

OFFICIAL

# DURHAM CONSTABULARY



*Altogether Better Policing*

## **Family Leave Policy**

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## **1.0 FAMILY LEAVE POLICY**

### **2.0 PURPOSE AND SCOPE**

- 2.1 Officers and Staff of this Constabulary are afforded every opportunity to take a variety of Leave arrangements. The following information is intended to give advice and guidance regarding both statutory provisions and organisational arrangements.

### **3.0 THE LEGAL BASIS AND LEGITIMATE AIMS**

- 3.1 Durham Constabulary is required to comply with the requirements of the:
- Employment Rights 1996
  - Employment Relations Act 1999
  - Employment Act 2002
  - Work & Families Act 2006
  - Paternity and Adoption Leave (Amendment) Regulations 2014
  - Paternity and Adoption Leave (Amendment) (No 2) Regulations 2014
  - Children and Families Act 2014
  - Shared Parental Leave 2015
  - Police Staff Handbook 2017
  - Parental Bereavement Leave Regulations 2020 and Statutory Parental Bereavement Pay (General) Regulations 2020
- 3.2 Throughout the operation of this policy Durham Constabulary will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionally to achieve the proposed purpose.
- 3.3 Durham Constabulary will operate within the policing principles as defined by the College of Policing Code of Ethics and in support of this our policies will seek to promote Accountability, Fairness, Honesty, Integrity, Leadership, Objectivity, Openness, Respect and Selflessness.

### **4.0 POLICY STATEMENT**

- 4.1 Durham Constabulary believes that in the interests of good employment practice, appropriate family friendly leave provisions should be made available to all police officers and staff regardless of length of service, number of hours worked and occupational grouping.
- 4.2 The Force recognises the contribution of its entire staff and is committed to creating a fully inclusive working environment. This will be achieved by making reasonable adjustments where appropriate, valuing the differences that a diverse workforce can bring and challenging unlawful and unfair discrimination, bullying,

harassment, victimisation and other unfair treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, sex and sexual orientation.

## **5.0 WRITTEN CONFIRMATION OF PREGNANCY**

All Police Officers and Police Staff are required to inform HR of their pregnancy at the earliest opportunity via the Origin self-service function, to enable the completion of risk assessments and appropriate duties planning. Line Managers must ensure this is completed.

## **6.0 MATERNITY LEAVE**

Police Officers and Police Staff are afforded every opportunity to take Maternity Leave. The following information is intended to give advice and guidance regarding both statutory provisions and organisational arrangements.

### **6.1 Before Commencing Maternity Leave**

6.1.1 You must inform your Command/Dept of your intention to take maternity leave, at least 28 days before absence begins or as soon as is reasonably practicable by submitting form pers 174 and your MAT B1 Certificate which indicates:-

- you are pregnant
- the expected week of childbirth (EWC)
- the date of the beginning of the absence

6.1.2 If you change your mind about when you want to commence maternity leave, a revised Pers 174 must be submitted at least 28 days in advance of your EWC (unless this is not practicable). NB. Failure to do this could mean that you lose all your rights and entitlements to maternity pay. If you start your maternity leave without giving the required notifications, you will be treated as being on unauthorised absence.

### **6.2 Police Officers Only**

6.2.1 **Maternity Leave:** - A period of leave taken in accordance with the provisions of Police Regulations 2003 by a qualified member during the Official Maternity Period. The commencement of such leave is at the discretion of the officer. The earliest such leave may commence is 6 months prior to the expected date of childbirth. The latest such leave may commence is the actual date of birth.

6.2.2 **Official Maternity Period:** - Officers are entitled to a maximum of 15 months maternity leave within a maternity period commencing at the earliest 6 months prior to the expected week of childbirth and ending 12 months from the date of the birth.

**6.2.3 Paid Maternity Leave:-** This extends for a total of 18 weeks and commences from the first day of maternity leave. During this period an officer receives full pay, including rent/housing allowance where applicable, and all usual deductions are made with regard to Federation contributions, benevolent fund and voluntary payments. An officer who has not completed 63 weeks continuous service as a member of a Police Force before the expected week of childbirth will not be eligible for paid maternity leave but will probably qualify for Statutory Maternity Pay from the Department of Works and Pension.

**6.2.4 Qualified Member:-** A Police Officer who, at the beginning of the week i.e. the Sunday in which the expected date of birth occurs, has served continuously for a period of not less than 63 weeks in this or any other Police Force and who at the 15th week prior to the expected date of birth remains pregnant or has given birth prematurely to a baby who is alive at the 15th week prior to the expected date of birth

**6.2.5 SMP - Period Payable**

- i) Statutory Maternity Pay is payable for a maximum of 39 weeks. The earliest Statutory Maternity Pay may commence is any day during the 11th week before the expected week of childbirth. Any day after this, up to and including the day following the actual date of birth is acceptable.
- ii) The final decision for the commencement of payment of SMP usually lies with the officer, however, pregnancy related sickness prior to the nominated commencement date can alter this. The details are given in the section dealing with sickness.
- iii) If an officer elects to commence Occupational Maternity leave between 24 and 12 weeks prior to the expected week of childbirth, and elect to commence the payment of SMP immediately after the Occupational Maternity leave then the maximum benefit of both schemes will be available to the officer.
- iv) If an officer elects to commence Occupational Maternity Leave 11 weeks or less prior to the expected week of childbirth then the weeks of Occupational Maternity Pay which overlap with weeks of Statutory Maternity Pay will be offset. The chart at the end of this section illustrates these situations.

#### 6.2.6 **SMP - Rates of Payment**

- i) An officer who has 26 weeks continuous employment within the Force prior to the 15th week before the expected week of childbirth will qualify for payment of Statutory Maternity Pay.
- ii) The first 6 weeks of SMP is payable at 9/10 of their average weekly earnings based on the two pay days before the 15th week before the EWC. The average earnings include basic pay plus overtime, rent/housing allowance and any other allowance on which national insurance is payable.
- iii) The remaining 33 weeks Statutory Maternity Pay is payable at a rate fixed by the D.W.P. and reviewed each year by them. The current rate is available from Pay & Pensions.
- iv) Officers who have availed themselves of maternity leave are ultimately paid their full salary including allowances for 18 weeks, with Officers having the option with the agreement of their Line Manager, to spread the final 5 weeks of maternity pay over 10 weeks at a reduced rate. Officers taking the half pay option between weeks 14 -23 will have their half pay reduced by the equivalent of half the weekly Statutory Maternity Pay rate. Officers who have not completed the 63 weeks continuous service as a member of a Police Force before the expected week of childbirth will not be eligible for paid Maternity Leave. However, they may qualify for SMP

#### 6.2.7 **Statutory Maternity Pay (SMP)**

- i) Under the provisions of the Social Security Act, if an officer qualifies to receive SMP in a week when they are still receiving occupational maternity pay under the Police Regulations (i.e. elect to receive SMP during the first 18 weeks of Maternity Leave), the Police Pay has to be offset by the SMP payable for that same week, or vice versa. Officers will have the option with the agreement of the Assistant Chief Officer, to spread the final 5 weeks of maternity pay over 10 weeks at a reduced rate.

