



**Ministry
of Defence**

**JSP 760
Tri-Service Regulations for Leave and Other Types
of Absence**

Part 1: Directive

Foreword

People lie at the heart of operational capability; attracting and retaining the right numbers of capable, motivated individuals to deliver Defence outputs is critical. This is dependent upon maintaining a credible and realistic offer that earns and retains the trust of people in Defence. In order to achieve this, all personnel, Regular and Reserves must be confident that, not only will they be treated fairly, but also that their families will be treated properly and that Service veterans and their dependants will be respected and appropriately supported.

JSP 760 is the authoritative policy and guidance on the use of leave and other types of absences by all Service personnel, their chains of command and specialist administration staff to determine entitlement to leave and appropriate criteria and category for absence. Well-managed leave and absence is crucial in maintaining moral, ensuring our personnel are refreshed and recuperated for duty in order to facilitate an effective work force. Taking leave is both an individual and a chain of command responsibility; missing leave damages both. It is incumbent on all commanders, Service or civilian, to ensure appropriate leave is taken by the whole workforce. Therefore, I would strongly encourage that those personnel charged with the management of leave apply the guidance to ensure that Defence retains a fighting force that is able to sustain current and future commitments.

Lieutenant General Richard Nugee
Chief of Defence People
Defence Authority for People

Preface

How to use this JSP

1. JSP 760 is intended as a statement of policy on Leave and Other Types of Absence in the UK Armed Forces. It is designed to be used by all personnel and provides a single source document on the policy and governance of Service leave and absence. This JSP will be formally reviewed every two years.
2. It consists of just one part and provides direction that must be followed in accordance with statute or policy mandated by Defence or on Defence by Central Government.

Coherence with other Defence Authority Policy and Guidance

3. Where applicable, this document contains links to other relevant JSPs, some of which may be published by different Defence Authorities. Where particular dependencies exist, these other Defence Authorities have been consulted in the formulation of the policy and guidance detailed in this publication.

Related JSPs	Title
315	Building Performance Standards (BPS)
375	Management of Health & Safety in Defence
440	The Defence Manual of Security, Resilience and Business Continuity
464	Tri-Service Accommodation Regulations (TSARs)
468	Loan and Secondment of Service Personnel to Commonwealth and Foreign Forces
534	The Tri-Service Resettlement and Employment Support Manual
751	Joint Casualty and Compassionate Policy and Procedures
752	Tri-Service Regulations for Expenses and Allowances
754	Tri-Service Regulations for Pay
755	Tri Service Positions and Assignments – Instructions
757	Tri-Service Appraisal Reporting Instructions
765	MOD Compensation Schemes Statement of Policy
770	Tri-Service Operational and Non-Operational Welfare Policy
800	Defence Movement and Transport Regulations
830	Manual of Service Law
831	Redress of Individual Grievances: Service Complaints
837	Service Code of Practice – Custody and Detention and Committal to Civil Prison
950	Medical Policy

Further Advice and Feedback – Contacts

4. The owner of this JSP is CDP. For further information on any aspect of this guide, or questions not answered within the subsequent sections, or to provide feedback on the content, contact:

Service	Policy Area
MOD Main	People-SP Support Welfare
Navy	Naval People Strategy, NCHQ
Army	Personnel Capability Branch, Army HQ
RAF	Employment Policy Delivery, HQ Air

Record of Amendments

Change Number	Authority	Date of Insertion
Change made to para 7B.007	DCDS(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 paras 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 of 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 para 20.031	DCDS(Pers & Trg) Div 1	14 Oct 11
Change made to para 22.006	DCDS(Pers & Trg) Div 1	14 Oct 11
Revision of Chapter 21	DCDS(Pers & Trg) Div 1	1 Dec 11
Deletion of para 6.018	DCDS(Pers & Trg) Div 1	30 Mar 12
Revision of para 18.007	DCDS(Pers & Trg) Div 1	30 Mar 12
Revision of para 3.004	DCDS(Pers & Trg) Div 1	30 Mar 12

Revision of Chapter 15: inclusion of Sections 6 and 7	DCDS(Pers & Trg) Div 1	15 Apr 15
Revision of Chapters 3, 8, 9, 10, 15, 16	DCDS(Pers & Trg) Div 1	20 May 15
Revision of Chapters 4,11,15, 17	DCDS(Pers & Trg) Div 1	25 Sep 15
Revision of Tri-Service Absence of Leave, Chapters 7, 18, 23, 26, 27, 28	DCDS(Pers & Trg) Div 1	Oct 15
Revision of para 18.007	DCDS(Pers & Trg) Div 1	22 Oct 15
General revision	DCDS(Pers & Trg) Div 1	12 Nov 15
Revision of Tri-Service Absence of Leave, 0.012, 0.014, Chapter 6, Chapter 18, Annex A, t	DCDS(Pers & Trg) Div 1	3 Mar 16
Revision of Chapters 24, 25. Addition of 18.006 & Annex A, r, and 20.012. Deletion on 15.003, c.	DCDS(Pers & Trg) Div 1	3 May 16
Foreword added, revision of Chapter 19 and paras 1.017, 1.018, 8.004, 8.005, 20.012 and 23.021	SO2 SP Support Welfare 2	21 Jun 16
Revision of para 1.012	SO2 SP Support Welfare 2	11 Aug 16
Revision of para 6.009 and Chapter 24. Addition of para 18.009.	SO2 SP Support Welfare 2	3 Oct 16
Revision of Chapter 5 and para 28.012	SO2 SP Support Welfare 2	12 Dec 16
Revision of Chapter 6, footnote 2, paras 16.005, 18,004,18,007 & 18,008 & Annex A, 26.003, 27.003, 28.006, 28.008	SO2 SP Support Welfare 2	19 Apr 17
Revision of para 5.3 and footnote 21. Addition of para 6.16 and para 17.3c.	SO2 SP Support Welfare	7 Jul 17
Para 6.16 moved – now para 6.5. Paras 20.22 to 20.35 reinserted.	SO2 SP Support Welfare	23 Aug 17
Preface added, chapters reordered and new versions of Chapters 15, 20, 21, 22 and 25 inserted. Chapter 29 added.	SO2 SP Support Welfare	28 Nov 17
Revision of Chapter 9 including addition of new Annex C. Addition of table to Chapter 29.	SP2 SP Support Welfare	9 May 18
Removal of table from Chapter 29.	SP2 SP Support Welfare	6 Jun 18
Revision of para 26.6.	SP2 SP Support Welfare	8 Aug 18

Table of Amendments

CHANGE NO	AMENDED BY	DATE
Issue 1-17	DCDS(Pers & Trg) Div 1	8 Jan 08 – 30 Mar 12
Issue 18	Pers Trg-SVW-OpWelfare1	30 Jan 14
Issue 19	Pers Trg-SVW-OpWelfare1	14 Mar 14
Issue 20	SO2 Service Personnel Welfare	11 Dec 14
Issue 21	SO2 Service Personnel Welfare	15 Apr 15
Issue 22	SO2 Service Personnel Welfare	20 May 15
Issue 23	SO2 Service Personnel Welfare	10 Jul 15
Issue 24	SO2 Service Personnel Welfare	25 Sep 15
Issue 25	SO2 Service Personnel Welfare	16 Oct 15
Issue 26	C2 Service Personnel Welfare	22 Oct 15
Issue 27	C2 Service Personnel Welfare	12 Nov 15
Issue 28	C2 Service Personnel Welfare	3 Mar 16
Issue 29	C2 Service Personnel Welfare	13 May 16
Issue 30	C2 Service Personnel Welfare	21 Jun 16
Issue 31	C2 Service Personnel Welfare	11 Aug 16
Issue 32	C2 Service Personnel Welfare	3 Oct 16
Issue 33	C2 Service Personnel Welfare	12 Dec 16
Issue 34	C2 Service Personnel Welfare	20 Apr 17
Issue 35	C2 Service Personnel Welfare	7 Jul 17
Issue 36	C2 Service Personnel Welfare	23 Aug 17
Issue 37	C2 Service Personnel Welfare	28 Nov 17

Contents

Foreword	i
Preface	ii
How to use this JSP.....	ii
Coherence with other Defence Authority Policy and Guidance	ii
Further Advice and Feedback – Contacts	ii
Record of Amendments	iv
Table of Amendments	vi
Contents	vii
Introduction.....	1
Management of Leave	1
Granting and Timing of Absences.....	2
Complaints about Refusal of Leave	2
Individual Leave Allowance.....	2
Recording of Absences.....	2
Performance Reporting.....	3
Chapter 1 – Annual Leave	1-1
Aim	1-1
Allocation.....	1-1
Leave Planning.....	1-1
Leave on a Proportionate Basis.....	1-2
Service Attaches, Advisers and their Staffs	1-2
Recall from Annual Leave.....	1-2
Personnel Sick or Requiring Medical Treatment on Annual Leave.....	1-2
Annual Leave Overlapping Leave Years.....	1-3
Untaken Annual Leave	1-3
Death in Service – Payment for Untaken Leave (UTL)	1-3
Part-Time Volunteer Reserves (PTVR) – Paid Leave	1-4
Reserve Personnel – Additional Duties Commitment.....	1-5
Reckonable/Non-Reckonable Leave.....	1-6
Chapter 2 – Authorised Absence.....	2-1
Definition	2-1
Commencement and Termination of Authorised Absence	2-1
Address while on Authorised Absence from Duty	2-1
Travelling Time	2-1
Recall from Authorised Absence.....	2-2
Sacred Festivals	2-2
Stand-downs.....	2-3

Unpaid Leave	2-3
Special Paid Leave	2-3
Secondments.....	2-6
Personnel Drafted from Shore Service to Sea Service	2-6
Personnel Drafted from Sea Service to Shore Service.....	2-6
Survivors' Leave	2-6
Apprentices, Juniors and Permanent Staff in Junior Units	2-6
Watchkeeping/Shift Patterns.....	2-7
Reckonable/Non-Reckonable Leave.....	2-7
Chapter 3 – Relocation Leave.....	3-1
Aim	3-1
Allocation.....	3-1
Inter-Theatre Moves	3-1
Intra-Theatre Moves	3-1
Qualifying Moves	3-1
Relocation Leave Added to Other Types of Leave.....	3-2
Deferral of Relocation Leave	3-2
Reserve Personnel	3-2
Reckonable/Non-Reckonable Leave.....	3-2
Chapter 4 – Unpaid Leave	4-1
Definition	4-1
Circumstances in which Special Unpaid Leave may be Granted	4-1
Restrictions on the Granting of Unpaid Leave.....	4-1
Effect of Special Unpaid Leave.....	4-1
Reckonable/Non-Reckonable Leave.....	4-2
Chapter 5 – Career Intermissions.....	5-1
Definition	5-1
Eligibility	5-1
Ineligibility.....	5-1
Applications for a Career Intermission	5-2
Extension/Curtailment of a Career Intermission	5-3
Monitoring.....	5-3
Chapter 6 – Call Forward of Leave	6-1
Definition	6-1
Conditions.....	6-1
Application for Call Forward of Leave	6-1
Reckonable/Non-Reckonable Leave.....	6-1
Chapter 7 – Enhanced Leave	7-1
Definition	7-1

Eligibility	7-1
Ineligibility	7-1
Conditions.....	7-1
Application for Enhanced Leave	7-2
Granting of Enhanced Leave	7-2
Reckonable/Non-Reckonable Leave.....	7-3
 Chapter 8 – Transfer of Leave	 8-1
Definition	8-1
Conditions.....	8-1
Application for Transfer of Leave	8-2
Reckonable/Non-Reckonable Leave.....	8-2
 Chapter 9 – Domiciled Collective Leave (DOMCOL)	 9-1
Definition	9-1
Eligibility	9-1
Ineligibility	9-2
Entitlement.....	9-2
Conditions.....	9-2
Application for Leave	9-3
Granting of DOMCOL	9-4
Medical/Dental Treatment.....	9-4
Accumulation of Leave by Individuals Normally Domiciled Outside the UK and the Irish Republic who are not Eligible for DOMCOL (DOMCOL Substitute)	9-5
Definition	9-5
Eligibility	9-5
Conditions.....	9-5
Period of Leave	9-5
Application for Leave	9-6
Granting of Leave	9-6
Reckonable/Non-Reckonable Leave.....	9-6
 Chapter 10 – Rest and Recuperation.....	 10-1
Introduction.....	10-1
Aim	10-1
Guiding Principles.....	10-1
Responsibilities.....	10-3
Reckonable/Non-Reckonable Leave.....	10-4
 Chapter 11 – Post Operational Leave.....	 11-1
Aim	11-1
Entitlement.....	11-1
Post Operational Leave Allowance	11-1
Granting of POL.....	11-1

Postponement of POL	11-1
Recording of POL	11-2
Public Holidays	11-2
Mobilised Reservists	11-2
Reckonable/Non-Reckonable Leave	11-2
Chapter 12 – Seagoer's Leave	12-1
Aim	12-1
Entitlement.....	12-1
Allocation	12-1
Leave Planning.....	12-1
Reckonable/Non-Reckonable Leave.....	12-2
Chapter 13 – Re-Engagement Leave	13-1
Definition	13-1
RENLEAVE Added to Other Types of Leave	13-1
Reckonable/Non-Reckonable Leave.....	13-1
Chapter 14 – Terminal Leave	14-1
Aim	14-1
Entitlement.....	14-1
Application	14-1
Reserve Personnel	14-1
Reckonable/Non-Reckonable Leave.....	14-2
Chapter 15 – Graduated Resettlement Time	15-1
Reckonable/Non-Reckonable Leave.....	15-1
Chapter 16 – Invaliding Leave	16-1
Scope / Eligibility	16-1
Entitlement.....	16-1
Reckonable/Non-Reckonable Leave.....	16-2
Chapter 17 – Absence without Authority	17-1
General.....	17-1
Move and Track Non-Arrival	17-1
Missing	17-2
Unauthorised Absence	17-2
Disciplinary Award of Absence without Leave (AWOL)	17-3
Long Term Absentee	17-3
Automatic Termination	17-4
Reckonable/Non-Reckonable Leave.....	17-4
Chapter 18 – Custodial Absence	18-1

General.....	18-1
Reckonable/Non-Reckonable Leave.....	18-1
Chapter 19 – Suspension from Duty	19-1
Chapter 20 – Jury Service	20-1
General.....	20-1
Arrangements	20-1
Reckonable/Non-Reckonable Leave.....	20-2
Chapter 21 – Absence on Medical Grounds	21-1
Aim of Leave on Medical Grounds	21-1
Definition of Medical Absence Types	21-1
Granting of Sick Leave	21-1
Taking Annual Leave While on Long Term Sickness Absence	21-2
Sickness on Leave.....	21-2
Carry Forward of Leave Accrued While on Sick Leave	21-2
Long Term Sick and then Medically Discharged	21-3
Leave for Private Consultations and Special (Paid) Leave for Private Medical Treatment	21-3
Reckonable/Non-Reckonable Leave.....	21-3
Chapter 22 – Compassionate Leave.....	22-1
Aim	22-1
Allocation.....	22-1
Travel at Public Expense	22-1
Recorded Emergency Contact.....	22-1
Reckonable/Non-Reckonable Leave.....	22-1
Chapter 23 – Time off for Dependants	23-1
Aim	23-1
Chapter 24 – Pregnancy and the Armed Forces Occupational Maternity Scheme (AFOMS).....	24-1
Introduction.....	24-1
Applicability.....	24-1
Key Tenets	24-1
Protection from Discrimination during Pregnancy	24-2
Actions Required During Pregnancy	24-2
Health & Safety in the Work Place and Conducting Risk Assessments	24-3
Medical Grading and Restrictions during Pregnancy	24-4
Additional Leave during Pregnancy	24-5
Time off for Antenatal Care Appointments and Antenatal Leave.....	24-5
Maternity Leave Entitlement	24-5

Statutory Maternity Pay	24-6
Entitlement to Training Bounty	24-9
Occupational Pay.....	24-10
Occupational Pay for Volunteer Reserves	24-10
Return of Service	24-10
Table of Entitlements to Maternity Pay	24-11
Terms of Service during Pregnancy and Maternity	24-12
Contact during Maternity Leave	24-15
Graduated Resettlement Time	24-15
Reckonable Service.....	24-15
Sickness during Pregnancy or Maternity Leave	24-16
Medical Examinations and Medical Discharge	24-16
Consecutive Pregnancies with Overlapping Maternity Leave.....	24-16
If the Baby is Born Early	24-17
If the Baby Dies	24-17
Returning to Work.....	24-18
Assignment Arrangements.....	24-18
Other Maternity Provisions.....	24-19

Chapter 25 – Armed Forces Occupational Adoption Leave Scheme (AFOALS) 25-1

Introduction.....	25-1
Applicability.....	25-1
Eligible Adoptions	25-1
Time off for Adoption Appointments.....	25-2
Time off for Antenatal Appointments for Parental Order Parents (Surrogacy)....	25-2
Adoption Leave Entitlement	25-2
Adoption Leave Eligibility for UK Adoptions	25-3
Adoption Leave Eligibility for Overseas Adoptions	25-3
Statutory Adoption Pay	25-4
Entitlement to Training Bounty	25-7
Occupational Pay.....	25-7
Occupational Pay for Volunteer Reserves	25-7
Application for Adoption Leave and Notification Requirements	25-7
Start of OAL.....	25-8
Notification Requirements.....	25-8
Changing the Start Date of OAL	25-8
Changing Leave Dates during Leave	25-8
Deferral of Adoption Leave	25-9
Recall from Adoption Leave.....	25-9
Separate Adoption Placement during Adoption Leave	25-9
Changes to the Adoption Placement.....	25-10
Return of Service	25-10
Terms of Service during Adoption Leave	25-11

Deductions from Pay	25-12
Contact during Adoption Leave.....	25-12
Returning to Work.....	25-12
Assignment Arrangements.....	25-12
Pensions.....	25-13
Other Provisions during Adoption Leave.....	25-14

Chapter 26 – Armed Forces Occupational Paternity Leave Scheme (AFOPLS)..... 26-1

Introduction.....	26-1
Applicability.....	26-1
Paternity Leave Entitlement	26-1
Start of Paternity Leave	26-2
Deferral or Recall from Paternity Leave	26-2
Unavoidable Late Alterations	26-3
If the Baby is Born Early	26-3
If the Baby Dies	26-3
Multiple Births	26-3
Cancellation of Adoption or Death of Child	26-3
Paternity Leave Pay.....	26-3
Reservists (FTRS and ADC)	26-3
Reckonable/Non-Reckonable Leave.....	26-4
Other Paternity Entitlements	26-4
Other Paternity Provisions	26-4

Chapter 27 – Armed Forces Occupational Shared Parental Leave and Pay Scheme 27-1

Introduction.....	27-1
Applicability.....	27-1
ShPL Policy	27-1
Eligibility for Leave.....	27-2
Leave Patterns	27-3
Refusal, Deferral and Recall from ShPL	27-4
Timing and Duration of ShPL.....	27-4
Shared Parental Pay Policy	27-5
Eligibility for Statutory Shared Parental Pay.....	27-5
Eligibility for Occupational Pay.....	27-6
Responsibilities for Checking Eligibility	27-6
Submission of Application.....	27-7
Return of Service	27-8
Contact with the Service during ShPL.....	27-8
Terms and Conditions of Service	27-8
Reservists with More than One Employer	27-9
If the Baby is Born Early	27-9

If the Baby Dies	27-9
Change of Family Circumstances	27-10
Adoption Specific Policy	27-10
Surrogacy	27-10
Reckonable/Non-Reckonable Leave.....	27-11
Other ShPL Provisions	27-11
Chapter 28 – Parental Leave	28-1
Aim	28-1
Entitlement.....	28-1
Eligibility for Leave.....	28-1
Timing of Parental Leave	28-2
Length of Leave.....	28-2
Application for Leave	28-2
Deferral of Leave	28-2
Reckonable/Non-Reckonable Leave.....	28-3
Returning to Work After Parental Leave	28-3
Chapter 29 – Table of Reckonable and Non-Reckonable Leave	29-1

Introduction

1. Joint Service Publication (JSP) 760 - Tri-Service Regulations for Leave and other Types of Absence - 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 are not able to input leave retrospectively onto the JPA system, therefore Annual Leave requests must be submitted to unit HR at least 48 hours prior to the proposed period of absence.

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

3. 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 absence, the following publications may also be applicable:

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

4. FTRS personnel are awarded the same leave as Regular Service personnel. Personnel employed on an ADC engagement are awarded leave on a proportional basis commensurate with the number of days committed. Reserves who have completed training under Sections 22 and 27 of the Reserve Forces Act 1996 are awarded one day's paid leave for every 10 man training days completed. Sponsored Reserves are allocated leave in accordance with their contractual arrangements.

Management of Leave

5. The management of leave is the responsibility of the Chain of Command (CoC).

6. Commanding Officers (COs) are responsible for ensuring that, wherever possible, individuals take their leave allowance in the leave year it is allocated. Any exemptions to this are highlighted in the following chapters. Excess leave may not be accumulated other than for the reasons described in the carry forward regulations covered in paras 1.010 - 1.012.

7. 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

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.

be found in JSP 440, Part 2, Leaflet 14. Certain restrictions also apply to Service personnel wishing to visit Northern Ireland or the Republic of Ireland on leave. See JSP 440, Part 2, Leaflet 14, para 32.

Granting and Timing of Absences

8. The granting and timing of all forms of absence (with the exception of the Statutory Maternity and Adoption Leave and Terminal 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

9. Complaints under the internal Service Complaint procedures must be submitted iaw JSP 831.

Individual Leave Allowance

10. Individual Leave Allowance (ILA) consists of a combined total of 4 leave types – Annual Leave, Authorised Absence, Post Operational and Seagoers' Leave. An application for ILA will reduce the individual balances in the following order of priority:

- Authorised Absence (AA).
- Post Operational Leave (POL).
- Seagoer's Leave (SGL).
- Annual Leave Allowance (ALA).

11. Any ILA period which is cancelled subsequently, regardless of the reason, will be credited to the appropriate Leave Type.

Recording of Absences

12. The introduction of absence recording on JPA has significantly 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 CoC: it is essential that leave is agreed in advance by the CoC and recorded on JPA. Retrospective requests should be the exception. Although retrospective requests should be the exception, both Line Manager and HR staff must take action to ensure that all leave is accurately recorded.

13. The recording of absence details on the JPA system by Service personnel, 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. Falsifying absence information is fraud and is a punishable offence under the Manual of Service Law (JSP 830).

Performance Reporting

14. 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. It should also be an opportunity for verification and if necessary investigation of the unused balances.

1 Annual Leave

Aim

1.1. 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

1.2. 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 Holiday²; Late Spring Bank Holiday³; 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

1.3. 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 exigencies⁴ 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 requirements⁵ or exigencies of the Service.

1.4. 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)⁶ 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 arrangements⁷. Likewise, Service personnel are responsible for following the

² Traditionally May Day in England Wales and Northern Ireland.

³ Traditionally May Day in Scotland.

⁴ Exigency – OED urgent need or demand.

⁵ 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.

⁶ See [2015DIN01-144](#): Guidance on the Working Time Regulations – Service Personnel.

⁷ 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.

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 requirements⁸. 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

1.5. 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.

Service Attaches, Advisers and their Staffs

1.6. Service Attachés, Advisers and their staffs may be eligible for special home leave. Defence Section personnel in 'Conflict Zone' appointments will be entitled to carry over up to 30 days untaken annual leave for each year of their assignment (e.g. up to 60 days for a 2 year assignment), which should be taken before any subsequent assignment (to provide sufficient time for recovery from these highly demanding appointments). Posts qualifying for special home leave and designated as 'Conflict Zone' are listed in Instructions to Service Attachés. Memoranda of Understanding should be consulted for specific details.

Recall from Annual Leave

1.7. 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

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

⁸ See JSP 752, Tri-Service Regulations for Expenses and Allowances, Section 9, Chapter 10, Refund of Nugatory Holiday Expenditure.

Annual Leave Overlapping Leave Years

1.9. 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

1.10. 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.

1.11. Only in exceptional circumstances, and subject to the approval of the CO, can periods in excess of 15 days' untaken Annual Leave 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).

1.12. 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 (UTL)

1.13. 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 UTL. 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 14.5).

