviceperson and their Commanding Officer/line management. Commanding Officers cannot demand that a Serviceperson undertakes Keeping in Touch Days, nor is there a right for Serviceperson to demand the opportunity to undertake them. Any such days worked during adoption leave do not have the effect of extending the adoption leave period. A Keeping in Touch Day taken during OAL or AAL (including the 13 week unpaid period of AAL) will be paid at the Serviceperson's normal daily rate of pay and will be reckonable for pension purposes. Duty travel may be claimed.

APPRAISALS DURING ADOPTION LEAVE

21.043 The unreported period prior to a Serviceperson proceeding on adoption leave should be kept to a minimum. Details of single-Service policies for appraisals for Service personnel on, or proceeding on adoption leave, can be found in JSP 757.

REASSIGNMENT ARRANGEMENTS FOLLOWING OAL AND AAL

21.044 *Reassignment following OAL.* A Serviceperson who opts to return to duty immediately after OAL should return to their previous post if possible and if they so wish. In cases where personnel cannot return to their previous post the Serviceperson is to be offered a suitable post appropriate to their rank and specialisation/trade in the same location as their previous post, unless this is not possible for Service reasons. In cases of doubt the advice of the relevant Service manning staffs should be sought.

21.045 *Reassignment following AAL.* When a Serviceperson returns to duty after AAL and/or Parental Leave, the Services will endeavour to meet their geographical and reassignment preferences in accordance with normal Service arrangements.

ADVANCEMENT/SELECTION FOR PROMOTION AND REDUNDANCY

21.046 A Serviceperson on adoption leave should not be overlooked for advancement or promotion because they are on adoption leave. Throughout OAL and AAL/Parental Leave a Serviceperson remains eligible for advancement or to be selected for promotion and no seniority or pay losses in the higher rank/rate will be incurred as a result of adoption leave. If an Armed Forces' redundancy programme is conducted, applicants for redundancy who are on adoption leave will be treated the same as applicants not on such leave. Non-applicants on adoption leave at the proposed last day of service (ie 12 months after issue of the redundancy notice) may have additional protection from redundancy. Given the timescale involved, the selection board may not know if an individual falls into this category. Advice should be sought should a non-applicant be on adoption leave at their proposed last day of service. Service personnel should refer to the relevant Service-specific Defence Instructions and Notices (DINs). During OAL/AAL/Parental Leave a Serviceperson's personnel manning authority is responsible for informing them if plans for promotions or redundancies are announced and they are eligible for selection.

TEMPORARY CIVILIAN EMPLOYMENT DURING OAL/AAL

21.047 The rules governing civilian employment whilst on leave which includes adoption leave are laid down in each Service's Queen's Regulations: Naval Service – QRRN J.8403; Army – AR J5.075-J5.079; and RAF – QRJ910. Individuals seeking such employment must first gain their Commanding Officer's or personnel manning authority's agreement.

ENTITLEMENT TO ACCOMMODATION

21.048 The tri-Service Accommodation Regulations are set out in JSP 464. This provides the overarching and definitive policy for the provision of Defence

living accommodation. Service personnel who are adopting are advised to consult the relevant sections of JSP 464 to establish the type of accommodation to which they are entitled and the rate of charges payable.

PAYMENT OF ALLOWANCES DURING ADOPTION LEAVE

21.049 The regulations for allowances, such as Local Overseas Allowances (LOA) are set out JSP 752 (Tri-Service Regulations for Allowances).

PENSIONS

21.050 Awards to members of the Armed Forces Pension Scheme 1975 (AFPS 75) or Armed Forces Pension Scheme 2005 (AFPS 05), ie those serving on pensionable commissions or engagements, (but not those who have opted out of the pension scheme) are normally assessed on full paid service. However, the period when SAP is paid counts as reckonable service whether or not full pay is in issue. (This includes Keeping in Touch Days (KIT days), which are paid at the individual's normal daily rate of pay). The 13 weeks of AAL when SAP is payable are reckonable for pensions purposes. The 13 week period of AAL which is unpaid does not count as reckonable service for pensions purposes. Individuals thus affected may apply to extend their service to make up this shortfall in their pension rights. It is the responsibility of each Service's personnel management authority to advise eligible Service personnel of this option at the conclusion of their engagement or upon giving notice to terminate their service.

21.051 *Additional Voluntary contributions (AVCs) and Added Years.* In-scheme AVCs are not available in AFPS 05. AFPS 75 in-scheme AVCs or AFPS 05/AFPS 75 Added Years contracts will continue whilst full pay or SAP alone is in issue during OAL or the first 13 weeks of AAL unless a Serviceperson gives SPVA instructions in writing to cease deductions. Contributions will be based on the amount of pay or SMP received. If an overpayment has to be repaid because a Serviceperson who opts for OAL/AAL does not return to duty for a minimum period of 12 months, AVCs or Added Years made in respect of the period covered by such repayment will be refunded less a charge for tax or offset against the repayment due, as appropriate.

21.052 *Extensions of service in order to qualify for pension.* For AFPS 75 members it would be possible in certain circumstances for a Serviceperson to complete a 16-year commission or a 22-year engagement but not qualify for an Immediate Pension (IP)¹, or for AFPS 05 members to complete service to the Early Departure Payments (EDP) 18/40 Point but not qualify for an EDP. Where this is the case Service personnel may apply to extend their service by a period equivalent to the 13 weeks of unpaid AAL to enable them to qualify for an IP or EDP on completion of their commission/engagement that they would otherwise

¹ Eg where, because a Serviceperson takes AAL and the last 13 weeks are unpaid and therefore not reckonable for pension purposes, a Serviceperson does not complete their 16 year engagement.

forgo. There is no right to extend where the immediate payment of such benefits is not jeopardised. It is the responsibility of each Service's personnel management organisation to advise Service personnel when they are eligible to apply, at the conclusion of their engagement or upon giving notice to terminate their service, to extend their service to make up this shortfall in their pension rights.

CO-LOCATION OF SERVING PARENTS AND DEPLOYMENT OF SERVING PARENTS

21.053 It should be noted that if both adoptive parents are Service personnel there is a risk that it may not be possible for them to be co-located. The Service will endeavour not to deploy both serving parents of dependant children at the same time, where this does not affect operational capability. Reference should be made to single-Service arrangements on the deployment of parents.

CHILDCARE

21.054 Service personnel are responsible for making their own arrangements for the care of their children and for meeting the costs involved. Service personnel need to consider carefully how they will meet their Service commitments as well as the needs of their children. Assistance in obtaining details of OFSTED registered child minders and workplace crèches may be obtained from unit personnel management staffs/HIVE/SSFA etc.

CHILDCARE VOUCHER SCHEME

21.055 In Dec 07, MOD launched a childcare Voucher Scheme for all members of the UK Armed Forces on full time terms and conditions of service. The scheme provides access to tax efficient childcare vouchers through a salary sacrifice mechanism¹.

PRIVATE FOSTERING

21.056 Service personnel should note that if they leave their child (or children) in the care of another person for more than 28 days it becomes a private fostering arrangement. Legislation and guidance relating to private fostering has been established by the United Kingdom Government, the Scottish Executive and the Welsh Assembly to ensure that children who are being looked after under private arrangements are safeguarded by the supervision of an appropriate authority. Further details about private fostering are set out in DIN 2008DIN01-189.

FLEXIBLE WORKING PATTERNS

¹ The policy for the Armed Forces Childcare Voucher Scheme is set out in DIN 2010DIN01-219.

21.057 The Armed Forces do not offer part-time working. However, guidance on non-standard working hours (starting and finishing the working day at different times from those considered to the norm, but with no reduction in hours worked) is set out in a separate DIN¹

¹ Guidelines for Managing Non-Standard Working Hours for Members of the Armed Forces are set out in DIN 2005DIN02-012 published in Mar 05.

APPLICATION FOR ORDINARY ADOPTION LEAVE, ADDITIONAL ADOPTION LEAVE OR PARENTAL LEAVE – UK ADOPTIONS (EXCEPT PERSONNEL DUE TO LEAVE THE SERVICE)

(This form should be completed by a Serviceperson who is adopting a child and is intending to take a period of Ordinary Adoption Leave (OAL), Additional Adoption Leave (AAL) or Parental Leave. The form should be sent to the Serviceperson's Commanding Officer)

Caution: The provision of false information could lead to disciplinary and/or administrative action being taken

(complete as appropriate)

21A.001 I have read and understand the contents of the Adoption Leave Policy for Service Personnel in the Regular Armed Forces set out in JSP 760. I am adopting a child/children placed for adoption through a legally recognised adoption agency in the UK, for which I attach the matching certificate and details of the name and address of the adoption agency. I wish to take Adoption Leave and confirm that I had served for a minimum of 26 weeks of continuous service in the Armed Forces at the Matching Week, as defined in JSP 760.

21A.002 I confirm that I am not taking Paternity Leave and that I have elected to receive Statutory Adoption Pay and not Statutory Paternity Pay (Adoption).

21A.003 The date on which I was notified by the adoption agency that I had been matched with the child/children was (insert as appropriate).

21A.004 I expect the adoption placement to take place on (insert as appropriate)

21A.005 I intend to take (complete as appropriate):

- a. A period of OAL for weeks beginning on (OAL lasts for 26 weeks. You can choose how many weeks you wish to take)
- b. A period of OAL followed by AAL for weeks beginning on (AAL lasts for 26 weeks. The first 13 weeks are paid at the SAP rate. The remaining 13 weeks are unpaid. You can choose how many weeks you wish to take)

c. Unpaid Parental Leave for weeks beginning on
(You can choose to take from one to four weeks' unpaid leave)

21A.006 I expect to return to duty on

21A.007 I intend to return to work on completion of a period of adoption leave. I understand that under these circumstances every effort will be made to return me to the same post (if I so wish) provided that in so doing this does not have adverse or disproportionate effect on normal assignment arrangements or operational effectiveness. I also understand that where the other adoptive parent of the child/children is also a serving member of the Armed Forces, whilst the Service will try to enable us to serve in the same unit/locality/theatre and minimise absence from the family home/area at the same time, this may not always be possible, in order to meet the requirements of the Service.

21A.008 I understand that I may vary both my leave dates and my return to work date but must give at least 56 days' notice in writing.

21A.009 I understand the OAL and Statutory Adoption Pay (SAP) cannot start earlier than 14 days before the expected date of the placement of the child, nor later than the day on which the child or children is/are placed for adoption.

21A.010 If I qualify for Armed Forces Occupational Adoption Leave Scheme (AFOALS), I will be paid my full rate of pay for the 26 weeks of OAL, conditional on my returning to duty for a minimum period of 12 months after OAL/AAL/Parental Leave. If I do not return to duty for a minimum period of twelve months, I undertake to repay any outstanding charges and any pay paid to me under these arrangements above the rate of SAP. I also agree to repay any loan, advance of pay, bonuses, bounty or other sums owed to the MOD in accordance with the normal rules. I also understand that reimbursement of any bursary award, cadetship or external training course costs will be required in accordance with the normal rules for personnel who opt to leave the Service before completing the return of service to which they were committed.

21A.011 I understand that separate arrangements will apply if I undertake a separate adoption placement while I am on Adoption Leave. If a child or children is/are placed with me as part of a completely separate adoption placement whilst I am still on Adoption Leave in respect of a previous placement, I will only be paid additionally for the balance of the period of OAL for the separate placement that does not overlap with the period of OAL for the previous placement. I understand that in these circumstances, the maximum amount that will be paid in regard to the separate placement is the statutory adoption rate, regardless of my length of service.

21A.012 I understand that as an adoptive parent I will generally not be entitled to any special privileges and will be expected to perform my full range of

duties, including going on exercise, taking part in operational deployments, being drafted to sea (if so liable), undertaking unaccompanied or emergency tours.

21A.013 I understand that if I qualify for Adoption Leave with basic pay and am serving overseas and am in receipt of Local Overseas Allowance (LOA), I will no longer be eligible for this allowance if I choose to return to the UK. If I remain overseas during AAL, I understand that I will qualify for LOA during the 13 week period when AAL is paid at the Statutory Adoption Pay rate. The remaining 13 weeks of AAL, which are unpaid, will not qualify for LOA. I understand that this applies to any additional allowances that are based on a theatre's location.

21A.014 I understand that I may change my assignment preferences at any time and that if I wish to do so while on adoption leave I will do so through my personnel manning authority.