#### 6.2.8 **Maternity Leave during the Probationary Period**

- i) An officer will be entitled (whether or not entitled to paid maternity leave) to reckon 26 weeks maternity leave as part of any period of probation.
- ii) An officer who has served continuously for a period of not less than 26 weeks at the beginning of the fourteenth week before the expected date of birth, will, in addition to reckoning the 26 weeks maternity leave period, be entitled to reckon any part of the period beginning with the week of childbirth and ending 29 weeks from the week of childbirth, as part of any period of probation.

- iii) In terms of reckoning police service for individuals who have taken one or more periods of maternity leave only the first 26 weeks or less, of maternity leave shall be treated as if it were service in Durham Constabulary and if any further maternity leave is taken during the probationary period in excess of the above 26 weeks this shall not be treated as if it were service in Durham Constabulary

#### 6.2.9 **Rent/ Housing Allowance**

- i) At the termination of the 18 week police paid maternity leave, officers will no longer be entitled to housing allowance/transitional rent allowance.
- ii) There may be occasions when an officer's partner is a serving police officer and at the termination of Police Paid Maternity Leave their transitional rent allowance/housing allowance will be re-assessed pending the officer's return to work. The officer's partner must apply for re-assessment through Finance Department at least one month prior to the end of Police Paid Maternity Leave.

#### 6.2.10 **Court Attendance as a Police Witness during Unpaid Maternity Leave, and when Statutory Maternity Pay is due**

- i) The provisions under which SMP is paid, state that where a person performs any duty whilst in receipt of SMP then their entitlement to SMP is forfeited for the whole of the week during which duty is performed. Where an officer is required to attend court during Maternity Leave in their capacity as a Police Witness they are entitled to salary.
- ii) To prevent the officer being financially disadvantaged by virtue of having to attend court the officer must ensure that they are shown as being on duty either at the court, or alternatively on the duty sheet at their Command. By placing themselves "on duty" they are also protected for the benefits of Industrial Injuries.
- iii) If required to attend court during this period they must submit a written request for payment to the Head of People, Standards and Development (PSD) Command, at Headquarters. Details of the court appearance with regard to officer in the case, defendant, date and hours worked and where they are shown as being on duty must be included. The claim will be duly forwarded to Finance for payment.

#### 6.2.11 **Sickness - Statutory Maternity Pay**

- i) Periods of sickness during the Occupational Maternity Leave period, whether pregnancy-related or not, will not reduce an officers entitlement to 18 weeks paid maternity leave

- ii) If an officer begins a period of pregnancy related sickness on or after the 4th week prior to the expected week of childbirth and they have worked, or received Statutory Sick Pay (SSP) for a non-pregnancy related illness, in that week, then SMP will be paid from the day following the commencement of the pregnancy related illness, or
- iii) If an officer has not worked, nor received SSP in that week, then SMP will be paid from the day prior to the commencement of the pregnancy related illness, or
- iv) If an officer is absent with a pregnancy related illness in the 5th week prior to the expected week of childbirth and the illness continues into the 4th week before the expected week of childbirth the SMP will commence on the Sunday of the 4th week before the expected week of childbirth
- v) If any of the above should occur then they will supersede any nominated date of the commencement of SMP.
- vi) If an officer is absent with a non-pregnancy related illness then SMP will commence on the notified date or the date of the birth of the child whichever is the earlier.

#### 6.2.12 **Federation Contributions**

- i) On termination of police paid maternity leave and SMP, Federation contributions cease to be paid automatically. As there are many benefits available, e.g. Private Medical Scheme, Accident Scheme, etc., officers should contact the Federation Office to make arrangements for continuation of contributions which can be done by way of standing order.

#### 6.2.13 **Return To Duty**

- i) An officer receiving occupational maternity pay will return to work, following maternity leave, for at least one month. This requirement will be satisfied whether the officer works full or part-time and whether or not during that period she undertakes any period of annual or sick leave. An officer who fails to do so will be required to reimburse the occupational maternity pay (in excess of statutory maternity pay and net of all statutory deductions and pension contributions) except where the right to reimbursement is waived.
- ii) The officer must submit to HR, via their Head of Command/Dept, a report stating their return to duty date. In all instances, at least 8 weeks notice in writing of the proposed date of return must be given.

- iii) After the birth of the child and before an officer returns to work, the Strategic Resourcing Manager is available, to afford the opportunity of career counselling at that time.
- iv) An officer will be allowed to return from maternity leave on a phased return arrangement for the first 2 weeks, pay will pro rata to the hours worked.

### **6.3 Police Staff Only**

#### **6.3.1 Staff in Post at 31.8.96 with continuous Police Authority/PCC Service**

- i) For the purposes of maternity leave, previous police authority/PCC service refers to full or part time service with any public authority to which the Redundancy Modification Order 1983 applies.

#### **6.3.2 Staff Appointed after 1.9.96.**

- i) For members of staff appointed as Police Staff on or after 1st September 1996, only continuous previous employment with a police authority will count for the purpose of calculating maternity leave

#### **6.3.3 Staff Appointed after 1.1.05**

- i) For members of staff appointed as police staff, continuous service may include continuous employment with a Police Authority, PCC Office, Chief Constable, Police Service of Scotland, Scottish Police Services Authority, Scottish Crime and Drug Enforcement Agency, Scottish Joint Police Force, National Crime Agency, Serious and Organised Crime Agency, College of Policing, National Policing Improvement Agency, Local Authority, Scottish Joint Board, NCS, NCIS, CENTREX (or predecessor), PSNI (or predecessor), Royal Ulster Constabulary, non-Home Office forces, the Metropolitan Police and the British Transport Police and the Fire Authority for the purposes of the Occupational Maternity Scheme.

**Higher Rate (of SMP)**      9/10ths (90%) of your average weekly earnings

**Lower Rate (of SMP)**      Basic weekly amount of SMP, reviewed each year



<b>MA</b>	Maternity Allowance - DWP benefit available to those not entitled to SMP (subject to qualification)
<b>MPP</b>	Maternity Pay Period during which SMP is payable
<b>OMP</b>	Occupational Maternity Pay - the payments you are entitled to receive as an employee of Durham Constabulary
<b>Week's Pay</b>	The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the past 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.
<b>Childbirth</b>	Childbirth means the live birth of a child or a still birth but after a pregnancy lasting 24 weeks

#### 6.3.4 **Maternity Leave**

- i) All employees are entitled to a maximum period of maternity leave of 15 months which can be taken in one or more periods. The period in which maternity leave can be taken starts six months before the expected week of childbirth and ends no later than 12 months afterwards. The ability to take maternity leave in more than one period allows the employee to:-
  - Return to work for eg court appearance or training course and then resume maternity leave.
  - Take annual leave during a break in maternity leave; otherwise any accrued or unused annual leave should be carried over to the next leave year.
- ii) If your baby is born prematurely your maternity leave and payments will automatically commence. The latest you can commence maternity leave is the day after the birth of your baby.