Part-Time Volunteer Reserves (PTVR) – Paid Leave

1.14. **Eligibility.** PTVR personnel, serving on Man Training Days (MTDs) under s22 and s27 Reserve Forces Act 1996 (RFA 96) undertaking obligatory training or paid voluntary training and other duties with an expectation of future mobilised service will be entitled to attendance based paid leave proportionate to their Service as from 1 Apr 2013. There is no eligibility for other types of leave not based on attendance, e.g. sick absence, compassionate leave.

1.15. **Ineligibility.** The following types of Reserve service are ineligible:

- a. Reserve personnel serving on Full Time Reserve (FTRS).
- b. Reserve personnel mobilised for full time Service that have a paid leave entitlement as part of their period of mobilised Service.
- c. Cadet Force Adult Volunteers.
- d. University Cadets⁹.
- e. Sponsored Reserves.

1.16. **Entitlement.** Members of the volunteer Reserve will gain an entitlement to paid leave proportionate to their attendance for obligatory training or paid voluntary training and other duties. Unit administration staffs may make leave awards on the basis of time served and there is no requirement for the individual to submit a leave claim.

1.17. The Service Year for Reservists runs from the date of commissioning or enlistment on their current engagement. However, a number of payments including all full annual training bounties, are based on Reserve Year which commences on 01 April and ends on 31 March. As the individual Service Year and the Training Year are unlikely to coincide for those that start and terminate service during the Reserve Year, annual leave entitlement will be calculated on a proportionate basis as follows:

- a. Calculate annual leave on a pro rate basis¹⁰ accruing 0.1040 days leave per MTD completed (see Annex A to Chapter 1).
- b. Paid leave entitlement will be calculated on pro rata basis for part day attendance iaw the criteria laid down in JSP 754 (04.0207).

1.18. **Method of Claim.** Entitlement to Paid Leave will be automatically calculated based upon 0.1041 days per MTD completed, however, accrual is to be in increments of not less than ¼ of a days pay. That is to say that an individual will need to undertake sufficient training to earn at least ¼ days Paid Leave before any payment is made.

1.19. **Method of Payment.** Payment of Paid Leave will be made on a monthly basis and will be made as entitlement is accrued rounding down any entitlement to the nearest ¼

⁹ Officers on a Group A Commission serving with the UOTC will be eligible for annual leave.

¹⁰ The daily pro rate entitlement is calculated by dividing 38 (30 regular Non-Public Holiday entitlement + 8 Public Holidays) by 365.25.

day. This rounding down will not mean a loss of entitlement. It is simply a means of regulating payments into proportions of a day of at least ¼ day.

Reserve Personnel – Additional Duties Commitment

1.20. Reservists undertaking an Additional Duties Commitment (ADC) are entitled to leave on a pro rata basis¹¹ of 3 days leave for 26 commitment days, as laid out in detail in Annex C to Chapter 2. All ADC personnel are also eligible to be paid for a pro rata proportion of the Public Holidays¹² granted to full-time Service personnel 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:

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

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

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

1.21. Below are some worked examples:

52-week ADC for 2½ days p/w. Non-PH from Table is 15 days.

$$\text{PH} = 2.5/5 \times 8 = .5 \times 8 = 4.$$

Therefore, the total leave entitlement will be 19 days (note this is half of the full-time entitlement of 38).

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:

$$2.5/5 \times 0, \text{ i.e. no PHs in line with Regular counterparts and civilian employees.}$$

1.22. 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.

¹¹ The daily pro-rata entitlement accrued is calculated by dividing 30 (Regular non-Public Holiday entitlement) by 260 (365 - 105 weekend days).

¹² 8 days per year.

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.

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

1.24. 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.

1.25. 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).

Reckonable/Non-Reckonable Leave

1.26. For guidance on whether service is reckonable/non-reckonable on taking Annual Leave please refer to the table at [Chapter 29](#).

**ANNEX A
TO CHAPTER 1
OF JSP 760**

PTVR LEAVE TABLE										
Days Worked	Leave		Days Worked	Leave		Days Worked	Leave		Days Worked	Leave
0.25	0.025		43.5 - 45.5	4.5		106 - 108	11		168.5 - 170.5	17.5
0.5	0.05		45.75 - 47.75	4.75		108.25 - 110.5	11.25		170.75 - 173	17.75
0.75	0.075		48.25 - 50.25	5		110.75 - 112.75	11.5		173.25 - 175.25	18
1	0.1		50.5 - 52.75	5.25		113 - 115.25	11.75		175.5 - 177.75	18.25
1.25	0.125		53 - 55.25	5.5		115.5 - 117.75	12		178 - 180.25	18.5
1.5	0.15		55.5 - 57.5	5.75		118 - 120	12.25		180.5 - 182.5	18.75
1.75	0.175		57.75 – 60	6		120.25 - 122.5	12.5		182.75 -185	19
2	0.2		60.25 - 62.25	6.25		122.75 - 124.75	12.75		185.25 - 187.25	19.25
2.25	0.225		62.5 - 64.75	6.5		125 -127.25	13		187.5 - 189.75	19.5
2.5 - 4.75	0.25		65 - 67.25	6.75		127.5 - 129.75	13.25		190 - 192.25	19.75
5 - 7	0.5		67.5 - 69.5	7		130 - 132	13.5		192.5 - 194.5	20
7.25 - 9.5	0.75		69.75 – 72	7.25		132.25 - 134.5	13.75		194.75 - 197	20.25
9.75 -12	1		72.25 - 74.5	7.5		134.75 -137	14		197.25 - 199.5	20.5
12.25 - 14.25	1.25		74.75 - 76.75	7.75		137.25 - 139.25	14.25		199.75 - 201.75	20.75
14.5 - 16.75	1.5		77 - 79.25	8		139.5 - 141.75	14.5		202 - 204.25	21
17 -19	1.75		79.5 - 81.5	8.25		142 - 144	14.75		204.5 - 206.5	21.25
19.25 - 21.5	2		81.75 – 84	8.5		144.25 -146.5	15		206.75 - 209	21.5
21.75 - 24	2.25		84.25 - 86.5	8.75		146.75 -149	15.25		209.25 - 211.5	21.75
24.25 - 26.25	2.5		86.75 - 88.75	9		149.25 - 151.25	15.5			
26.5 - 28.75	2.75		89 - 91.25	9.25		151.5 - 153.75	15.75			
29 - 31	3		91.5 - 93.5	9.5		154 - 156	16			
31.25 - 33.5	3.25		93.75 - 95.5	9.75		156.25 - 158.5	16.25			
33.75 - 36	3.5		96.25 - 98.5	10		158.75 - 161	16.5			
36.25 - 38.25	3.75		98.75 - 100.75	10.25		161.25 - 163.25	16.75			
38.5 - 40.75	4		101 - 103.25	10.5		163.5 - 165.75	17			
41 - 43.25	4.25		103.5 - 105.75	10.75		166 - 168.25	17.25			

ADC LEAVE CALCULATOR

ADC leave calculations - non Public Holidays

ADC commitment days per week

days leave due after weeks of commitment worked	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		
	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	150 days
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	
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 RAF max
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	
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	TA max 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	
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

2 Authorised Absence

Definition

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

2.2. 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. Watchkeeping/Shift Patterns.

Commencement and Termination of Authorised Absence

2.3. 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

2.4. 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

2.5. 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.

2.6. 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.

2.7. 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

2.8. 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

2.9. 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.

2.10. 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).

2.11. 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

2.12. 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.

2.13. 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

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

Stand-downs

Definition

2.15. 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

2.16. 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

2.17. 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

2.18. Unpaid Leave is dealt with in Chapter 4.

Special Paid Leave

Definition

2.19. 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 4 on Unpaid Leave. Annual Leave must normally be taken before Special Paid Leave is granted.

2.20. 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

2.21. 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.

2.22. 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.

2.23. 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

2.24. 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

2.25. 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 4).
- 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.

2.26. 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.

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

2.27. 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

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

Death, Injury or Illness

2.29. 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

2.30. 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 organisation. Service Persons on Secondment are employed, on contract, by the host country or organisation, 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 (Loan and Secondment of Service Personnel to Commonwealth and Foreign Forces) and JSP 755 (Tri-Service Positions and Assignments – Instructions).

Personnel Drafted from Shore Service to Sea Service

2.31. Sea Service is defined for RN personnel in BR 3 Naval Personnel Management Part 7 Art 5908. 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

2.32. It is the responsibility of the CO of the discharging ship to ensure that the availability date for assignment (reported to CNPers) 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

2.33. 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

2.34. 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 then Fleet Commander, the CO may grant up to one week's leave.

Apprentices, Juniors and Permanent Staff in Junior Units

2.35. 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.

2.36. 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 (e.g. 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

2.37. 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.

2.38. 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.

2.39. 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.

Reckonable/Non-Reckonable Leave

2.40. For guidance on whether service is reckonable/non-reckonable on taking the different types of Authorised Absence please refer to the table at [Chapter 29](#).

3 Relocation Leave

Aim

3.1. Relocation Leave is an authorised period of absence granted to Service personnel on assignment between or within theatres, or from one overseas location to another overseas location. Relocation Leave is in addition to Individual Leave Allowance (ILA) and for the purposes of this type of leave there are three theatres: the UK, NWE¹³ and the Rest of World. Relocation leave is granted to facilitate the settling in/relocation process for personnel and their dependants.

Allocation

3.2. 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 permanent 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

3.3. On assignments between theatres, or from one overseas location to another overseas location, on a permanent assignment¹⁴, 10 working days Relocation Leave will be granted.

Intra-Theatre Moves

3.4. Trained strength personnel after joining their first unit, and those personnel who have completed Phase 2 or Phase 3 training courses with a duration of six months or more, are to be granted up to 5 working days' Relocation Leave for normal moves (see below). This may be extended to up to 10 working days by Commanding Officers, who are to take into account single Service guidance¹⁵, unit manpower liability and the needs of the individual. 1 day's Relocation Leave is to be granted for local moves (see below).

Qualifying Moves

3.5. Normal moves are those resulting from an assignment order that necessitates 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, Part 2). Local moves are those normally within the same establishment between service provided accommodation, or on change of JPAN/PID when no change of accommodation is required. Further advice, if required, should be sought from single Services.

¹³ JSP 752, Part 2, Chapter 1, Section 1, Paragraph 01.0138 refers.

¹⁴ JSP 752, Part 2, Chapter 1, Section 1, Paragraph 01.0107 refers - a permanent assignment is any period of duty at a unit that is anticipated from the outset to exceed 182 days.

¹⁵ RN: BR3, Part 5, Chapter 26.

Relocation Leave Added to Other Types of Leave

3.6. Service personnel returning from an overseas permanent assignment 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

3.7. Personnel who are, for Service reasons, unable to complete their domestic move and take the full amount of Relocation Leave authorised by their CO before the start of the assignment, may, at the discretion of the gaining CO, defer the outstanding balance of Relocation Leave. The leave is to be taken as soon as practicable and, in any event, not more than 6 months after the date of relocation.

Reserve Personnel

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

Reckonable/Non-Reckonable Leave

3.9. For guidance on whether service is reckonable/non-reckonable on taking Relocation Leave please refer to the table at [Chapter 29](#).

4 Unpaid Leave

Definition

4.1. Unpaid Leave is a period of absence of any amount up to no more than 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. If repeated periods of Unpaid Leave are required then individuals need to consider alternative measures to meet their need.

Circumstances in which Special Unpaid Leave may be Granted

4.2. Unpaid Leave, with the exception of Parental Leave which is dealt with in Chapter 28, and Time off for Dependents 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, although Service personnel may request to extend their period of service by the amount of Unpaid Leave granted.

Restrictions on the Granting of Unpaid Leave

4.3. The following restrictions apply to the granting of Unpaid Leave:

- a. Service personnel¹⁶ 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 (ET) declined, Unpaid Leave may not be granted to substitute for this. However, unpaid leave may be granted by COs to relieve immediate hardship when ET has been applied for and is under consideration.
- c. Service personnel cannot be granted Unpaid Leave in order to extend their engagement for career purposes, this includes extending engagements in order to qualify for promotion or to meet promotion board timelines.

Effect of Unpaid Leave

4.4. 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 pay and allowances.

4.5. 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 for Work and Pensions.

4.6. 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

¹⁶ Sponsored Reserves will be subject to the Terms and Conditions set out in the contract with their civilian employers.

by a terrorist group because he is a member of the Armed Forces). Service personnel are advised to take out private insurance cover.

4.7. Eligible Service personnel¹⁷ on Unpaid Leave 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. 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.

4.8. Service personnel remain subject to military law and discipline during Unpaid Leave in accordance with the provisions of the Armed Forces Act 2006.

4.9. 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 their return to duty.

4.10. 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 1.5 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.

Reckonable/Non-Reckonable Leave

4.11. For guidance on whether service is reckonable/non-reckonable on taking Unpaid Leave please refer to the table at [Chapter 29](#).

¹⁷ Unless the SP is on FTRS HC/LC and not therefore eligible to access Service medical & dental services.

5 Career Intermissions

Definition

5.1. A Career Intermission¹⁸ enables Regular Service Personnel to take a specified period of unpaid time out of their Service careers for reasons such as personal or professional growth outside of the Service, which they would otherwise be unable to do using leave entitlements, and provides a mechanism for their seamless return to the Service.

5.2. This chapter sets out the general terms and conditions under which the Armed Forces offer opportunities for Service Personnel to take a Career Intermission. It is emphasised that a Career Intermission is granted at the discretion of the Service; it is not a right and will only be permitted where manning margins allow and where it does not compromise operational capability and/or effectiveness. A Career Intermission may be for the following periods¹⁹:

- a. 3 to 6 months²⁰.
- b. 6 to 12 months.
- c. 1 to 3 years.

5.3. Service Personnel management authorities may cap the duration at less than the 3 years to minimise gapping and maintain operational capability. For the same reasons it may be necessary to restrict the number of personnel on a Career Intermission at any one time.

5.4. This Chapter provides guidance on managing requests from Regular Service Personnel to undertake a Career Intermission. It is the responsibility of the individual applying for a Career Intermission to consider the impact on Terms and Conditions of Service outlined in this Chapter, including both immediate and long-term impacts such as pension, and to take advice as necessary before proceeding.

Eligibility

5.5. Eligible Service Personnel may apply for a Career Intermission for any reason and each application will be considered on its own merits, although the approval of the application will remain subject to the overriding needs of the Service at the time. A Career Intermission will not ordinarily be granted simply to enable personnel to take up other paid employment, but it is acknowledged that individuals might need to do so to support themselves while on a Career Intermission.

Ineligibility

5.6. Career Intermissions need to be planned carefully by both the applicant and the Service Manning authorities, and it is important for applicants to take career advice

¹⁸ Previously known as a Career Break.

¹⁹ A Career Intermission is not limited to full months – for example, a Service Person may take a four-and-a-half month Career Intermission.

²⁰ Periods up to three months are covered by Unpaid Leave – see Chapter 4.

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 a Career Intermission. To this end Service Personnel will be ineligible for a Career Intermission if any one or more of the following is applicable:

- a. During any period up to and including 3 years after the completion of Phase 2 training, except in exceptional circumstances and at the discretion of single Service Manning authorities.
- b. Until the expiration of a Financial Retention Incentive (FRI) or a Training Return of Service (RoS) commitment.
- c. Servicewomen who give birth whilst on a Career Intermission may defer the RoS required by the Armed Forces Occupational Maternity Scheme (AFOMS) until their return to work at the end of their Career Intermission²¹. Furthermore, Service Personnel who adopt a child whilst on a Career Intermission may defer the RoS required by the Armed Forces Occupational Adoption Leave Scheme until their return to work at the end of their Career Intermission. Service Personnel who take Shared Parental Leave whilst on a Career Intermission may defer the RoS required by the Armed Forces Occupational Shared Parental Leave Scheme until their return to work at the end of their Career Intermission. Maternity and Adoption provisions take precedence over Career Intermission Terms and Conditions of Service.
- d. Where the applicant is subject to a disciplinary action.
- e. Where the applicant is subject to a formal warning or an administrative investigation²² that might lead to administrative action or discharge. The application may be granted once a decision has been made regarding the investigation.
- f. If an applicant is in a reduced medical category likely to lead to premature discharge²³.
- g. If the Service Person wishes to undertake civilian employment that falls outside the scope 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.

Applications for a Career Intermission

5.7. Applications from Service Personnel wishing to undertake a Career Intermission should apply to their Line Manager giving notice equating to the normal assignment notification period applicable to their Service, using the JPA business process guide. Exceptionally, applications submitted at shorter notice will be considered on a case-by-case basis. The line manager will forward the application, along with their recommendation, to the CO, who will forward it, along with their own recommendation, to the appropriate Unit HR Staff and applications will be processed in accordance with single

²¹ A RoS will only be applied to Service Personnel in this situation if they have received occupational pay as part of the AFOMS.

²² This does not include investigations in connection with a Service Complaint.

²³ Except where the reduced medical category is related to pregnancy.

Service instructions²⁴. Personnel are to be advised that for a Career Intermission of six months or longer, when returning to the Service full time it may not be possible to return to the same assignment or geographical region.

5.8. Applications for a Career Intermission will be considered by the single Service Manning Authorities. Manning requirements fluctuate over time and by Service, therefore it may be necessary to limit the number of Career Intermissions that can be granted. It will be for the individual Services to determine the number of Career Intermissions that they will grant/permit each year and this will be determined by the operational considerations and the manning levels in each branch and trade. Ordinarily, personnel will only be permitted to undertake one Career Intermission during their career; however, Service Personnel may still apply for a subsequent Career Intermission; it will be for the single Service Manning Authorities to determine whether a second or subsequent Career Intermission can be supported and will therefore be permitted.

5.9. Prior to embarking on a Career Intermission, the applicant should consult their single Service Manning authorities to ascertain the specific effects it might have on their career. An individual's Terms and Conditions of Service (TACOS) will change while they are on a Career Intermission. On returning to duty, their previous TACOS will resume, subject to any overriding changes that may have occurred during the Career Intermission. Tri Service TACOS that apply during the Career Intermission are set out at Annex A and a summary of permissible allowances is at Annex B. It is essential that individuals read and consider this information, and take advice as necessary, before applying for a Career Intermission. Further guidance will be promulgated through single Service channels.

Extension/Curtailment of a Career Intermission

5.10. A Service person wishing to extend or curtail a Career Intermission must formally do so in writing to the single Service Manning Authority outlining, their Name, Rank Service Number, reason for change and revised return to work date. It will be for the single Service Manning Authorities to determine whether an extension²⁵ can be supported and will therefore be permitted.

Monitoring

5.11. Personnel Management authorities are to keep records of Career Intermission applications (either approved or rejected) on Career Managers' notes and are also to record them on JPA. These are to include the name and Service details of each applicant and the approved length and reasons for the Career Intermission, and if rejected, the reasons for rejection.

²⁴ For the Army, applications must also be accompanied by a completed Resilience Margin Application (ReMA) form – 2014DIN01-160 refers.

²⁵ To take the SP up to the maximum period of 3 years.

CAREER INTERMISSION – TERMS AND CONDITIONS OF SERVICE

1. **General Conditions.** The granting of a Career Intermission will be subject to the following general conditions. It is essential that Service personnel considering a Career Intermission understand the implications and take advice as necessary before applying:

a. **Pay.** Personnel will not be entitled to Service pay or the majority of allowances during the period of the Career Intermission (see Annex B). An individual's incremental pay level and incremental base date (IBD) will be suspended on the start date of the Career Intermission. 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 Career Intermission) and the IBD will be recalculated by the period of absence. As a Career Intermission is non-reckonable service, the incremental due date (IDD) will be deferred by the period of the Career Intermission and will re-start accruing time on the day the individual returns to duty. Payment of Recruitment and Retention Pay (RRP) and any Reserve Band RRP will be suspended for the period of the Career Intermission. Such time will not count towards progression to the next level of RRP nor will it count against the clock as part of the Reserve Band countdown period.

b. **Effect Service Benefits.** On returning to work, all pension entitlements will resume and the periods of service before and after the Career Intermission will be aggregated. Any in-house Assisted Voluntary Contributions (AVC) are suspended for the period of the Career Intermission. To enable the completion of an engagement or commissioned service, or to complete sufficient service for pension qualification, personnel on fixed term engagements/commissions may request an extension to service equal to the duration of their Career Intermission. As stated at para 18.009, prior to embarking on a Career Intermission, Service Personnel are to consult their Unit Admin Staff for advice on the specific effects the Career Intermission might have. Service Personnel on engagements with an age-related retirement date do not have the right (but may apply) to extend their service past their engagement expiry date. Alternatively, for those who wish to recover Career Intermission 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 Career Intermission on an individual's Service pension should be directed to the DBS Mil telephone enquiry service (01800 085 3600 or 94561 3600).

c. **Reckonable/Non-Reckonable Service.** For guidance on whether service is reckonable/non-reckonable on taking a Career Intermission please refer to the table at [Chapter 29](#).

d. **Insurance Cover.** Personnel are advised to make appropriate insurance arrangements. There is 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 Career Intermission they should contact their insurance providers. PAX and, for those with payroll deduction, SLI365 will continue to provide cover but Career Intermission applicants must contact

the PAX and/or SLI365 Customer Centre before their Career Intermission 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 Career Intermission to be paid directly to PAX and/or SLI365. Personnel are to note that with SLI365 if a Service person opts to cancel their cover they are banned from reapplying for a period of 3 years. PAX will permit Service Personnel to apply once they return from a Career Intermission. Once they return to work, Service Personnel should contact their Unit Admin Staff and arrange for the correct deductions from pay to re-commence. A disability or injury sustained²⁶ during the period of a Career Intermission will not be regarded as attributable to service in the Armed Forces.

e. **Service Law and Discipline.** Service Personnel will remain subject to Service Law while on a Career Intermission 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, be it permanently or temporarily (eg to attend for interview in connection with administrative or disciplinary proceedings). Further information about early termination of a Career Intermission is at sub para 1m and 1n below²⁷.

f. **Medical and Dental Treatment.** Service Personnel on a Career Intermission 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 Career Intermission 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 Career Intermission 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 Career Intermission unless it is because of a condition that is likely to lead to consideration being given to their future engagement by a medical board. In this case the Career Intermission should be rejected. On return to work the individual must undertake a medical examination to ensure they are fit to return to full duties or given the appropriate medical grading and assigned to appropriate duties.

g. **Deductions from Pay.** As a Career Intermission is unpaid absence the MOD cannot facilitate any deductions from pay for personnel on Career Intermissions; therefore, individuals will need to make private arrangements to meet payments for such items as Service Accommodation and Food Charges, PAX, SLI (for those with payroll deduction) Additional Duty for Training (ADT), Army Dependant Assurance Trust (ADAT) and Child Maintenance/Child Support Agency payments, as court action may result from non-payment. Service Personnel on Career Intermissions 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 1y refers). These payments are the responsibility of the Service Person.

²⁶ This refers to any new disability sustained during the Career Intermission, not to a long-term injury or illness which is subsequently diagnosed as a disability during the period of the Career Intermission as the latter could be attributable to Service. Death occurring during a Career Intermission will not be regarded as attributable to Service in the Armed Forces, unless it were shown to be a result of military service.

²⁷ Dependent on circumstances, this may involve suspension of the Career Intermission and resumption of pay.

h. **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 Career Intermission. Personnel should contact their local Jobcentre Plus, or search the DWP website for information on 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.

i. **Annual Leave.** The Annual Leave allowance for Service Personnel for the leave year in which a Career Intermission is granted and the year in which they return to duty will be recalculated on a proportionate basis. Annual Leave will not accrue during a Career Intermission. In accordance with existing Service rules, leave may still be carried forward to, or brought forward from the next year of duty.

j. **Entitlement to Service Families' Accommodation.** As soon as their application has been approved, personnel embarking on a Career Intermission who occupy Service Families' Accommodation (SFA) or Substitute Service Families Accommodation (SSFA) are to inform the Carillion Amey (CA) Occupancy Services Helpdesk to notify them of the change in their circumstances and the date the change takes effect. The rules for each Career Intermission are detailed as follows:

(1) **3 to 6 months.** Personnel will retain entitlement to SFA or SSFA for the duration of the Career Intermission at entitled rates. SFA charges for the period will need to be paid personally and locally direct to DIO and CA will raise a Notification of Charges (NOC) to the DIO Recoverables team. For occupants of SSFA, CA will notify the Substitute Accommodation Team who will raise the NOC. Should an individual decide to relocate their family to another location, during a Career Intermission, then they will be required to meet all of the costs associated with their move and will not be entitled to refund of legal costs, removal costs or Disturbance Expenses (DE). Moreover, should Service Personnel wish to relocate to a SFA at another unit, during the Career Intermission, they will have to apply to DIO to occupy surplus SFA. Should the request be granted the Service Person would be allocated SFA on an eligibility basis with surplus terms of occupancy. Payment of charges would be direct to DIO and CA will raise a NOC to the DIO Recoverables team. Should the request be granted they will be allocated SFA on a surplus licence. However, upon returning from a Career Intermission personnel, who require the occupation of SFA or SSFA will be permitted to claim the associated allowances only if they have been assigned to a different unit in a different geographical location.