To be completed by the Serviceperson applying for adoption leave:

Signed:

Name:

Rank/Rate:

Service No:

Unit/Ship:

To be completed by the Commanding Officer and a copy returned to the applicant with written confirmation of entitlement/reply within 28 days of receipt of this form.

Signed:

Name:

Rank:

Date:

Confirmation/reply sent on:

Once completed by the Commanding Officer, the original of this letter should be sent by the relevant unit HR staffs to JPAC. A copy should also be sent to the Career Manager.

APPLICATION FOR ORDINARY ADOPTION LEAVE, ADDITIONAL ADOPTION LEAVE OR PARENTAL LEAVE – UK ADOPTIONS (PERSONNEL DUE TO LEAVE THE SERVICE)

(This form should be completed by a Serviceperson who is adopting a child/ and is intending to take a period of Ordinary Adoption Leave (OAL), Additional Adoption Leave (AAL) or Parental Leave prior to the expiry of their commission/engagement; on premature voluntary retirement/redundancy terms, or which occurs shortly after the adoption takes place)

Caution: The provision of false information could lead to disciplinary and/or administrative action being taken

(Complete as appropriate)

21B.001 I have read and understand the contents of the Adoption Leave Policy for Service Personnel in the Regular Armed Forces set out in JSP 760. I am adopting a child/children placed for adoption through a legally recognised adoption agency in the UK, for which I attach the matching certificate and wish to take the Adoption Leave to which I am entitled prior to the expiry of my commission/engagement; on premature voluntary retirement/redundancy terms, or which occurs shortly after the adoption takes place.

21B.002 I confirm that I am not taking Paternity Leave and that I have elected to receive Statutory Adoption Pay and not Statutory Paternity Pay (Adoption).

21B.003 I understand that although I may change the start and end dates of OAL and AAL by giving at least 56 days' notice in writing, this does not affect the date on which I leave the Service.

21B.004 I expect the adoption placement to take place on (insert as appropriate)

21B.005 Complete either a or b:

a. I shall be leaving the Service (complete as appropriate) on at the end of my commission/engagement/on redundancy

Or

b. Before official notification had been given of the placement for adoption, I had been authorised to leave the Service on PVR terms on (insert as appropriate) before completing my engagement/commission.

21B.006 Complete either a or b:

a. I intend to take OAL **only** starting on (insert as appropriate) before leaving the Service.

Or

b. I intend to take OAL and AAL starting on (insert as appropriate) before leaving the Service.

c. (if applicable) I also intend taking Parental Leave starting on (insert as appropriate) before leaving the Service.

21B.007 I understand that OAL cannot start earlier than 14 days before the expected date of the placement of the child or later than the day on which the child or children is/are placed for adoption. I also understand that OAL will be paid for the first six weeks at the rate of 90% of my basic weekly pay (but including any Specialist/Additional pay to which I may be entitled under the appropriate regulations) followed by statutory adoption pay for the remaining 20 weeks of OAL.

21B.008 I also agree to repay any loan, advance of pay, bonuses, bounty or other sums owed to the MOD in accordance with the normal rules. Reimbursement of bursary award, cadetship or external training course costs will be required in accordance with the normal rules for Service personnel who opt to leave the Armed Forces before completing the return of service commitment.

To be signed by the applicant:

Signed:

Name:

Rank/Rate:

Service No:

Unit/ship:

Date:

To be completed by the Commanding Officer and a copy returned to the applicant with written confirmation of entitlement/reply within 28 days of receipt of this form.

I confirm that the options available too (rank/rate)

..... (name) have been explained to him/her and arrangements for

his/her discharge on/by(insert date) will be completed

Signed:

Name:

Service No:

Unit/Ship:

Date:

Confirmation/reply sent

APPLICATION FOR ORDINARY ADOPTION LEAVE, ADDITIONAL ADOPTION LEAVE OR PARENTAL LEAVE – OVERSEAS ADOPTIONS (EXCEPT PERSONNEL DUE TO LEAVE THE SERVICE)

(This form should be completed by a Serviceperson who is adopting a child and is intending to take a period of Ordinary Adoption Leave (OAL), Additional Adoption Leave (AAL) or Parental Leave. The form should be sent to the Serviceperson's Commanding Officer)

Caution: The provision of false information could lead to disciplinary and/or administrative action being taken

(complete as appropriate)

21C.001 I have read and understand the contents of the Adoption Leave Policy for Service Personnel in the Regular Armed Forces set out in JSP 760. I am adopting a child/children from overseas and have received official notification confirming that the central authority has, or is prepared to, issue a certificate confirming that I am eligible to adopt and have been assessed and approved as being a suitable adoptive parent. I attach a copy of the Official Notification from the relevant UK authority. I wish to take Adoption Leave and confirm that I had served for a minimum of 26 weeks of continuous service in the Armed Forces at the Matching Week, as defined in JSP 760.

21C.002 I confirm that I am not taking Paternity Leave and that I have elected to receive Statutory Adoption Pay and not Statutory Paternity Pay (Adoption).

21C.003 The date on which I received Official Notification from the central authority¹ that they have agreed that I am suitable to adopt a child/children from overseas was (insert as appropriate).

21C.004 I also attach evidence of the child's date of entry into the UK. (Such as a plane ticket or a copy of the entry clearance documents).

21C.005 I expect the adoption placement to take place on (insert as appropriate)

21C.006 I intend to take (complete as appropriate):

¹ In England, the central authority will be the Department for Education, in Scotland it will be the Scottish Executive, in Wales it will be the Welsh Assembly.

- a. A period of OAL for weeks beginning on (OAL lasts for 26 weeks. You can choose how many weeks you wish to take)
- b. A period of OAL followed by AAL for weeks beginning on (AAL lasts for 26 weeks. The first 13 weeks are paid at the SAP rate. The remaining 13 weeks are unpaid. You can choose how many weeks you wish to take)
- c. Unpaid Parental Leave for weeks beginning on (You can choose to take from one to four weeks' unpaid leave)

21C.007 I expect to return to duty on

21C.008 I intend to return to work on completion of a period of adoption leave. I understand that under these circumstances every effort will be made to return me to the same post (if I so wish) provided that in so doing this does not have adverse or disproportionate effect on normal assignment arrangements or operational effectiveness. I also understand that where the other adoptive parent of the child/children is also a serving member of the Armed Forces, whilst the Service will try to enable us to serve in the same unit/locality/theatre and minimise absence from the family home/area at the same time, this may not always be possible, in order to meet the requirements of the Service.

21C.009 I understand that I may vary both my leave dates and my return to work date but must give at least 56 days' notice in writing.

21C.010 I understand the OAL and Statutory Adoption Pay (SAP) cannot start earlier than 14 days before the expected date of the placement of the child, nor later than the day on which the child or children is/are placed for adoption.

21C.011 If I qualify for the Armed Forces Occupational Adoption Leave Scheme (AFOALS), I will be paid my full rate of pay for the 26 weeks of OAL, conditional on my returning to duty for a minimum period of 12 months after OAL/AAL/Parental Leave. If I do not return to duty for a minimum period of twelve months, I undertake to repay any outstanding charges and any pay paid to me under these arrangements above the rate of SAP. I also agree to repay any loan, advance of pay, bonuses, bounty or other sums owed to the MOD in accordance with the normal rules. I also understand that reimbursement of any bursary award, cadetship or external training course costs will be required in accordance with the normal rules for personnel who opt to leave the Service before completing the return of service to which they were committed.

21C.012 I understand that separate arrangements will apply if I undertake a separate adoption placement while I am on Adoption Leave. If a child or children is/are placed with me as part of a completely separate adoption placement whilst

I am still on Adoption Leave in respect of a previous placement, I will only be paid additionally for the balance of the period of OAL for the separate placement that does not overlap with the period of OAL for the previous placement. I understand that in these circumstances, the maximum amount that will be paid in regard to the separate placement is the statutory adoption rate, regardless of my length of service.

21C.013 I understand that as an adoptive parent I will generally not be entitled to any special privileges and will be expected to perform my full range of duties, including going on exercise, taking part in operational deployments, being drafted to sea (if so liable), undertaking unaccompanied or emergency tours.

21C.014 I understand that if I qualify for Adoption Leave with basic pay and am serving overseas and am in receipt of Local Overseas Allowance (LOA), I will no longer be eligible for this allowance if I choose to return to the UK. If I remain overseas during AAL, I understand that I will qualify for LOA during the 13 week period when AAL is paid at the Statutory Adoption Pay rate. The remaining 13 weeks of AAL, which are unpaid, will not qualify for LOA. I understand that this applies to any additional allowances that are based on a theatre's location.

21C.015 I understand that I may change my assignment preferences at any time and that if I wish to do so while on adoption leave I will do so through my personnel manning authority.

To be completed by the Serviceperson applying for adoption leave:

Signed:

Name:

Rank/Rate:

Service No:

Unit/Ship:

To be completed by the Commanding Officer and a copy returned to the applicant with written confirmation of entitlement/reply within 28 days of receipt of this form.

Signed:

Name:

Rank:

Date:

Confirmation/reply sent on:

Once completed by the Commanding Officer, the original of this letter should be sent by the relevant unit HR staffs to JPAC. A copy should also be sent to the Career Manager.

APPLICATION FOR ORDINARY ADOPTION LEAVE, ADDITIONAL ADOPTION LEAVE OR PARENTAL LEAVE – OVERSEAS ADOPTIONS (PERSONNEL DUE TO LEAVE THE SERVICE)

(This form should be completed by a Serviceperson who is adopting a child from overseas and is intending to take a period of Ordinary Adoption Leave (OAL), Additional Adoption Leave (AAL) or Parental Leave prior to the expiry of their commission/engagement; on premature voluntary retirement/redundancy terms, or which occurs shortly after the adoption takes place)

Caution: The provision of false information could lead to disciplinary and/or administrative action being taken

(Complete as appropriate)

21D.001 I have read and understand the contents of the Adoption Leave Policy for Service Personnel in the Regular Armed Forces set out in JSP 760. I am adopting a child/children from overseas and have received official notification confirming that the central authority has, or is prepared to, issue a certificate confirming that I am eligible to adopt and have been assessed and approved as being a suitable adoptive parent. I attach a copy of the Official Notification from the relevant UK authority. I wish to take the Adoption Leave to which I am entitled prior to the expiry of my commission/engagement; on premature voluntary retirement/redundancy terms, or which occurs shortly after the adoption takes place.

21D.002 I confirm that I am not taking Paternity Leave and that I have elected to receive Statutory Adoption Pay and not Statutory Paternity Pay (Adoption).

21D.003 I understand that although I may change the start and end dates of OAL and AAL by giving at least 56 days' notice in writing, this does not affect the date on which I leave the Service.

21D.004 I expect the adoption placement to take place on (insert as appropriate)

21D.005 Complete either a or b:

a. I shall be leaving the Service (complete as appropriate) on at the end of my commission/engagement/on redundancy

Or

b. Before official notification had been given of the placement for adoption, I had been authorised to leave the Service on PVR terms on (insert as appropriate) before completing my engagement/commission.

21D.006 Complete either a or b:

a. I intend to take OAL **only** starting on (insert as appropriate) before leaving the Service.

Or

b. I intend to take OAL and SSL starting on (insert as appropriate) before leaving the Service.

c. (if applicable) I also intend taking Parental Leave starting on (insert as appropriate) before leaving the Service.

21D.007 I understand that OAL cannot start earlier than 14 days before the expected date of the placement of the child or later than the day on which the child or children is/are placed for adoption. I also understand that OAL will be paid for the first six weeks at the rate of 90% of my basic weekly pay (but including any Specialist/Additional pay to which I may be entitled under the appropriate regulations) followed by statutory adoption pay for the remaining 20 weeks of OAL.

21D.008 I also agree to repay any loan, advance of pay, bonuses, bounty or other sums owed to the MOD in accordance with the normal rules. Reimbursement of bursary award, cadetship or external training course costs will be required in accordance with the normal rules for Service personnel who opt to leave the Armed Forces before completing the return of service commitment.

To be signed by the applicant:

Signed:

Name:

Rank/Rate:

Service No:

Unit/ship:

Date:

To be completed by the Commanding Officer and a copy returned to the applicant with written confirmation of entitlement/reply within 28 days of receipt of this form.