### 6.3.5 **Maternity Pay Who Qualifies?**

- i) If you have completed at least 26 weeks service by the end of the 15<sup>th</sup> week before the expected date of birth, you will be entitled to Statutory Maternity Pay (SMP) for 39 weeks.
- ii) If you have completed one year's continuous service by the 11<sup>th</sup> week before the EWC i.e. the Sunday, your payments will be:
  - (a) 18 weeks at full pay
  - (b) Employees can elect with the agreement of the employer to extend their final five weeks maternity pay to 10 weeks at half pay.
  - (c) For the remainder of the maternity leave period the employee will receive their entitlement to SMP, (currently up to 39 weeks in total) where eligible. (18 weeks occupational pay and 21 weeks statutory). This is as long as the total maternity pay does not exceed full pay.
  - (d) The remaining 21 weeks maternity leave of which you are entitled to take will be unpaid.
- iii) If you do not intend to return to work, payments during the maternity leave period following the first 6 weeks shall be the employee's entitlement to SMP (currently 39 weeks in total) where eligible
- iv) Payments made by the Constabulary under (i) and (ii) shall be made on the understanding that you will return to the Constabulary's employment for a period of at least 1 month. If you do not return, you will need to refund the occupational pay payments. You are advised that if you have not yet definitely decided to return to work, you could elect to defer the half pay element of your maternity pay. You can then claim it as a lump sum payment if you decide to return to work. Please note that you do not have to refund any SMP payments.

### 6.3.6 **What If You Do Not Qualify For SMP?**

- i) If you have worked for Durham Constabulary for less than 41 weeks by the EWC, you may be eligible for Maternity Allowance paid by the DWP. You will be sent a form SMP1 by the Pay and Pensions. You must complete this form and sent it to the DWP along with your MAT B1.

#### **6.3.7 Other Points To Note Regarding Statutory Maternity Pay**

- i) The earliest start date for the payment of SMP is 6 months before the EWC. The latest start date for the payment of SMP is the day after the date of birth. If however in exceptional circumstances the baby is born before the 11th week before the expected date of childbirth (EWC) SMP will be paid from the day following the birth.
- ii) If an employee does not cease work before the baby is born the SMP will commence on the day following the birth.
- iii) If an employee is absent with a pregnancy related illness, wholly or partly in the 4 week period prior to the EWC, SMP will commence immediately.

#### **6.3.8 Returning To Work**

- i) You are entitled to return to the job in which you were employed under your original contract of employment and on terms and conditions not less favourable than those which would have been applicable to you if you had not been on maternity leave. 'Job' for this purpose, means the nature of the work which you are employed to do and the capacity and place in which you are employed. You will be allowed to return from maternity leave on a phased return arrangement for the first 2 weeks, pro rata to your hours worked
- ii) Where it is not practicable by reason of redundancy to return to work to the job you had before your maternity leave commenced, you would be offered a suitable alternative vacancy which would be on terms and conditions not substantially less favourable than in which you were originally employed.
- iii) Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. general reorganisation), which would have occurred if you had not been absent, necessitate a change in the job in which you were employed prior to your absence. The work to be done should be suitable to you and appropriate to the circumstances and the capacity and place in which you are to be employed and your terms and conditions of employment should not be less favourable to you than if you had been able to return to the job in which you were originally employed.
- iv) In order to support staff on their return to work, line managers should meet with the employee to assess any training/other needs following their absence. HR Managers are available to assist with this process where necessary.
- v) Where an employee is unable to return to work on the expected day due to sickness, the absence will be covered by the sickness scheme in the

normal way. If no return date has been notified the 'expected date' will be the day following the end of the paid maternity leave period.

- vi) If you report sick and receive SMP before exhausting your full maternity leave entitlement, you will not be allowed to resume maternity leave at the end of your period of sickness but must return to work. You cannot receive SMP and SSP at the same time.
- vii) If you intend to return to work at the end of your full maternity leave entitlement, you will not be required to provide any further notification
- viii) If you intend to return to work before the expiry of your SMP or Maternity Allowance then you must give 21 days' notice of the date you want to return to work. If you intend to return to work early within your additional maternity leave period then you must provide your Line Manager with at least 8 weeks notice of the earlier date.

#### **6.4 Police Officers and Police Staff**

##### **6.4.1 Discipline**

- i) During maternity leave, Officers and Staff remain members of Durham Constabulary and therefore remain subject to Police Regulations and Terms and Conditions of Employment including disciplinary procedures.

##### **6.4.2 Pensions**

- i) For Police Officers, the "unpaid" part of the official maternity leave does not normally count as pensionable service however, if an officer returns to work following all or part of the official maternity leave, they can "buy in " any period of unpaid leave to count as pensionable service by paying a sum equal to the pension contributions they would have paid if they had not been on unpaid leave. The "buying-in" of the unpaid maternity leave period for pension purposes must be completed within six months of their return to work.
- ii) For Police Staff, during maternity leave individuals will pay pension contributions calculated on the actual pay received. Individuals will also have the option to pay pension contributions for any period of unpaid leave taken. The advantage of paying these pension contributions is that you do not have a break in pensionable service and the calculation of any pension is not affected. For further information contact Pay and Pensions

#### 6.4.3 **Contact During Maternity Leave**

- i) Reasonable contact between the Force and the member of staff on maternity leave is encouraged to facilitate communication. Under legislation, either party is entitled to initiate this during the maternity period (for example to discuss the member of staff's return to work or potential work related issues that may concern them) and such contact will not bring the maternity period to an end.

#### 6.4.4 **Annual Leave**

- i) Maternity leave does not affect your entitlement to annual leave. You will continue to accrue annual leave even during unpaid maternity leave. You should plan to take all annual leave within the current leave year. However, in very exceptional circumstances, leave may be carried over to the next leave year.
- ii) In addition you can take annual leave during a break in your maternity leave.

#### 6.4.5 **Ante-natal Care**

- i) A member of the force who is pregnant and has made an appointment for the purpose of receiving ante-natal care shall have the right not to be unreasonably refused paid leave from duty to keep the appointment. You will be asked to show evidence of your first appointment/class by your Line Manager. Confirmation of future appointments/classes may need to be provided where necessary. If appointments are at times you do not normally work, then you cannot claim time off in lieu.
- ii) Fathers, partners and /or intended parents in a surrogacy situation are **entitled** to take unpaid leave to attend up to two antenatal appointments with the pregnant woman.