(2) **6 to 12 months.** Personnel will retain entitlement to SFA or SSFA for the duration of the Career Intermission at entitled rates for the first 6 months, and at non-entitled rates from 6 to 12 months. SFA charges for the period will need to be paid personally, and locally, direct to DIO, and CA will raise a NOC to the DIO Recoverables team. During this period the Licensee would remain on a Standard Service Licence. For occupants of SSFA, CA will notify the Substitute Accommodation Team who will raise the NOC. Should an individual decide to relocate their family to another location, during a Career Intermission, then they will be required to meet all of the costs associated with their move and will not be entitled to a refund of legal costs, removal costs or DE. Moreover, should the Service Person wish to relocate to a SFA at another unit, during the Career Intermission, they will have to apply to CA to occupy surplus SFA. Should the

request be granted the Service Person would be allocated SFA on an eligibility basis with surplus terms of occupancy. Payment of charges would be direct to DIO and CA will raise a NOC to the DIO Recoverables team. Should the request be granted they will be allocated SFA on a surplus licence. However, upon returning from a Career Intermission, personnel who require SFA or SSFA will be permitted to claim the associated allowances only if they have been assigned to a different unit in a different geographical location.

(3) **1 to 3 years.** For the first 93 days, Service Personnel will be entitled to retain their existing SFA or SSFA, but after this, they will lose their entitlement. During this period the Service Personnel would remain on a standard service licence and payment of charges would be as above. Thereafter, they are eligible, although with no guarantee of being able to do so, to apply to CA to temporarily occupy surplus SFA at the full market rate²⁸ in their preferred area of choice in Great Britain. During this period they should occupy the SFA on a civilian licence. Whilst they may express a preference to remain in their existing SFA, there is no guarantee that they will be permitted to do so. If personnel on a Career Intermission 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, to DIO as detailed above. Service Personnel who become irregular occupants will be required to pay Damages for Trespass direct to the local DIO office.

k. **Entitlement to Single Living Accommodation / Substitute Service Single Accommodation.** As soon as their application has been approved, personnel embarking on a Career Intermission who occupy Single Living Accommodation (SLA) or Substitute Service Single Accommodation (SSSA) are to apply to the CO of the sponsoring unit to remain in SLA/SSSA. The rules for each Career Intermission are detailed as follows:

(1) **3 to 6 months.** Service Personnel, on a Career Intermission, who occupy SLA will be entitled to remain in the accommodation, subject to availability, for the duration of the Career Intermission. Service Personnel who occupy SSSA will be required to vacate the property on completion of the initial period of 93 days and either move into SLA, provided approval has been granted by the CO, or make their own private arrangements. Service Personnel occupying SLA or SSSA during a Career Intermission will pay accommodation charges at the entitled rate. 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. Should an individual decide to relocate to another location during a Career Intermission, then they will be required to meet all of the costs associated with their move and will not be entitled to UKPASH or DE. SLA or SSSA charges will need to be paid personally and locally direct to the sponsoring unit. However, upon returning from a Career Intermission personnel who require the occupation of SLA or SSSA will be permitted to claim the associated allowances only if they have been assigned to a different unit in a different geographical location.

²⁸ To be determined by DE.

(2) **6 to 12 months.** Service Personnel on a Career Intermission, who are occupying SLA, will be entitled to remain in the accommodation, subject to availability and approval by their CO, for the duration of the Career Intermission at entitled rates for the first 6 months and at non-entitled rates for the remainder of the period of the Career Intermission. 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 a Career Intermission occupy SSSA they will be required to vacate the property on completion of the initial period of 93 days and either move into SLA, provided approval has been granted by the CO, or make their own private arrangements. Should an individual decide to relocate to another location during a Career Intermission, then they will be required to meet all of the costs associated with their move and will not be entitled to UKPASH or DE. SLA charges will need to be paid personally and locally direct to the sponsoring unit. However, upon returning from a Career Intermission personnel, who require SLA or SSSA, will be permitted to claim the associated allowances only if they have been assigned to a different Unit in a different geographical location.

(3) **1 to 3 years.** For the first 93 days of the Career Intermission Service Personnel will be entitled to retain their existing SLA or SSSA at entitled rates; however, after this period, 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 a Career Intermission occupy SSSA, they will be required to vacate the property on completion of the initial period of 93 days and either move into SLA, provided approval has been granted by the CO, or make their own private arrangements.

l. **Annual Reports.** Annual appraisal reports are not to be raised during a Career Intermission but may be advanced or delayed in accordance with existing single Service regulations to ensure the maximum coverage of an individual's work prior to the commencement of and on return from the Career Intermission. Refer to JSP 757 for guidance.

m. **Promotion and Transfer Boards.** For the purpose of promotion and longer commission transfer boards the last report raised prior to the Career Intermission will be considered the up-to-date report. Service Personnel on a Career Intermission are subject to single Service promotion/transfer rules and will be considered for promotion in accordance with single Service regulations.

n. **Early Conclusion of a Career Intermission by the Service.** Other than for the reasons set out at sub-para 1d above, the Services will endeavour not to recall personnel on a Career Intermission. In extreme circumstances, however, the Career Intermission may have to be terminated at very little notice. This reflects the fact that those on Career Intermissions remain members of the Regular Service and are thus liable to meet operational contingencies. In such circumstances Career Intermission personnel would be called up concurrently with the Reserves. Service Personnel on Career Intermissions will, therefore, be required to sign a declaration prior to

commencing their Career Intermission agreeing that the MoD can contact them and require their return to Reckonable Service²⁹. Where early conclusion 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 PACCC, to recompensing the individual.

o. Early Conclusion of a Career Intermission by the Service Person. An individual may apply to the relevant manning authority at any time to return to Reckonable Service early; however, they will need to give at least 90 days' notice to allow for administrative and assignment action. The required period of notice must be made clear to the individual prior to the commencement of the Career Intermission. Service Manning authorities will undertake to assign the individual into an assignment in accordance with normal assignment procedures.

p. Pregnancy during Career Intermission. The following provisions apply to pregnant Servicewomen during a Career Intermission:

(1) Maternity provisions take precedence over Career Intermission TACOS. Accordingly, a Servicewoman who becomes pregnant during a Career Intermission may be eligible for certain benefits under the Armed Forces Occupational Maternity Scheme (AFOMS)³⁰ 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.

(2) Notwithstanding her being on a Career Intermission, 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 Career Intermission, 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 Career Intermission 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 Career Intermission are deemed to run concurrently³¹, her return to work date will not be extended beyond the last day of her Career Intermission 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).

(3) In order to be eligible for SMP a woman's average income, calculated over the 8 weeks up to and including the last pay day immediately before the end of the Qualifying Week must not be less than the Lower Earnings Limit. Depending on the timing of the pregnancy, therefore, a Servicewoman may be entitled to

²⁹ Personnel who consider they have grounds for appeal against such recall have recourse to normal Service redress procedures.

³⁰ In terms of other allowances, however, the Servicewomen would only be entitled to the package set out in Annex B to this Career Intermission DIN.

³¹ Similarly, adoption, paternity or parental leave would take precedence over Career Intermission TACOS and a Career Intermission would run concurrently with adoption, paternity or parental leave.

SMP, and she should contact her unit personnel management staff to ascertain eligibility. She may also be entitled to other statutory benefits, and should consult the Department of Work and Pensions.

(4) 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 Career Intermission, but will be required to comply with the RoS commitment as specified in Chapter 24 of this JSP on Maternity Arrangements for Servicewomen in the Armed Forces.

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

(6) Unit Admin Staff must ensure that Servicewomen who undertake Career Intermissions 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 while on a Career Intermission (which is unpaid), they are unlikely to receive SMP (although they may be eligible for other benefits).

q. **Adoption Paternity, Shared Parental Leave, Paternity and Parental Leave.**

(1) As in the case with maternity leave, a period of adoption, shared parental leave, paternity or parental leave would take precedence over Career Intermission TACOS and a Career Intermission would run concurrently with these types of leave.

(2) Service Personnel will be required to comply with any RoS commitments specified in the relevant chapters of JSP 760 after their return to work at the end of their Career Intermission.

r. **Redundancy.** During a Career Intermission 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 Career Intermission. Should a Service Person be selected for redundancy then they would not be expected to complete any RoS associated with the Career Intermission.

s. **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 Career Intermission, 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.

t. **Dress.** Civilian clothing is to be worn while on a Career Intermission. 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.

u. **Mess Membership.** Service Personnel on a Career Intermission may, at the discretion of their parent Service, continue their membership of Service messes in accordance with normal rules.

v. **Security.** ID cards are to be retained and any loss reported in accordance with normal Service procedures. Service Personnel on a Career Intermission of a year, or less, will have to apply to their respective Vetting Office to have their security clearance re-instated before their return. Service Personnel on a Career Intermission of more than 12 months should consult with their Vetting Office to understand security clearance requirements (including residency and background checks), in addition to the need to apply for a new security clearance before the expected date of returning to their respective Service. Unit Admin Staff 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 Career Intermission 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.

w. **Welfare Support.** Service Personnel will remain eligible for Service welfare support for the duration of the Career Intermission.

x. **Civilian Employment.** Service Personnel wishing to undertake civilian employment during their Career Intermission may apply to do so in accordance with the appropriate regulation in their respective Service Queen's Regulations³². They are required to gain approval before taking up any income earning employment and any application for approval must contain an undertaking that their private business will not interfere with their Service duties, not just while on Career Intermission, but upon return to Service. 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 employment³³.

y. **Inability to Return to Duty 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.

z. **Fitness.** Service Personnel are expected to retain their level of fitness during their Career Intermission and be expected to take, and pass, their respective sS fitness test in accordance with sS regulations upon their return.

aa. **Service Trusts and Funds.** Service Personnel on a Career Intermission will remain eligible for benefits from Service Trusts and Funds.

³² For RN QRRN J.8401-8408; for Army QR J 5.076-5.078; for RAF QR J 910.

³³ 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.

2. **Effect on Career and Remuneration.** Unit Admin Staff must ensure that Career Intermission applicants fully understand the effects that a period of absence from the Service may have on their career and remuneration, and the changes to their TACOS that may result. Those returning from a Career Intermission, particularly those longer than a year, are to have a formal career review immediately on their return to duty.

3. **Refresher Training.** A Career Intermission of any length may cause a degradation of existing branch and specialist knowledge and preclude the development of new knowledge. Therefore, Service Personnel will be expected to undertake, and pass, all of the training required by their particular Service³⁴ and any specific training required by the post that they have been assigned to (e.g. OCU, ATC, Flying Refresher Trg etc). Furthermore, Service Personnel will also be required to retain contact with their parent Unit during the duration of the Career Intermission. This can be achieved via face to face visits to their parent Unit, telephone or email.

4. **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 Career Intermission. Failure to do so within 14 days of any change may result in disciplinary action.

³⁴ RAF FT, RN FT, Army Pers FT, Common Core Skills, MATT etc.

ALLOWANCE PACKAGE FOR CAREER INTERMISSION

1. With effect from the first day of the Career Intermission, most allowances in issue will cease³⁵ and Service Personnel are to formally check their entitlements with Unit Admin Staff; however, certain allowances are detailed below. 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 Career Intermission, an individual's entitlement to allowances will be reassessed in accordance with current allowance regulations.

2. The Career Intermission allowances package is as follows:

a. **Education Allowances.** For those personnel who are on a Career Intermission there will be no entitlement to the continued payment of Continuity of Education Allowance (CEA), including CEA (Board), CEA(SENA), CEA(Day), CEA(SENA(Day) and CEA(Guardians) during the period of a Career Intermission and no new claims for these allowances will be admissible. The last payment of CEA will be for the academic term preceding the first day of the claimant's career break. CEA may be restarted from the beginning of the academic term following the return to Regular Service after a Career Intermission providing the claimant and any child continues to satisfy all eligibility criteria.

b. **School Children's Visits (SCVs).** There will be no entitlement to SCV for the duration of the Career Intermission.

c. **Individual Resettlement Training Costs (IRTC) Grants.** Personnel who give notice to leave the Service, or who wish to Early Terminate after a Career Intermission, (who have been released from any associated RoS), may request payment of IRTC grants during their Career Intermission in accordance with JSP 534.

d. **Learning Credits.** There is no entitlement to Standard Learning Credits for Service Personnel during a Career Intermission³⁶. Time spent on a Career Intermission does not count as eligible service but an Enhanced Learning Credit (ELC) claim can be submitted for learning to take place during a Career Intermission. Paid maternity/adoption/paternity leave qualifies as eligible service but unpaid additional maternity/adoption/paternity leave does not.

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 repatriation journey back to the point of arrival in the UK³⁷ and for the journey to a place of duty outside the UK on completion of their Career Intermission. Subsistence Allowance covers Night Subsistence (NS), Day Subsistence (DS), Incidental Expenses (IE) and Private Arrangement Rate

³⁵ 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.

³⁶ JSP 898 Pt 1 Paras 10d and 10e.

³⁷ UK mainland for NI-based personnel.

(PAR) as appropriate. There will be no further entitlement to these allowances during the Career Intermission.

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 Career Intermission, but no new claims will be paid during the Career Intermission.

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 Career Intermission, subject to meeting current eligibility criteria.

h. **Long Service Advance of Pay (LSAP) / Forces Help to Buy (FHTB).** FHTB/LSAP payments will cease for the duration of the Career Intermission³⁸. No new claims for FHTB will be admissible during the period of the Career Intermission. Any applications submitted but not paid prior to the Career Intermission start date will be paid during the Career Intermission provided all the criteria are fully met. Service Personnel in receipt of a FHTB/LSAP prior to the Career Intermission 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 Career Intermission being authorised.

i. **Disturbance Expense (DE) and Insurance Allowance (IA).** All Service Personnel and accompanying families are not eligible for DE and IA including those based in NI and overseas prior to undertaking their Career Intermission. On completion of the Career Intermission all Service Personnel who move residence for Service reasons on assignment will be eligible for DE or IA within current eligibility rules. If, however, a UK based Service Person vacated Service accommodation at the start of the Career Intermission and then returned to the same duty station on completion of the Career Intermission they would have no entitlement to DE or IA. Where appropriate, Child Elements of DE will be paid along with normal rates of DE.

j. **Furniture Removals and Unaccompanied Baggage.** Furniture Removals and Unaccompanied Baggage Allowance will be paid as for authorised journeys in accordance with the rules for DE set out in para 2i above.

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

³⁸ If circumstances arise in which a Career Intermission applicant does not request to delay their exit by the length of the Career Intermission, 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 Career Intermission, or by cessation of repayment during the Career Intermission, 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.

removal costs will be paid at public expense from the Career Intermission address to a store on completion of the Career Intermission.

l. **Refund of Legal Expenses (RLEs).** Service Personnel who hold a Re-Entry Certificate prior to starting a Career Intermission may not use it during the period of the Career Intermission but may use it on completion of the Career Intermission. On completion of a Career Intermission, individuals wishing to apply for a RLE must have owned a property at their previous duty station (i.e. immediately prior to their Career Intermission) or a former duty station, or be in possession of a Re-Entry Certificate/Home-Owner's Certificate, and meet all other eligibility criteria.

m. **Funeral Grants and Allowances.** Should a Service Person die while on a Career Intermission 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.

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

o. **State Benefits.** Service Personnel on Career Intermissions are advised to contact their local Benefits Office for advice on State Benefits for which they may be eligible.

APPLICATION FOR A CAREER INTERMISSION

(To be completed in accordance with JSP 760, Chapter 5)

PART 1 – INDIVIDUAL'S APPLICATION			
SERVICE NO.	RANK/ RATE	FULL NAME	CURRENT UNIT

CAPBADGE/ BRANCH/TRADE	E1/E2	CURRENT POST	FUTURE AVAILABILITY DATE

In accordance with JSP 760 Chapter 5, I wish to apply for a Career Intermission (CI). I have discussed the implications of such a CI with my Line Manager / Commanding Officer and Career Manager. I understand that:

- I remain a serving member of the Armed Forces under the Armed Forces Act and may be recalled to Service at any time.
- I might not be assigned back to my current unit or post.
- For the period of the CI I am not entitled to Service pay or the majority of allowances.
- My Terms of Service will be changed during my CI.
- I understand that if I wish to take up any employment whilst on my CI, I must seek permission iaw sS QRs³⁹.

Requested start date for Career Intermission/...../.....
Length of CI (<i>minimum 3 months, maximum 3 years</i>)	
Proposed Return to Active Service Date/...../.....
Type of Engagement/Commission	
Current Engagement Expiry Date/...../.....
Reckonable Service at start of CI	
Date of Previous CI or Career Break (if applicable)	
On my return from my CI I wish to apply to my CM for an Extension of Service to cover the period of my CI for pension qualifying time	Delete as applicable YES/NO

³⁹ QRRN 910, Army QRs 5.076-5.078, RAF QR J910.

Reason/s for requesting a Career Intermission: <i>(please attach a letter addressed to the Commanding Officer if space is insufficient or if preferred)</i>
Personal and Professional Benefit of CI:
Is your application dependent on another person's successful application ie spouse/civil partner – if so whom and why?
Is your application time critical ie linked to exam dates/external events?
<i>I confirm that I meet all the requirements of JSP 760 Chapter 18 and will inform my Commanding Officer if my application for a Career Intermission should subsequently become invalid by my failing to continue to meet the requirements.</i>
Applicant's Signature: _____ Date: _____

ON COMPLETION OF PART 1, FORWARD APPLICATION FORM TO LINE MANAGER / RAO / CHIEF CLERK (AS APPLICABLE).

PART 2 - CONFIRMATION OF REQUIRED CRITERIA

Delete as appropriate to confirm whether or not the applicant fulfils the criteria, if not give details:

REQUIRED CRITERIA	MET OR NOT		REMARKS
a. Must have completed at least 3 years' service after completion of initial training (i.e. at least 3 years after joining the trained strength).	YES	NO	
b. Must not have an outstanding ROS for any aspect of their career including: Training ROS, Financial Retention Incentive or 'Golden Hello' ROS.	YES	NO	
c. Must not have submitted a request on JPA for Early Termination.	YES	NO	
d. Must not be subject to a disciplinary investigation or action.	YES	NO	
e. Must not be subject to formal warning or administrative investigation that might lead to administrative action or discharge.	YES	NO	
f. Must not be in a reduced medical category with a condition that is likely to lead to premature discharge.	YES	NO	
g. Must have given the minimum notice period applicable to their Service (the normal assignment notification period) of the wish to proceed on the CI ⁴⁰ .	YES	NO	

⁴⁰ RN 5 months, Army 8 months, RAF do not determine a minimum notice period for CI applications.

LM'S COMMENTS AND RECOMMENDATION

LMs should note that for any CI of 6 months or less the post will be vacant for the duration of the authorised CI.

Comments:

Recommendation:

I can confirm that the CI application and any impact that it may have on their career has been discussed with the applicant.

LM's Name (Capitals): _____

LM's signature: _____ Date: _____

ON COMPLETION OF PART 2, FORWARD APPLICATION FORM TO COMMANDING OFFICER.

PART 3 - COMMANDING OFFICER'S COMMENTS AND RECOMMENDATION

(please attach a letter addressed to the Service Manning Authority- if space is insufficient or if preferred)

COs should note that for any CI for 6 months or less the post will be vacant for the duration of the authorised CI.

Comments on Reason(s) given for CI; Benefit to Individual and Service of Approving CI; Impact of Releasing Applicant⁴¹:

Recommendation:

I can confirm that the CI application and any impact that it may have on their career has been discussed with the applicant.

Commanding Officer's Name (Capitals): _____

Commanding Officer's signature: _____ Date: _____

ON COMPLETION OF PART 3, THIS FORM IS TO BE SENT TO:

RN: Terms of Service Manager, CNPS, Navy Command Headquarters, MP G-2, West Battery, Whale Island Portsmouth PO2 8DX.

ARMY: Relevant Career Manager. Army Personnel Centre, Kentigern House, 65 Brown Street, Glasgow, G2 8EX.

RAF: Air-COSPers-Mann TCoS PrmtnAdm1.

⁴¹ Must include comment on ability to release the individual on the date required and the implications of so doing. Possible succession and gap plan, as well as any known career implications should also be noted.

ARMY ONLY:

<u>PART 4 – CM COMMENTS</u>
Comment on Reason(s) & Benefits of CI:
Impact of Releasing Applicant ⁴² :
Recommendation:
Signature: _____ Name (Capitals): _____ Appointment: _____ Date: _____

⁴² Must include comment on ability to release the individual on the date required and the implications of so doing. Possible succession and gap plan, as well as any career implications, should also be noted. The date(s) of any career interviews relating to the CI are also to be annotated, including those that preceded the application being submitted.

PART 5 – CI REVIEW BOARD⁴³

Points taken into consideration:

Decision:

Reason(s) for Decision:

Signature: _____

Name (Capitals): _____

Appointment: _____ Date: _____

⁴³ Structure of Part 5 may be amended in time as CIRB ToRs, P&P and boarding experience are taken into consideration.

6 Call Forward of Leave

Definition

6.1. The ability for eligible Service Personnel⁴⁴ to call forward up to 10 days leave of their Annual Leave Allowance (ALA) from the upcoming leave year into the current leave year.

Conditions

6.2. The following conditions apply:

- a. Application for more than one adjustment of leave provision⁴⁵, for the same leave year, will require justification and it will be for the Service Person's Chain of Command to decide whether to approve.
- b. Service Personnel will only be permitted to call forward up to a maximum of 10 days leave from their upcoming ALA into the current leave year⁴⁶.
- c. There must be an expectation that a Service Person who has applied to call forward leave from the upcoming leave year will be able to take their minimum mandated 28 days leave in the upcoming leave year as required under the Working Time Regulations, as well as the called forward leave.
- d. Service Personnel will not normally be permitted to submit an application to call forward leave more than once in a rolling 2-leave year period. Additional applications will only be considered in exceptional circumstances. Service Personnel making additional applications should be reminded of the other leave types that are available to them, which may be more appropriate to their situation.

Application for Call Forward of Leave

6.3. Applications for Call Forward of Leave are to be submitted by the Service Person, to their CO/LM using JPA, following the appropriate business process guide, or JPA Form R001 if JPA is unavailable.

Reckonable/Non-Reckonable Leave

6.4. For guidance on whether service is reckonable/non-reckonable on taking Call Forward of Leave please refer to the table at [Chapter 29](#).

⁴⁴ Applicable to Regular, Additional Duties Commitment and FTRS (FC, LC & HC) Service Personnel. ADC may only call forward a third of their Annual Leave Allowance from the following year if they are contracted to work that year.

⁴⁵ Call Forward of Leave in conjunction with Transfer of Leave or Enhanced Leave.

⁴⁶ Where a SP is scheduled to deploy to an Op Tour or other deployment that will generate additional leave, e.g. POL or SGL, then the routine 10 days can be increased to a maximum of 15 days. Note that if the planned Op Tour does not take place, the individual will need to re-adjust leave so as not to be left with insufficient leave in the upcoming year, and fall short of the Working Time Regulations minimum of 28 days.

7 Enhanced Leave

Definition

7.1. Enhanced Leave (EL) gives Regular Service Personnel the opportunity to apply to take an extended block of 50 days leave⁴⁷ in lieu of their 30 days Annual Leave Allowance (ALA)(8 days ALA retained for Public Holidays)⁴⁸. It is emphasised that EL is granted at the absolute discretion of the Service; it is not a right and will only be permitted where manning margins allow and where it does not compromise operational capability. This means that inevitably some applications may be refused.

Eligibility

7.2. Service Personnel must have completed 15 years of Regular Service to qualify for EL.

Ineligibility

7.3. The following circumstances would prevent an application for EL being approved:

- a. Where the Service Person is subject to disciplinary action.
- b. Where the Service Person has submitted a request to Early Terminate (ET). However, should the Service Person choose to rescind the request to ET, then the EL application will be considered.
- c. Where a Service Person applies to take the EL during their final year of Service.

7.4. Service Personnel with approved EL applications who subsequently submit a request to ET will have their EL approval rescinded and the additional 20 days AA removed from their leave record with their 30 days ALA balance reinstated.