I confirm that the options available too (rank/rate)

..... (name) have been explained to him/her and arrangements for

his/her discharge on/by(insert date) will be completed

Signed:

Name:

Service No:

Unit/Ship:

Date:

Confirmation/reply sent

ANNEX E

**DEFERRAL OF ADOPTION LEAVE OR EMERGENCY RECALL FROM
ADOPTION LEAVE (To be completed by an officer of at least OF3 rank)**

Adoption Leave has been deferred for the following reason(s):

Signed:

Name: Rank:

Date:

AGREEMENT TO DEFERRED ADOPTION LEAVE DATES

The following dates have been agreed in lieu of the denied period originally requested:

From: To:
.....

Applicant's signature:

.....

Commanding Officer's Signature:

.....

Date:

RECORD OF EMERGENCY RECALL FROM ADOPTION LEAVE

Date of Emergency Recall from Adoption Leave:

.....

Remaining Adoption Leave Entitlement:

.....

Commanding Officer's signature:

Date:

ACTION BY UNIT HR STAFF

It is certified that these details have been entered in the Serviceperson's Service records.

Signature: Date:

.....

Name:

.....

.....

Rank: Assignment:

.....

22. PATERNITY LEAVE

ARRANGEMENTS

22.001 Paternity Leave is given to recognise the birth of a child or the adoption of a child (where the Service person applying for Paternity Leave is not taking Adoption Leave). In circumstances where there are complications with a pregnancy or childbirth, the grant of compassionate leave might be considered appropriate in accordance with normal welfare procedures. Where there are no such complications, Paternity Leave is to be the only form of leave given to personnel to recognise the birth of a child.

22.002 With effect from 3 Apr 11, new statutory regulations will apply for Paternity Leave and these will be mirrored by the Armed Forces Occupational Paternity Leave Scheme (AFOPLS). The changes apply to Service personnel who are the fathers of babies due on or after 3 Apr 11 and/or the husband, civil partner or partner (including same-sex partner) of a woman who is due to give birth to a child on or after 3 Apr. In the case of adoption, it applies to Service personnel who are matched with a child for adoption on or after 3 Apr 11 and are married to, or are the civil partner, or partner of the child's co-adopter (ie the adopter who has chosen to take adoption leave).

22.003 From 3 Apr 11 two types of Paternity Leave will be available. These are: Ordinary Paternity Leave (OPL) and Additional Paternity Leave (APL). The two weeks of paid paternity leave (ie 14 days on basic weekly pay rate, but including Specialist Pay to which the Service person is entitled) which is available to qualifying Service personnel at the time of the birth of a child, or in the case of adoption, the placement of a child, will continue to be available, but will be known as OPL. The AFOPLS will also allow qualifying personnel (usually fathers) to take up to 26 weeks of APL in order to care for their new child in the first year of the child's life or the first year after a child's placement for adoption, and in some cases, to receive Additional Statutory Paternity Pay (ASPP). It should be noted that to qualify for APL and ASPP Service personnel must meet certain qualifying criteria, the first being that this type of leave and pay is only available if the child's mother or the co-adopter has returned to work with at least two weeks of unexpired maternity or adoption leave entitlement remaining.

ORDINARY PATERNITY LEAVE (OPL) ON THE BIRTH OF A CHILD

22.004 The entitlement to 2 weeks of OPL will apply to a Service person who is:

a. The biological father of the child with the responsibility for the child's upbringing;

or

b. A Service person who is not the biological parent of the child but is married to or in a civil partnership with the mother and has or will have (apart from any responsibility of the mother) the main responsibility for the upbringing of the child;

or

c. A Service person who is not the biological parent of the child but who lives with the mother and the child in an enduring family relationship and is not an immediate relative of the mother and has or will have (apart from any responsibility of the mother) the main responsibility for the upbringing of the child. An immediate relative includes a parent, grandparent, sister, brother, aunt or uncle.

22.005 The following conditions will also apply:

a. The Service person claiming OPL must have served in the Armed Forces continuously for a period of not less than 26 weeks by the end of the 15th week before the start of the week when the baby is due (the expected week of childbirth). It should be noted that the 26 weeks of continuous service period is calculated on the basis of a week running from Sunday to Saturday. For example, if a Service person joined the Services on a Wednesday, the 26 week period will be calculated as starting from the preceding Sunday.

b. Serving applicants are to notify their Commanding Officer (CO), of their planned dates for OPL using the form at Annex A, ordinarily by no later than 15 weeks before the beginning of the week of the expected birth date of the child. Only in cases where it is not reasonably practicable to give at least 15 weeks notice will a shorter period of advance notice be accepted. It is stressed that COs have discretion to defer OPL if operational circumstances require this. A decision to defer OPL is to be given in writing as soon as possible (using Annex A), with an explanation of the reasons for this. It should also be emphasised that in an emergency, personnel can be recalled from OPL if it is considered that the absence of the Service person concerned would adversely affect operational effectiveness.

c. OPL cannot start before the child is born. It can start on any day of the week from the date of the birth of the child. The start date for OPL must be clearly indicated in the form at Annex A, submitted to the

CO as required by para 22.005b above. The 2 weeks of OPL can be taken consecutively, or as 2 separate weeks, provided that all OPL is taken within 56 days of the child's birth (unless it is necessary for a CO to defer OPL for operational reasons). OPL must be taken in blocks of a minimum of one week. If a CO has to defer OPL, the leave should be granted as soon as possible thereafter, when operational circumstances permit. If the Service person concerned has to be recalled from OPL for emergency reasons, the outstanding balance of the leave entitlement should be granted as soon as possible thereafter, when operational circumstances permit. This is the only occasion, except in the case of part-time personnel, when less than one week's OPL may be taken in a single block if the outstanding balance is less than one week.

d. If the Service person concerned has to make an unavoidable late alteration to the planned OPL dates, the CO should be notified at least 28 days before the first day of the expected week of the child's birth, or if that is not reasonably practicable, as soon as possible beforehand. In the case of a premature birth, OPL can be granted immediately by the CO, provided that operational circumstances allow for this. In cases where the baby is born before the week it was due, OPL must finish within 56 days of the first day of the week of birth.

e. The period of OPL must be used only for the purpose of caring for a child or supporting the child's mother.

22.006 The following points should also be noted:

a. The 2 weeks of Paternity Leave entitlement applies in respect of each pregnancy. In the case of a multiple birth (eg twins), only one period of OPL will be allowed in total. Insofar as leave calculation is concerned, the date of birth will be regarded as the day on which the first child of the pregnancy was born.

b. The entitlement to OPL will apply in respect of a child stillborn after 24 weeks of pregnancy or born alive at any point of the pregnancy. COs will, however, retain discretion to grant Compassionate Leave as necessary in these or other circumstances of birth.

c. Service personnel are reminded of the requirement to notify their unit HR administration staff of any changes to their family circumstances that will result in a change in their PStatCat. (JSP 752 para 01.0114 refers)

OPL IN ADOPTION CASES

22.007 In relation to a child placed for adoption, if one of the adopting parents decides to take Adoption Leave, the other (not necessarily a male parent) is entitled (subject to meeting the qualifying criteria) to take the equivalent 2 weeks of OPL on basic weekly pay rate, but including Specialist Pay to which the Service person concerned is entitled under the appropriate regulations (but see Para 22.013 below regarding personnel on part-time service). The entitlement will apply to a person who is:

- a. Married to or in a civil partnership with the child's adopter (alternatively where there are 2 adopters, married to or in a civil partnership with the co-adopter); or
- b. A Service person living with the adopter in an enduring family relationship (but who is not a relative of the adopter); or
- c. In a case where there are 2 adopters, the adopter claiming OPL is a Service person living with the other adopter in an enduring family relationship (but is not a relative of the other adopter).

22.008 In all situations the person applying for OPL must have, or expect to have (apart from any responsibility of the adopter or, where there are 2 adopters, together with the co-adopter) the main responsibility for the upbringing of the child.

22.009 The following conditions will also apply:

- a. In adoption cases, the Service person applying for OPL must have served in the Armed Forces continuously for at least 26 weeks before the beginning of the week in which the child's adopter is matched with the child for the purpose of adoption;
- b. The Service person applying for OPL has, or expects to have, responsibility for the upbringing of the child, but is not taking Adoption Leave;
- c. The OPL entitlement applies only to an adoption placement through a legally recognised adoption agency. It does not apply to Service personnel who: arrange a private adoption; become a special guardian; or adopt a stepchild;
- d. The Service applicant planning to take OPL in an adoption case should forewarn their CO of the likely requirement at as early a stage as possible. Since a placement date can be arranged at short notice, it is important that close liaison is maintained between the Service person concerned and their CO on this matter. When the date on which the adopted child is expected to be placed with the adopter is

known (or if the placement has already occurred), the Service person concerned must notify their CO of the actual dates on which OPL is planned to be taken using the form at Annex B below. This must be done as quickly as circumstances allow, and at least 28 days' notice should be given unless this is not reasonably practicable in the circumstances. COs have discretion to defer OPL in adoption cases if operational circumstances require this. A decision to defer OPL in an adoption case is to be communicated in writing as soon as possible, with an explanation of the reasons for this. In an emergency, personnel can be recalled from OPL in an adoption case, if it is considered that the absence of the Service person concerned would adversely affect operational effectiveness.

e. OPL in an adoption case can start from the date on which the child is placed with the adopter or from a predetermined later point chosen by the Service person concerned which is later than the first day of the expected week of the child's placement. The intended start point for Adoption Leave must be clearly indicated in the form at Annex B below, submitted to the CO as required by para 9(d) above. The 2 weeks of OPL can be taken consecutively, or as 2 separate weeks, provided that all OPL is taken during a period ending 56 days after the placement of the child – unless it is necessary to defer the OPL for operational reasons. OPL in an adoption case must be taken in blocks of a minimum of one week (but see later in this sub-para regarding recall from Paternity Leave in adoption cases for emergency reasons, and para 22.013 and 22.014 on part-time service). If a CO has to defer OPL beyond that point, the leave should be granted as soon as possible thereafter, when operational circumstances permit. If it is necessary for a Service person to be recalled from OPL in an adoption case for emergency reasons, the outstanding balance of the entitlement should be granted as soon as possible thereafter, when operational circumstances permit. This is the only occasion, except in the case of part-time personnel, when less than one week's OPL in an adoption case may be taken in a single block if the outstanding balance amounts to less than one week.

f. If the Service person applying for OPL has to make an unavoidably late alteration to the planned OPL dates, COs should be notified as quickly as possible, and at least 28 days before the first day of the placement of the child with the adopter, or before the planned commencement date of the leave. If those timescales are not reasonably practicable, COs should be notified soon as possible beforehand.

g. OPL in adoption cases is to be used only for the purpose of caring for an adopted child or supporting the child's adopter.

22.010 If more than one child is adopted as part of the same placement arrangement, only one period of OPL will be allowed in total. If other children are adopted as part of separate placement arrangements over a period of time, then there would be an entitlement in respect of each separate placement.

22.011 Following formal notification of the placement date, if the adoption is cancelled or terminated, or if the child dies before the planned day of placement, entitlement to OPL will still apply to help both adopting parents concerned to adjust and come to terms with the situation. COs will, however, retain discretion to grant Compassionate Leave in these circumstances, if necessary.

SENIORITY AND PENSION RIGHTS

22.012 Seniority and pension rights are unaffected by taking OPL.

RESERVISTS AND PART-TIME DUTIES

22.013 Members of the Reserve Forces and Service personnel with a recall liability are eligible to apply for OPL when called out or recalled to permanent service, or serving on Full Time Reserve Service under section 24 of the Reserve Forces Act 1996 or serving an Additional Duties Commitment under section 25 of the Reserve Forces Act 1996.

22.014 As indicated in para 22.005c above, OPL must be taken in minimum blocks of one week. In the case of personnel serving on a part-time basis, such as reservists serving on Additional Duties Commitments (ADCs) for part of a week, who are eligible for OPL in all other respects, the balance of the OPL entitlement within any 7 day period, which would not ordinarily be spent on Service duties, will have to be claimed from the relevant civilian employer. Paternity Pay will only be given by the Services for the number of days during the OPL period that the Service person would otherwise have spent on Service duties. The total amount of OPL available in respect of each birth or adoption placement, whether granted by the Services or civilian employers, is 2 weeks.

QUERIES REGARDING ENTITLEMENT IN INDIVIDUAL CASES

22.015 If clarification about entitlement to OPL is required in individual cases, the appropriate single Service Chains of Command should be consulted. Appropriate documentation is to be produced to prove that the Service person has paternal responsibility for the child in question. Making a false application for OPL, for example where the Service person does not have the main responsibility for caring for the child (apart from the mother or co-adopter), could lead to disciplinary and/or administrative action being taken.