#### 6.4.6 **Duties**

- i) There are no provisions for an individual to be provided with alternative work whilst pregnant or upon return after the birth of the child, however should an individual decide to work on into their pregnancy, the question of suitable alternative duties will arise dependent upon the role they currently fill. Individuals should discuss this initially with their Line Manager and then an appropriate risk assessment will be undertaken in consultation with the individual taking into account the requirements of the Pregnant Workers EEC Directive (see Health and Safety Policy for more details).

#### **6.4.7 Nominated Carers Leave**

- i) Nominated carers leave of 40 hours for police officers and 37 hours for police staff with pay, should be made available to all staff, during a woman's maternity period, regardless of number of hours worked for the purpose of assisting in the care of a new born child.
- ii) A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to her at or around the time of the birth. To qualify the nominated carer must be a substantive member of Durham Constabulary and have completed 26 weeks continuous service prior to the week on which maternity support leave is to be taken. Requests should be made in writing to the Head of Command and should include a letter from the expectant mother confirming that they will be their primary carer. The individual will also be required to produce a copy of the expectant mother's MAT B1 (Maternity Certificate) and provide reasonable notice of the actual timing of the leave

#### **6.4.8 YOU CANNOT RETURN TO WORK FROM MATERNITY LEAVE WITHIN 2 WEEKS OF CHILDBIRTH**

#### **6.4.9 Early and Late Births**

- i) If your baby is born before you have ceased work you will receive maternity pay starting from the day after the birth. If your baby is born early, but after you have started to receive maternity pay, then your pay will not be affected and will continue to be paid as if the baby had been born when it was due.
- ii) If your baby is born before you have informed your Command of your intention to take maternity leave, you will still be entitled to your maternity pay. You must still provide medical evidence of the date the baby was due to be born. Evidence of both the expected and actual dates of birth are provided on the MAT B1 Certificate.
- iii) If your baby is born later than the week it was due, your maternity leave is not affected and will be paid as if the baby was born on the expected date.

#### **6.4.10 Miscarriage /Still Birth**

- i) If your baby is stillborn earlier than the 24th week of your pregnancy, you will not be eligible for maternity pay and leave. However, if you are unfit to return to work at this time, you will be eligible to take sickness leave, subject to the normal sick pay requirements. If your baby is stillborn after the start of the

24th week of your pregnancy, then you will still qualify for full maternity pay and leave and any period of sickness absence will be treated as pregnancy related.

- ii) Bereaved parents of a child who dies on or after 6 April 2020 are entitled to take parental bereavement leave with pay, pro rata to the hours worked. Such leave will be 80 hours for Police Officers and 74 hours for Police Staff. This entitlement also applies to stillbirths occurring after 24 weeks of pregnancy. (see Leave Policy for further details)

#### **6.4.11 Statutory Maternity Pay (SMP) and Statutory Sick Pay (SSP) - Basic Rules**

- i) You cannot receive SMP and SSP at the same time. In normal circumstances if you are sick during the 4 weeks before the EWC and still at work, you can receive SSP if the illness is not wholly or partly pregnancy related. If your sickness during the 4 weeks before the EWC is wholly or partly pregnancy related, your maternity leave and pay are triggered automatically.

#### **6.4.12 Maternity Support Leave**

- i) Maternity support leave gives individuals paid leave to support their spouse/partner in the first weeks of a child's life and is in addition to parental leave and adoption leave. This includes parents in a surrogacy and 'foster to adopt' arrangement. Such leave cannot be taken in relation to a child where shared parental leave has already been taken.
- ii) Under the Employment Act 2002 & Regulation 33 of the Police (Amendment) Regulations 2004, Work and Families Act 2006 individuals have the right to take up to 2 working weeks paid statutory maternity support leave during the 56 day period beginning with the child's birth date, providing they satisfy the qualifying criteria as described below (for part-time staff the rights will be on a pro rata basis). Part weeks will not be allowed.
- iii) To qualify, staff must have been continuously employed by the Constabulary for a period of not less than 41 weeks before the expected week of the child's birth and have or expect to have responsibility for the child's upbringing.
- iv) The individual must also be the biological father of the child or the mother's spouse or partner and take the leave for the specific purpose of caring for the new born child and supporting the mother (or for the purpose of caring for a child newly placed for adoption and supporting the adoptive parent). (Partner/spouse refers to someone who lives with the mother, in an enduring family relationship, but who is not a blood relative).

- v) Leave can start on any day of the week or following the child's birth but must be completed within 56 days of the actual date of birth of the child or if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth. NB only one period of leave will be available to individuals irrespective of whether more than one child is born as the result of the same pregnancy.
- vi) Maternity support pay will be paid by employers for either one week or two weeks as the individual has chosen (for police officers this equates to 40 hours per week or for police staff 37 hours per week, for part-time workers this will be on a pro-rata basis in accordance with hours worked). The first week will be at full pay and the second week will be a SPP (statutory paternity pay) rate fixed by the Department for Work and Pensions. NB annual leave continues to accrue during maternity support leave

## **7.0 SHARED PARENTAL LEAVE**

### **7.1 What is Shared Parental Leave**

- i) Shared parental leave (SPL) enables eligible mothers, fathers, partners, adopters, prospective parents in the 'fostering to adopt' system and intended parents in a surrogacy arrangement to choose how to share time off work after their child is born or placed.
- ii) It also provides working parents the opportunity to share leave and pay more flexibly in the first year following the birth or placement. Parents will have the option of interspersing periods of work with periods of leave.
- iii) An eligible mother can end her maternity leave early and with her spouse or partner opt to commence SPL instead of maternity leave.
- iv) Shared parental leave overlaps with a mother's right to take maternity leave and exists alongside a partner's right to take one or two week's paternity leave.
- v) SPL replaces the right to additional maternity support leave and additional statutory maternity support pay will be abolished.
- vi) Shared parental leave should not be confused with ordinary parental leave which is unaffected by SPL (see paragraph 12)
- vii) If the mother is entitled to maternity leave, the amount of shared parental leave available to her and her partner is calculated by reference to the



amount of maternity leave that is left when she returns to work or curtails her maternity leave.

- viii) The process of curtailing maternity leave allows the mother to notify her employer that she intends to end her maternity leave on a specified date in the future. The specified date determines how much shared parental leave will be available to divide between her and her partner and will allow the partner to take a period of shared parental leave before the end of the mother's maternity leave.