Conditions

7.5. Service Personnel who have completed the appropriate qualifying service will be permitted to apply to take 50 days EL in lieu of their 30 day ALA, for that year, exclusive of travelling time. Any leave carried over from the previous year remains available for the Service Person to use, as does any leave received from a serving spouse/civil partner, or called forward from the individual's next leave year⁴⁹.

7.6. Service Personnel who wish to apply for EL are to apply to their CO/LM using JPA. The Applicant's Unit HR staff will be formally notified, by the CO/LM, or if between assignments, by the appropriate Career Manager, of the outcome of all applications. Both

⁴⁷ Leave must be taken in one block.

⁴⁸ This is in addition to any public holidays that occur during that leave year (usually 8), and remains in accordance with JSP 760 ALA Policy, that if a Service Person requests a full (7 day) week of ALA, JPA only deducts 5 days from the individual's leave balance.

⁴⁹ Any leave carried over from the previous year will be retained, and can be counted as part of the EL 30 day requirement.

approved and refused applications are to be recorded on the Management Information tool.

7.7. If a Service Person has already used some of their ALA from the leave year they wish to take EL in, then 30 days must be available to swap for the 50 days EL. If there is less than 30 days ALA on the Service Person's leave balance then ALA from the next years allocation may be called forward⁵⁰ to bring the in year balance up to the minimum 30 days (plus PH days pro rata). However, the Service Person must be left with at least 28 days leave in the following leave year in order to meet Working Time Regulations. In the event that a Service Person would be left with less than 28 days leave in the following leave year after forecast ALA is calculated, EL should not be granted⁵¹.

Application for Enhanced Leave

7.8. After Service Personnel have achieved 15 years of Regular Service they may apply for EL, through their Line Manager (LM), to their Commanding Officer (CO) using JPA. The CO/LM will confirm whether or not they support application for EL.

7.9. The Service Person is to submit their application for EL to their LM, at least 6 months in advance of their Future Availability Date (FAD). Where EL could impact on their FAD, or is sought between assignments or covering consecutive assignments, the relevant Career Manning Authority and both the losing and gaining CO's are to be involved in the decision making process.

7.10. When applying for EL for compassionate reasons, the CO/LM should apply the same decision making criteria as they would to any other application for EL. If a situation is considered by the Service Person to be sufficiently serious to warrant special consideration, and Service Personnel need to take leave immediately, Compassionate Leave should be considered.

7.11. Applications for Enhanced Leave are to be submitted by the Service Person, to their CO/LM using JPA, following the appropriate business process guide, or JPA Form R001 if JPA is unavailable

Granting of Enhanced Leave

7.12. Where an application for Enhanced Leave has been supported, it should only be taken once the individual has met all of the eligibility criteria⁵².

7.13. A Service Person may be granted only one period of Enhanced Leave during their career.

⁵⁰ Call Forward of leave iaw Chapter 6.

⁵¹ This would usually mean that if a Service person has taken more than ten days annual leave in a year, that EL may not be granted in the current year, however as leave may be carried over from previous years, the fact that a Service person has taken ten days annual leave should not automatically prevent the CO/LM from considering an application for EL.

⁵² For example, an individual may apply before they reach the qualifying service point, but the leave cannot start until they have completed the necessary service.

Reckonable/Non-Reckonable Leave

7.14. For guidance on whether service is reckonable/non-reckonable on taking Enhanced Leave please refer to the table at [Chapter 29](#).

8 Transfer of Leave between Service Spouses or Civil Partners

Definition

8.1. The ability for Regular and FTRS Service Personnel⁵³ to apply to transfer up to 10⁵⁴ days leave, from their Annual Leave Allowance (ALA), to their serving spouse⁵⁵ or serving civil partner during a leave year.

Conditions

8.2. Application for more than one leave provision⁵⁶, at any one time, will require justification and it will be for the Service Person's Chain of Command to decide whether to approve.

- a. A Service Person will usually be permitted to transfer up to a total of 10 days leave to their Service spouse/civil partner, from their ALA, during the current leave year.
- b. The transfer of leave is subject to approval from both the Recipient and Donor's Chain of Command, and can be used as per normal ALA.
- c. There must be an expectation that the 'Recipient', will be able to take all of the transferred leave during the leave year the transfer takes place. If circumstances should change and the 'Recipient' becomes unable to take the leave in full, then they may apply to transfer the unused portion of leave to the 'Donor'. Should the leave be returned to the 'Donor' too late in the leave year to be used, or should the 'Recipient' request to do so, Service Personnel can apply to carry forward the unused leave in accordance with current regulations.
- d. Service Personnel who are assigned to an Operational Tour of 6 months or longer during a leave year (1 Apr to 31 Mar), can apply to transfer up to 15 days of their ALA to their serving spouse/civil partner, providing the direction at Para c is met.
- e. Service Personnel will usually only be permitted to submit an application to transfer leave once, in a rolling 2 year leave year cycle⁵⁷.
- f. There must be an expectation that a Service Person who has applied to transfer leave to their serving spouse/civil partner will be able to take their minimum

⁵³ Personnel on Additional Duties Commitment (ADC) may apply to donate or receive a proportionate amount of their annual leave. As Regulars may transfer a third (or half if deployed), ADC may also transfer or receive a third, unless deployed, when it may be a half.

⁵⁴ In a standard year, however if the Donor Service Person is to deploy in the leave year an additional 5 days may be transferred as per para 8.2d.

⁵⁵ Includes those 'Spouses' who are serving in the Reserve on FTRS (FC, LC & HC) and on Additional Duties Commitment.

⁵⁶ Transfer of Leave in conjunction with Call Forward of Leave or Enhanced Leave.

⁵⁷ Additional applications will only be considered in exceptional circumstances. Service Personnel making additional applications should be reminded of the other leave types that are available to them, which may be more appropriate to their situation.

mandated 28 days leave in their current leave year as required under the Working Time Regulations.

Application for Transfer of Leave

8.3. Applications to transfer leave to a serving spouse/civil partner should be submitted on JPA by the Donor to their CO/LM for approval. If approved, the application should workflow to the CO/LM of their recipient spouse/civil partner, for their consideration. JPA Form R001 should only be used if JPA is unavailable.

Reckonable/Non-Reckonable Leave

8.4. For guidance on whether service is reckonable/non-reckonable on taking Transfer of Leave between serving spouses or civil partners please refer to the table at [Chapter 29](#).

9 Domiciled Collective Leave (DOMCOL)

Definition

9.1. 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

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

- a. Have joined the British Armed Forces before 11 July 2013⁵⁸ or as part of the limited direct recruitment outlined in 2016DIN01-086.
- b. Be registered by the appropriate Single Service Authority⁵⁹ for DOMCOL, in accordance with paragraph 9.11 and Annex A.
- c. 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 is made, will, however, break this condition.
- d. At the time of applying for registration, still maintain a home in the country⁶⁰ abroad from which they joined the Services (see para 9.12).
- e. At the time of application for leave, the Commanding Officer must be satisfied that the Service person's home is still in the country from which they joined the Services (see para 9.12).
- f. Be unmarried (see para 9.2h for the special concession regarding married personnel and para 9.2i for widows, widowers and divorced personnel).
- g. Irrespective of the type of Commission or Engagement, must have at least 9 months to serve on return from the authorised 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

⁵⁸ From 11 July 2013, all Regular Armed Forces applicants from Commonwealth countries are required to demonstrate that they have lived in the UK for 5 years prior to enlisting.

⁵⁹ RN – CNPS PPOL EMP NLN, MP 3.1, NCHQ, Whale Island, Portsmouth, PO2 8BY (NAVY-PERS-CNPS-EMPLOYMY POL SO1); Army – SO3 Pers Ops, HQ Regional Command, Montgomery House, Queens Avenue, Aldershot, GU11 2JU; RAF – ACOS Manning, SO2 STANEVAL, HQ Air, RAF High Wycombe, Bucks, HP14 4UE.

⁶⁰ An individual who owns/part-rents/rents accommodation at their duty station or elsewhere in the UK will be considered to have made that their home and will no longer be eligible for DOMCOL or DOMCOL Substitute.

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 married during their leave in the country of domicile, entitlement to family passage to a duty station is set out in JSP 800, Volume 2 (Defence Movements and Transport Regulations).

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

9.3. Gurkhas and Nepalese citizens serving in the Army are eligible to apply for DOMCOL Substitute registration (see para 9.21). Other non-European soldiers enlisted locally overseas are not eligible for DOMCOL.

Ineligibility

9.4. From 11 July 2013, all regular Armed Forces applicants from the Commonwealth have been required to demonstrate that they have lived in the UK for 5 years prior to their application to enlist, rendering them ineligible for DOMCOL. Further details of these changes are covered in 2013DIN01-149.

9.5. In accordance with para 9.1, a SP is no longer eligible for DOMCOL if they choose to naturalise and are granted a British passport, regardless of whether they retain dual nationality with their country of origin.

Entitlement

9.6. 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 (8 days of ALA will be retained to cover public holidays), exclusive of travelling time, and travel at public expense, on completion of each 5 years' service outside their home country.

9.7. 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.

Conditions

9.8. Service personnel, when registered for DOMCOL, are not entitled to any other non-duty travel at public expense (para 9.12 for Get You Home (Overseas) and Get You Home (Seagoers)).

9.9. 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.

9.10. When a Service person is granted DOMCOL they are eligible for 45 working days' leave in lieu of 30 days' ALA (8 days of ALA will be retained to cover public holidays). Further ALA in that leave year will not be awarded but a Service person may consider carrying forward leave from a previous year or calling forward 10 days' leave from a subsequent leave year (Chapter 6).

9.11. If a Service person has already used some of their ALA from the leave year in which they wish to take DOMCOL, 30 days must be made available. If there are less than 30 days' ALA on the Service person's leave balance then ALA from the next year's allocation may be called forward to bring the in-year balance up to 30 days (plus public holidays pro-rata). However, the Service person must be left with 28 days' leave in the following leave year in order to meet Working Time Regulations⁶¹.

9.12. In the event that a Service person would be left with less than 28 days' leave in the following leave year, DOMCOL should not be granted.

9.13. Registered personnel may not use Get You Home (Overseas) and Get You Home (Seagoers) in the same 12-monthly period as DOMCOL (see JSP 752, Chapter 6, Sect 10 and Chapter 5, Sect 3 respectively).

9.14. Service personnel who wish to be considered for DOMCOL are to apply to register for DOMCOL with the appropriate Single Service Authority 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 at the Sub Date Register entry.

9.15. Should the Service person's next of kin move to another overseas country from the country overseas in which the person is domiciled or from which that individual joined the British Armed Forces, this should be reported immediately to the Single Service Authority. 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.

9.16. Eligible Service personnel who have elected to take GYH(EY) entitlement or registered for DOMCOL, who are otherwise eligible for GYH(EY), may transfer to GYH(EY) at any point during their qualifying Service subject to the following conditions:

a. **Transfer from GYH(EY).** Entitlement will be based on the number of GYH(EY) journeys available to the individual. Each available GYH(EY) journey will attract reimbursement up to 25% of the annual MOD Capped Rate for qualifying GYH(EY)(OA) journeys.

b. **Transfer from DOMCOL.** Any DOMCOL qualifying service prior to transfer to GYH(EY) will be forfeit on transfer. Personnel who subsequently rejoin the DOMCOL scheme after a period of up to 3 years' initial regular service will be required to serve for a further 5 years before qualifying for a publically-funded journey (i.e. end-date of qualifying period for GYH(EY) plus 5 years' further service is the qualification date for DOMCOL).

Application for Leave

9.17. After 5 years' qualifying service, a registered individual may apply for DOMCOL through the appropriate Single Service Authority using Annex B below. Unit HR staff will

⁶¹ 20 days' Annual Leave and 8 Public Holidays.

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.

Granting of DOMCOL

9.18. 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 by the appropriate Single Service Authority. Applications for DOMCOL are to be made within 3 months of the date and leave is to be taken within the leave year the Service person qualifies for DOMCOL unless they wish to apply to defer or anticipate their entitlement. 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. If the requested period of DOMCOL results in a SP taking a period of leave which spans 2 annual leave periods then the leave granted is to be taken from the leave year the SP qualified for DOMCOL.

9.19. DOMCOL may be deferred or anticipated, subject to the following criteria:

- a. A SP may apply to defer their entitlement to DOMCOL for a period not exceeding 2 years from the qualification date. The application to defer must be made at the start of the leave year that the SP becomes eligible for DOMCOL. Applications for deferment made after any periods of leave are taken within the qualifying leave year (with the exception of public holidays) will be rejected. Deferment is not to be allowed where this will breach the rules for residual service on return from leave detailed in para 9.2g above. Deferment may be authorised to coincide with a duty movement of the individual concerned where this will reduce the cost of travel to public funds.
- b. A SP may anticipate their entitlement to DOMCOL for a period not exceeding 6 months by applying to the Commanding Officer and approval given by the Single Service Authority. If a Service person is granted anticipated DOMCOL on compassionate grounds, with travel at public expense, such leave will count as the DOMCOL for the qualifying period during which it is granted.
- c. Anyone wishing to defer or anticipate DOMCOL should notify their Single Service Authority using Annex C.

Medical/Dental Treatment

9.20. 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 country. Personnel, however, are advised to arrange insurance cover to meet their out-of-pocket expenses for sickness or injury while in countries with which there are no reciprocal arrangements. Refunds will be made on the production of a receipt bill giving details of the emergency treatment provided.

Accumulation of Leave by Individuals Normally Domiciled Outside the UK and the Irish Republic who are not Eligible for DOMCOL (DOMCOL Substitute)

Definition

9.21. The following categories of Service personnel who do not meet the conditions of paras 9.2 above and are therefore not eligible for DOMCOL are however eligible to accumulate up to 25% of their Annual Leave Allowance to enable them to visit their country of domicile at their own expense. This leave is called DOMCOL Substitute.

9.22. Service personnel who wish to accumulate annual leave under these rules should register with their appropriate Single Service Authority. Unit HR staff will be formally notified of the outcomes of all applications and those which are approved are to be recorded in accordance with JPA Desk Manual – Absences.

Eligibility

9.23. The following are eligible for DOMCOL Substitute:

- a. Service personnel who, but for marriage, would be 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 subsequently did.
- d. Gurkha and Nepalese citizens serving in the Army.

9.24. Service personnel on Loan Service not administered by MOD are not eligible for DOMCOL Substitute.

Conditions

9.25. 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 9.2g above.
- c. The Service person is registered with the appropriate Single Service Authority.

Period of Leave

9.26. Service personnel who are eligible under para 9.23 above may accumulate up to 25 per cent of the Annual Leave Allowance admissible 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 appropriate Single Service Authority.

9.27. This accumulation may be added to Annual Leave admissible for the year in which DOMCOL Substitute is taken. The total amount of DOMCOL Substitute combined with Annual Leave is not to exceed 45 working days.

9.28. Any other leave, except relation leave, for which a Service person is eligible may be added to DOMCOL Substitute.

Application for Leave

9.29. A registered individual may apply for DOMCOL Substitute using Annex B to this chapter.

Granting of Leave

9.30. COs may grant DOMCOL Substitute, at their discretion, for a period not exceeding 45 working days under the conditions set out in para 9.24. Permission to exceed 45 working days will only be granted in exceptional cases and authority must be sought from the Single Service Authority. A copy of the approved application for DOMCOL Substitute is to be forwarded by Unit HR staff to the relevant Single Service Authority.

Reckonable/Non-Reckonable Leave

9.31. DOMCOL is classed as reckonable service; please refer to [Chapter 29](#) for further guidance.

APPLICATION FOR DOMCOL / DOMCOL SUBSTITUTE* REGISTRATION

(*Delete where applicable)

Part 1 - to be fully completed by the applicant (incomplete applications may be returned without being actioned)		
1. Name:	Initials:	Rank:
Service Number:	Regt/Corps:	
Branch/Trade:		
Unit:	Contact Number:	
Full Unit Address:		
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
Date:	Signature:

Part 2 - to be completed by the CO (on completion, forward to appropriate Manning Authority if necessary)	
14. The accuracy of the above statements have been verified as far as is practicable.	
Date:	Signature:
Officer Commanding	

Part 3 - to be completed by the Manning Authority (If necessary)	
15. Verified.	
Date:	Signature:
Manning Authority Stamp	

APPLICATION TO TAKE DOMCOL / DOMCOL SUBSTITUTE*

(*Delete where applicable)

Part 1 - to be completed by the applicant (incomplete applications may be returned without being actioned)		
1. Name:	Initials:	Rank:
Service Number:		Regt/Corps:
Branch/Trade:		
Unit:		Contact Number:
Full Unit Address:		
Date & Country of Birth:		
2. I wish to apply for DOMCOL / DOMCOL Substitute* to:		
(state country)		
3. Date registered for DOMCOL:		
Authorisation Letter (Reference):		
4. My registered 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:	
I am serving on an *engagement Expiry Date:	
7. Leave is requested to (state country):	
(Leave Dates)	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 (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:	
Date from	Date to
11. *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

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 9, JSP 760.

Date:

Signature:

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.

14. ***Application for DOMCOL Substitute.** The accuracy of the above statements have been verified as far as is practicable. This application is approved.

(* Delete as appropriate)

Date:

Signature:

Officer Commanding

Part 3 - to be completed by the Manning Authority (If necessary)

15. Application for DOMCOL is approved.

Not approved for the following reasons:

Date:

Signature:

Manning Authority Stamp

APPLICATION TO DEFER OR ANTICIPATE DOMCOL

(*Delete where applicable)

Part 1 - to be completed by the applicant (incomplete applications may be returned without being actioned)		
1. Name:	Initials:	Rank:
Service Number:		Regt/Corps:
Branch/Trade:		
Unit:		Contact Number:
Full Unit Address:		
Date & Country of Birth:		
2. I wish to apply to defer/anticipate DOMCOL.		
Qualification Date:		Requested Deferred/Anticipated Date:
3. Date registered for DOMCOL:		
Authorisation Letter (Reference):		
4. My registered 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:	
I am serving on an *engagement Expiry Date:	
7. *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
8. *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
9. I certify that my country of domicile remains as stated in the application for registration I submitted in accordance with Annex A to Chapter 9, JSP 760.	
Date:	Signature:

Part 2 - to be completed by the CO	
10. Application to defer/anticipate DOMCOL. The accuracy of the above statements has been verified as far as is practicable.	
Date:	Signature:
Officer Commanding	

10 Rest and Recuperation

Introduction

10.1. 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

10.2. 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

10.3. The decision to grant R&R rests with the operational commander, who is usually CJO, 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.

10.4. R&R is not leave and is to be taken at a time, location and for a duration specified by the in theatre commander. R&R may only be granted to individuals and units on periods of continuous operations in excess of 4 months. The in theatre commander has the ability to restrict or deny R&R dependent on operational circumstances. 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 (People-AF Rem Allces Hd) on a case-by-case basis. R&R is not to count against an individual's entitlement to Annual Leave.

10.5. 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:

- 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.

10.6. Where the operational situation permits, and subject to the operational commander's endorsement, R&R will normally 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.
- e. An informed assessment by the operational commander in conjunction with CDP's staff (People-SPSupport-WelfareSP), (and where required the Surgeon General) that operational effectiveness will be significantly prejudiced if R&R at home is not facilitated.

10.7. R&R can 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 standard⁶² (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.

10.8. 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.

10.9. 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:

10.10. Where there is an overwhelming operational justification for using civil flights. Use of civil flights in such circumstances will be subject to approval by PJHQ.

10.11. Where the use of Service AT would entail single journey times in excess of 24 hours and use of civil AT⁶³ can reduce this significantly⁶⁴.

⁶² 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.

⁶³ Standard civil air flights or civil air flights chartered by the MOD in lieu of Service AT.

10.12. Where the cost of civil AT is the same cost or cheaper than the cost of the in-theatre R&R package.

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

Responsibilities

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

- 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 (People-SPSupport-WelfareSP).
- 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.

10.15. 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 (People-SPSupport-WelfareSP) and PJHQ must be consulted to ensure that any tri-Service implications are addressed.

10.16. 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. 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.

10.17. 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

⁶⁴ 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.

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.

Reckonable/Non-Reckonable Leave

10.18. For guidance on whether service is reckonable/non-reckonable on taking R&R please refer to the table at [Chapter 29](#).

11 Post Operational Leave

Aim

11.1. 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

11.2. POL is granted to Regular and Reserve personnel following periods on qualifying Operations or deployments⁶⁵ and who are not entitled to Seagoer's Leave⁶⁶. 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

11.3. The allowance, which is in addition to the Annual Leave Allowance (ALA), 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 are assigned from their permanent duty station to the qualifying Operation or deployment.

Granting of POL

11.4. 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. Personnel returned from operations for medical reasons are to have the appropriate Service medical clearance prior to departing on POL.

Postponement of POL

11.5. POL is essential to the wellbeing of Service personnel; the underlying principle is that POL should be taken immediately after the operation or deployment for which it was earned. It should only be postponed in exceptional circumstances, for example where attendance at a course is essential to career progression. Commanding Officers (COs) may only postpone POL where there is an exceptional Service need, and they are to maintain a record of the justification for the postponement. POL is not to be removed for any reason.

⁶⁵ Qualifying Operations and Deployments are decided by PJHQ.

⁶⁶ For details of Seagoer's Leave see Chapter 12.

Recording of POL

11.6. 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 POL for every 9 calendar days served on that assignment. In all circumstances, including postponement of leave, budget managers are to apportion the cost of POL to the qualifying Operation or deployment on which it was earned.

Public Holidays

11.7. Public Holidays are included within the ALA therefore those personnel 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

11.8. When mobilised, Reservists will qualify for POL at the same rate as Regular personnel.

Reckonable/Non-Reckonable Leave

11.9. For guidance on whether service is reckonable/non-reckonable on taking POL please refer to the table at [Chapter 29](#).

12 Seagoer's Leave

Aim

12.1. The aim of Seagoer's Leave (SGL) is to compensate those Service personnel serving in seagoing units for the separation from family and friends that this type of service necessarily entails.

Entitlement

12.2. Service personnel serving in qualifying seagoing units⁶⁷ are entitled to one additional working day of leave for each 30 calendar days of service in the qualifying seagoing unit up to an annual maximum of 12 days.

Allocation

12.3. 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 for every 30 calendar days' service. The qualifying criteria for SGL are detailed below:

- a. Service personnel assigned to units qualifying as SLQUs will qualify for SGL in accordance with the entitlement in 12.2.
- 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 12.2.
- c. Personnel in land-based units who deploy on operations as directed by PJHQ will accrue Post Operational Leave (POL) in accordance with policy guidance in JSP 760 Chapter 11 unless operating from a seagoing unit in the deployed setting. 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 the guidelines in JSP 760, Chapter 2, paragraphs 2.15 and 2.16. SGL should not be used to compensate personnel for such working practices.

Leave Planning

12.4. Commanding Officers of personnel qualifying for SGL under 12.3a should make every effort to enable Service personnel to take this leave during the seagoing assignment to which it applies. For Service personnel qualifying for SGL under 12.3b or 12.3c, COs of the land-based unit should make every provision for them to take that leave as soon after the exercise, deployment or operation as practically possible. Service personnel apply and

⁶⁷ Seagoing 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.

record SGL through the standard Leave Absence request routines in JPA. SGL is in addition to the Individual Leave Allowance (ILA) as outlined in Chapter 1, paragraph 1.2.

Reckonable/Non-Reckonable Leave

12.5. For guidance on whether service is reckonable/non-reckonable on taking Seagoer's Leave please refer to the table at [Chapter 29](#).

13 Re-Engagement Leave

Definition

13.1. Re-engagement Leave (RENLEAVE) 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 RENLEAVE between the 3 Services this chapter has been broken down into 3 separate Annexes: Annex A - Naval Service, Annex B - Army, Annex C - RAF.

RENLEAVE Added to Other Types of Leave

13.2. For RN and RAF personnel, RENLEAVE is not to be added to Terminal Leave (Army personnel see para 6d at Annex B). For personnel from all three Services RENLEAVE is not to be taken after a Service person has given notice to leave unless the individual is being invalided from the Service.

Reckonable/Non-Reckonable Leave

13.3. For guidance on whether service is reckonable/non-reckonable on taking RENLEAVE please refer to the table at [Chapter 29](#).

NAVAL SERVICE – ENTITLEMENT

1. 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).