ADDITIONAL PATERNITY/ADOPTION LEAVE AND PAY

22.016 With effect from 3 Apr 11, the AFOPLS will allow qualifying personnel (usually fathers) to take up to 26 weeks of Additional Paternity Leave (APL) in order to care for their new child in the first year of the child's life or the first year after a child's placement for adoption and, in some cases, to receive Additional Statutory Paternity Pay (ASPP). In the case of births, Additional Paternity Leave and Pay (APL&P) applies to Service personnel who are the fathers of babies due on or after 3 Apr 11 and/or the husband, civil partner or partner (including same-sex partner) of a woman who is due to give birth to a child on or after 3 Apr 11. In the case of adoptions, it applies to Service personnel who are matched with a child for adoption on or after 3 Apr 11 and are married to, or are the civil partner or partner of the child's co-adopter (ie the adopter who has chosen to take adoption leave). To qualify for APL&P, personnel must meet certain qualifying criteria, the first being that this type of leave and pay is only available if the child's mother or the co-adopter has returned to work with at least two weeks of unexpired maternity or adoption leave entitlement remaining¹.

22.017 Service personnel have an entitlement under law to receive ASPP, provided that they meet the qualifying criteria, but are not entitled under law to APL². However, provision for APL broadly equating to the statutory arrangements is made by the AFOPLS. Any reference in these regulations to APL is to paternity leave under this occupational paternity leave scheme, not to statutory arrangements.

DEFERRAL OF APL

22.018 Members of the Armed Forces have an underlying commitment to be available at any time to serve at short notice both in the UK and on deployments overseas. For this reason, as is the case with OPL, COs have discretion to defer APL taken under the AFOPLS if operational circumstances require this. Personnel may also be recalled from APL if this is required for operational reasons. A decision to defer APL or to recall an individual from APL is to be given in writing as soon as reasonably practicable, with an explanation of the reason for the deferral or recall, using the form at Annex F. If a CO has to defer APL, the leave should be granted as soon as reasonably practicable thereafter, when operational circumstances permit. If a Service person has to be recalled from APL for emergency reasons, the outstanding balance of APL should be granted as soon as reasonably practicable thereafter.

22.019 The total entitlement to APL should be completed before the child's first birthday or one year after the child's placement for adoption began, unless

¹ See however paras 22.048-22.055 for special provisions which apply in the event of the death of the mother or co-adopter.

² The Additional Paternity Leave Regulations 2010 (SI No 2010/1055) do not apply to the Armed Forces.

this is not possible for Service reasons. (See also paragraph 22.037 about the effect of deferral of leave on ASPP).

APL – BIRTHS

22.020 Qualifying Service personnel will be able to take up to 26 weeks of APL. APL can only be taken if the mother of the child has returned to work (special provisions apply however in the event of the death of the mother, see paras 22.048-22.055). A return to work means that the mother has resumed working and has ceased claiming maternity pay. A period of annual, sick or parental leave directly after the maternity leave but during the mother's Statutory Maternity Pay (SMP) or Maternity Allowance (MA) period is not a return to work. Once the mother has returned to work any subsequent period of leave does not affect a Service person's entitlement to APL or ASPP.

ELIGIBILITY FOR APL&P ON THE BIRTH OF A CHILD

22.021 To be eligible for APL under AFOPLS a Service person must meet the following criteria:

- a. be the father of a baby due on or after 3 Apr 11;
- b. be the husband, civil partner or partner¹ (including same-sex partner) of a woman who is due to give birth on or after 3 Apr 11;
- c. they must have, or expect to have, the main responsibility for the baby's upbringing apart from any responsibility of the mother;
- d. they must have 26 weeks of continuous service in the Armed Forces ending with the 15th week before the expected week of childbirth (EWC) (which is known as the Qualifying Week)²;
- e. they must continue to serve in the Armed Forces from the Qualifying Week into the week before they wish to take APL (weeks run Sunday to Saturday);

¹ In the context of an application for APL as part of the AFOPLS, a partner (whether of a different sex or the same sex) is defined as someone who lives with the mother of the child or the child's co-adopter in an enduring family relationship, but is not an immediate relative (the relatives of a child's mother or adopter defined as such are the mother's or adopter's parent, grandparent, sister, brother, aunt or uncle). Making a false application for APL/ASPP, for example where the Service person does not have the main responsibility for caring for the child (apart from the mother or co-adopter), could lead to disciplinary and/or administrative action being taken.

² This does not apply to Phase 1 trainees, who are not eligible for APL.

- f. they must be taking the time off in order to care for the child;
- g. in addition, the baby's mother must:
 - (1) be entitled to maternity leave; SMP or MA;
 - (2) return to work with at least two weeks of unexpired statutory maternity leave entitlement remaining.

TIMING AND DURATION OF APL

22.022 APL must be taken during the first year of the child's life (unless this is not possible for Service reasons, see para 22.019 above) and can begin any time from 20 weeks after the date on which the child is born, subject to meeting the condition that the mother has returned to work and has ceased claiming maternity pay. The minimum period of APL which may be taken is two consecutive weeks. The maximum amount of APL which can be taken is 26 weeks. APL should be taken in multiples of complete weeks, unless this is not possible for Service reasons and must be taken as one continuous period of leave. (See however paragraph 22.018 above about deferral of the start of APL and recall from APL for operational reasons)

MULTIPLE BIRTHS

22.023 There is only an entitlement to one period of APL regardless of the number of children resulting from a single pregnancy.

APL – ADOPTIONS

22.024 APL must be taken during the first year after the child's placement for adoption (unless this is not possible for Service reasons, see para 22.019 above) and can begin any time from 20 weeks after the date of the child's placement, subject to meeting the condition that the co-adopter has returned to work and has ceased claiming adoption pay. The minimum period of APL which can be taken is two consecutive weeks. The maximum amount of APL which can be taken is 26 weeks. APL should be taken in multiples of complete weeks, unless this is not possible for Service reasons and must be taken as one continuous period of leave. (See however para 22.018 above about deferral of the start of APL and recall from APL for operational reasons). Qualifying personnel will be able to take up to 26 weeks of APL after the child starts living with the adopter (is placed for adoption) in the case of UK adoptions; or the child arrives in Great Britain from overseas in the case of overseas adoptions.

ELIGIBILITY FOR APL&P ON THE ADOPTION OF A CHILD

22.025 To qualify for APL under the AFOPLS on the adoption of a child the following criteria must be met:

- a. the Service person must be married to or be the civil partner or the partner¹ (including same-sex partner) or civil partner of the co-adopter (the co-adopter is the adopter who has chosen to take adoption leave);
- b. in the case of UK adoptions, the Service person must have been matched with a child for adoption on or after 3 Apr 11 (the Qualifying Week is the week they are matched for adoption);
- c. in the case of overseas adoptions, the child must have entered Great Britain on or after 3 Apr 11 (the Qualifying Week is the later of either the week official notification was received, or the Service person's 26th week of continuous service in the Armed Forces);
- d. the Service person must not have taken adoption leave or pay;
- e. the Service person must have served in the Armed Forces continuously for at least 26 weeks ending with their Qualifying Week – for overseas adoptions this must be before the child entered Great Britain (see however footnote 4);
- f. the Service person must continue to serve in the Armed Forces from the Qualifying Week into the week before they wish to take APL (which runs Sunday to Saturday);
- g. the Service person must be taking time off in order to care for the child.

22.026 In addition, the co-adopter must also be entitled to adoption leave and pay and return to work at least two weeks after the child's placement for adoption. A return to work means the co-adopter has returned to work and has ceased claiming adoption pay. A period of annual or parental leave directly after the adoption leave is not a return to work. Once the co-adopter has returned to work any subsequent period of leave does not affect entitlement to APL or ASPP.

22.027 In all situations the person applying for APL must have, or expect to have apart from any responsibility of the co-adopter, the main responsibility for the upbringing of the child.

¹ See footnote 3.

OFFICIAL NOTIFICATION FOR OVERSEAS ADOPTIONS

22.028 For overseas adoptions, a Service person wishing to take APL must also have received official notification relating to the adoption. Official notification is written notification issued by, or on behalf of, the central authority (in England the central authority will be the Department for Education; in Scotland it will be the Scottish Executive; in Wales it will be the Welsh Assembly). The official notification must state that the authority:

- a. is prepared to issue a certificate to the overseas authority dealing with the adoption of the child and/or has issued a certificate and sent it to that authority;
- b. confirms that the co-adopter is eligible to adopt and has been approved as being a suitable adoptive parent.

OVERSEAS ADOPTIONS – PERSONNEL SERVING OVERSEAS

22.029 APL and ASPP will be available to Service personnel serving in overseas commands who adopt a child through an accredited adoption agency such as the SSAFA Forces Help Voluntary Adoptions Agency, subject to meeting the qualifying criteria for APL and ASPP set out above.

MULTIPLE ADOPTIONS

22.030 A Service person is only entitled to one period of APL regardless of the number of children matched with them at the same time or adopted from overseas as part of the same arrangement.

ADDITIONAL STATUTORY PATERNITY PAY

22.031 Additional Statutory Paternity Pay (ASPP) is payable to eligible Service personnel who meet the eligibility criteria for APL and:

- a. they are taking time off in order to care for their child during their spouse's, civil partner's or partner's 39-week SMP, MA or Statutory Adoption Pay (SAP) period;
- b. their spouse, civil partner or partner has returned to work.

22.032 The current rate of ASPP is the lower of either:

- a. the standard weekly rate of SMP, MA or SAP (£124.88 since 4 Apr 10, rising to £128.73 from 6 Apr 11);
- b. 90 per cent of the Service person's average weekly earnings.

QUALIFYING CRITERIA FOR ASPP

22.033 To qualify for ASPP a Service person must have:

- a. average weekly earnings at or above the lower earnings limit¹ for National Insurance contributions in force at the end of the Qualifying Week;
- b. at least two weeks of the mother's or co-adopter's SMP, MA or SAP period remaining.

CALCULATION OF AVERAGE WEEKLY EARNINGS

22.034 Information on how to calculate Average Weekly Earnings (AWE) is set out in Annex L.

QUALIFYING WEEK

22.035 The Qualifying Week is either:

- a. the 15th week before the expected date of birth;
- b. the week the adopter was matched with a child for adoption (in the case of UK adoptions);
- c. the later date of either: the end of the week in which official notification is received or the end of the week in which the Service person completed 26 weeks of continuous service in the Armed Forces (in the case of overseas adoptions).

START AND DURATION OF ASPP

22.036 If a Service person qualifies for ASPP and the mother or co-adopter has returned to work, it is payable from 20 weeks after the child was born, or placed for adoption. ASPP is only payable during the mother's or co-adopter's

¹ The lower earnings limit for FY 2010/2011 is £97 per week, rising to £102 in FY 2011/2012 from 6 Apr 11.

SMP, MA or SAP period, which runs for 39 weeks from the date the mother or co-adopter started receiving their pay. However, in the event of the mother's or co-adopter's death, ASPP can, in some circumstances, be paid from the date of their death (See para 22.048).

22.037 There must be at least two weeks of the SMP, MA or SAP pay period remaining when ASPP starts. As ASPP cannot continue beyond the end of the SMP, MA or SAP period, any payments made to Service personnel after this period because of the need to postpone APL for Service reasons will count as occupational pay, not statutory pay.

SPECIALIST PAY

22.038 Specialist Pay will not be payable when ASPP is payable. (See para 22.061 concerning the payment of Specialist Pay when KIT Days are taken during APL).

SALARY SACRIFICE AND ARMED FORCES' CHILDCARE VOUCHER SCHEME

22.039 Service personnel who are members of the Armed Forces' Childcare Voucher Scheme¹ should note that ASPP is based upon their earnings and is assessed on an individual's actual cash salary paid between certain weeks before the expected week of birth. If childcare vouchers are taken in the period when ASPP is being calculated, then an individual's ASPP may be affected. Service personnel are advised to check what the impact of going on APL may have on the childcare vouchers they receive.

DEDUCTIONS FROM PAY

22.040 While ASPP is paid, deductions from pay, such as repayment of loans, advances of pay, messing and accommodation charges will continue to be made. Voluntary payments to Service benevolent funds and insurance schemes eg PAX, SLI, etc will continue to be deducted while ASPP is payable unless a Service person gives SPVA written instructions to cease deductions. When ASPP is no longer payable, or is insufficient to cover repayment of sums owed to the MOD, the balance of payments due to the MOD will be suspended. When ASPP is no longer payable, or is insufficient to cover voluntary payments these will become the Serviceperson's personal responsibility and he or she should make their own arrangements to pay them.