## **7.2 Curtailing maternity leave**

The mother can bring forward the end of her maternity leave period by giving her line manager a 'leave curtailment notice' stating the date on which her ordinary or additional maternity leave is to end. The date specified in the notice must be in writing and is required to be at least:-

- i) One day after the end of the compulsory maternity period which is the first 2 weeks after the birth of the baby
- ii) 8 weeks after the date on which the employee submits the leave curtailment notice to her Line Manager and
- iii) 1 week before the end of the employee's additional maternity leave period. Additional maternity leave is the second period of 26 weeks of maternity leave.

The mother must accompany the leave curtailment notice with either:-

- i) A notice of entitlement and intention to take leave or
- ii) A declaration of consent and entitlement confirming that the partner has given his or her employer a notice of entitlement and intention to take leave and that the mother consents to the amount of shared parental leave that the partner intends to take.

## **7.3 Who is eligible**

Shared parental leave can only be used by two people namely:-

- i) The mother/adopter **and**
- ii) One of the following only after the mother / adopter gives notice to reduce their maternity or adoption leave:-

- The father of the child (in the case of the birth) or
- The spouse, civil partner or partner of the child's mother/adopter

Both parents must share the main responsibility for the care of the child at the time of the birth /placement for adoption.

Additionally:-

To qualify for SPL, the baby's mother or adoptive parent must be eligible for either:-

- maternity leave or pay
- maternity allowance
- adoption leave or pay

And must also:-

- i) have worked for Durham Constabulary continuously, or in respect of a partner with their respective employer, for at least 26 weeks by the end of the 15<sup>th</sup> week before the due date, or the date they are matched with their adoptive child, or at least earn the minimum threshold need to qualify for maternity allowance.
- ii) still be employed by Durham Constabulary whilst taking a period of SPL or in respect of a partner with their respective employer
- iii) provide the correct notice including a declaration that their spouse/partner meets the employment and income requirements as outlined at paragraph 7.9 + 7.10
- iv) have the main responsibility for the child at the date of the birth (apart from the responsibility of the mother)

## **7.4**

### **Leave entitlement**

- i) Shared parental leave essentially allows the parents of a child to divide a total of 50 weeks leave between them.
- ii) The first two weeks immediately after the birth must be taken by the mother; the adopter can take SPL after taking at least 2 weeks of adoption leave.
- iii) Periods of shared parental leave do not have to be consecutive and both parents can take leave at the same time provided that the total amount of leave taken does not jointly exceed 50 weeks.

- iv) The actual leave taken will depend upon how much maternity / adoption leave has already been taken.
- v) Any SPL not taken by the first birthday or first anniversary of placement for adoption will be lost.
- vi) Shared parental leave must be taken in complete weeks and one week is the minimum period that may be taken.
- vii) Discontinuous leave can also be taken subject to approval. For example this will allow the mother to take leave for a period and then return to work while her spouse/partner takes a period of SPL followed by the mother then going on SPL again for the remaining period.
- viii) Statutory shared parental leave is available for up to 39 weeks reduced by the number of statutory maternity pay taken by the mother. This will be paid at the same flat rate as the lower rate of maternity pay. Only the mother can take the initial 6 weeks of leave at 90% of her weekly earnings.

For individuals who are only entitled to statutory maternity allowance – further advice should be sought from Pay and Pensions.

The spouse / partner cannot take maternity support leave or pay after they have taken SPL – see paragraph 6.4.12

## **7.5            Blocks of Leave**

- i) Shared parental leave can be split into 3 separate blocks instead of being taken in one block even if such leave is not being shared with a spouse/partner, subject to the individual being eligible and provides 8 weeks' notice.
- ii) If both parents are taking SPL then they may take SPL at the same time or at different times.
- iii) Subject to approval, a block of leave can also be split into shorter periods of at least a week i.e. an individual could work every other week during a 12 week block using a total of 6 weeks of their SPL.
- iv) Durham Constabulary has the right to refuse blocks of leave that are to be taken as shorter periods and can agree alternative dates for a period or periods of leave. The spouse / partner may then submit a revised application for consideration.
- v) Each request will be considered on an individual basis and approval of such will not set a precedent for other applicants.

**7.6            Pay**

- i) Police officers and staff who qualify are entitled to 18 weeks full pay during the first 18 weeks of paid maternity leave. If the individual should choose to commence a period of Shared Parental Leave during that 18 week period then the entitlement to full pay will cease, as the individual would no longer be on paid maternity leave, and payment would be the lower rate Statutory Maternity Pay Rate for either herself or spouse/partner/civil partner

**7.7.            Statutory Shared Parental Pay (ShPP)**

Eligible individuals may be entitled to up to 37 weeks ShPP whilst taking SPL. The amount available will depend upon how much the mother /adopter reduces their maternity/adoption pay period or maternity allowance period.

An individual must satisfy the below criteria to be able to claim ShPP:-

- i) the mother/adopter must be entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity /adoption pay period or maternity allowance period
- ii) they must have the intention of caring for the child during the week in which ShPP is payable
- iii) must remain in continuous employment until the first week of ShPP has begun
- iv) must provide at least 8 weeks' notice of their intention to claim ShPP

**7.8.            Commencing Shared Parental Leave**

In order to commence a period of shared parental leave, the mother or adopter must:-

- i) end their maternity or adoption leave by returning to work (the date will be binding). A mother cannot return to work before a compulsory period of 2 weeks has elapsed.(does this also apply to the adopter)
- ii) cease appropriate maternity pay or maternity allowance
- iii) provide at least 8 weeks' notice to cease maternity pay, maternity allowance or adoption pay.

- iv) SPL can commence for the spouse/partner whilst the mother or adopter is still on maternity or adoption leave subject to a binding notice date to end such has been submitted and approved.

## **7.9 Individual's responsibility re notification of shared parental leave**

Individuals are required to provide at least 8 weeks written notice of their entitlement to SPL and ShPP and must include:-

- i) The date on which the baby is expected to be born or the date the child is to be placed.
- ii) The total amount of SPL and ShPP available and how much they and their spouse/partner intend to take
- iii) The start and end dates of maternity leave/adoption leave or pay, or maternity allowance, taken in respect of the child
- iv) How much leave they are entitled to take
- v) How much SPL the parent is intending to take
- vi) When they expect to take the SPL
- vii) Spouse or partners name
- viii) That they are sharing childcare responsibilities with their spouse/partner
- ix) That they meet, or will meet the eligibility conditions
- x) That if they are not the mother or adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter.