2. 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 (i.e. 20 working days' Re-engagement Leave is the equivalent of 28 calendar days' Terminal Leave).

Applicability to Extended Service Engagements

3. Re-engagement Leave (RENLEAVE) is not applicable to Extended Service Engagements.

4. 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 CO's 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

5. Normally, RENLEAVE 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 RENLEAVE is to be 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 RENLEAVE between assignments.

6. 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

7. 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 10 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.

8. 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.

9. 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.

10. 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

1. 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.
2. 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.
3. Not more than one period of Re-engagement Leave is admissible to soldiers eligible under the terms of para 1 above and not more than one period to soldiers eligible under the terms of para 2 above.
4. 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.
5. 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 1 and 2 above, will be eligible for Re-engagement Leave.

Management of Re-Engagement Leave

6. 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.

7. 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.

8. 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 above.

9. 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

10. 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

1. 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.

2. 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 age 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 invalidated from the Service.

Management of Re-Engagement Leave

3. 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.

14 Terminal Leave

Aim

14.1. Terminal Leave is designed to assist resettlement and is to be granted to qualifying Service Personnel (SP) on completion of service.

Entitlement

14.2. Regular SP are to be granted 20 working days' Terminal Leave on completion of their commission/engagement. In addition, Terminal Leave should normally be granted to SP leaving prematurely (eg, on ET, pregnancy or for compassionate reasons), but only at the Commanding Officer's (CO) discretion. Subject to the maximum Terminal Leave period of 20 working days, SP whose service is terminated prematurely by the Service 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 SP whose service is terminated prematurely for misconduct.

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

Application

14.4. Terminal Leave is to be granted, where possible, in the last 20 working days of paid service (where para 14.3 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.

14.5. 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 or when medically discharged after a period of long term sick absence.

Reserve Personnel

14.6. FTRS or ADC Reserve personnel receive Terminal Leave 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.

Reckonable/Non-Reckonable Leave

14.7. For guidance on whether service is reckonable/non-reckonable on taking Terminal Leave please refer to the table at [Chapter 29](#).

15 Graduated Resettlement Time (GRT)

15.1. The information can be found in JSP 534, Section 3 - Access to Resettlement Support:

http://defenceintranet.diif.r.mil.uk/libraries/library1/DINSJSPS/20170203.1/JSP_534_ISSUE_17.pdf

Reckonable/Non-Reckonable Leave

15.2. For guidance on whether service is reckonable/non-reckonable on taking GRT please refer to the table at [Chapter 29](#).

16 Invaliding Leave

16.1. 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 Leave⁶⁸ the individual has accrued. When a SP exits the service on non-invaliding terms and subsequently has their mode of exit amended to invaliding, retrospective invaliding leave will not be granted. When a SP exits the Service under non-invaliding terms and subsequently has a Mode of Exit review which changes the exit clause to one of invaliding, retrospective IL will not be granted, nor any payment in lieu.

Scope/Eligibility

16.2. 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 (Army Reserve). 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

16.3. Personnel who are invalided from the Service, plus those who exit under single-Service provisions which qualify for IL⁶⁹, 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.

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

16.5. 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 youth custody.

16.6. 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 appropriate Manning Authority. The date of retirement/discharge is as notified by the appropriate Manning Authority and is calculated having taken into account any entitlement to Graduated Resettlement Time, invaliding and Terminal Leave.

16.7. 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,

⁶⁸ 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 1 Jan 09 using this methodology should be recalculated to include outstanding Annual Leave.

⁶⁹ Exit under BR3 Chapter 54, QR 1975 (paras 9.385-9.387) for Army personnel and QR 607(16)(b) for RAF personnel.

notwithstanding that these may involve the continuance of pay beyond the appropriate period⁷⁰, or beyond the normal date for termination of service. If, however, the individual is currently residing in their country of domicile, or has elected to remain in the country in which they are located at the date when the decision to invalid is taken, pay is not issuable beyond the appropriate period specified in para 16.7 or in relevant footnotes.

16.8. An individual who is an in-patient on the due date for normal termination of service, and still requires such treatment, is to have their exit deferred until:

- a. in-patient treatment ceases to be required; or
- b. 5 months have elapsed since they were last on duty, whichever is the earlier.

Reckonable/Non-Reckonable Leave

16.9. For guidance on whether service is reckonable/non-reckonable on taking Invaliding Leave please refer to the table at [Chapter 29](#).

⁷⁰ 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 16.7).

17 Absence without Authority

General

17.1. 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.

17.2. 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 and recorded on a T-SL-AD01⁷¹. Should there be any concern for the safety of the absentee the investigation should be started immediately and the Service or Civil Police notified without delay.

17.3. 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 on JPA to assist in both management information and as a record should future disciplinary proceedings be taken.

17.4. All cases of Absence without Authority are to be considered as an Unauthorised Absence (see paras 17.13 - 17.15 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 or a new location it must be regarded as a Move and Track Non Arrival (see paras 17.6 - 17.9 below). For all other cases it should be considered as an Unauthorised Absence.
- b. If the absence occurs within an Operational Environment then this must be considered as Missing (see paras 17.10 - 17.12 below).

17.5. 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

17.6. 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.

17.7. 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 unit. 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.

⁷¹ Initial Absence Report – Annex B, Chapter 10 of JSP 830 - Manual of Service Law.

17.8. 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.

17.9. 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 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

17.10. 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.

17.11. 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.

17.12. 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

17.13. 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.

17.14. 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.

17.15. A Service person will remain in the Unauthorised Absence category until one of the following conditions is 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 should be 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 (see paras 17.16 - 17.19 below).

c. It is ascertained that the Service person has apparently absented themselves. The absence is to be reported using T-SL-AD02⁷² and the Service person is to be moved to Long-Term Absentee (see paras 17.20 - 17.23) following a Board of Inquiry.

Disciplinary Award of Absence without Leave (AWOL)

17.16. Disciplinary Award of AWOL is an absence type which can be selected and implemented retrospectively, by the Unit HR Administration staff only, 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.

17.17. 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 an offence of AWOL or Desertion⁷³ before a Disciplinary Award AWOL is selected.

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

17.19. If the Service person is not found guilty of the offence of AWOL - typically because the Chain of Command is satisfied that there are extenuating circumstances relating to the absence then Authorised Absence (refer to Chapter 2) may be used if no other absence type is deemed to be more appropriate. If the CO is satisfied that the conduct of the Service person amounts to an offence of AWOL or Desertion but does not take disciplinary action the CO is to make an order of Forfeiture of Pay⁷⁴ and the absence status should remain as Unauthorised Absence.

Long Term Absentee

17.20. 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.

17.21. The Service person's CO will carry out investigations 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 CO, 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.

⁷² Certificate of Absence – Annex C, Chapter 10 of JSP 830 - Manual of Service Law.

⁷³ Contrary to ss8 or 9 of AFA 06.

⁷⁴ Armed Forces (Forfeiture and Deductions) Regulations 2009, Regulation 3.

17.22. 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 categorised/listed/recorded as Unauthorised Absence until the CO recommends otherwise.

Automatic Termination

17.23. JPA will automatically terminate the records of Service personnel who reach the end of their commission or engagement, including those who are recorded:

- a. Unauthorised Absence.
- b. Missing.
- c. Long-term Absentee.

17.24. Upon moving a Service person to an absence type listed at para 17.23. Unit HR Administration staff are to confirm the Engagement Expiry Date and monitor throughout the period of absence. The Engagement Expiry Date should not normally occur during a period of Absence Without Authority. Any decision to extend the Engagement Expiry Date should be addressed through the relevant Career Manager.

Reckonable/Non-Reckonable Leave

17.25. For guidance on whether service is reckonable/non-reckonable on being Absent Without Authority please refer to the table at [Chapter 29](#).

18 Custodial Absence

General

18.1. 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.

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

18.3. Reference should be made to:

- a. Navy – RN BR 3 Part 5 Section 14 Article 20081.
- b. Army – JSP 837.
- c. RAF – JSP 837.

Reckonable/Non-Reckonable Leave

18.4. For guidance on whether service is reckonable/non-reckonable during Custodial Absence please refer to the table at [Chapter 29](#).

19 Suspension from Duty

19.1. 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 and reference should be made to the following:

- a. Navy – CO should refer to their relevant Regional Legal Officer (RLO) in the first instance for advice.
- b. Army – AGAI 67, Part 5.
- c. RAF – QR 1009A. JSP 830 - Manual of Service Law.

20 Jury Service

General

20.1. 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.

20.2. 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.

20.3. The Act retains special provision (closely based on the provision in the previous legislation) for deferral or excusal of jury service by Armed Forces personnel, 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 Reservists, but COs may support applications for excusal or deferral where the jury service prevents an individual attending Annual Camp or other period of continuous training.

Arrangements

20.4. 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 summonsed 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.

20.5. Again in common with other members of the public, Service personnel who are summonsed 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.

20.6. 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 the result but no such application should be made until the individual's CO has indicated that they do not intend to certify that the individual's absence would be prejudicial to the efficiency of the Service.

20.7. The CO of a full-time serving member 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.

Reckonable/Non-Reckonable Leave

20.8. For guidance on whether service is reckonable/non-reckonable during Jury Service please refer to the table at [Chapter 29](#).

JURY CENTRAL SUMMONING BUREAU FORM

To (Jury Central Summoning Bureau)

I certify that

(Number, Rank, Full Name, Unit)

is a full-time member of my Unit and that their 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 they be excused Jury Service.

[Add if applicable]:

Deferral/excusal in pursuance of this summons has previously been sought by the above named on personal grounds [and refused*]. Since then, however, unforeseen circumstances have arisen as to make their absence from duty prejudicial to the efficiency of the Service.

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

Signature

Name/Rank (capitals)

Unit Address

.....

.....

Date

* Delete non-applicable paragraph/words.

21 Absence on Medical Grounds

Aim of Leave on Medical Grounds

21.1. 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

21.2. 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 Leave 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.

21.3. Personnel who are, or are likely to be, sick-absent from duty will be assessed by a medical review and given a revised JMES. When assessed as Temporarily Non-Effective (TNE)⁷⁵ for the purpose of this policy, this is to be considered as Sick Leave.

Granting of Sick Leave

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

- a. A Service 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 (MDHU), after liaison with the individual's 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. The President of a Medical Board.

21.5. Both those granting sick leave and the individual proceeding on sick leave are to inform their unit Chain of Command (CoC) as soon as possible and prior to the departing on sick leave, in order that the individual's record of service can be updated accordingly.

⁷⁵ Army PAP 10, RAF AP1269A Leaflet 2-03.

21.6. In the case of a SP attending an outpatients department of a civilian hospital the SP is to return to their Unit together with the recommendation of sick leave for confirmation by CoC. If deemed unfit to travel SP is to notify their CoC at earliest opportunity.

21.7. Where a Service person is on an authorised individual leave of absence (ILA) whilst also on sick leave and subsequently falls ill or sustains additional injury and/or is unfit to travel policy set at para 15.10 applies. Sickness Absence and Recovery Duty

21.8. In accordance with sS Recovery policy⁷⁶ personnel on authorised sick leave by default start Recovery duty. Recovery duty on sick leave can include participation on recovery activity as part of an Individual Recovery Plan (IRP) with the associated benefits that duty activities attract, e.g.T&S.

Taking Annual Leave While on Long Term Sickness Absence

21.9. Personnel who have been granted absence on medical grounds as defined above should be required to take annual leave for periods where they wish to be unavailable for medical appointments, welfare appointments, recovery activities. Where an individual's unit takes block leave/public holidays, WIS SP are expected to take these as annual leave, unless they have authorised clinical appointments scheduled, or whose clinical limitations renders them incapable of taking leave⁷⁷. Annual Leave is to be actively managed for an individual who is fit to undertake recovery duties in accordance with their Individual Recovery Plan and individual leave allowance entitlement.

Sickness on Leave

21.10. The action to be taken by personnel who fall ill or are injured when on leave is set out in single Service regulations⁷⁸. Personnel are to inform their Unit as soon as possible so that the necessary action can be taken to update their absence record.

21.11. 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.

Carry Forward of Leave Accrued While on Sick Leave

21.12. Service personnel who are unable to take annual leave in the leave year in which it is due, as a result of being on sick leave and unfit for recovery duties, are entitled to carry over the accrued annual leave to the next leave year. This accrued leave can only be carried over for a period of 18 months after the end of the leave year in which it is accrued. Individuals can carry over up to a maximum of 28 working days per annum.

⁷⁶ Navy - BR3 Ch33, Army - AGAI Vol 3 Ch 99, RAF - AP3392 Vol 5 Leaflet 125.

⁷⁷ WIS SP attending in-patient facilities.

⁷⁸ Navy - BR3, Army - QRs Chap 5, RAF - QRs Chap 19.

Long Term Sick and then Medically Discharged

21.13. If an individual on long term sick is then to be medically discharged they will be paid in lieu for the accrued carried over annual leave as they no longer have the opportunity to take the leave. The carried over accrued annual leave (maximum of 28 working days per annum) for medically discharged personnel does not accrue additional leave days.

Leave for Private Consultations and Special (Paid) Leave for Private Medical Treatment

21.14. Except in the special circumstances set out in para 21.15, 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.

21.15. Special Paid 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 Special Paid 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 as to the effect of the proposed treatment on the patient's joint medical employment standard (JMES) prior to granting Special Paid Leave for this purpose. Such Special Paid Leave is not to count against the individual's ILA.

21.16. Special Paid Leave may be permitted for personnel temporarily returning to the UK from overseas to access Assisted Conception Services (ACS). The authority for granting Special Paid Leave in this circumstance rests with the CO of the Unit on whose strength the Service person concerned is borne and should be considered in conjunction with the individual's ILA.

21.17. As ACS is an elective procedure Service personnel should plan to utilise their individual leave allowance accordingly. However, many of the processes can be complicated and involve additional leave requirements. Special Paid Leave may be considered for Service personnel accessing ACS and in need of additional time for treatment or recuperation; in addition, due consideration should be given to the health and wellbeing of the individuals. The authority for granting Special Paid Leave in these circumstances rests with the CO of the Unit on whose strength the Service person concerned is borne and should be considered in conjunction with the individual's existing Leave Allowance.

Reckonable/Non-Reckonable Leave

21.18. For guidance on whether service is reckonable/non-reckonable during Absence on Medical Grounds please refer to the table at [Chapter 29](#).

22 Compassionate Leave

Aim

22.1. The purpose of Compassionate Leave is to allow Service personnel an authorised period of absence to enable them to attend to an immediate domestic crisis.

Allocation

22.2. A period of compassionate leave does not count against an individual's annual leave entitlement. The authorisation and duration of compassionate leave rests with the individual's CO, who may authorise up to 4 full weeks. In considering applications COs should treat each case individually on its merits. However, 2 full weeks will normally be sufficient in the first instance. Only in exceptional circumstances and following a re-examination of the circumstances should compassionate leave exceed 4 full weeks.

22.3. Further periods of Compassionate Leave should be authorised as the exception; Service personnel are expected to resolve their personal affairs within a reasonable timescale. Ongoing issues should be addressed by seeking alternative courses of action through single Service channels.

Travel at Public Expense

22.4. The authority for travel at public expense on compassionate leave (other than inter-UK Travel) rests entirely with the Joint Casualty and Compassionate Centre (JCCC). Arrangements for travel will normally be co-ordinated by the JCCC, in liaison with the individual's administering unit.

22.5. The categories and entitlements for travel at public expense, including the definitions of 'In Scope Relatives' are defined in Vol 1, Part 2, Chapter 1 and annex of JSP 751 - Joint Casualty and Compassionate Policy and Procedures.

Recorded Emergency Contact

22.6. Recorded Emergency Contacts (ECs) were introduced to assist with the Casualty Reporting procedures. Unless the EC is 'in-scope' in accordance with JSP 751, the Service person may not always be entitled to Compassionate Leave to visit the EC.

Reckonable/Non-Reckonable Leave

22.7. For guidance on whether service is reckonable/non-reckonable on taking Compassionate Leave please refer to the table at [Chapter 29](#).

23 Time Off for Dependants

Aim

23.1. Service personnel, under law, are not entitled to the statutory provision of time off for dependants⁷⁹. However, military leave regulations replicate this provision and support the principle of reasonable time off in order to deal with an emergency involving family or dependants. Where time off is needed for a dependant, the issue can be dealt with using one, or a combination of, the following leave types:

- Chapter 1 – Annual Leave
- Chapter 2 – Authorised Absence
- Chapter 4 – Unpaid Leave
- Chapter 22 – Compassionate Leave
- Chapter 28 – Parental Leave

⁷⁹ A dependant can be a spouse, partner, child, grandchild, or someone who depends on the Service person for care.

24 Pregnancy and the Armed Forces Occupational Maternity Scheme (AFOMS)

Introduction

24.1. This chapter sets out the Armed Forces' policy for maternity leave and pay, known as the Armed Forces' Occupational Maternity Scheme (AFOMS); including entitlement to pay, options on length of leave, and the actions required by pregnant Servicewomen and their COs following confirmation of pregnancy.

24.2. Servicewomen are not entitled under law to Statutory Maternity Leave, however, provision for maternity leave equating to the statutory arrangements is made by the AFOMS⁸⁰.

24.3. All Servicewomen, regardless of their length of service, are entitled to take up to 52 weeks of maternity leave and subject to meeting the qualifying criteria may be eligible for 39 weeks of Statutory pay, the first 26 of which may be enhanced to the Servicewoman's full pay rate (see para 24.50).

Applicability

24.4. This chapter is applicable to Servicewomen:

- a. in the Regular Forces.
- b. in the Reserve Forces engaged under Section 24 of the Reserve Forces Act (RFA 96) on Full Time Reserve Service (FTRS) commitments and members of the Non-Regular Permanent Staff (NRPS) of the Army Reserve, regardless of length of service.
- c. engaged under Section 25 of the Reserve Forces Act (RFA) 96 – Reserves employed on an Additional Duties Commitment (ADC) engagement.
- d. of the Volunteer Reserve (VR) Forces engaged under Sections 22 or 27 of RFA 96 – VR on attendance based pay.

Key Tenets

24.5. In recognition of the unique challenges of service life, the Armed Forces offer supportive arrangements to enable Servicewomen to accommodate pregnancy and maternity absence within their Service careers.

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

- a. that 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.

⁸⁰ Any reference in this chapter to OML and AML is to maternity leave under the AFOMS, not to statutory arrangements.

- b. that a Servicewoman will not be subjected to unlawful discrimination because she is pregnant, absent on maternity leave or for any other reason connected with her pregnancy or maternity.
- c. to provide supportive arrangements to enable a Servicewoman to accommodate pregnancy and maternity absence within her Service career.
- d. that unless she volunteers otherwise, a Servicewoman who returns to work after a period of maternity leave may benefit from a period of screening from deployment in accordance with para 24.92 following the birth of her child.
- e. that a Servicewoman (Regular or Reserve) may choose to leave the Service prematurely on the grounds of pregnancy (see para 24.92).

Protection from Discrimination during Pregnancy

24.7. The Equality Act 2010 re-enacts and consolidates provisions that were previously contained in a number of disparate discrimination enactments⁸¹. Amongst other things, the 2010 Act prohibits employers from discriminating, victimising or harassing those in employment because of a protected characteristic. The protected characteristics include sex, pregnancy and maternity.

24.8. Pursuant to 2010 Act, it is unlawful to treat a woman unfavourably because she is on compulsory maternity leave. During the 'protected period' it is also unlawful to treat a woman unfavourably because she is pregnant or because of an illness suffered as a result of her maternity. For service women, the 'protected period' starts when the pregnancy begins and ends 2 weeks after the end of the pregnancy. Unfavourable treatment may include discharging, demoting or posting a woman. It may also include impeding promotion opportunities and denying access to training. Outside the protected period it is unlawful for an employer to treat a servicewoman less favourably than a male service colleague because of her sex or any male or female service colleague because of pregnancy or maternity. In cases of doubt, advice should be sought from the respective single-Service Diversity and Inclusion policy staff. Further information about the provisions of the Act relating to 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.

Actions Required During Pregnancy

24.9. **Duty to Inform.** Pregnant Servicewomen should notify their personnel manning authority in writing, through the Chain of Command (CoC), that they are pregnant, no later than the 15th week before the Expected Week of Childbirth (EWC), or if this is not possible, as soon as reasonably practicable.

24.10. **Notification Process.** The following notification process should be followed:

- a. **The Servicewoman** should complete the relevant maternity notice form JPA Form R004 or R005, stating her chosen option for her maternity arrangements.

⁸¹ For example, the Sex Discrimination Act 1975 and the Disability Discrimination Act 1995.

- b. **The CO/Line Manager** should countersign the maternity notice form and return a copy to the Servicewoman within 28 days of receipt.
- c. **The Servicewoman** should retain a copy of the countersigned maternity notice form and send the original to her to Unit HR office along with confirmation of the pregnancy in the form of the Maternity Certificate (MATB1), a letter from her doctor, or equivalent notification form if serving overseas. This can be supplied separately if unavailable at the time of notification.
- d. **The Unit HR staff** should confirm in a letter of acknowledgement in the form of Annex A the maternity leave and pay entitlements based on the information supplied by the Servicewoman in her maternity notice form and any other relevant information, within 28 days. They should then forward the original to the appropriate personnel manning authority, copied to the JPAC⁸².

Health & Safety in the Work Place and Conducting Risk Assessments

24.11. It is in a Servicewoman's interests to notify her CO and Medical Officer as soon as she becomes aware that she is pregnant as 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 antenatal appointments) will apply once notification of pregnancy has been given. Pregnant Servicewomen have a duty to co-operate with their respective Service to enable them to comply with their health and safety obligations⁸³.

24.12. The CoC 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/COs on health and safety matters relevant to new and expectant mothers is set out in [JSP 375, Pt 2, Vol 1, Chap 20](#). [MOD Form 5010](#) (MOD Risk Assessment Form) is to be completed for each assessment.

24.13. The risk assessment for a new or expectant mother must be kept under review and updated as necessary throughout the pregnancy **and when she returns to work if she is breastfeeding**. Although the hazards are likely to remain constant, the possibility of causing harm to the unborn child will vary at different stages of pregnancy. Medical officers may be asked to provide an opinion on the employability of a pregnant Servicewomen dependant on their role.

24.14. **Rest Area.** Suitable and sufficient rest facilities must be provided for any woman who is pregnant or any woman who is breastfeeding. The facilities should be in a private, healthy and safe environment and should include somewhere for the woman to lie down. Toilets are not a suitable environment for a woman to express milk.

24.15. Where the risk assessment identifies that the Servicewoman cannot carry out her primary duties then suitable alternative work may be appropriate. The pregnant Servicewoman should be given the opportunity to contribute to and agree the risk assessment form. Once it has been agreed, the Servicewoman should be given a copy of the form and a copy should also be kept locally by line management for 3 years, after which it can be destroyed.

⁸² 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.

⁸³ The Health and Safety at Work Act 1974, Section Seven, and the Management of Health and Safety at Work Regulations 1999.

24.16. **Health & Safety on Return to Work.** Servicewomen who have given birth (including stillbirth) must not be given work that compromises their health and safety. Their employment grading on return to duty will address both the requirements of health and safety legislation and any physical limitations on resuming service duties.

24.17. **Breastfeeding on Return to Work.** If a Servicewoman is breastfeeding on return to work, she should provide written notification to her CoC before she returns, so that her CoC can ensure that she returns to a healthy, safe, and suitable environment to express and store milk. It is not suitable for new mothers to use toilets for expressing milk. As per para 13 above, **a Risk Assessment is to be completed by the CoC for Servicewomen who are breastfeeding on their return to work.**

24.18. A Servicewoman who performs night duty must be offered suitable alternative work or granted additional paid leave if she provides a medical certificate stating that it is necessary for her health and safety to avoid such work for a specified period.

Medical Grading and Restrictions during Pregnancy

24.19. **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). The extant medical policy on pregnant Servicewomen is set out in [JSP 950, Annex J to Leaflet 6-7-7](#).

24.20. **Flying as a Passenger.** The regulations for pregnant Servicewomen flying as a passenger in RAF transport aircraft are outlined in [AP 1269A, Leaflet 5-16](#).

24.21. **Service Restrictions.** 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 pregnancy is confirmed; Servicewomen on operations, serving on ships, or deployed with a Fleet Air Arm Squadron outside of UK waters will be returned to the UK at the earliest opportunity⁸⁴. 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.

24.22. 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 ([PAP 17](#)).
- c. RAF – [AP 1269A](#).

24.23. **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.