¹ Details of the Armed Forces Childcare Voucher Scheme are set out in DIN 2010DIN01-219

NOTIFICATION REQUIREMENTS FOR APL/ASPP

22.041 To qualify for APL/ASPP a Serviceperson must notify their CO in writing of the planned leave dates at least 8 weeks before the start date of the leave by completing an application form at Annex C in the case of births, Annex G for UK adoptions and Annex I for overseas adoptions. The Service person must provide the following information:

- a. the expected date of the child's birth; or the date of notification of being matched for adoption; or the date official notification was received;
- b. the actual date of the baby's birth, placement for adoption or the actual date the child entered Great Britain;
- c. the intended start date of the APL and ASPP;
- d. the date that the ASPP is expected to end (if applicable);
- e. the date that APL is expected to end;

22.042 The Service person applying for APL/ASPP must sign the declaration at the bottom of the relevant form declaring that:

- a. the purpose of the leave will be to care for the child;
- b. they are the father of the child or the husband, civil partner or partner (including same-sex partner) of the child's mother or the co-adopter, as the case may be; and
- c. they have, or expect to have, the main responsibility for the upbringing of the child apart from the mother or co-adopter, or they have been matched for adoption with the child, as the case may be.

DECLARATION BY MOTHER OR CO-ADOPTER

22.043 The child's mother or co-adopter must also provide a signed declaration using the form at Annex D for births, Annex H for UK adoptions or Annex J for overseas adoptions.

ADDITIONAL INFORMATION

22.044 The Service may, within 28 days of receiving the written application for APL, request additional information from the Service person to support their application. If requested to do so, the Service person must provide this

additional information within 28 days of the request in order for their application for APL to be valid. The information which the Service can request is:

- a. (in the case of births) the child's birth certificate;
- b. (in the case of UK adoptions) documents from the adoption agency that show the name and address of the agency; the date on which the Service person was notified of having been matched for adoption and the date that the agency was expecting the placement to begin; or
- c. (in the case of overseas adoptions) the official notification from the central authority (in England the central authority will be the Department for Education; in Scotland it will be the Scottish Executive; in Wales it will be the Welsh Assembly) and documentation proving that the child entered Great Britain.
- d. the name and address of the mother's or co-adopter's employer, or their business address if they are self-employed.

CONFIRMING ENTITLEMENT TO ADDITIONAL PATERNITY LEAVE AND PAY

22.045 The Service person's CO must countersign the application form for APL and return a copy to the Service person within 28 days of receipt, together with a letter of acknowledgement (in the form of Annex E) confirming the dates of the APL and any entitlement to ASPP.

22.046 Service personnel who apply to take a period of APL, and if applicable, to receive ASPP are required to sign a declaration. In signing that declaration, the Service person confirms that the information they have provided is correct and acknowledges that the provision of false information could lead to disciplinary and/or administrative action being taken. Unit HR Administration staffs may however check with the mother's or co-adopter's employer to verify their entitlement to SMP, MA or SAP; or to confirm that they have returned to work.

CHANGE IN ENTITLEMENT TO APL OR VARIATION OR CANCELLATION OF LEAVE BEFORE LEAVE HAS BEGUN

22.047 If a Service person's circumstances change and they wish to change the date of their APL, or if they no longer wish to take it, they must provide their CO with at least 6 weeks' written notice of the change. If 6 weeks' notice of the change is not given and it is not possible for the Service to

accommodate the change, the Service may insist that the Service person takes a period of unpaid leave.

SPECIAL PROVISIONS IN THE EVENT OF THE DEATH OF THE MOTHER OR ADOPTER

22.048 In the event of the death of the mother or co-adopter before the child's first birthday or during the first year of placement, special terms may apply for APL. Provided that a Service person has not already taken their period of APL at the time of the death of the mother or co-adopter, they will be able to request extended APL. The extended APL can be for any period from the date of the death of the mother or co-adopter until the child's first birthday or the first anniversary of the placement. ASPP would be payable throughout the mother or co-adopter's SMP, MA or SAP pay period.

22.049 If a Service person has already completed their period of APL for their child they cannot request extended APL if the mother or co-adopter dies. If the Service person is already on APL, they may request to extend the period of leave until the child's first birthday or the first anniversary of the child's placement.

22.050 The qualifying criteria for APL&P in the event of the death of the mother or co-adopter are essentially the same for APL in normal circumstances. If the mother or co-adopter had not returned to work before their death then there may be an entitlement to APL&P.

NOTIFICATION REQUIREMENTS IN THE CASE OF THE DEATH OF THE MOTHER OR CO-ADOPTER

22.051 A Service person who wishes to take APL in the event of the death of the mother or co-adopter must inform their CO of the death as soon as reasonably practical. APL can start in the 8 weeks after the death so long as the Service person has informed their CO of the death. This must be followed up by a written application using the form at Annex J to take APL within 8 weeks of the mother's or co-adopter's death. APL does not have to start within 8 weeks of the mother's or co-adopter's death. If a Service person wishes to start their APL later than 8 weeks after the death, they can still apply for APL, provided they give 6 weeks' notice of the date when the leave starts. COs should send a letter of acknowledgement within 28 days of the application confirming the dates of APL and any entitlement to ASPP.

22.052 A written application to take APL on the death of the mother or co-adopter must include the following information:

- a. the expected date of the baby's birth or the date they were notified of being matched for adoption or received official notification;
- b. the actual date of the baby's birth, placement for adoption or the date the child entered Great Britain;
- c. the start date for the APL&P;
- d. the end date for the applicant's ASPP (if applicable);
- e. the date the applicant's APL is expected to end.

22.053 The Service person must also provide a signed declaration stating:

- a. the mother's/co-adopter's name, address (including postcode) and National Insurance number;
- b. the date of the mother's or co-adopter's death;
- c. the purpose of the leave will be to care for the child;
- d. they are the father of the child or were matched for adoption with the child and/or they were the husband, civil partner or partner (including same sex partner) of the child's mother or co-adopter;
- e. in the case of UK adoptions, they were matched with the child;
- f. they have, or expect to have, the main responsibility for the upbringing of the child;
- g. the date the mother's SMP, MA or SAP pay period started or would have started (if applicable).

22.054 It should be noted that there is no right to extended APL under the AFOPLS and each application for extended APL will be judged on its own merits. Service personnel who become lone parents or carers because of the death of their spouse or partner will need to consider carefully how they will continue to meet their Service commitments as well as the needs of their children and should seek advice from single-Service welfare units.

22.055 As an alternative to extended APL under the AFOPLS, Service personnel may instead apply for Compassionate Leave. The amount of Compassionate Leave which may be awarded rests with COs and should only exceed 4 weeks in exceptional circumstances. Further information about Compassionate Leave is detailed above in chapter 16.

OTHER GENERAL PROVISIONS AND PROCEDURES RELEVANT TO BIRTHS AND ADOPTIONS

MOTHER OR CO-ADOPTER IS MADE REDUNDANT OR DISMISSED FOR ANY OTHER REASON

22.056 If the mother or co-adopter is dismissed after their return to work and the Service person has started their APL, entitlement to APL is unaffected and the APL continues as notified.

DEATH OF CHILD DURING THE PERIOD OF APL

22.057 If the child dies during the period of APL, or after the Service person has notified their CO of their intention to take APL, the entitlement to APL comes to an end 8 weeks following the week in which the child died. If there are only 8 weeks of APL remaining, the APL will end on the date originally notified by the Service person.

DISRUPTED PLACEMENT DURING THE PERIOD OF APL

22.058 If the adoption is cancelled or terminated and the child is returned to the adoption agency during the period of APL or after a Service person has notified their CO of their intention to take APL, the entitlement to APL comes to an end after a period of 8 weeks following the week of the end of the child's placement, unless there are only 8 weeks of leave remaining, in which case the APL period ends on the date notified by the Service person. ASPP is only payable during weeks that a Service person who is taking APL is caring for the child, so pay would end at the end of the week the child is returned to the adoption agency.

REASONABLE CONTACT DURING APL

22.059 Reasonable contact may be made from time to time between a Service person and their line management/CO during the APL period, for example about changes which might affect the Service person on their return to duty. Such contact will not bring the period of APL to end.

“KEEPING IN TOUCH DAYS” DURING APL

22.060 A Service person may return to duty for up to 10 days during their APL without bringing their paternity leave to an end. These are known as “Keeping in Touch” (KIT) days and enable the individual to return to duty, for example to undertake training or to keep in touch with major developments, without losing the right to paternity pay. KIT days are optional, and must be by agreement between the Service person and their line management/CO. COs cannot demand that a Service person undertakes KIT days, nor is there a right for Service personnel to demand the opportunity to undertake them. Any such days worked during APL will not have the effect of extending the paternity leave period. A KIT day will be paid at the Service person’s normal daily rate of pay and will be reckonable for pension purposes. Duty travel may be claimed.

PAYMENT OF SPECIALIST PAY WHEN KIT DAYS ARE TAKEN

22.061 Service personnel who are in receipt of Specialist Pay on a “Completion of Task Basis” will receive Specialist Pay for those KIT days where they are carrying out the Specialist Pay duty. Where Specialist Pay was previously being received on a “Continuous Career Basis” or “Non-Continuous Basis” Specialist Pay would be received for each KIT day worked.

LIABILITY FOR CHARGES DURING APL

22.062 Charges (eg for SFA, daily food charge or Fuel Subsidy Scheme) will continue during APL in accordance with the regulations set out in JSP 754.

TERMS AND CONDITIONS OF SERVICE DURING APL

22.063 During APL a Service person is entitled to the benefits of their normal terms and conditions of service (excepting that their pay will change during all or part of APL). APL counts toward completion of a Service person’s engagement/commission and is reckonable service for purposes such as increments, seniority, advancement/promotion and the accrual of annual leave entitlement. However, only the paid element of APL (if applicable) is reckonable for gratuity and pension purposes. The individual remains subject to Service Law throughout the period of APL.

APPRAISALS DURING APL

22.064 Service personnel intending to take APL should refer to JSP 757 for single-Service policy for appraisals for Service personnel on, or proceeding on APL, to ensure that unreported periods are kept to a minimum. Even if intended

in a supportive sense, Reporting Officers should not comment on paternity and family circumstances where possible.

ADVANCEMENT/SELECTION FOR PROMOTION OR REDUNDANCY DURING APL

22.065 A Service person should not be overlooked for advancement or promotion because he or she has taken APL. Throughout APL a Service person remains eligible for advancement or to be selected for promotion and no seniority, or pay loss in the higher rank/rate will be incurred as a result of taking APL.

22.066 If an Armed Forces' redundancy programme is conducted, Service personnel who are applicants for redundancy who are on maternity leave, adoption leave or APL will be treated the same as applicants not on such leave. Special provisions, however, may apply to non-applicants for redundancy who are on maternity leave, adoption leave or APL. Advice should be sought should a non-applicant for redundancy be on such leave. During APL a Service person's HR unit is responsible for informing them if plans for promotion or redundancies are announced and the individual is eligible for selection.

REASSIGNMENT FOLLOWING APL

22.067 A Service person returning to duty following a period of APL should return to their previous post if possible. In cases where the Service person cannot return to their previous post, the individual is to be offered a suitable post appropriate to their rank and specialisation. In all cases advice should be sought from the relevant Service Career Management staff.

CHILDCARE

22.068 The Armed Forces' policy on childcare is set out in JSP 770. Service personnel are responsible for making their own arrangements for the care of their children and for meeting the costs involved. Service personnel need to consider carefully how they will meet their Service commitments as well as the needs of their children. Assistance in obtaining details of OFSTED registered child minders and workplace crèches may be obtained from unit HR staffs/HIVE/SSAFA, etc.

ANNEX A

APPLICATION FOR ORDINARY PATERNITY LEAVE (OPL) – BIRTH

Caution: The provision of false information could lead to disciplinary and/or administrative action being taken

Rank	Name	Surname	Service Number

Required information:

Expected date of the baby's birth	
Actual date of the baby's birth	
Intended start date of OPL*	
Expected end date of OPL*	

* OPL must be taken in a 2 week block or as 2 separate complete weeks. If OPL is taken in separate week blocks, both dates should be provided. See para 22.014 above regarding personnel serving on a part-time basis.