## **7.10 Individuals spouse/partners responsibility**

Staff must provide from their spouse or partner a signed declaration, even if they are employed elsewhere which includes:-

- i) their spouse/partners name, address and national insurance number
- ii) that they satisfy the qualifying requirements for the individual employed by Durham Constabulary to take SPL and ShPP.
- iii) The start and end dates of any periods of statutory maternity leave, pay or maternity allowance to be taken by the mother

- iv) The total amount of SPL available and the amount the partner or mother intends to take
- v) They agree to the individual employed by Durham Constabulary taking SPL and ShPP
- vi) That they consent to Durham Constabulary processing the information contained in the declaration
- vii) That they will immediately inform their spouse/partner should they cease to satisfy the eligibility conditions

Durham Constabulary are entitled to seek a copy of the baby's birth certificate, name and address of adoption agency and appropriate adoption details and the name and address of the spouse/partners employer (if they are not employed by Durham Constabulary) and to make appropriate enquiries to confirm the above eligibility.

#### **7.11 Cancelling the decision to end maternity or adoption leave**

The mother or adopter may be able to change their decision to end their maternity leave or adoption leave early if:-

- i) The planned end date has not passed
- ii) They have not already returned to work

One of the below must also apply:-

- i) It is discovered that during the 8 week notice period that neither mother/adopter or spouse/partner is eligible for either SPL or ShPP
- ii) The individuals spouse/partner has died
- iii) It is less than six weeks after the birth (and the mother gave notice before the birth)

#### **7.12 Variations to arranged Shared Parental Leave**

- i) Individuals are permitted to vary or cancel any agreed and booked period of SPL provided that they advise of such at least 8 weeks before the date of any variation.
- ii) A new start date cannot commence sooner than 8 weeks from the date of the variation request.

### **7.13 Shared Parental Leave in Touch (SPLIT) days**

- i) An individual is entitled to work up to 20 days during SPL without bringing such to an end.
- ii) These days are in addition to the 10 Keeping In Touch (KIT) days already available to those on maternity or adoption leave.
- iii) For Police Officers, in accordance with police regulations, any work carried out on any day shall constitute a full day's work.
- iv) For Police Staff, in accordance with employment legislation, payment will be the appropriate hourly rate for the hours actually worked based on the individual's substantive grade.

### **7.14 Annual Leave**

Annual leave and public holidays will continue to accrue whilst on SPL.

## **8.0 ADOPTION LEAVE AND PAY**

### **8.1 Principles**

- 8.1.1. The following provisions do not apply to cases of adoption by step parents, or in respect of children previously living with the adoptive parents. Adoption leave cannot be taken where additional maternity support/shared parental leave has already been taken in relation to the child.
- 8.1.2 Adoption leave applies to individuals who are to adopt, local authority foster parents who are fostering to adopt and who are prospective adopters, spouses, civil partners and partners of such.
- 8.1.3 If an individual has exercised the right to paid time off to attend an adoption appointment, any application to then take maternity support leave rather than adoption leave will not be approved.
- 8.1.4 Individuals who choose to adopt children will be given support, if required, in order to make the process as smooth as possible. This policy applies only within the first year following the date of adoption and should run, for that year concurrently.
- 8.1.5 Prospective adoptive parents are eligible to take paid leave for the purposes of having contact with the child or for any other purpose connected with the adoption on up to 4 occasions to a maximum of 6.5 hours each occasion. For joint adopters, one parent can take time off as outlined above and the other is eligible to take unpaid time off on up to two occasions to a maximum of 6.5 hours each occasion

8.1.6 All staff (irrespective of service) who adopt children up to the age of 18 are entitled to 52 weeks adoption leave. Payments for staff who have completed one year's continuous service ending with the week in which the staff member is notified of having been matched with a child shall be:-

- 18 weeks at full pay
- Staff can elect with the agreement of the employer to extend their final 5 weeks adoption pay to 10 weeks at half pay
- 21 weeks at statutory adoption rate
- 13 weeks unpaid

8.1.7 They must also be in employment that is expected to continue for at least 1 month after the member of staff returns to work.

8.1.8 The earliest adoption leave can commence is from a fixed date up to 14 days before the expected date of placement, the latest is from the date the child is placed.

8.1.9 Police Officers or Police Staff will be entitled to Statutory Adoption Pay (SAP) from the Constabulary during ordinary adoption leave. For details of SAP contact Pay and Pensions Department

8.1.10 If both parents are jointly adopting a child only one is entitled to adoption leave whether or not both parents are members of Durham Constabulary. The other parent would be entitled to Adoption Support Leave. The entitlement to adoption leave applies to partners of the same sex. The length of ordinary or additional adoption leave cannot be extended if more than one child is being adopted at the same time.

8.1.11 Payments made by the employer during adoption leave shall be made on the understanding that the employee will return to work for the employer for a period of at least one month. In the event the employee does not return to work the employer will decide upon the repayments to be made with the exception of payments made by way of Statutory Adoption Pay which are not refundable

## **8.2 Adoption Support Leave (all staff)**

8.2.1 Full adoption allowances are afforded to only one of the adoptive parents however the other adoptive parent (spouse, civil partner and partners) irrespective of whether their spouse/partner works for the organisation, can take up to 2 weeks continuous leave the first of which is on full pay. An individual who has 26 weeks continuous service at the notification week will be entitled to pay, paid for the second week at statutory paternity pay rate.

8.2.2 Where any period of paid adoption support leave coincides with statutory paternity pay periods, adoption support pay will be offset by statutory paternity pay. All



adoption support leave will be pensionable, reckonable for incremental pay and leave purposes, and included towards any probationary periods of service.

- 8.2.3 An individual taking adoption leave has the right to return to work on the same conditions of service e.g. hours, grade/rank etc., wherever possible, posts should be reorganised or covered on a temporary basis to allow the member of staff to return to the post they occupied before commencing adoption leave.
- 8.2.4 Should a reorganisation take place whilst the individual is on adoption leave, the same procedures should apply as if they were present in the work place.
- 8.2.5 Annual leave during adoption leave is accruable. You should plan to take all annual leave within the current leave year. However, in very exceptional circumstances, leave may be carried over to the next leave year.
- 8.2.6 Standard adoption leave and ordinary adoption leave and pay will be pensionable and reckonable for incremental pay and leave purposes. For Police Officers this will also be included towards any period of probationary service.

### **8.3 Additional Maternity Support Leave & Pay For Adoptive Parents -**

- 8.3.1 For adoptive parents who have been notified or matched with a child they have the right (if eligible) to additional maternity support leave and pay within the first year of adopting the child, provided that the child's adopter who elected to take adoption leave has returned to work before using their full entitlement to adoption leave.
- 8.3.2 The earliest that additional maternity support leave can commence is 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional maternity support leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.
- 8.3.3 When adopting a child, an individual is entitled to up to 26 weeks' additional maternity support leave for the purposes of caring for a child if they are married to, the civil partner of, or the partner/spouse of the child's adopter and has been matched with the child for adoption and have been continuously employed for at least 26 weeks by the end of the week in which they were notified of having been matched with the child or for those adopting from overseas when the child enters Great Britain. The individual remains in continuous employment until the week prior to the start of the additional maternity support leave and has provided notice of their leave and declaration (Pers 264) at least 8 weeks prior to the chosen start date.