⁸⁴ In the case of the RAF, Servicewomen on operations will only be withdrawn if the clinical risk assessment confirms that this is necessary.

Additional Leave during Pregnancy

24.24. 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 JSP 760 Chapter 2. This additional period of paid leave will not count towards the maximum allowable period of OML/AML. A Servicewoman's CO is responsible for informing her personnel management authority that she is to be given such leave. Where a pregnant Servicewoman is leaving the Service, Special Paid Leave will continue until the start of maternity leave or her last day of service, as appropriate.

24.25. A Servicewoman absent on Special Paid Leave for Health and Safety reasons will start her maternity leave automatically no later than four weeks before the EWC (irrespective of the date given on the notice form) because she will be absent because of her pregnancy.

Time off for Antenatal Care Appointments and Antenatal Leave

24.26. **Time off for Antenatal Care Appointments.** Following notification of pregnancy and the production of a doctor's certificate confirming pregnancy, a Servicewoman is entitled to reasonable time off, with pay, to keep appointments for antenatal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Antenatal care can include attendance at parent-craft classes as well as medical examinations. After the first appointment, a Servicewoman may be asked to produce written proof of further appointments. There is no entitlement to travel and subsistence when attending these appointments. It is expected that Volunteer Reserves will, where possible, arrange antenatal classes and appointments in their own time outside when they are expected to attend for duty.

24.27. **Attendance at Antenatal Care Appointments by the other Parent.** A SP who is the other parent can apply to take up to two days' paid leave to accompany an expectant mother to antenatal appointments, unless this is not possible for Service reasons. SP should use Form [JPA R001](#) to apply. There is no entitlement to travel and subsistence when taking this leave. This entitlement also extends to SP who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for, and intend to apply for, a Parental Order for the child born through that arrangement.

24.28. **Unpaid Antenatal Leave.** All Servicewomen, irrespective of whether they intend to return to work, may take up to three weeks' unpaid antenatal leave between the 14th and 11th week prior to the EWC. In order to qualify for this leave, Servicewomen must elect to start their OML at the 11th week prior to the EWC. There is no corresponding loss of entitlement to OML or AML.

Maternity Leave Entitlement

24.29. All Servicewomen, regardless of their length of service, are entitled to take up to 52 weeks of maternity leave. This is made up of 26 weeks of Ordinary Maternity Leave (OML) followed immediately by 26 weeks of Additional Maternity Leave (AML). Maternity leave remains at 52 weeks regardless of the number of children resulting from a single

pregnancy. This can be extended to 55 weeks if unpaid antenatal leave is taken (see para 0). Subject to meeting the qualifying criteria, Servicewomen may be eligible for 39 weeks of Statutory pay, the first 26 of which may be enhanced to the Servicewoman's full pay rate (Occupational pay) (see para 50).

24.30. Following Maternity Leave a Servicewoman may request to take a period of Parental Leave, Annual Leave etc which is notified when completing Maternity Notice Form R004. All forms of leave, if taken after OML/AML are counted as a return to duty.

24.31. **Start of OML/AML.** The earliest that OML can start is the 11th week before the EWC. OML will start on the date given on the Servicewoman's notice form unless the baby is born before maternity leave is due to start, in which case OML will start on the day following birth. Sick leave during pregnancy may affect the date of commencement of OML. For further information see para **Error! Reference source not found.** If a Servicewoman chooses to take AML, it must start the day after OML ends.

24.32. **Compulsory Maternity Leave.** The first two weeks of leave after the birth of a child are compulsory maternity leave and women must not work during this time⁸⁵. Other than these two compulsory weeks, a Servicewoman may choose how much maternity leave she wishes to take.

24.33. **Surrogate Mothers.** A Servicewoman who enters into an arrangement to have a surrogate pregnancy is entitled to take up to 52 weeks of maternity leave and, subject to meeting the qualifying criteria, be eligible for SMP and occupational pay. The intended parents in a surrogacy arrangement may be eligible for adoption leave and pay if they intend to apply for (or have already obtained) a Parental Order making them the legal parents of the child. Only couples can apply for a Parental Order and only one of the couple will be able to take adoption leave in relation to the child, even if both meet the eligibility requirements. The parent who does not take adoption leave may be eligible for paternity leave and pay (see chapters 25 and 26 of this JSP).

Statutory Maternity Pay

24.34. **Statutory Maternity Pay.** 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 from the date that OML starts. The 39 weeks in which SMP is paid is known as the Maternity Pay Period (MPP).

24.35. The amount of SMP received depends on the Servicewoman's rate of pay. Servicewomen who meet the qualifying 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 which the Service continues to be responsible for paying. SMP does not have to be paid back if a Servicewoman leaves the Service and does not return to duty from maternity leave or fails to complete her Return of Service (RoS).

24.36. **Qualifying Criteria for SMP.** To qualify for SMP a Servicewoman must satisfy the following criteria:

- a. **The Continuous Service Rule** – a Servicewoman must have served for a

⁸⁵ This includes Keeping in Touch Days.

continuous period of at least 26 weeks into the Qualifying Week⁸⁶, including one day's service in the Qualifying Week;

and

b. **The Earnings Rule** – A Servicewoman must have had average weekly earnings not less than the Lower Earnings Limit⁸⁷ in the eight weeks up to and including the last pay day immediately before the end of the Qualifying Week. Service pay usually exceeds the Lower Earnings Limit for National Insurance Contributions, but this factor may need to be taken into consideration where a Servicewoman may have a period of unpaid leave or less than full time service.

Additionally she must:

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

d. notify her CO in writing that she is pregnant giving at least 28 days' notice of the date that she expects her maternity leave to start;

e. produce medical confirmation of her pregnancy which gives the EWC, such as maternity certificate MATB1 or other statement from a medical practitioner or registered midwife by the 15th week before the EWC.

24.37. **Rates of SMP.** The first six weeks of SMP⁸⁸ will be paid at 90% of the servicewoman's average weekly earnings (AWE) before tax. The remaining 33 weeks will be paid at the lower of either the standard rate of SMP⁸⁹ or 90% of the Servicewoman's average weekly earnings. Average Weekly Earnings are calculated in accordance with the employers guidance published on [GOV.UK](https://www.gov.uk).

24.38. **Calculation of SMP⁹⁰.** Commitment bonuses paid by the Services, FRIs and Recruitment and Retention Pay (RRP) are taken into account. Training Bounty payments made to Volunteer Reserves are not taken into account as this payment is tax exempt. 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 the Servicewoman's normal daily rate of pay. 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 six weeks of the maternity pay period, revert to full pay from the seventh to the twenty-sixth week, and be paid the Standard Rate of SMP thereafter.

⁸⁶ The Qualifying Week is the 15th week before the beginning of the week in which the baby is due.

⁸⁷ Details of the current rate of LEL can be found on [GOV.UK](https://www.gov.uk).

⁸⁸ Where applicable, commitment bonuses, FRIs and Recruitment and Retention Pay (RRP) are included in the SMP calculation during this period.

⁸⁹ The current rate of SMP can be found on [GOV.UK](https://www.gov.uk).

⁹⁰ 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. SMP is calculated based on the average weekly earnings in the eight weeks up to and including the last pay day immediately before the Qualifying Week.

24.39. The Continuous Service Rule and Early Birth. If a servicewoman is unable to meet the continuous service rule because she has given birth before the qualifying week, she will still be eligible for SMP if:

a. she would have met the 26 week threshold had the baby be born during the EWC;

and

b. her earnings 8 week prior to the birth were equal to or in excess the lower earnings limit for SMP.

24.40. Commencement Date of SMP. SMP can only be paid during the MPP. The MPP period cannot begin before the qualifying week unless (a) there is an absence related to pregnancy before this date or (b) the birth occurs before the qualifying week. Where the birth occurs before the qualifying week, the MPP starts (and SMP will be payable) on the day after the birth. It is a Servicewoman's responsibility to inform her CO, or appropriate Unit HR staffs, if childbirth occurs before the EWC, even if she is due to leave the Service, so that her maternity leave and any entitlement to SMP can commence.

24.41. Variation in the Commencement Date of SMP due to Pregnancy Related Absence. SMP will not normally start prior to the 11th week before the EWC. However, an absence from duty wholly or partly because of pregnancy may trigger the start of maternity leave and therefore the MPP. If a Servicewoman is absent from work for a pregnancy-related illness on or after the fourth week before the EWC, this will trigger the start of maternity leave and therefore the MPP. The MPP will start automatically from the day following the first day the Servicewoman is absent.

24.42. Payment of SMP when the Last Day of Service is during/after the Qualifying Week. SMP will be available to qualifying Servicewomen who leave the Armed Forces at the end of their commission or engagement provided that the exit date is during or after the qualifying week but before the start of the 11th week before EWC. In these circumstances 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. SMP will start from the 11th week before EWC. If the exit date is after the 11th week before EWC, SMP will start on the date notified in the Maternity Notice Form R005. The Service continues to be responsible for payment of the SMP after a servicewoman has left the Service.

24.43. Stopping the Payment of SMP. The Services' liability to pay SMP and/or Occupational pay ceases if:

a. a Servicewoman returns to duty during any week of the Maternity Pay Period (other than a KIT day) or starts work for new employer;

b. a Servicewoman is taken into legal custody at any time during the Maternity Pay Period (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 they are 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. Occupational pay 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 Occupational pay received will be less any SMP to which the individual was previously entitled).

c. a Serviceperson dies during the Maternity Pay Period. SMP should be paid for the week in which they die, but not for any week in the pay period after that.

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

24.45. **ADC Maternity Pay.** Servicewomen on an ADC engagement are entitled, if they qualify in accordance with para 51 to receive occupational maternity pay in accordance with Service regulations, but only for the days that their commitment required them to work.

24.46. **Reservists with more than one Employer.** If a Reservist has more than one employer, she may receive SMP from both the MOD and her other employers, subject to meeting the qualifying criteria for SMP. The Servicewoman may choose to take maternity leave at different times from each employer. For further guidance, refer to [HMRC's Employer Handbook for SMP](#).

24.47. **Reservists with more than one Job with MOD.** If a reservist has more than one job with the MOD, she may receive more than one payment of SMP. This is dependent upon whether her NI payments are paid separately. Should the NI payments be aggregated she will receive one payment of SMP. If she only qualifies for one payment of SMP she should ensure that she takes maternity leave from both jobs at the same time. If she does not, she will be classed as having returned to work and accordingly she will lose some of her SMP. If she is entitled to more than one payment of SMP from the MOD, she may start to receive SMP from each job at different times as well as take leave at different times. This is because entitlement to SMP is treated completely separately under each contract when earnings are not added together to work out National Insurance Contributions (NICs). However, a reservist may only receive SMP from the MOD if she is not working as part of either employment during her maternity leave (KIT days do not count).

Entitlement to Training Bounty

24.48. A Training Bounty is not to be denied on the sole ground of pregnancy and its impact on call out and training attendance.

a. **Training/Duty.** A reservist must not be prevented from attending training on the grounds of pregnancy. Alternative tasks or duties should be found if she cannot undertake all activities and should be allowed to continue for as long as she feels able and health and safety permits.

b. **Receipt of Bounty.** A reservist on OML / AML may receive her training bounty where there are reasonable grounds to conclude on the balance of probabilities that she would have achieved her Certificate of Efficiency had she not fallen pregnant. When considering the payment / award of the Training Bounty, COs may wish to take into account the reservists attendance to date, and whether a training bounty had been paid regularly in the past.

24.49. **High Readiness Reserve (HRR) Bounty.** As a member of the HRR, a pregnant

reservist may receive her full HRR Bounty if there are reasonable grounds to conclude that on the balance of probabilities she would have received the payment had she not become pregnant.

Occupational Pay

24.50. Occupational pay is the enhancement of statutory pay up to the servicewoman's full rate of pay for the 26 weeks of OML. Subsequently, the first 13 weeks of AML will be paid at the standard rate of SMP⁹¹; the remaining 13 weeks of AML will be unpaid.

24.51. Servicewomen who have completed a year's continuous service by the Qualifying Week⁹² and who have stated an intention to complete their Return of Service (see para 53) following their maternity leave qualify for the occupational pay element of AFOMS.

Occupational Pay for Volunteer Reserves

24.52. Volunteer Reserves (VR) may be eligible to receive occupational pay in addition to SMP. If the qualifying criteria for both SMP and Occupational Pay are met, Occupational Pay will be calculated based on the average weekly earnings in the eight weeks up to and including the last pay day immediately before the Qualifying Week. Further information can be found in the [HMRC's Employer Handbook for SMP](#).

Return of Service

24.53. Servicewomen who claim Occupational Pay will be required to complete a RoS equal to a week RoS for a week of Occupational Pay on their return to work. Therefore, a servicewoman claiming 26 weeks of Occupational Pay will be required to complete a 26 week RoS. Failure to complete the RoS will result in the difference between Statutory Maternity pay and Occupational pay having to be repaid on a pro rata basis. Para 58d, outlines the only circumstances where a RoS will be waived.

⁹¹ The current rate of SMP can be found on [GOV.UK](#).

⁹² The Qualifying Week is the 15th week before the beginning of the week in which the baby is due.

Table of Entitlements to Maternity Pay

24.54. A table of maternity pay entitlements and length of service is set out below:

Length of Service	Maternity Provision
All Servicewomen, regardless of their length of service.	Up to 52 weeks of maternity leave made up of 26 weeks of OML and 26 weeks of AML. The first two weeks after the birth are compulsory maternity leave and it is a legal requirement that women must not work during this time.
Servicewomen who have completed 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.	Up to 52 weeks of maternity leave made up of 26 weeks of OML and 26 weeks of AML. Servicewomen will not be entitled to occupational pay under the AFOMS; nor will they be entitled to SMP. Depending on individual circumstances they may be entitled to other State benefits ⁹³ .
Servicewomen who have completed 26 weeks or more continuous 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 made up of 26 weeks of OML and 26 weeks of AML. Servicewomen will not be entitled to occupational pay under the AFOMS but may be eligible for SMP. SMP is payable during the 26 weeks of OML and the first 13 weeks of AML.
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 to complete their RoS following maternity leave.	Up to 52 weeks of maternity leave made up of 26 weeks of OML and 26 weeks of AML. During the 26 weeks of OML they will be entitled to occupational pay under AFOMS (this will include any entitlement to SMP, ie it 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. The remaining 13 weeks of AML will be unpaid.
Servicewomen with a year's continuous service by the Qualifying Week, who are still serving into the Qualifying Week and who choose to exercise their right to leave on pregnancy.	Up to 52 weeks' maternity leave 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.
Volunteer reserves 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 to complete their RoS following maternity leave.	Up to 52 weeks of maternity leave made up of 26 weeks of OML and 26 weeks of AML. During the 26 weeks of OML they will be entitled to occupational pay under AFOMS (this will include any entitlement to SMP, ie it is not paid in addition to the normal rate of pay) paid at the average weekly earnings rate. During the first 13 weeks of AML they will receive the standard rate of SMP. The remaining 13 weeks of AML will be unpaid.

⁹³ In these circumstances, a Servicewoman may be eligible for Maternity Allowance (MA) and should seek further details from her nearest Jobcentre Plus.

Terms of Service during Pregnancy and Maternity

24.55. During OML/AML a Servicewoman is entitled to her normal terms and conditions of service, excepting that her pay may change during all or part of her maternity leave regardless of whether she intends to leave the Service or return to duty after childbirth.

24.56. **Options for Pregnant Servicewomen.** A pregnant Servicewoman⁹⁴ may opt to:

a. **Option A.** Return to work immediately after a period of OML and/or AML by completing Maternity Notice JPA Form R004.

b. **Option B.** Exercise a special right to leave the Service prematurely on the grounds of pregnancy by giving notice using Maternity Notice JPA Form R005.

(1) 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.

(2) 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 at the 15th week before the Expected Week of Childbirth (EWC).

(3) Servicewomen may opt to leave under these special terms at any time up to their return to work after maternity leave. Following which, the normal rules on leaving the Service apply. Servicewomen should note that if they opt to leave the Service, they do not have an automatic right to retract their notice.

24.57. A pregnant PTVR Reservist may opt to:

a. **Option A.** Remain a member of the Reserves and return to duty following a period of maternity leave or leave the Reserves at her request.

b. **Option B.** A Reservist who becomes pregnant whilst mobilised on operational service will be offered the opportunity to:

(1) end her period of operational service at her own request and return home;

or

(2) request to transfer from the operational environment to a role that is only in support of the operation until the end of her period of call-out or the beginning of maternity leave. Should no suitable post be available, the reservist should be sent on leave with full pay until her period of maternity leave is due to start.

⁹⁴ Including FTRS and ADC personnel.

24.58. **Servicewomen who have already given notice to leave** or been given notice to leave⁹⁵ before becoming pregnant may need to consider the following:

a. **Extension of Engagement/Commission.** A Servicewoman who becomes pregnant after having already given notice to leave the Service, or becomes pregnant before completing her engagement/commission, such that her exit date falls after the qualifying week but before the end of OML/AML, will not have her engagement/commission extended beyond her current exit date in order to allow OML/AML to be taken or for it to continue to be taken. As Annual Leave accrues during OML and AML a Servicewoman's exit date may however 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.

b. **Entitlement to Occupational Pay.** A Servicewoman who becomes pregnant after having already given notice to leave the Service will not be entitled to occupational pay if she is unable to complete the maternity ROS. If, subsequently, she is able to return to duty after maternity leave for the ROS period, occupational pay for the amount of OML taken will be granted retrospectively.

c. Subject to meeting the conditions for OML/AML a servicewoman may take maternity leave prior to her exit date providing the leave does not start before the 11th week before the EWC (or birth of the baby if before the 11th week before EWC).

d. **Return of Service Commitment.** If a Servicewoman is pregnant in the final year of an engagement or commission⁹⁶ the Return of Service will be waived, wholly or in part by the Service personnel management authorities if:

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

24.59. **Servicewomen who choose to exercise their special right to leave the Service on pregnancy** will need to consider the following:

a. **Entitlement to Occupational Pay.** Servicewomen who opt to leave on the grounds of pregnancy and who intend to take maternity leave prior to leaving the

⁹⁵ This may include Servicewomen to whom the Service has given notice of exit for administrative/medical reasons.

⁹⁶ This does not apply to circumstances where a servicewoman is pregnant during the year prior to an optional retirement date (ORDs) unless that ORD has been exercised. ORDs are not conditioned exit points until they have been exercised (normally requiring a year's notice) and paras 24.58d (1) and (2) will apply at exercised option points.

Service may be eligible for SMP but will not be entitled to occupational pay during the 26 weeks of OML⁹⁷.

b. **Exit Date.** As Annual Leave accrues during maternity leave a Servicewoman's exit date will be the last day of maternity leave plus any outstanding ALA, TL and planned GRT.

24.60. **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 R004 noting that time will be required to effect discharge procedures. Any admissible leave or GRT should be taken prior to the last day of service.

24.61. **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 GRT 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 leave, GRT or TL exists the exit date is to be the last day on which SMP is payable, plus the number of days' leave, planned GRT and TL to which the Servicewoman is entitled.

24.62. **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 planned GRT to be taken into account, the date of exit will be either no more than 28 days after SMP ceases; or

b. No more than 56 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 discharge procedures. If the Servicewoman has no further entitlement to AML or other admissible leave, she is to continue on unpaid leave between notifying her unit and exiting the Service.

c. Where a Servicewoman has admissible leave and/or planned GRT the discharge 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 and/or GRT commences. However, if the amount of leave and GRT 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 and/or GRT and her exit date. If her admissible leave and/or GRT exceed 28 days, her last day of service will be the last day of admissible leave and/or GRT.

24.63. **Calculation of Last Day of Service.** A Servicewoman's commission or engagement will not under normal circumstances be extended to complete TL. 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.

⁹⁷ They will however be entitled to 26 weeks of OML and 26 weeks of AML.

24.64. **Acting Higher Rank.** 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.

24.65. **Selection for Redundancy.** 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 (i.e. 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. Personnel manning authorities should seek advice if a non-applicant is expected to be on maternity leave at their proposed last day of service. Servicewomen should refer to the relevant single Service DIN. During Maternity and a Servicewoman's personnel manning authority is responsible for informing her if plans for redundancies are announced and she is eligible for selection.

Contact during Maternity Leave

24.66. **Keeping in Touch Days.** 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 undertake training or to keep in touch with major developments, without losing the right to maternity leave and pay. KIT days may not be taken during the two weeks of compulsory maternity leave which starts on the day on which childbirth occurs.

24.67. It should be noted that KIT days are optional and must be agreed between a Servicewoman and her line management. COs cannot insist that a Servicewoman takes a KIT day, nor is there a right for Servicewomen to take one. Any such days worked during maternity leave do not extend the maternity leave period. A KIT day taken will be paid at the Servicewoman's normal daily rate of pay and Duty Travel may be claimed.

24.68. **Workplace Contact during Maternity Leave.** Reasonable contact may be made between a Servicewoman and her line management / CoC / manning authority during her maternity leave period. Such contact will not bring the period of maternity leave to an end.

Graduated Resettlement Time

24.69. 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.

Reckonable Service

24.70. **Overview.** The 13 week period of AML which is unpaid does not count as reckonable service for pension 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. Further pension information can be found in the relevant [AFPS Booklets](#) or by contacting DBS. For guidance on whether service is reckonable/non-reckonable on taking Maternity Leave please refer to the table at [Chapter 29](#).

Sickness during Pregnancy or Maternity Leave

24.71. **Sickness during Maternity Leave.** A Servicewoman who becomes ill during maternity leave, whether or not it is related to her pregnancy, and who seeks medical care from Service or civilian sources, should notify her CO/personnel manning authority as soon as possible if she believes that her illness is likely to affect her planned return to duty. Furthermore, if a servicewoman is unable to return due to illness, she must notify her personnel management authority as soon as possible. Normal sick leave regulations will then apply.

24.72. Maternity leave cannot be interrupted by any other type of leave, including sick pay but a woman who is sick may choose to end her maternity leave and go onto sick leave (and be paid on that basis). Before any woman chooses to take this action she should note that:

- a. her decision to end her maternity leave is irrevocable and thus she will not be allowed to go back on maternity leave when her illness ends; and
- b. she must give 56 days' notice to end her maternity leave.

Medical Examinations and Medical Discharge

24.73. **Medical Examination on Return to Duty.** On return to work a Servicewoman must be examined by a Medical Officer before she returns to duty. A Servicewoman's medical grading on return will determine her immediate duties.

24.74. **Final Medical Examination on Discharge.** A Servicewoman will be required to undergo a final medical examination on leaving the Service as part of the normal discharge process.

24.75. **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 Leave and GRT is not completed by the time OML/AML commences the balance of Terminal Leave and GRT is to be completed after the end of maternity leave.

Consecutive Pregnancies with Overlapping Maternity Leave

24.76. In the event of closely spaced pregnancies, it is possible for a Servicewoman to be absent for a prolonged period. 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 any other leave she is entitled to.

24.77. **Eligibility for Occupational Pay.** If a Servicewoman who has not exercised her right to PVR on pregnancy 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 complete her ROS.

24.78. Where a period of OML/AML is closely followed by a further pregnancy and the woman chooses to exercise her right to PVR on pregnancy, she will not qualify

occupational pay for the second pregnancy. 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 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.

24.79. 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 2 periods of RoS may run consecutively on return to work after the second period of maternity leave

24.80. Failure to complete an aggregated RoS would require the repayment of the difference between the Occupational Pay and SMP for both periods; calculated on a pro-rata basis for the first period of absence. Servicewomen who do not complete the required RoS after two periods of maternity leave will be required to repay the difference between the Occupational Pay 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 Occupational Pay and SMP for the uncompleted RoS will be recovered unless her departure is due to medical discharge or on compassionate grounds.

If the Baby is Born Early

24.81. Servicewomen whose babies are born early must, when reasonably practicable, inform her Unit HR of the birth. The MPP will start from the day of the birth of the baby.

24.82. If a Servicewoman's baby is born early and she has not yet submitted her Notice Form R004 or R005 to her CO, if she qualifies, she will still be able to receive SMP and occupational pay starting the day after the birth of the baby.

If the Baby Dies

24.83. Before 24 Weeks of Pregnancy. A Servicewoman who loses her baby before 24 completed weeks of pregnancy will not be entitled to maternity leave or pay. The Servicewoman should seek advice from the medical chain and normal sick and compassionate leave provisions apply.