DECLARATION

I declare that:

(* Delete as appropriate):

* I am the child's father and have or expect to have the main responsibility (apart from the mother) for the child's upbringing; or

* I am not the father of the child but am the *spouse, *civil partner or *partner of the mother and have or expect to have (apart from any responsibility of the mother) the main responsibility for the upbringing of the child; or

* I am not the father of the child but am a Service person who lives with the mother and the child in an enduring family relationship and am not an immediate relative of the mother and have or expect to have (apart from any responsibility of the mother) the main responsibility for the upbringing of the child.

I confirm that the purpose of this leave is to support the mother and/or care for the child.

I wish for any Ordinary Statutory Paternity Pay which I may be eligible to receive to commence on the start date(s) for the period of OPL indicated above (Note: this statement is required only for administrative purposes, if entitled, Ordinary Statutory Paternity Pay will be included as an integral part of the Occupational Paternity Pay received during the OPL period).

I understand that if I wish to cancel my application for OPL, or to change the start and end dates of my OPL, I must provide my Commanding Officer with written notice of this at least 28 days before the first day of the expected week of the child's birth, or if that is not reasonably practicable, as soon as possible beforehand.

I confirm that the information I have provided is correct and understand that if I have provided false information this could lead to disciplinary and/or administrative action being taken against me.

Signature of Applicant

Date

REMARKS/APPROVAL BY THE SERVICE PERSON'S COMMANDING OFFICER

.....
.....

.....
.....

Date

Signature

Name Rank

Assignment

DEFERRAL OF OPL OR EMERGENCY RECALL FROM OPL (To be completed by an officer of at least OF3 rank)

OPL has been deferred for the following reason(s)

Signed:

Name:
...

Rank:
....

Date:
..

AGREEMENT TO DEFERRED OPL DATES

The following dates have been agreed in lieu of the denied period originally requested:

From:	To:
From:	To:

Applicant's
Signature
.....

Commanding Officer's
Signature

Date

RECORD OF EMERGENCY RECALL FROM OPL

Date of emergency recall from Paternity Leave	
Remaining Paternity Leave Entitlement	

Commanding Officer's
Signature

Date

ACTION BY UNIT ADMIN STAFF

Certified that details entered in the Service person's Service records.

Date
Signature

Name Rank
Assignment

ANNEX B

APPLICATION FOR ORDINARY PATERNITY LEAVE (OPL) – ADOPTION

Caution: The provision of false information could lead to disciplinary and/or administrative action being taken
--

Rank	Name	Surname	Service Number

Expected Date of Placement	
Name of child (if known)	
Date on which notification of being matched with the child was received	
Intended start date of OPL *	
Expected end date of OPL *	

* OPL must be taken in a 2 week block or as 2 separate complete weeks. If OPL is taken in separate week blocks, both dates should be provided. See para 22.014 above regarding personnel serving on a part-time basis.

DECLARATION

I declare that:

(*Delete as appropriate):

* I am married to or in a civil partnership with the child's co-adopter and have or expect to have the main responsibility (apart from the co-adopter) for the child's upbringing;

Or

* I am a Service person who lives with the adopter in an enduring family relationship but who is not an immediate relative of the co-adopter and have or expect to have the main responsibility (apart from the co-adopter) for the child's upbringing;

I confirm that the leave will be used to care for the child and/or to support the adopter of the child.

I wish for any payment of Ordinary Statutory Paternity Pay which I may be eligible to commence on the start date(s) for the period of OPL indicated above. I also confirm that I have elected to receive Ordinary Statutory Paternity Pay (Adoption) and not Statutory Adoption Pay (Note: These statements are for administrative purposes only - if entitled, the Ordinary Statutory Paternity Pay (Adoption) element is included with the Occupational Paternity Pay for the period concerned).

I understand that if I wish to cancel my application for OPL, or to change the start and end dates of my OPL, I must provide my Commanding Officer with written notice of this at least 28 days before the first day on which the placement is expected to begin, or if that is not reasonably practicable, as soon as possible beforehand.

I confirm that the information I have provided is correct and understand that if I have provided false information this could lead to disciplinary and/or administrative action being taken against me.

Signature of Applicant:

Date:

REMARKS/APPROVAL BY THE SERVICE PERSON'S COMMANDING OFFICER

.....
.....

.....
.....

Date

Signature

Name Rank

Assignment

DEFERRAL OF OPL OR EMERGENCY RECALL FROM OPL (To be completed by an officer of at least OF3 rank.)

OPL has been deferred for the following reason(s)

Date

Signature

Name

Rank

Assignment

AGREEMENT TO DEFERRED PATERNITY LEAVE DATES

The following dates have been agreed, in lieu of the denied period originally requested:

From:	To:
From:	To:

Applicant's

Signature

Commanding

Officer's

Signature

Date

RECORD OF EMERGENCY RECALL FROM PATERNITY LEAVE

Date of emergency recall from Paternity Leave	
Remaining Paternity Leave Entitlement	

Commanding
Signature

Officer's

Date

ACTION BY UNIT HR ADMINISTRATION STAFF

Certified that details entered in Service person's Service records.

Signature

Date

Name Rank

Assignment

ANNEX C

APPLICATION FOR ADDITIONAL PATERNITY LEAVE (APL) – BIRTH

Caution: The provision of false information could lead to disciplinary and/or administrative action being taken

Rank	Name	Surname	Service Number

Required information:

Expected date of the baby's birth	
Baby's name	
Actual date of the baby's birth	
Intended start date of APL	
Expected end date of APL	
Start date for ASPP (if applicable)	
End date for ASPP (if applicable)	
National Insurance Number	

The minimum length of APL which may be taken is 2 weeks and the maximum length is 26 weeks. APL must be taken in multiples of complete weeks, unless this is not possible for Service reasons, and must be taken as one continuous period of leave.

DECLARATION

I declare that:

(* delete as appropriate)

I am the child's *father or *I am the spouse, *civil partner or *partner of the mother, and

I have, or expect to have, the main responsibility (apart from the mother) for the upbringing of the child, and

I confirm that the purpose of this leave is to take care of the child

I understand that I may be asked to provide additional information to support my application for APL and that if requested to do so, I will provide a copy of the child's birth certificate and the name and address of the mother's employer (or business address if self-employed) within 28 days of receiving the request.

I would like any payment of Additional Statutory Paternity Pay (ASPP) to which I may be entitled to commence on the start date of the period of APL indicated above.

I understand that if my entitlement to APL changes I must provide my Commanding Officer with written notice of this change as soon as possible.

I understand that if I wish to cancel my application for APL, or to change the start and end dates of my APL I must provide my Commanding Officer with written notice of this at least 6 weeks before the date cancelled, or the old or new date, whichever is earliest.

During my APL I would like to take Keeping in Touch Days (KIT Days).

I confirm that the information I have provided is correct and understand that if I have provided false information this could lead to disciplinary and/or administrative action being taken against me.

Signature of Applicant:

Date:

ANNEX D

MOTHER DECLARATION (BIRTH)

Details of the Mother of the child

Title/Rank	Name	Surname	Service Number (if applicable)	National Insurance Number
Address (including post code)				

I declare that:

I am eligible for SMP or MA.

My maternity pay period began on

.....
(this information is required if the Service person applying for APL is also
applying for ASPP)

I have given notice of my intention to return to work on (insert date)

.....

That (insert name) who is applying
to take APL is the *father of the child *or my spouse, *civil partner or *partner
who, apart from my responsibility as the child's mother, has the main
responsibility for the upbringing of the child.

(*delete as appropriate)

I confirm that to my knowledge (insert
name) is the only person applying for APL/ASPP in respect of this child.

I confirm that I consent to the information which I have provided in this declaration being processed by Service authorities and the Ministry of Defence.

Signature of mother:

Date:

ANNEX E

ACKNOWLEDGEMENT BY THE SERVICE PERSON'S COMMANDING OFFICER OF COMPLETED APL APPLICATION

To be completed by the Commanding Officer and a copy returned to the Service person with a written confirmation of entitlements/reply within 28 days of receipt of this form.

Approval is/is not* granted for a period of APL to be taken starting on and ending on

(*delete as appropriate. If a period of APL is not granted the Service person should be notified of the reasons for this and should receive a copy of the form at Annex F)

I note that you meet the qualifying criteria for Additional Statutory Paternity Pay (ASPP) and therefore you will receive ASPP for weeks.

During your APL you may return, subject to my agreement, to duty for up to 10 days (known as Keeping in Touch Days (KIT days)) without bringing your APL to an end. KIT days are optional and may be taken for example to enable you to keep in touch with major developments or for specific purposes, such as training. Any such days worked during APL will not have the effect of extending the APL leave period. A KIT day will be paid at your normal daily rate pay.

If you wish to change the start of your APL, or to cancel your APL, you must notify me in writing at least 6 weeks before the new intended start date, or if that is not reasonably practicable, as soon as is reasonably practicable.

Signed:

Name:

Rank:

Date:

ANNEX F

DEFERRAL OF APL OR EMERGENCY RECALL FROM APL (To be completed by an officer of at least OF3 rank)

APL has been deferred for the following reason(s):

Signed:

Name:

Rank:

Date:

AGREEMENT TO DEFERRED APL DATES

The following dates have been agreed in lieu of the denied period originally requested:

From:..... To:
.....

Applicant's signature:
.....

Commanding Officer's Signature:
.....

Date:

RECORD OF EMERGENCY RECALL FROM APL

Date of Emergency Recall from APL:
.....

Remaining APL entitlement:
.....

Commanding Officer's signature:
.....

Date:

ACTION BY UNIT HR STAFF

It is certified that these details have been entered in the Service person's Service records.

Signature: Date:
.....

Name:
.....

Rank: Assignment:
.....

ANNEX G

APPLICATION FOR ADDITIONAL PATERNITY LEAVE (APL) – UK ADOPTION

Caution: The provision of false information could lead to disciplinary and/or administrative action being taken

Rank	Name	Surname	Service Number

Required information:

Date of notification of having been matched for adoption with the child	
Child's name	
Actual date of the child's placement for adoption	
Intended start date of APL	
Expected end date of APL	
Start date for ASPP (if applicable)	
End date for ASPP (if applicable)	
National Insurance Number	

The minimum length of APL which may be taken is 2 weeks and the maximum length is 26 weeks. APL must be taken in multiples of complete weeks, unless this is not possible for Service reasons and must be taken as one continuous period of leave.

DECLARATION

I declare that:

* I am married to or in a civil partnership with the child's co-adopter and will have, or expect to have, the main responsibility for the upbringing of the child, apart from the co-adopter's responsibility;

Or

* I am a Service person who lives with the adopter in an enduring family relationship but who is not an immediate relative of the co-adopter and have or will have, the main responsibility for the upbringing of the child, apart from the co-adopter's responsibility;

(*delete as appropriate)

I confirm that the purpose of this leave is to care for the child.

I understand that I may be asked to provide additional information to support my application for APL and that if requested to do so, I will provide a copy of the documents from the adoption agency which show the name and address of the agency; the date of notification of having been matched for adoption and the date on which the placement is expected to begin; and the name and address of the co-adopter's employer (or business address if self-employed) within 28 days of receiving the request.

I would like any payment of Additional Statutory Paternity Pay (ASPP) to which I may be entitled to commence on the start date of the period of APL indicated above.

I understand that if my entitlement to APL changes I must provide my Commanding Officer with written notice of this change as soon as possible.

I understand that if I wish to cancel my application for APL, or to change the start and end dates of my APL I must provide my Commanding Officer with written notice of this at least 6 weeks before the date cancelled, or the old or new date, whichever is earliest.

During my APL I would like to take Keeping in Touch Days (KIT Days).

I confirm that the information I have provided is correct and understand that if I have provided false information this could lead to disciplinary and/or administrative action being taken against me.

Signature of Applicant:

Date:

I declare that:

I am eligible for Statutory Adoption Pay (SAP).

My adoption pay period began on

.....
(this information is required if the Serviceperson applying for APL is also applying for ASPP)

I have given notice of my intention to return to work on (insert date)

.....

That (insert name) who is applying to take APL is my *husband, *civil partner or *partner who has been jointly matched with me for adoption with the child and who, apart from my responsibility as the child's co-adopter, has the main responsibility for the upbringing of the child.

(*delete as appropriate)

I confirm that to my knowledge, (insert name) is the only person applying for APL/ASPP in respect of this child.