- 8.3.4 Additional Statutory Maternity Support Leave is an unpaid period unless you qualify for payment. To qualify for Additional Statutory Maternity Support pay you must be an employed earner. That is you must work for someone who is liable to pay the employer's share of your class one National Insurance contributions. You must also earn at least the lower earnings limit (LEL) for National Insurance contributions in force at the end of the qualifying week.
- 8.3.5 The adopter must have returned to work and stopped claiming any relevant pay, with at least two weeks of unexpired Statutory Pay period remaining.
- 8.3.6 Additional Maternity Support Pay is payable at a rate fixed by the D.W.P.
- 8.3.7 For Additional Statutory Maternity Support Pay when adopting from overseas the qualifying week is the later of either when the week official notification was received or the week you have 26 weeks' continuous employment with the employer paying the Additional Statutory Maternity Support Pay
- 8.3.8 If you do not qualify for Additional Maternity Support Leave or Pay you may be able to take annual leave or unpaid parental leave instead, please paragraph 12.0 for further information. You may also be able to request a more flexible working pattern, please refer to the Modern Methods of Working Policy.
- 8.3.9 Individuals may bring forward the start date, postpone or, cancel the additional maternity support leave date provided that at least 6 weeks' notice is given before the new start date, or as soon as reasonably possible.
- 8.3.10 Within 28 days of receiving notification of your additional maternity support leave plans, we will write to you confirming your arrangements including the expected return to work date.
- 8.3.11 If the parent or adopter dies within the first year of the child's life, or within one year of the child being placed for adoption, you may commence Additional Maternity Support leave at any time. This leave must end no later than 12 months after the date of the child's birth or placement for adoption (or the date on which the child enters Great Britain if adopted from overseas)

#### **8.4 Specific Instructions**

- 8.4.1 Police Officers and Staff must undertake to return to work for at least 3 months after adoption leave except in the event of a conflict between adoption leave and the individual's employment contract where the employment contract and discipline procedure will take precedence. Failure to comply with the requirement will render them liable to repay the wages/salary received. This liability may be varied at the discretion of the Chief Constable on good cause being shown.

- 8.4.2 Individuals must inform their Head of Command/Department at the earliest opportunity of the fact they are prospective adoptive parents and that they wish to take advantage of Adoption Leave. They must also inform them of the expected dates for which they will be seeking adoption leave. Notice should be no less than 21 days.
- 8.4.3 Individuals intending to return to work after their full adoption leave (52 weeks) do not have to give any further notification. Those who wish to return before the end of their full adoption leave must give 28 days' notice of the date they intend to return.

## **9.0 SURROGATE PARENTS**

Where a couple (one of the intended parents must be genetically related to the child and the child must live with the intended parents) have a parental order in relation to a child, one parent can be eligible for adoption leave and pay and the other can be eligible for maternity support leave and pay. The couple must elect which one will take adoption leave and advise their respective employer accordingly.

An employee who takes adoption leave in these circumstances can curtail such and take shared parental leave with the other parent provided that both parents meet the relevant eligibility criteria at para 7.0

## **10.0 FOSTER CARERS LEAVE**

A maximum of 5 days paid leave per annum will be granted to foster carers upon being placed with a child / welcoming a child into the family.

## **11.0 KEEPING IN TOUCH DAYS**

- 11.1 A member of staff may, with the agreement of the Head of Command, carry out up to 10 days' work during statutory maternity leave period or statutory adoption leave period without bringing maternity leave or adoption leave to an end. A member of staff is not allowed to work during the first 2 weeks following childbirth.
- 11.2 The work can be consecutive or not and means any work done under the contract of employment including training, attending meetings and committees or any activity undertaken for the purposes of keeping in touch with the workplace.
- 11.3 It should be noted however, that this provision does not confer any right on the Constabulary to require any work to be carried out during the statutory maternity leave period or the statutory adoption leave period, nor any right on a member of

staff to request work during this period. Also, there is no obligation on either the Constabulary or the member of staff to make use of these days.

- 11.4 Any days' work carried out will not have the effect of extending the total statutory maternity leave period or the statutory adoption leave period.
- 11.5 For Police Officers, in accordance with police regulations, any work carried out on any day shall constitute a full day's work.
- 11.6 For Police Staff, in accordance with employment legislation, will be paid for Keeping in Touch days and this will be in addition to SMP. Payment will be the appropriate hourly rate for the hours actually worked based on the individual's substantive grade.
- 11.7 In accordance with Police Regulations Police Officers are paid irrespective of whether or not they are in receipt of SMP.
- 11.8 An individual who takes additional maternity support leave is entitled to ten Keeping in Touch (KIT) days without bringing their leave to an end. This entitlement is separate from the mother's entitlement to KIT days.

## **12.0 PARENTAL LEAVE**

### **12.1 Principles**

- 12.1.1 Under the Parental Leave (EU Directive) Regulations (2013) and as amended by the Maternity and Parental Leave (Amendment) Regulations (2014) staff have the right to up to a maximum of 18 weeks unpaid parental leave per child providing that:- (for part-time staff the rights will be on a pro rata basis).
  - they have at least one year's continuous Police service and be the parent of a child (named on the birth certificate), or have acquired formal parental responsibility for a child (as per the Children Act definition) who is under 18 years old. If a member of staff has acquired formal parental responsibility, they may be asked to provide confirmation of parental status from one of the natural parents.
- 12.1.2 If both parents meet the criteria and are both employed by the organisation each are entitled to the leave, but it cannot be guaranteed that the leave can be granted at the same time. Parental leave is an individual right and cannot be transferred between parents, e.g. if one parent has taken the maximum allowance they cannot use that afforded to the other parent.
- 12.1.3 Staff wishing to apply for planned parental leave must give 21 days' notice to their Supervision on a form (Pers. 228). Unplanned parental leave should be notified to the individual's line manager as soon as possible but in any event prior to the leave commencing. Form Pers. 228 must be completed as soon as possible.

## 12.2 **What can Parental Leave be used for**

- 12.2.1 Applications from qualified individuals will be considered to care for a child after the time of the birth or adoption; to spend more time with a child in the early years; to care for a sick child; to care for a child during temporary and unavoidable breakdown in normal established childcare; to accompany a child during a stay in hospital; checking out new schools and settling a child into new childcare arrangements

## 12.3 **Minimum & Maximum Periods of Leave**

- 12.3.1 A maximum of four weeks leave may be taken for each child in any year up to a maximum of 18 weeks. One week equates to the number of days normally worked by an individual in any one week. The year commences on the date of birth or adoption or birth or the date from when the one years qualifying service is completed whichever is the later.
- 12.3.2 Parental leave can be taken a day at a time. In exceptional circumstances, in cases where leave taken is in blocks of less than 1 week, a week is only deducted from a member of staff's overall entitlement of 18 weeks when the short periods of leave add up to what would be a normal or average working week.