24.84. After the Start of 24 Weeks of Pregnancy. A Servicewoman is entitled to full maternity entitlements including leave, SMP, and occupational pay (if she meets the qualifying criteria) if the baby is stillborn or dies after being born after the start of the 24th week of pregnancy. In all cases a medical certificate will be required before SMP or occupational pay can be authorised.

24.85. Death of Baby during Maternity Leave. If the baby dies while a Servicewoman is on maternity leave, the entitlement to maternity leave, payment of SMP and occupational pay will continue.

Returning to Work

24.86. **Confirmation of Return to Work.** Half way through OML a Servicewoman who has already stated her intention to return to work after a period of maternity leave will be requested by her Unit HR staff to confirm her child's date of birth and whether she wishes to amend her stated return to work date. The Servicewoman should reply within 28 days of receiving the letter.

24.87. **Amendment of Return to Duty Date.** If a Servicewoman has provided written notification in her maternity Notice Form that she wishes to return to duty she is not required to give further notification. If however a Servicewoman wishes to return sooner or later than notified, she must give 56 days' notice of her intended date of return in writing.

Assignment Arrangements

24.88. **During Pregnancy.** Personnel manning authorities will not ordinarily assign a Servicewoman as a result of her pregnancy unless there are health and safety reasons which necessitate assignment.

24.89. **Following OML.** 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 (or she has opted not to do so) the Servicewoman is to be offered a suitable post appropriate to her rank and specialisation/trade in the same geographical 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.

24.90. **Following AML.** When a Servicewoman returns to duty after AML, the Services will endeavour to meet her geographical and reassignment preferences in accordance with normal Service arrangements.

24.91. **Advancement/Selection for Promotion.** 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 maternity a Servicewoman remains eligible for advancement or to be selected for promotion. During maternity a Servicewoman's personnel manning authority is responsible for informing her of plans for promotion.

24.92. **Screening from Deployment.** A Servicewoman may require a period of time to regain their fitness following childbirth, and as such will not be deployed on operations and exercises either overseas or in the UK for at least 6 months⁹⁸ from the day of birth, unless she volunteers otherwise⁹⁹ or where it does not compromise operational capability. Advice should be sought from single-Service authorities on each Service's arrangements. 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.

⁹⁸ RAF personnel are screened from 'Deployed Operations' for an 18-month period from childbirth. For further detail see RAF IBN 33/14. RN personnel are screened from 'Deployed Operations' for a 12-month period from childbirth. For further detail see BR3(1) Ch 35 para 3503 (g) (1).

⁹⁹ And subject to meeting the medical grading restrictions applicable to women who have given birth.

24.93. **Co-location and Deployment of Dual Serving Parents.** Service personnel are encouraged to inform their personnel manning authorities when they become parents. The single Services will endeavour not to deploy both serving parents of dependent children at the same time, where this does not affect operational capability. Similarly, it should be noted that there is a risk that it may not be possible for serving parents to be co-located. To ensure that consideration is given to the best interests and preferences of each individual, reference should be made to single-Service manning authorities.

Other Maternity Provisions

24.94. **Maternity Uniform.** 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.

24.95. **Attendance on Courses during Pregnancy.** 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. As with all personnel who have opted to leave the Service, a Servicewoman who becomes pregnant and opts to leave the Service will not be permitted to commence a military funded training course.

24.96. **Childcare.** Service personnel are responsible for making their own arrangements for the care of their children and for meeting the costs involved.

24.97. **Service Accommodation.** The tri-Service Accommodation Regulations including liability for accommodation charges and entitlement to provision are set out in [JSP 464 - Tri-Service Accommodation Regulations \(TSARs\)](#).

24.98. **Allowances.** The tri-Service regulations for expenses and allowances are set out in [JSP 752](#) and the tri-Service regulations for pay are set out in [JSP 754](#).

24.99. **Deductions from pay,** such as repayment of loans, advances of pay, messing and accommodation charges will continue to be made while SMP is paid. 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 continue to accrue until pay resumes.

24.100. **Accrual of Annual Leave.** Annual leave (including PH) continues to accrue during maternity leave. Servicewoman should refer to JSP 760 Chapter 1 on the rules applying to the carry-over of leave.

24.101. **Leave Entitlement for Reservists.** Reservists who undertake man training days under Sections 22 and/or 27 of the Reserve Forces Act 1996 are entitled to paid annual leave proportional to attendance (1 day's paid leave for every 10 days worked) as detailed in DIN [2013DIN01-225](#) (Regulations for Part-Time VR Entitlement to Paid Leave). As a reservist's terms and conditions of service are to be unaffected by a period of maternity leave, a reservist is entitled to paid leave proportional to the number of days mandated to obtain the Training bounty. Leave is based on the same principle as the Training Bounty, in that policy states that a reservist may receive her Training Bounty where there is reasonable grounds to conclude that on the balance of probability she would have earned that Bounty had she not become pregnant. As a measure of entitlement, agreed by the

single Services, a reservist should be awarded their leave entitlement (based on Reserve quarter-day-pay) aligned with the number of days required to qualify for the Certificate of Efficiency and by association the Training Bounty.

24.102. **Voluntary payments** to Service benevolent funds and insurance schemes eg PAX, Forces Safeguard, etc will continue to be deducted while SMP is payable unless a Servicewoman gives JPAC written instructions to cease deductions. 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.

24.103. **Appraisals.** Details of tri-Service appraisal reporting instructions are set out in [JSP 757](#).

24.104. **Change of PStat Cat.** Servicewomen should be aware that notification of pregnancy is not a formal notification of change in PStat Cat. The requirement to notify their unit HR staff of any changes to their family circumstances remains in accordance with [JSP 752 para 01.0120d](#).

24.105. **Temporary Civilian Employment during Maternity Leave.** The rules governing authorisation for undertaking civilian employment whilst on leave, which include maternity leave, are laid down in each Service's Queen's Regulations¹⁰⁰. SMP (and therefore Occupational Pay) will stop if after birth, but before the end of the MPP, a Servicewoman works for an employer who did not employ her during the qualifying week. If a servicewoman does any work in a self-employed capacity during the MPP this will not affect the payment of SMP. It is the responsibility of individuals to inform their respective releasing units should they take up civilian employment whilst in receipt of SMP.

¹⁰⁰ Naval Service - QRRN J.8403, Army - QR J5.075-J5.079, and RAF - QRJ910.

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

(Establishment Headed Paper)

File number

Date

Name and address of Servicewoman

Dear

Thank you for telling me about your pregnancy and the date that your baby is due. This letter is to confirm the details of your Maternity Leave and Pay.

I have received your Maternity Notice Form outlining your Maternity Leave dates and/or* your intention to use your special right to leave the Service on pregnancy*. *Enclosed is a signed copy of your Maternity Notice Form and MAT B1 for your records. / *I look forward to receiving your completed MAT B1 Form as soon as you have received it.

As you have discussed with Unit HR, you are eligible for 26 weeks' Ordinary Maternity Leave (OML) and 26 weeks' Additional Maternity Leave (AML).

(Select the appropriate options)

Because you meet the qualifying criteria for Armed Forces Occupational Maternity Scheme (AFOMS), you are entitled to receive Occupational Pay (paid at your daily pay rate) during OML and Statutory Maternity Pay (SMP) for the first 13 weeks of AML. The remaining 13 weeks of AML are unpaid. Please note that if you do not subsequently fulfil your Return of Service, you will be required to pay back the difference between the occupational pay you received and SMP.

OR

Although you meet the qualifying criteria for Statutory Maternity Pay (SMP) you are not eligible for the Armed Forces Occupational Maternity Scheme (AFOMS). Therefore, during OML you will only receive SMP, which will be paid at 90% of your average weekly earnings for the first six weeks, and then the standard rate of SMP 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.

OR

The form SMP1 (enclosed) explains why you do not qualify for Statutory Maternity Pay (SMP). However, you may be entitled to Maternity Allowance. If you take this form to your local Jobcentre Plus/Social Security office they will be able to tell you more.

(If appropriate) I note that you are on a pensionable engagement. As unpaid AML is not reckonable for pension purposes you will need to complete an additional period of service in order to qualify for immediate financial benefits.

As specified in your Maternity Notice Form, you will start Maternity Leave on and return to work* / exit the service* on

If you want to change your dates, you will need to contact *(each Service to insert its term for the authority which deals with maternity)* in writing ensuring you do so with at least 56 days' notice.

During your Maternity Leave you may return to duty, subject to Line Manager 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 can be used to keep up to date with major developments or for a specific purposes, such as training. If a KIT day is used this will not extend your maternity leave period. A KIT day will be paid at your normal basic daily rate of pay.

To ensure that your health and safety as a pregnant mother are protected while you are working, and that you are not exposed to risk, you will need to arrange for your Line Manager to carry out a risk assessment to identify hazards in your workplace that could be a risk to any new, expectant mothers. This also applies if you are breastfeeding on your return to work.

During your period of leave I encourage you to keep in touch to discuss and plan for your return. We will be writing to you again fifteen weeks after the start of your Maternity Leave to confirm the date of birth of your baby and to confirm your return to work dates. If you wish to contact us with any questions about your Maternity entitlement please do not hesitate to get in touch with *(each Service to insert relevant details)*.

Yours sincerely,

Enclosure:

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

25 Armed Forces Occupational Adoption Leave Scheme (AFOALS)

Introduction

25.1. This chapter sets out the Armed Forces' policy for adoption leave and pay, known as the Armed Forces' Occupational Adoption Leave Scheme (AFOALS); including entitlement to pay; options on length of leave; and the actions required by prospective adoptive parents and their COs.

25.2. SP are not entitled under law to Statutory Adoption Leave, however, provision for Adoption Leave equating to statutory arrangements is made by the AFOALS¹⁰¹.

25.3. All qualifying SP, regardless of their length of service, are entitled to take up to 52 weeks of adoption leave and subject to meeting the qualifying criteria may be eligible for 39 weeks of Statutory pay, the first 26 of which may be enhanced to the SPs full pay rate (Occupational pay).

Applicability

25.4. This chapter is applicable to SP:

- a. in the Regular Forces.
- b. in the Reserve Forces serving on Full Time Reserve Service (FTRS) commitments and members of the Non-Regular Permanent Staff (NRPS) of the Army Reserve, regardless of length of service.
- c. engaged under Section 25 of the Reserve Forces Act (RFA) 96 - Reserves employed on additional Duties Commitment (ADC) engagements.
- d. of the Volunteer Reserve (VR) Forces engaged under Sections 22 or 27 of RFA 96 - VR on attendance-based pay.

Eligible Adoptions

25.5. The provisions of the AFOALS apply only to:

- a. adoption placements arranged through legally recognised adoption agencies.
- b. dual approved prospective adopters who have a child placed with them under section 22C(9B(c)) of the Children Act 1989 with a view to them adopting that child (sometimes referred to as fostering for adoption).
- c. the intended parents in a surrogacy arrangement where they are eligible for and intend to apply for a Parental Order (or where they have already obtained such

¹⁰¹ Any reference in this chapter to OAL and AAL is to adoption leave under AFOALS, not to statutory arrangements.

an order) making them the legal parents of the child they are having with the help of a surrogate mother (sometimes referred to as 'Parental Order Parents').

25.6. SP are not eligible for Adoption Leave if they:

- a. arrange a private adoption, e.g. without permission from a UK authority or adoption agency.
- b. become a special guardian or kinship carer.
- c. adopt a stepchild.
- d. adopt a family member¹⁰².

Time off for Adoption Appointments

25.7. A Primary Adopter (the one taking adoption leave) may apply for paid time off to attend up to five pre-adoption appointments and the other parent can apply for paid time off to attend up to two adoption appointments (using [JPA R001](#)) unless this is not possible for Service reasons. There is no entitlement to travel and subsistence when taking this type of leave. It is expected that Volunteer Reserves will, where possible, arrange appointments in their own time outside when they are expected to attend for duty.

Time off for Antenatal Appointments for Parental Order Parents (Surrogacy)

25.8. SP who are Parental Order parents (that is the intended parents in a surrogacy arrangement who are eligible for, and intend to apply for a Parental Order) can apply (using [JPA R001](#)) to take time off to accompany the surrogate mother in attending up to two of her antenatal appointments. There is no entitlement to travel and subsistence when taking this type of leave. It is expected that Volunteer Reserves, where possible, will arrange appointments in their own time outside when they are expected to attend for duty.

Adoption Leave Entitlement

25.9. All SP, regardless of their length of service, are entitled 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, SP may be eligible for 39 weeks of Statutory pay, the first 26 of which may be enhanced to the SP's full pay rate (Occupational pay).

25.10. Adoption Leave 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 and is known as the Primary Adopter¹⁰³. The other parent may be eligible for Paternity Leave and Pay as laid down in Chapter 26 of this JSP or Shared Parental Leave as laid down in Chapter 27 of this JSP. No individual may take both Adoption Leave and Paternity Leave in respect of the same adoption placement.

¹⁰² See para 25.15 for policy regarding adopting an overseas relative.

¹⁰³ The Primary Adopter is the parent who takes the Adoption Leave, not the Adopter taking Paternity Leave.

25.11. 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.

25.12. Following Adoption Leave a SP may take a period of Parental Leave, Annual Leave etc which is notified when completing the Application for Adoption Leave Form, JPA Form R008. All forms of leave, if taken after OAL/AAL are counted as a return to duty.

25.13. Unlike the Armed Forces' Occupational Maternity Leave Scheme, which allows Servicewomen to choose to leave the Service prematurely on the grounds of pregnancy, there is no similar right to leave on the grounds of adopting a child.

Adoption Leave Eligibility for UK Adoptions

25.14. To qualify for adoption leave for a UK adoption a SP must:

- a. be newly matched¹⁰⁴ to a child to be placed with them by an adoption agency recognised in the UK.
- b. have notified the agency that they agree that the child will be placed with them and agree with the date of the placement.
- c. notify their CO/LM in writing of when they wish to take Adoption Leave no more than seven days after they are notified that they have been matched with a child and provide the required documentary evidence (see para 25.22c) using the Application for Adoption Leave Form, JPA Form R008.

Adoption Leave Eligibility for Overseas Adoptions

25.15. To qualify for Adoption Leave under the AFOALS when a child is adopted from overseas a SP 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 notification¹⁰⁵ from the relevant UK authority confirming the central authority¹⁰⁶ 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. provide their CO/LM with the correct notification.

25.16. SP 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.

¹⁰⁴ '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.

¹⁰⁵ Official notification is permission from a UK authority that the SP can adopt from abroad.

¹⁰⁶ 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.

25.17. Adoption Leave and Pay will also be available to SP serving in overseas commands who adopt a child through an accredited adoption agency such as the SSAFA Voluntary Adoptions Agency, subject to meeting the qualifying criteria for Adoption Leave and Pay as set out above.

Statutory Adoption Pay

25.18. SP are entitled to receive Statutory Adoption Pay (SAP), provided they meet the qualifying criteria. SAP is a weekly payment payable for a maximum of 39 weeks from the date that OAL starts. The 39 weeks in which SAP is paid is known as the Adoption Pay Period (MPP).

25.19. A couple adopting on a joint basis, can choose which adoptive parent will receive SAP (primary adopter) and which will receive paid paternity leave.

25.20. The amount of SAP received depends on the SP's rate of pay (see para 25.25). The Service continues to be responsible for paying SAP if a SP leaves the service during their APP. SAP does not have to be paid back if a SP leaves the Service and does not return to duty from adoption leave or fails to complete their Return of Service (RoS).

25.21. **Qualifying Criteria for SAP.** To qualify for SAP a SP must satisfy the following criteria for UK or overseas adoptions.

25.22. UK Adoptions.

a. The SP 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 (this is known as the 'matching week').

b. The SP must have average weekly earnings at least equal to the Lower Earnings Limit¹⁰⁷.

c. In addition, the SP 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 SP has been matched with a child. The evidence provided by the SP must include:

- (1) the SP's name and address.
- (2) the date the child is expected to be (or has been) placed for adoption.
- (3) the date the adopter was told by the adoption agency that they had been matched with a child.
- (4) the name and address of the adoption agency.

25.23. Overseas Adoptions.

a. The SP must have served for a continuous period of 26 weeks into the week that the adoption agency told the SP that they had been matched with a child.

¹⁰⁷ Details of the current rate of the LEL are available from [GOV.UK](https://www.gov.uk).

- b. They must have average earning at least equal to the Lower Earnings Limit in the 8 weeks leading up to the date of the Official Notification.
- c. In addition, the SP must provide the following documentary evidence to prove their entitlement to SAP:
 - (1) A copy of the Official Notification from the relevant UK authority that they have agreed that the SP is suitable to adopt a child from overseas.
 - (2) The SP's name and address.
 - (3) Evidence of the child's date of entry into the UK, such as copies of the entry clearance documents.

25.24. **SP in Surrogacy Arrangements.**

- a. The SP must have served for a continuous period of 26 weeks by the 15th week before the baby is due.
- b. They must have average earning at least equal to the Lower Earnings Limit in the 8 weeks leading up to the date of the Official Notification.
- c. In addition, the SP must provide a written statement ('statutory declaration') to confirm that, in the 6 months after the baby's birth:
 - (1) they intend to apply for a Parental Order.
 - (2) they expect the order to be granted (eg because they do not have any convictions involving children, and the birth mother or father agree to the arrangement).

25.25. **Rates of SAP.** The first six weeks of SAP¹⁰⁸ will be paid at the higher rate of SAP, which is equivalent to 90% of a SP's average gross weekly earnings. The remaining 33 weeks will be paid at the lower of either the standard rate of SAP¹⁰⁹ or 90% of the SP's average weekly earnings. Average Weekly Earnings are calculated in accordance with the employers guidance published on [GOV.UK](https://www.gov.uk).

25.26. **Calculation of SAP¹¹⁰.** Commitment bonuses paid by the Services, FRIs and Recruitment and Retention Pay (RRP) are taken into account. Training Bounty payments made to Volunteer Reserves are not taken into account as this payment is tax exempt. In a small number of cases, normally confined to circumstances where such payments have been made in the period relevant to the SAP calculation, higher rate SAP could exceed the SP normal daily rate of pay. In these circumstances where a SP is entitled to full pay but the rate of SAP calculated on a weekly basis is higher, they should be paid the Higher

¹⁰⁸ Where applicable, Recruitment and Retention Pay (RRP) is included in the SMP calculation during this period.

¹⁰⁹ The current rate of Statutory Adoption Pay can be found on [GOV.UK](https://www.gov.uk).

¹¹⁰ Rules for the calculation of SAP 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.

Rate of SAP for the first six weeks of the adoption pay period, revert to full pay from the seventh to the twenty-sixth week, and be paid the Standard Rate of SAP thereafter.

25.27. Stopping the payment of SAP. 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) 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 of Occupational pay 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 Occupational pay received 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.

25.28. Where a Serviceperson is not entitled to SAP because they have been on unpaid leave or a career intermission they will be entitled to 26 weeks full pay under AFOALS.

25.29. ADC Adoption Pay. SP on an ADC engagement are entitled, if they qualify in accordance with para 35 to receive occupational adoption pay in accordance with Service regulations, but only for the days that their commitment required them to work.

25.30. Reservists with more than one Employer. If a Reservist has more than one employer, they may receive SAP from both the MOD and their other employers, subject to meeting the qualifying criteria for SAP. The SP may choose to take adoption leave at different times from each employer. For further guidance, refer to [HMRC's Employer Handbook for SAP](#).

25.31. Reservists with more than one job with the MOD. If a reservist has more than one job with the MOD, they may receive more than one payment of SAP. This is dependent upon whether their NI payments are paid separately. Should the NI payments be aggregated they will receive one payment of SAP. If they only qualify for one payment of SAP they should ensure that they take adoption leave from both jobs at the same time. If they do not, they will be classed as having returned to work and accordingly they will lose some of their SAP. If the SP is entitled to more than one payment of SAP from the MOD, they may start to receive SAP from each job at different times as well as take leave at different times. This is because entitlement to SAP is treated completely separately under each contract when earnings are not added together to work out National Insurance Contributions (NICs). However, a Reservist may only receive SAP from the MOD if they are not working as part of either employment during their adoption leave (KIT days do not count).

Entitlement to Training Bounty

25.32. **Receipt of Bounty.** A Training Bounty is not to be denied on the sole ground of a SP becoming an adoptive parent and its impact on call out and training attendance. A reservist on OML/AML may receive their training bounty where there are reasonable grounds to conclude on the balance of probabilities that they would have achieved their Certificate of Efficiency had they not been on adoption leave. When considering the payment / award of the Training Bounty, COs may wish to take into account the reservists attendance to date, and whether a training bounty had been paid regularly in the past.

25.33. **High Readiness Reserve (HRR) Bounty.** As a member of the HRR, a reservist on adoption leave may receive their full HRR Bounty if there are reasonable grounds to conclude that on the balance of probabilities they would have received the payment had they not been on adoption leave.

Occupational Pay

25.34. Occupational pay is the enhancement of statutory pay to the SP's full rate of pay for the 26 weeks of OAL. Subsequently, the first 13 weeks of AAL will be paid at the standard rate of SAP¹¹¹, the remaining 13 weeks of AAL will be unpaid.

25.35. SP who have completed a year's continuous service by the Matching Week and who have stated an intention to complete their Return of Service (RoS) (see para 25.53) following their adoption leave qualify for the occupational pay element of AFOALS.

Occupational Pay for Volunteer Reserves

25.36. Volunteer Reserves (VR) may be eligible to receive occupational pay in addition to SAP. If the qualifying criteria for both SAP and Occupational Pay are met, Occupational Pay will be calculated based on the average weekly earnings in the eight weeks up to and including the last pay day immediately before the matching week. Further information can be found in the [HMRC's Employer Handbook for SAP](#).

Application for Adoption Leave and Notification Requirements

25.37. The following notification process should be followed:

- a. **The SP** should complete the the Application for Adoption Leave Form, JPA Form R008 and include documentary evidence of the adoption such as a Matching Certificate.
- b. **The CO** should countersign the notice form and return to the SP.
- c. **The SP** should retain a copy of the countersigned form and send the original to their Unit HR office along with the documentary evidence.
- d. **The Unit HR staff** should confirm in a letter of acknowledgement in the form of Annex A the adoption leave and pay entitlements based on the information supplied by the SP in their adoption notice form and any other relevant

¹¹¹ The current rate of Statutory Adoption Pay can be found on [GOV.UK](#).

information, within 28 days. They should then forward the original to the appropriate personnel manning authority, copied to the JPAC.

Start of OAL

25.38. OAL can start on any day of the week and will depend on whether the child is adopted from within the UK or from overseas.

- a. **UK Adoptions.** On the date the child starts living with the SP or up to 14 days before the expected placement date or when the SP has been matched with a child to be placed with them by a UK adoption agency. If the date of placement changes before the SP begins their OAL, they should inform their CO/LM in writing as soon as possible of the new date on which OAL will begin.
- b. **Overseas Adoptions.** When the child arrives in the UK or within 28 days of this date. OAL must not be used to cover the period spent travelling overseas to arrange the adoption or to visit the child. SP should take either annual leave or unpaid leave for these purposes.
- c. **Surrogacy.** The day the child's born or the day after.

Notification Requirements

25.39. A minimum of at least 28 days' notice should be given by the SP requesting Adoption Leave. If this is not possible, for example because there is very little time between the date the adoption agency tells the SP 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.

Changing the Start Date of OAL

25.40. SP can change their intended start date for OAL as long as they notify their CO/LM in writing 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 SP to give this much notice, they should give as much notice as reasonably practicable.

Changing Leave Dates during Leave

25.41. As personal circumstances may change during the period of adoption leave, if a SP wishes to return to work before the end of their leave period a minimum of 56 days' notice must be given. Similarly, if a SP wishes to extend their leave, 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 relevant section of the Adoption Leave Application Form, JPA Form R008.

Deferral of Adoption Leave

25.42. Whenever possible, the CoC should authorise Adoption Leave as Defence affords this type of leave the same standing as Maternity Leave. Applications for Adoption Leave should only be deferred for exceptional Service reasons. Policy advice from the relevant single Service employment policy staff must be sought before deferring applications for Adoption Leave. A decision to defer the leave is to be given in writing (copied to Unit HR staff) as soon as reasonably practical, giving the SP a minimum of 4 weeks' notice. The relevant section of the Adoption Leave Application Form, JPA Form R008 should be used in this instance. If the CoC has to defer Adoption Leave, the leave should be granted as soon as possible thereafter, when operational circumstances permit. The outstanding balance of leave should be completed within 18 months of the adoption of the child.