I confirm that I consent to the information which I have provided in this declaration being processed by Service authorities and the Ministry of Defence.

Signature of adopter:

Date:

ANNEX I

APPLICATION FOR ADDITIONAL PATERNITY LEAVE (APL) – OVERSEAS ADOPTION

Caution: The provision of false information could lead to disciplinary and/or administrative action being taken

Rank	Name	Surname	Service Number

Required information:

Date of official notification of having been matched for adoption with the child	
Child's name	
Actual date the child entered Great Britain	
Intended start date of APL	
Expected end date of APL	
Start date for ASPP (if applicable)	
End date for ASPP (if applicable)	
National Insurance Number	

The minimum length of APL which may be taken is 2 weeks and the maximum length is 26 weeks. APL must be taken in multiples of complete weeks, unless this is not possible for Service reasons and must be taken as one continuous period of leave.

DECLARATION

I declare that: I am (*delete as appropriate)

* married to or in a civil partnership with the child's co-adopter and will have, or expect to have, the main responsibility for the upbringing of the child, apart from the co-adopter's responsibility;

Or

* a Service person who lives with the adopter in an enduring family relationship but who is not an immediate relative of the adopter and have or will have, the main responsibility for the upbringing of the child, apart from the adopter's responsibility;

I confirm that the purpose of this leave is to care for the child.

I understand that I may be asked to provide additional information to support my application for APL and that if requested to do so, I will provide a copy of the official notification and the name and address of the co-adopter's employer (or business address if self-employed) within 28 days of receiving the request.

I would like any payment of Additional Statutory Paternity Pay (ASPP) to which I may be entitled to commence on the start date of the period of APL indicated above.

I understand that if my entitlement to APL changes I must provide my Commanding Officer with written notice of this change as soon as possible.

I understand that if I wish to cancel my application for APL, or to change the start and end dates of my APL I must provide my Commanding Officer with written notice of this at least 6 weeks before the date cancelled, or the old or new date, whichever is earliest.

I confirm that the information I have provided is correct and understand that if I have provided false information this could lead to disciplinary and/or administrative action being taken against me.

Signature of Applicant:

Date:

ANNEX J

CO-ADOPTER DECLARATION (OVERSEAS ADOPTION)

Title/Rank	Name	Surname	Service Number (if applicable)	National Insurance Number
Address (including post code)				

I declare that:

I am eligible for Statutory Adoption Pay (SAP).

My adoption pay period began on

.....

(this information is required if the Serviceperson applying for APL is also applying for ASPP)

I have given notice of my intention to return to work on (insert date)

.....

That (insert name) who is applying to take APL is

my husband or my partner or civil partner who has been jointly matched with me for adoption with the child and who, apart from my responsibility as the child's co-adopter, has the main responsibility for the upbringing of the child.

I confirm that to my knowledge, (insert name) is the only person applying for APL/ASPP in respect of this child.

I confirm that I consent to the information which I have provided in this declaration being processed by Service authorities and the Ministry of Defence.

Signature of adopter:

Date:

ANNEX K

APPLICATION FOR EXTENDED ADDITIONAL PATERNITY LEAVE (APL) – DUE TO THE DEATH OF THE MOTHER/AADOPTER

Caution: The provision of false information could lead to disciplinary and/or administrative action being taken

Rank	Name	Surname	Service Number

Required information:

Details of the mother or adopter

Surname	
Name(s)	
Address	
Date of Death	
Date they started receiving SAP, SMP or MA (leave blank if SAP, SMP or MA had not started)	
National Insurance Number	

Details of the child (complete as appropriate)

Births	
Expected date the baby was due	
Actual date of birth	
Adopted Child	
Date of official notification of having	

been matched for adoption with the child	
Date the child was placed for adoption	

Child Adopted from Overseas	
Date the official notification was sent to the adopter	
Date the child entered the UK	

Details of APL/ASPP

Intended start date of APL	
Expected end date of APL	
Start date for ASPP (if applicable)	
End date for ASPP (if applicable)	
National Insurance Number	

DECLARATION

I declare that: (*delete as appropriate)

* I am the child's father or I am the husband, civil partner or partner of the mother and I have, or expect to have, the main responsibility for the upbringing of the child;

Or

* I have been jointly matched for adoption with my spouse, civil partner or partner who has or was to have taken adoption leave to care for the child

Or (if the child has been adopted from abroad)

* I confirm that I am the spouse, civil partner or partner of the adopter, **and** I have or expect to have the main responsibility for the upbringing of the child

I confirm that the purpose of this leave is to take care of the child.

I understand that I may be asked to provide additional information to support my application for extended APL and that if requested to do so, I will provide a copy of the child's birth certificate, matching certificate or official notification and evidence of the child's entry into Great Britain and the employment details of the mother or adopter within 28 days of receiving the request.

I would like any payment of Additional Statutory Paternity Pay (ASPP) to which I may be entitled to commence on the start date of the period of APL indicated above.

I confirm that the information I have provided is correct and understand that if I have provided false information this could lead to disciplinary and/or administrative action being taken against me.

Signature of Applicant:

Date:

ANNEX L

CALCULATION OF AVERAGE WEEKLY EARNINGS (AWE)

BIRTHS

1. Find the date the baby is due	
2. Find the date of the Saturday in the Qualifying Week	
3. Find the date of the last normal payday on or before that Saturday. This is the last day of the relevant period.	
4. Count back to the payday at least 8 weeks from the date in 3 and come forward one day, for example, if the payday is 22 June, enter 23 June. This is the first day of the relevant period.	
5. Add together the earnings paid in-between the dates at 4 and 3 above (inclusive)	£
6. Work out how many whole months there are between the dates in 4 and 3 (inclusive). If there is not a whole number of months, follow the instructions for rounding to the nearest whole month when there is not a whole number of months in the relevant period below.	
7. Divide the figure at 5 above by the number of whole months in 6 above.	£
8. Multiply the figure at 7 by 12	£
9. Divide the figure at 8 above by 52	£

ADOPTIONS

1. Find the matching date	
2. Find the date of the Saturday on or after the matching date.	
3. Find the date of the last normal payday on or before that Saturday. This is the last day of the relevant period.	
4. Count back to the payday at least 8 weeks from the date in 3 above and come forward one day, for example, if the payday is 22 June, enter 23 June. This is the first day of	

the relevant period.	
5. Add together the earnings paid in-between the dates at 4 and 3 above (inclusive)	£
6. Work out how many whole months there are between the dates in 4 and 3 (inclusive). If there is not a whole number of months, follow the instructions for rounding to the nearest whole month when there is not a whole number of months in the relevant period below.	
7. Divide the figure at 5 above by the number of whole months in 6 above.	£
8. Multiply the figure at 7 above by 12	£
9. Divide the figure at 8 above by 52	£

Rounding to the nearest whole month when there is not a whole number of months in the relevant period

At step 6 above for both births and adoptions, work out the number of rounded months as follows:

- Count the number of whole months
- Count the number of odd days
- Round the number of odd days up or down in line with the following rounding rules:

If the date at 3 is in:

- February - round 14 days or less down and 15 days or more up
- Any month except February - round 15 days or less down and 16 days or more up

Then use the number of rounded months at Step 6 above and follow the rest of the steps.

23. PARENTAL LEAVE

AIM

23.001 The aim of Parental Leave is to allow Service personnel unpaid leave to care for a child by, for example, spending more time with the child during the early years, to settle a child into new childcare arrangements or to accompany a child during a stay in hospital.

ENTITLEMENT

23.002 Parental Leave allows each parent of each child, either natural or adopted, to take 13 weeks' unpaid leave, unless the child is disabled in which case the allocation is set at 18 weeks. The leave must be taken before the child reaches 5 years of age unless the child is adopted or disabled (see paras 23.007 and 23.021 respectively below). Time spent on Parental Leave does not count towards seniority, pension or completion of a commission or an engagement.

23.003 If Parental Leave is used for any purpose other than to care for the child concerned, disciplinary or administrative action may be taken against the Service person.

ELIGIBILITY FOR LEAVE

23.004 Both mothers and fathers, whether they are the natural or adoptive parents, qualify for Parental Leave provided that they have served in the Armed Forces continuously for one year by the time they want to take the leave. They must either be named on the child's birth certificate or they must have parental responsibility under the law for the child. For example, parents who wish to claim the Parental Leave entitlement on the basis of their parental responsibility for step-children, or for a child of whom they have guardianship, will be required to demonstrate that they have acquired such responsibility by means of a court order or formal adoption process, since the natural parents retain parental rights until such time as another adult acquires them by due course of law. The parents of a child do not have to be living with the child in order to qualify for Parental Leave.

23.005 In some cases legal responsibility for looking after a child will have been given to someone other than a natural or adoptive parent, such as a guardian. If an individual has acquired parental responsibility for the child in such a way, he will be entitled to Parental Leave if the other qualifying conditions are met. The loss of legal responsibility for a child means the loss of entitlement to Parental Leave.

23.006 Parental Leave is an individual right and may not be transferred from one parent to another or anyone else.

TIMING OF PARENTAL LEAVE

23.007 Parental Leave can be taken up to the child's 5th birthday. Adoptive parents can take leave up to the 5th anniversary of the date when the placement for adoption began or to the child's 18th birthday if this is earlier. Parents of children who are entitled to a disability living allowance can take leave up to the child's 18th birthday (see para 23.021 below).

LENGTH OF LEAVE

23.008 Each parent can take up to 13 weeks' Parental Leave for each child. Eligibility commences at either the birth of each child, or at the date of adoption for each child. This means that both parents, if they have twins or adopt more than one child at a time, can both take 13 weeks' leave for each child. One week's Parental Leave is equal to the length of time that an individual is normally required to work in a week.

23.009 Leave must be taken in blocks of one week (i.e. 7 calendar days), with a maximum of 4 weeks at any one time in any 12 month period for each child. If less than one week is taken, it will still count as a full week for the purposes of Parental Leave and the days not taken will be forfeited from the overall 13 week entitlement unless the child is disabled (see para 23.021 below).

23.010 Parental Leave may be taken immediately after Maternity Leave, or before or after Annual Leave provided that the proper notice has been given.

APPLICATION FOR LEAVE

23.011 A request for Parental Leave must be submitted, in writing, at least 21 days before the leave is required. The application must include the dates of when the requested leave is due to start and finish.

23.012 On the first occasion that Parental Leave is requested, documentary evidence of parental responsibility must be provided. This may take the form of a birth certificate to prove that the child is less than 5 years of age or an adoption certificate.

23.013 Application for Parental Leave may be made before a child is born or adopted, provided that a medical certificate confirming the expected date of confinement or evidence that the adoption process is proceeding is produced.

POSTPONEMENT OF LEAVE

23.014 If it is considered by the Chain of Command that the granting of Parental Leave would be detrimental to the operational effectiveness of the unit in which an individual serves, then the leave may be postponed for up to 12 months.

23.015 The reason for postponing the leave must be given, in writing, no later than 7 calendar days after the application for leave has been submitted. The note should include the reason for postponing the leave and provide dates when the leave may be taken. Where Parental Leave is postponed, the Chain of Command will negotiate mutually agreed alternative dates. Operational necessity, however, may justify prolonged deferral. The reason for postponing leave must be recorded on the application form and agreed dates for the deferred Parental Leave must be acknowledged by the individual and the Chain of Command.

23.016 If in postponing Parental Leave, the deadline for the period when Parental Leave may be taken is exceeded (for example a child has reached the age of 5 years), the deadline should be extended to allow the full entitlement of Parental Leave to be taken.

23.017 In the event of an emergency, Parental Leave can be rescinded after it has been granted and Service personnel may be recalled from Parental Leave if it is considered that their absence would adversely affect operational effectiveness.

TERMS AND CONDITIONS DURING PARENTAL LEAVE

23.018 Parental Leave is unpaid and, therefore, is non-reckonable service that does not count towards seniority for promotion, completion of a commission/engagement or pension entitlements.

23.019 There is no statutory right to extend a Service person's service by the amount of time taken in Parental Leave to ensure that an engagement/commission is fully completed. The Services, however, will normally offer to extend an engagement/commission unless there are exceptional circumstances.

23.020 Apart from being non-reckonable for seniority, service and pension, the taking of Parental Leave is to have no detrimental effect on any individual who takes it. Any period of Parental Leave counts towards a period of continuous employment for purposes of calculating a redundancy payment but is disregarded for the purposes of calculating the amount of a redundancy payment. Service personnel returning from Parental Leave have the right to benefit from

any general improvements such as an increase in pay that may have been introduced in their absence.