## 12.4 **Time Periods in which Parental Leave Entitlement must be Used**

- 12.4.1 Individuals must take their parental leave entitlement before the child's 5<sup>th</sup> birthday or 18<sup>th</sup> birthday if the child is disabled or adopted. If parents fail to use their parental leave within the timescales, it will be forfeited

## 12.5 **Postponement**

- 12.5.1 When approval of the leave would unduly disrupt the work of the section or branch, parental leave may be postponed for up to six months. If leave is to be postponed the application form Pers. 228, will be endorsed by the Head of Command/Departmental Head and returned to the individual within 7 days of receipt of the original request, specifying the reasons for postponement and the period of re scheduled leave. . If the postponement takes the leave beyond the time limits they can be extended e.g. If the postponement extends beyond the child's 5<sup>th</sup> birthday or in the case of an adopted or disabled child, beyond the 18<sup>th</sup> birthday, the entitlement can be extended by a period equivalent to the length of the postponement.

- 12.5.2 Parental leave cannot be postponed when a member of staff gives notice to take it immediately after a child is born or adopted. This applies to all staff members. For female staff, maternity leave will take priority over parental leave and maternity entitlement must be exhausted before a female member of staff can take parental leave.

## 12.6 **Rights and Obligations during Parental Leave**

- 12.6.1 All staff will continue to be governed by Police Regulations and Terms and Conditions of Employment.
- 12.6.2 Staff are deemed to have continuity of service, throughout the period of parental leave.

## 12.7 **Right to return after Parental Leave**

Staff who take parental leave have a right of return to their substantive post and must return from parental leave on terms and conditions which are not less favourable than they would have been given if they had not been away from work and therefore will return to the same remuneration package (unless terms and conditions are renegotiated during the absence).

## 13.0 **Pension**

As the period of parental leave is unpaid it is not reckonable for pension purposes but there is provision to buy back service at the full cost. Staff wishing to purchase this should contact the HQ Pay and Pensions Office.

## 14.0 **Annual Leave**

Maternity leave, maternity support leave, adoption leave and parental does not affect your entitlement to annual leave. You will continue to accrue annual leave even during unpaid maternity leave. You should plan to take all annual leave within the current leave year. However, in very exceptional circumstances, leave may be carried over to the next leave year.

## 15.0 **APPEALS PROCEDURE**

If an individual wishes to appeal against any decision made in connection with this policy, they should write to or email, the Deputy Chief Constable at the below address within 14 days of receiving a decision. The appeal will be considered and consultation will take place with appropriate individuals to establish all facts before a decision with regard to the appeal is made. A response to the appeal will be provided in writing within 10 working days of receipt of the appeal. Should this

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period not be achievable the individual will be notified in writing when a decision will be communicated.

The Deputy Chief Constable  
c/o Human Resources  
Police Headquarters  
Aykley Heads  
Durham  
DH1 5TT  
Email [human.resources@durham.pnn.police.uk](mailto:human.resources@durham.pnn.police.uk)

**EQUALITY IMPACT ASSESSMENT (EIA)****FAMILY LEAVE POLICY**

An equality impact assessment (EIA) form **must** be completed by the Policy/Function lead when developing or reviewing policies or procedures which may impact on the way the Force conducts its business (both internally and externally) and must show that when making decisions we:-

- Give due regard to the impact it will have on protected groups
- Undertake an assessment **prior to** any decisions around policies/procedures being ratified to identify what potential impact has been found and subsequent action taken, and
- Provide an audit trail of the assessment undertaken which identifies how the policy or procedure is likely to affect protected groups.

The EIA must be completed **before** decisions are made, and remain a live document to be reviewed and continually updated during policy/procedure development or updating

This form is a Tool to document the assessment and should be completed, attached to the relevant policy/procedure document and submitted to the HR User Group or other strategic group for ratification

**1) Purpose of the policy. Why do we need it and what will it achieve**

Gives advice/guidance re: statutory/ locally agreed family leave arrangements

**2) Explain briefly why the Policy/Procedure is being developed or reviewed?**

All Police Officers and Police Staff are now required to inform HR of their pregnancy at the earliest opportunity to enable the completion of risk assessments and appropriate duties planning.

**3) What research/resources have been used or considered in the initial stages of this assessment?****4) Who has been consulted around the potential impact during the development/amendment of the policy/procedure**

All support networks.	Force Executive (AC0)
HR Staff	Independent Advisory Groups (IAG's)
Staff associations	
Legal Services	
Heads of Command	



**5) Following assessment of available information, has a positive or adverse impact been identified OR is the initiative equality neutral?**

A **Positive Impact** – will actively promote equality of opportunity or improve relations between one or more groups

An **Adverse impact** – will cause some form of disadvantage or exclusion.

**Neutral impact** is when there are no notable consequences for any diversity group

**Provide details on ALL decisions for ALL the protected characteristic groups below. Specify what actions, if any, will be taken as a result of the assessment, provide any findings and the reason any decisions were reached, and determine what changes may be necessary to either reduce any adverse impact or enhance any beneficial impact.**

**If an adverse (negative) impact has been identified question 5 must be completed.**

	<u>Positive</u>	<u>Negative</u>	<u>Neutral</u>	<u>Details</u>
Age			<b>x</b>	
Disability			<b>x</b>	
Transitioning from one sex to another (either thinking of, in the process of or have)			<b>x</b>	
Marriage and Civil Partnership			<b>x</b>	
Pregnancy and Maternity	<b>x</b>			Early notification of a pregnancy will support the individual in the workplace in terms of risk assessment adjustments and

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					appropriate supportive duties being arranged
	<b>Race</b>			<b>X</b>	
	<b>Religion or Faith</b>			<b>X</b>	
	<b>Sex</b>			<b>X</b>	
	<b>Sexual Orientation</b>			<b>X</b>	
	<b>6) If a negative impact has been identified, please provide further details stating what actions need to be undertaken as a result of the section 5). How any negative impact can be justified for this initiative.</b>				

	<b>Confirm the above Actions have been incorporated and the EIA is now ready for submission to HR PUG or other Strategic Group.</b>	
	<b>Signature...</b>	
	<b>Name</b> Sylvia Horsfield	<b>Date</b> 14th August 2020
	<b>7) – Ratify the Policy / Procedure at HR PUG or other Strategic Group</b>	
	<b>Meeting/Group:-</b>	<b>HR PUG</b>
	<b>Chair of Meeting/Group:-</b>	<b>T/C/Supt Chris Curtis</b>