DISABLED CHILDREN

23.021 For parents of disabled children, i.e. children who are entitled to a disability living allowance, Parental Leave may be taken in days or shorter periods than one week. In addition, the 18 weeks' leave need not be taken before the child reaches 5 years of age, but must be taken before the child's 18th birthday.

RETURNING TO WORK AFTER PARENTAL LEAVE

23.022 Where the period of Parental Leave is 4 weeks or less and does not take place immediately after a period of Additional Maternity Leave, the person has the right to return to the job in which they were employed before the absence.

23.023 Where the period of Parental Leave is 4 weeks or less and takes place immediately after a period of Additional Maternity Leave, the Service person is entitled to return to the job in which she was employed before the absence, unless it is not reasonably practicable for her to do so.

23.024 Where a Service person takes Parental Leave for a period of more than 4 weeks - to cover instances where there is more than one qualifying child - they are entitled to return to the same job in which they were employed before the absence unless it is not reasonably practicable to allow them to do so.

23.025 In a case falling within paras 23.023 and 23.024 above where it is not reasonably practicable to allow a Service person to return to the same job, then that person is entitled to return to another job that is both suitable and appropriate to their circumstances.

RESERVE PERSONNEL

23.026 Members of the Reserve Forces and individuals with a recall liability are eligible to apply for Parental Leave when called out or recalled to permanent service or serving in Full Time Reserve Service under section 24 of the Reserve Forces Act 1996 or serving an Additional Duties Commitment under section 25 Reserve Forces Act 1996. The period of Parental Leave entitlement for a reservist serving on an Additional Duties Commitment is based on one week's Parental Leave being equal to the length of time that the reservist is normally required to work in a week.

**APPLICATION FOR ORDINARY ADOPTION LEAVE, ADDITIONAL
ADOPTION LEAVE OR PARENTAL LEAVE (EXCEPT PERSONNEL DUE TO
LEAVE THE SERVICE)**

(*complete/delete as appropriate)

23A.001 I have read and understood the contents of this JSP - New Adoption Leave Arrangements for Service personnel in the Regular Armed Forces. I am adopting a child/children through a legally recognised adoption agency, for which I attach the matching certificate, and wish to take Adoption Leave. I had a minimum of 26 weeks' continuous service in the Armed Forces at the 'Relevant Week' point, as defined in the JSP.

23A.002 I confirm that I am not taking Paternity Leave and that I have elected to receive Statutory Adoption Pay and not Statutory Paternity Pay (Adoption).

23A.003 I expect the adoption placement to be on/...../..... *

23A.004 The options detailed in this Annex have been fully explained to me and:
(Delete either a or b)

a. I intend to take a period of Ordinary Adoption Leave (OAL).

or

b. I intend to take a period of OAL followed by Additional Adoption Leave (AAL).

c. I will/will not also be taking a period of Parental Leave.

23A.005 I understand that under these circumstances every effort will be made to return me to the same assignment (if I so wish) provided that in so doing this does not have an adverse or disproportionate effect on normal posting practices or operational effectiveness. I also understand that where the other adoptive parent of the child/children is also a serving member of the Armed Forces, that in order to meet the requirements of the Service, it may not always be possible for us to serve in the same unit/locality/theatre and to minimise absence from the family home/area at the same time.

23A.006 I intend to take:

a. OAL for_ * weeks beginning on/...../..... * (1 – 26 weeks' paid leave, rates depending upon eligibility)

b. AAL for_ * weeks beginning on/...../.....* (1 - 26 weeks' unpaid leave available)

c. Parental Leave for * weeks beginning on/...../.....* (1 - 4 weeks' unpaid leave available)

23A.007 I expect to return to duty on/...../.....*

23A.008 I understand I may vary both my leave dates and my return to work date but must give at least 28 days' notice in writing.

23A.009 I understand that OAL cannot start earlier than 14 days before the expected date of the placement of the child, nor later than the day after that on which the child or children is/are placed for adoption.

23A.010 Subject to the proviso regarding a separate adoption placement whilst I am on Adoption Leave, at para 23A.012 below, I understand that Ordinary Adoption Leave will be paid at the rate of either:

a. 6 weeks at 90% of basic weekly pay (but including Specialist Pay to which I may be entitled under the appropriate regulations), followed by 20 weeks at the statutory rate, if I have a period of continuous service of at least 26 weeks at the 'Relevant Week' point, but, inclusive of that period, less than one year's service in total.

b. Basic weekly pay (but including Specialist Pay to which I may be entitled under the appropriate regulations) for 14 weeks, followed by 12 weeks at the statutory rate if my period of (continuous or aggregated) service is one year or more.

23A.011 I understand that the agreement to pay me the basic rate of pay (but including Specialist Pay to which I may be entitled under the appropriate regulations), for 14 weeks during OAL, if I am eligible, is conditional on my completing a minimum period of 7 months' service after OAL/AAL/Parental Leave unless the placement occurs in the final year of my engagement /commission which is due to expire less than 7 months after my return, and authority has been given to waive this requirement wholly or in part. If I do not serve for a minimum period of 7 months, for whatever reason after return to duty, I undertake to repay, if asked to do so, any outstanding charges and any pay paid to me under these arrangements, above a rate equivalent to Statutory Adoption Pay. I also agree to reimburse any bursary award, cadetship or external training costs in accordance with normal rules if I opt to leave the Service before completing the return to service to which I am committed.

23A.012 I understand that if a child or children is/are placed with me as part of a completely separate adoption placement whilst I am still on Adoption Leave in

respect of a previous placement, I will be paid additionally only for the balance of the period of OAL for the separate placement that does not overlap with the period of OAL for the previous placement. I understand that in these circumstances the maximum amount that will be paid in regard to the separate placement is as laid down in the statute, regardless of my length of service.

23A.013 I understand that generally I will not be entitled to any special privileges as an adoptive parent and will be expected to perform my full range of duties, including going on exercise, taking part in operational deployments, being drafted to sea (if so liable), and undertaking unaccompanied or emergency tours.

23A.014 I understand that on my return to duty after taking Adoption Leave I will be responsible for making adequate child care arrangements and for meeting the costs involved.

23A.015 I understand that if I qualify for Adoption Leave with basic pay and am serving overseas and in receipt of Local Overseas Allowance, I will no longer be eligible for Local Overseas Allowance if I choose to return to the UK. If I remain overseas during AAL, I understand that I will not qualify for Local Overseas Allowance. I also understand that this applies to any additional allowances that are based on a theatre's location (see JSP 752, Chapter 6, Section1).

23A.016 I attach/do not attach* a posting preference for when I return from Adoption Leave. I understand that I may change my posting preference at any time and that if I wish to do so I should notify my personnel management authority as soon as possible.

To be completed by applicant:

Signed:.....
Name:.....
Rank/Rate:.....
Service No:
Unit/Ship:

To be completed by Commanding Officer and a copy returned to the applicant with written confirmation of entitlements/reply within 28 days of receipt of this form.

Signed:
Name:
Rank:
Date:
Confirmation/reply sent/...../.....

**APPLICATION FOR ORDINARY ADOPTION LEAVE, ADDITIONAL
ADOPTION LEAVE AND PARENTAL LEAVE (IF APPROPRIATE) -
PERSONNEL DUE TO LEAVE THE SERVICE**

23B.001 I have read and understood the contents of this JSP - New Adoption Leave Arrangements for Service Personnel in the Regular Armed Forces. I am adopting a child through a legally recognised agency, for which I attach a copy of the matching certificate, and I wish to take an amount of Adoption Leave to which I am entitled prior to the expiry of my commission/engagement on premature voluntary retirement/redundancy terms, or which occurs shortly after the adoption takes place.

23B.002 I confirm that I am not taking Paternity Leave and that I have elected to receive Statutory Adoption Pay and not Statutory Paternity Pay (Adoption).

23B.003 I understand that although I may change the start and end dates of Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL) by giving at least 28 days' notice in writing, this does not affect the date on which I leave the Service.

23B.004 I expect the adoption placement to be on...../...../.....*

23B.005 I have had the Options detailed in this Annex fully explained to me and complete either a or b:

a. I shall be leaving the Service on...../...../.....* at the end of my commission/engagement/on redundancy.

or

b. Before official notification had been given of the placement for adoption, I had been authorised to leave the Service on PVR terms on...../...../.....* before completing my engagement/commission.

23B.006 Complete either a or b:

a. I intend to take OAL ONLY starting on...../...../.....* before leaving the Service.

or

b. I intend to take OAL and AAL starting on...../...../.....* before leaving the Service.

c. (if applicable) I also intend taking Parental Leave starting on...../...../.....*before leaving the Service

23B.007 I understand that OAL cannot start earlier than 14 days before the expected date of the placement of the child nor later than the day after that on which the child or children is/are placed for adoption. I also understand that Ordinary Adoption Leave will be paid at the rate of 90% of my basic weekly pay (but including any Specialist Pay to which I may be entitled under the appropriate regulations) for 6 weeks and at the statutory rate for the remaining period of up to 20 weeks.

23B.008 I also agree to repay any loan, advance of pay, bonuses, bounty or other sums owed to the MOD in accordance with the normal rules. I also agree to reimburse any bursary award, cadetship or external training costs in accordance with the normal rules if I opt to leave the Service before completing the return to service to which I am committed.

To be completed by the applicant:

Signed:.....
Name:.....
Rank/Rate:.....
Service No:.....
Unit/Ship:.....
Date:.....

To be completed by Commanding Officer and a copy returned to the applicant with written confirmation of entitlements/reply within 28 days of receipt of this form:

I confirm that the options available

to(rank/rate).....(name) have been explained to him/her and arrangements for his/her discharge on/by/...../.....(date) will be completed.

Signed:
Name:
Rank:
Date:
Confirmation/reply sent/...../.....

24. TIME OFF FOR DEPENDANTS

AIM

24.001 The Employment Relations Act 1999 gave effect in UK law to the right to unpaid time off for urgent family reasons. Time off for Dependents allows Service personnel unpaid leave to deal with emergencies that affect themselves or their dependents, where, in the opinion of the Commanding Officer (CO), there are insufficient grounds to grant paid Compassionate Leave. (See Chapter 14 on Compassionate Leave.)

TERMS AND CONDITIONS DURING TIME OFF FOR DEPENDANTS

24.002 Time off for Dependents is unpaid and, therefore, is non-reckonable service and does not count towards seniority for promotion, completion of a commission/engagement or pension entitlements.

24.003 There is no statutory right to extend a Service person's service by the amount of time taken in Time off for Dependents to ensure that an engagement/commission is fully completed. The Services, however, will normally offer to extend an engagement/commission unless there are exceptional circumstances.

24.004 Apart from being non-reckonable for seniority, completion of a commission/engagement, and pension entitlements, the taking of Time off for Dependents should have no detrimental effect on any individual who takes it. Any period of time taken off for dependants counts towards a period of continuous employment for purposes of calculating a redundancy payment but is disregarded for the purposes of calculating the amount of a redundancy payment. Personnel returning from Time off for Dependents have the right to benefit from any general improvements such as an increase in pay which may have been introduced in their absence.

DEFINITION OF A DEPENDANT

24.005 A dependant is the spouse, civil partner, partner, child or parent of the individual, or someone who lives in the same household as the individual. A dependant can also be someone who reasonably relies on an individual to make arrangements for the provision of care or for assistance should they fall ill or are injured or assaulted. For example, this could be an elderly aunt or grandparent. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, for example, a live-in housekeeper.

EXAMPLES OF POSSIBLE EMERGENCIES

24.006 When a dependant falls ill or has been involved in an accident or incident and has been either physically injured, hurt or distressed; when a dependant is having a baby; to make longer term arrangements for a dependant who is ill or injured; to deal with the death of a dependant, to make funeral arrangements, to attend a funeral; to deal with an unexpected disruption or breakdown in care arrangements for a dependant, for example when the childminder or nurse fails to turn up; to deal with an incident involving a child during school hours.

STATUTORY ENTITLEMENT

24.007 The statutory entitlement is to take a reasonable amount of unpaid time off work to deal with an emergency and applies only to leave of a few days' duration. Should a Service person require to be away for more than a few days, he should apply for compassionate or annual leave according to his individual Service regulations.

NOTICE OF TIME OFF

24.008 Service personnel must contact their immediate superior as soon as possible about their absence, the reason for it and how long they expect to take to resolve the emergency.