Recall from Adoption Leave

25.43. In an emergency, a SP can be recalled from Adoption Leave if it is considered that their absence will adversely affect operational effectiveness. A decision to recall a SP from Adoption Leave is to be given in writing as soon as reasonably practical, giving a minimum of 4 weeks' notice (copied to Unit HR staff). The relevant section of the Adoption Leave Application Form, JPA Form R008 should be used in this instance. Policy advice from the relevant single-Service employment policy staff must be sought before recalling an individual. If a SP has to be recalled the outstanding balance of leave should be granted as soon as reasonably practicable thereafter, when operational circumstances permit. The outstanding balance of leave should be completed within 18 months of the adoption of the child.

Separate Adoption Placement during Adoption Leave

25.44. If a SP already on Adoption Leave has a further entitlement as a result of a separate adoption placement, they must give at least 56 days' notice of their intention to start the further period of Adoption Leave.

25.45. If the week in which the SP is notified they have been matched with a child (or children) for the second placement is during a period when the adopter is on paid OAL, the second period of paid OAL would run concurrently with 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 SP 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).

25.46. 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. SP 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.

Changes to the Adoption Placement

25.47. Cancellation/Termination of the Adoption prior to Placement or Start of OAL. Where an adoption placement is cancelled or terminated after matching but before the start of OAL eight weeks of OAL is allowed for.

25.48. 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 eight weeks following the end of the week during which notification is received that the child will not be placed.

25.49. 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 eight weeks following the end of the week during which the child is returned to the agency.

25.50. Death of the Child during OAL. Where the child dies during the period of OAL, OAL at the appropriate rate of payment will be available for eight weeks following the end of the week during which the child dies.

25.51. 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 eight 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 eight weeks following the end of the week during which the child dies.

25.52. Special provision is made if the 26 week OAL period would have ended in any event within eight weeks of the week in which the disrupting event occurs. In these circumstances, the SP's OAL continues until the expiry of the 26 weeks and they are then entitled to AAL, which will end eight 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 eight weeks in any event. In these circumstances, the SP's AAL continues until the expiry of the 26 weeks.

Return of Service

25.53. SP who claim occupational pay will be required to complete a RoS equal to a week's RoS for a week of occupational pay. Therefore, a SP claiming 26 weeks of occupational pay will be required to complete a 26 week RoS. Failure to complete the RoS will result in the difference between SAP and occupational pay having to be repaid on a pro rata basis.

25.54. Waiver of RoS Commitment. The requirement to fulfil a period of RoS to qualify for 26 weeks of occupational 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 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.

c. SP leaving the Services on premature voluntary retirement or redundancy terms, or who adopt a child shortly before completing their engagement or 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.

Terms of Service during Adoption Leave

25.55. During OAL a SP 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. There is no entitlement to restart OAL/AAL once a SP has returned to duty. For guidance on whether service is reckonable/non-reckonable on taking Adoption Leave please refer to the table at [Chapter 29](#).

25.56. **SP who have already given notice to leave** or been given notice to leave¹¹² before adoption placement may need to consider the following:

a. **Extension of engagement/commission.** A SP who adopts after having already given notice to leave the Service, or before completing their engagement/commission, such that their exit date falls after the qualifying week but before the end of OAL/AAL, will not have their engagement/commission extended beyond their current exit date in order to allow OAL/AAL to be taken or for it to continue to be taken. As Annual Leave accrues during OAL and AAL a SP exit date may however be extended in order for them to complete leave accrued and TL/GRT if they have been unable to do so before their normal exit date for Service or other mitigating reasons.

b. **Entitlement to Occupational Pay.** A SP who adopts after having already given notice to leave the Service will not be entitled to occupational pay if they are unable to complete the RoS. If, subsequently, they are able to return to duty after adoption leave for the RoS period, occupational pay for the amount of OAL taken will be granted retrospectively.

c. Subject to meeting the conditions for OAL/AAL a SP may take adoption leave prior to their exit date providing the leave does not start before the placement of the child.

25.57. **Acting Higher Rank.** Where a SP has held an acting higher rank when they cease duty to begin OAL, they will continue to hold the acting higher rank for as long as they would have done had they not proceeded on adoption leave.

25.58. **Adoption on Call Out.** Should a reservist be called into mobilised they should use the appeal procedure as set out in Statutory Instrument (SI) 307/1997 (The Reserve Forces (Call-out and Recall)(Exemptions Etc) Regulations 1997) to seek exemption from, or deferral of, call-out on the grounds that to be called-out would affect the adoption matching process. The respective single-Service Adjudication Officer (AO) will rule on

¹¹² This may include SP to whom the Service has given notice of exit for administrative/medical reasons.

whether to reject or accept the grounds for exemption or deferral. If required, appeals against the AO's decision can be made under the auspices of SI 798/1997 (The Reserve Forces Appeals Tribunals Rules 1997). For a reservist who is already mobilised through call-out and is given a placement date that corresponds with their time whilst in permanent service is to be demobilized and sent home at the request of the reservist. The reservist may then claim OAL, or OAL and AAL as normal.

Deductions from Pay

25.59. 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 will continue to be deducted while SAP and/or AFOALS is payable unless a SP 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 continue to accrue until pay resumes.

Contact during Adoption Leave

25.60. **Keeping in Touch Days.** SP 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 SP to return to duty, for example to undertake training or to keep in touch with major developments, without losing the right to adoption pay.

25.61. It should be noted that KIT days are optional and must be agreed between a SP and their CO/LM. COs cannot demand that a SP undertakes KIT days nor is there a right for SP 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 KIT day taken during OAL or AAL (including the 13 week unpaid period) will be paid at the SP's normal daily rate of pay and Duty travel may be claimed.

25.62. **Workplace Contact during Adoption Leave.** In line with statutory provision, reasonable contact may be made from time to time between a SP and their CO/LM during the adoption leave period, for example about changes which might affect the SP on their return to duty. Such contact will not bring the period of adoption leave to an end.

Returning to Work

25.63. **Amendment of Return to Duty Date.** If a SP wishes to return sooner or later than notified in their Adoption Leave Form, they must give 56 days' notice of their intended date of return in writing.

Assignment Arrangements

25.64. **Reassignment Arrangements following OAL and AAL.** A SP 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 SP is to be offered a suitable post appropriate to their rank and specialisation/trade in the same geographical 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.

25.65. When a SP returns to duty after AAL, the Services will endeavour to meet their geographical and reassignment preferences in accordance with normal Service arrangements.

25.66. **Advancement/Selection for Promotion.** A SP on adoption leave will not be overlooked for advancement or promotion because they are on adoption leave. Throughout OAL and AAL a SP 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.

25.67. **Screening from Deployment.** In recognition of the requirement for a period of stability a primary adopter will not be deployed on operations and exercises either overseas or in the UK for at least 6 months¹¹³ from the day of placement, unless they volunteer otherwise or where it does not compromise operational capability. Advice should be sought from single-Service authorities on each Service's arrangements. Once they return to work they will, however, be liable for the full range of their remaining duties.

25.68. **Co-location of Serving Parents and Deployment of Serving Parents.** SP are encouraged to inform their personnel manning authorities when they become parents. The single-Services will endeavour not to deploy both serving parents of dependent children at the same time, where this does not affect operational capability¹¹⁴. Similarly, it should be noted that there is a risk that it may not be possible for serving parents to be co-located. To ensure that consideration is given to the best interests and preferences of each individual, reference should be made to single-Service manning authorities.

25.69. **Selection for Redundancy.** 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. Personnel manning authorities should seek advice if a non-applicant is expected to be on adoption leave at their proposed last day of service. SP should refer to the relevant single-Service DIN. During OAL and AAL a SP's personnel manning authority is responsible for informing them if plans for promotion or redundancies are announced and they are eligible for selection.

Pensions

25.70. 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 SP of this option at the conclusion of their engagement or upon giving notice to terminate their service. Further pension information can be found in the relevant [AFPS Booklets](#) or by contacting DBS Mil.

¹¹³ RAF Personnel are screened from 'Deployed Operations' for an 18-month period from placement. For further details see RAF IBN 75/15. RN personnel are screened from 'Deployed Operations' for a 12-month period from placement. For further details see BR3(1) Ch 35 para 3503(g)(1).

¹¹⁴ RN Personnel are to ensure that their Serving With Dependent Children (SWDC) tag is applied in accordance with BR(3)(1) Ch 35 para 3507(g)(1) and BR(3)(1) Ch 58 para 5807(e).

Other Provisions during Adoption Leave

25.71. Change of PStat Cat. SP 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 in accordance with [JSP 752 para 01.0120d](#).

25.72. Appraisals during Adoption Leave. Details of tri-Service appraisal reporting instructions are set out in [JSP 757](#).

25.73. Service Accommodation. The tri-Service accommodation Regulations including liability for accommodation charges and entitlement to provision are set out in [JSP 464 - Tri-Service Accommodation Regulations \(TSARs\)](#).

25.74. Allowances. The tri-Service regulations for expenses and allowances are set out in [JSP 752](#).

25.75. Accrual of Annual Leave. Annual leave (including PH) continues to accrue during adoption leave. SP should refer to JSP 760 Chapter 1 on the rules applying to the carry-over of leave.

25.76. Leave Entitlement for Reservists. Reservists who undertake man training days under Sections 22 and/or 27 of the Reserve Forces Act 1996 are entitled to paid annual leave proportional to attendance (1 day's paid leave for every 10 days worked) as detailed in DIN [2013DIN01-225](#) (Regulations for Part-Time VR entitlement to paid leave). As a reservist's terms and conditions of service are to be unaffected by a period of maternity leave, a reservist is entitled to paid leave proportional to the number of days mandated to obtain the Training bounty. Leave is based on the same principle as the Training Bounty, in that policy states that a reservist may receive their Training Bounty where there is reasonable grounds to conclude that on the balance of probability they would have earned that Bounty had they not been placed with a child for adoption. As a measure of entitlement, agreed by the single-Services, a reservist should be awarded their leave entitlement (based on Reserve quarter-day-pay) aligned with the number of days required to qualify for the Certificate of Efficiency and by association the Training Bounty.

25.77. Childcare. SP are responsible for making their own arrangements for the care of their children and for meeting the costs involved.

25.78. Deductions from pay, such as repayment of loans, advances of pay, messing and accommodation charges will continue to be made while SAP is paid. 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 continue to accrue until pay resumes.

25.79. Voluntary payments to Service benevolent funds and insurance schemes eg PAX, Forces Safeguard, etc will continue to be deducted while SAP is payable unless a SP gives JPAC written instructions to cease deductions. When SMP is no longer payable, or is insufficient to cover voluntary payments these will become the SP's personal responsibility and they should make their own arrangements to pay them.

25.81. Temporary Civilian Employment during OAL/AAL. The rules governing authorisation for undertaking civilian employment whilst on leave, which include adoption

leave, are laid down in each Service's Queen's Regulations¹¹⁵: SAP (and therefore Occupational pay) will stop if after adoption placement, but before the end of the APP, a SP works for an employer who did not employ them during the qualifying week. If a SP does any work in a self-employed capacity during the APP this will not affect the payment of SAP. It is the responsibility of individuals to inform their respective releasing units should they take up civilian employment whilst in receipt of SAP.

¹¹⁵ Naval Service - QRRN J.8403, Army - QR J5.075-J5.079, and RAF - QRJ910.

**EXAMPLE LETTER FROM PERSONNEL MANAGEMENT AUTHORITY TO
ACKNOWLEDGE RECEIPT OF COMPLETED ADOPTION NOTICE FORM**

(Establishment Headed Paper)

File number

Date

Name and address of Serviceperson

Dear

Congratulations on the placement of your child. This letter is to confirm the details of your Adoption Leave and Pay.

I have received your Adoption Notice Form outlining your Adoption Leave dates. Enclosed is a signed copy of your Adoption Notice Form for your records.

As you have discussed with Unit HR, you are eligible for 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL).

(Select the appropriate options)

Because you meet the qualifying criteria for Armed Forces Occupational Adoption Leave Scheme (AFOALS), you are entitled to receive Occupational Pay (paid at your daily pay rate) during OAL and Statutory Adoption Pay (SAP) for the first 13 weeks of AAL. The remaining 13 weeks of AAL are unpaid. Please note that if you do not subsequently fulfil your Return of Service, you will be required to pay back the difference between the occupational pay you received and SAP.

OR

Although you meet the qualifying criteria for Statutory Adoption Pay (SAP) you are not eligible for the Armed Forces Occupational Adoption Leave Scheme (AFOALS). Therefore, during OAL you will only receive SMP, which will be paid at 90% of your average weekly earnings for the first six weeks, and then the standard rate of SAP for the next 20 weeks. If you take AAL, SAP will be paid at the standard rate for the first 13 weeks; the remaining 13 weeks of AAL are unpaid.

OR

The form SMP1 (enclosed) explains why you do not qualify for Statutory Adoption Pay (SAP).

(If appropriate) I note that you are on a pensionable engagement. As unpaid AAL is not reckonable for pension purposes you will need to complete an additional period of service in order to qualify for immediate financial benefits.

As specified in your Adoption Notice Form, you will start Adoption Leave on and return to work on

If you want to change your dates, you will need to contact *(each Service to insert its term for the authority which deals with Adoption)* in writing ensuring you do so with at least 56 days' notice.

During your Adoption Leave you may return to duty, subject to Line Manager agreement, for up to 10 days (known as Keeping in Touch Days (KIT days)) without bringing your Adoption Leave to an end. KIT days are optional and can be used to keep up to date with major developments or for a specific purposes, such as training. If a KIT day is used this will not extend your Adoption leave period. A KIT day will be paid at your normal basic daily rate of pay.

During your period of leave I encourage you to keep in touch to discuss and plan for your return. If you wish to contact us with any questions about your Adoption Leave entitlement please do not hesitate to get in touch with *(each Service to insert relevant details)*.

Yours sincerely,

Enclosure:

1. Copy of Adoption Notification Form (signed by the CO/Delegated Officer).

26 Armed Forces Occupational Paternity Leave Scheme (AFOPLS)

Introduction

26.1. Service Personnel are not entitled under law to Statutory Paternity Leave, however, provision for paternity leave equating to the statutory arrangements is made by the AFOPLS¹¹⁶.

26.2. Paternity Leave is given to recognise the birth or the adoption of a child (where the Service person applying for Paternity Leave is not taking Adoption Leave) and enable the Service Person to care for the child or support the child's mother or adopter. 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.

26.3. Paternity Leave is not available in cases where the Service Person has already taken any shared parental leave (ShPL) in respect of the child (Paternity leave must be taken first).

Applicability

26.4. This chapter is applicable to Service Personnel:

- a. in the Regular Forces.
- b. in the Reserve Forces engaged under Section 24 of the Reserve Forces Act (RFA 96) on Full Time Reserve Service (FTRS) commitments and members of the Non-Regular Permanent Staff (NRPS) of the Army Reserve.
- c. engaged under Section 25 of the Reserve Forces Act (RFA) 96 - Reserves employed on an Additional Duties Commitment (ADC) engagement.
- d. of the Volunteer Reserve (VR) Forces engaged under Sections 22 or 27 of RFA 96 - VR on attendance based pay.

Paternity Leave Entitlement

26.5. The Service Person claiming Paternity Leave must be:

- a. the father.
- b. the spouse civil partner¹¹⁷ or partner of the mother or adopter.
- c. the intended parent (if you're having a baby through a surrogacy arrangement).

¹¹⁶ Any reference in this chapter to Paternity Leave is to Paternity Leave under the AFOPLS, not to statutory arrangements.

¹¹⁷ As defined in the Civil Partnership Act 2004.

Additionally, the Service Person claiming Paternity Leave must:

d. **in the case of birth**, have served in the Armed Forces continuously for a period of not less than 26 weeks¹¹⁸ by the end of the 15th week before the expected week of childbirth (EWC)¹¹⁹.

or

e. **in the case of adoption**, have served in the Armed Forces continuously for 26 weeks by the week in which the child's adopter is notified that they have been matched with a child (known as the 'matching week'). This is either:

(1) the end of the week the family are matched with the child (UK adoptions).

or

(2) the date the child enters the UK (overseas adoptions).

f. **and** notify their Commanding Officer (CO) of their planned dates for Paternity Leave using JPA Form R006, normally no later than 15 weeks before the EWC.

Start of Paternity Leave

26.6. Paternity Leave 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 or placement for adoption. The 3 options for the SP claiming Paternity Leave are as follows:

a. 0 weeks (SP chooses not to take Paternity Leave).

b. 1 week (SP effectively chooses to forfeit the 2nd week).

c. 2 weeks (MOD policy supports this in either 1 x 2-week period or 2 x 1-week periods).

All Paternity Leave must be taken within 56 days of the child's birth or placement for adoption (unless it is deferred or the SP is recalled in accordance with paras 7 and 8 below). Paternity Leave must be taken in blocks of a minimum of one week.

Deferral or Recall from Paternity Leave

26.7. **Deferral.** Deferral of a period of Paternity Leave can only be for exceptional service reasons and can only be approved by an officer of OF4 or above. A decision to defer is to be given in writing to the SP as soon as possible with an explanation of the reasons. If Paternity Leave has to be deferred it should be granted as soon as possible thereafter, when operational circumstances permit. Leave that is untaken due to deferral may be taken outside of the 56 days.

¹¹⁸ 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.

¹¹⁹ The EWC will be confirmed in the mother's MAT B1 form provided by her midwife.

26.8. **Recall.** Recall from a period of Paternity Leave can only be for exceptional service reasons and if it is considered that their absence would adversely affect operational effectiveness. Recall can only be approved by an officer of OF4 or above. If the SP concerned has to be recalled 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 Reserve ADC personnel, when less than one week's Paternity Leave may be taken in a single block if the outstanding balance is less than one week. Leave that is untaken due to recall may be taken outside of the 56 days.

Unavoidable Late Alterations

26.9. If the unavoidable late alterations are required to the planned Paternity Leave dates, the CO should be notified as soon as possible beforehand.

If the Baby is Born Early

26.10. Provided that operational circumstances allow, Paternity Leave can be granted immediately by the CO. In cases where the baby is born before the week it was due, Paternity Leave must finish within 56 days of the first day of the week of birth.

If the Baby Dies

26.11. The entitlement to Paternity Leave will apply in respect of a child stillborn after 24 weeks of pregnancy or born alive at any point of the pregnancy where an application has already been submitted or leave has started.

Multiple Births

26.12. 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 Paternity Leave will be allowed in total.

Cancellation of Adoption or Death of Child

26.13. 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 Paternity Leave will still apply where an application has already been submitted or leave has started.

Paternity Leave Pay

26.14. Service Personnel who meet the eligibility criteria for Paternity Leave will be paid full pay for the period of leave taken (up to 2 weeks maximum).

Reservists (FTRS and ADC)

26.15. Members of the Reserve Forces and Service personnel with a recall liability are eligible to apply for Paternity Leave 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 (ADC) under section 25 of the Reserve Forces Act 1996.

26.16. Paternity Leave must be taken in minimum blocks of one week. In the case of personnel serving on ADC for part of a week, who are eligible for Paternity Leave in all other respects, the balance of the 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 Paternity Leave period that the Service person would otherwise have spent on Service duties.

Reckonable/Non-Reckonable Leave

26.17. For guidance on whether service is reckonable/non-reckonable on taking Paternity Leave please refer to the table at [Chapter 29](#).

Other Paternity Entitlements

26.18. **Attendance at Ante-Natal Appointments (including Parental Order Parents).** A SP who is the other parent can apply to take up to two days' special leave to accompany an expectant mother to ante-natal appointments, unless this is not possible for Service reasons. SP should use Form [JPA R001](#) to apply. There is no entitlement to travel and subsistence when taking this leave. This entitlement also extends to SP who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for, and intent to apply for, a Parental Order for the child born through that arrangement.

26.19. **Attendance at Adoption Appointments.** A SP who is the other parent (ie not taking adoption leave) can apply to take up to two days' special leave to attend two adoption appointments, unless this is not possible for Service reasons. SP should use Form [JPA R001](#) to apply. There is no entitlement to travel and subsistence when taking this leave.

Other Paternity Provisions

26.20. **Accrual of Annual Leave.** Annual leave (including PH) continues to accrue during paternity leave.

26.21. **Change of PStat Cat.** SP should be aware that notification of paternity leave is not a formal notification of change in PStat Cat. The requirement to notify their unit HR staff of any changes to their family circumstances remains in accordance with [JSP 752 para 01.0120d](#).

26.22. **Childcare.** Service personnel are responsible for making their own arrangements for the care of their children and for meeting the costs involved.

27 Armed Forces Occupational Shared Parental Leave and Pay Scheme

Introduction

27.1. This chapter sets out the Armed Forces' policy for Shared Parental Leave (ShPL) and Statutory Shared Parental Pay (ShPP) which together are known as the Armed Forces' Occupational Shared Parental Leave Scheme (AFOShPLS). Shared Parental Leave provides eligible service personnel who are parents, with a flexible way to take to share time off work in the first year after their child is born or placed with them for adoption. Service Personnel (SP) are not entitled under law to ShPL¹²⁰; however, provision for ShPL broadly equating to the statutory arrangements is made by the AFOShPLS. Any reference in this policy to ShPL is to shared parental leave under the AFOShPLS, not to the statutory arrangements.

27.2. There is no requirement to take ShPL and parents can continue to take leave and pay under the provisions of the Armed Forces' Occupational Maternity Scheme (AFOMS), the Armed Forces Occupational Paternity Leave Scheme (AFOPLS) or the Armed Forces Occupational Adoption Leave Scheme (AFOALS) if they prefer to do so.

Applicability

27.3. This chapter is applicable to SP:

- a. in the Regular Forces.
- b. in the Reserve Forces serving on Full Time Reserve Service (FTRS) commitments under Section 24 of the Reserve Forces Act 1996 (RFA96) and members of the non-Regular Permanent Staff (NRPS) of the Army Reserve.
- c. engaged under Section 25 of the RFA96 (Reserves employed on an Additional Duties Commitment engagement).
- d. of the Volunteer Reserve engaged under Sections 22 or 27 of the RFA96 - Volunteer Reserves on man-training days.

ShPL Policy

27.4. ShPL gives eligible parents more flexibility in considering how best to share the care of their child in the first year following birth or adoption. If they choose to do so, a parent can curtail maternity or adoption leave early. The remaining leave will then be available as ShPL. Any remaining Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) may be available as Statutory Shared Parental Pay (SShPP).

27.5. A mother must take a minimum of 2 weeks¹²¹ maternity leave following the birth. An adopter, or parental order parent in a surrogacy arrangement must take at least two

¹²⁰ The Shared Parental Leave Regulations 2014 (SI No 3050) do not apply to the Armed Forces as they are Crown Servants and not employees.

¹²¹ 4 weeks if she works in a factory or workshop.

weeks' of adoption leave after the placement. The maximum amount of ShPL that can be created therefore is 50 weeks (52 weeks maternity leave/adoption leave minus the two compulsory weeks of leave) and the maximum amount of SShPP that can be created is 37 weeks (39 weeks statutory pay minus 2 weeks of SMP / SAP claimed).

Eligibility for Leave

27.6. ShPL can only be used by the child's two parents. To be eligible the following criteria must be met:

- a. One parent must be the mother, adopter or parental order parent in a surrogacy arrangement,

and

- b. the other parent must be one of the following:

- (1) the father of the child,

or

- (2) the spouse, civil partner or partner¹²² of the child's mother, adopter or parental order parent¹²³.

- c. The parents must share the main responsibility for the care of the child at the time of the birth or placement for adoption.

In addition

- d. The SP needs to satisfy the **Continuity of Employment Test** and the other parent needs to satisfy the **Employment and Earnings Test** to qualify for ShPL/ShPP.

SP Continuity of Employment Test	Spouse, Civil Partner or Partner Employment and Earnings Test
The SP has been a serving member of the Armed Forces for a minimum of 26 weeks continuous service at the end of the qualifying week (the 15 th week before the Expected Week of Childbirth (EWC) or matching date (for adoption)) ¹²⁴ <u>and</u> is still serving at the start of each ShPL period.	In the 66 weeks before the EWC or matching date (for adoption), the other parent must have worked for at least 26 weeks (not necessarily continuously) <u>and</u> earned at least £30 per week (on average) in any 13 weeks of the 66-week period.

¹²² A partner is a person (whether the same sex or a different sex) who lives with the mother or adopter in an enduring family relationship (i.e. not relatives or friends).

¹²³ A parental order transfers legal rights from the birth mother to you and your partner when a surrogate is used to have a child.

¹²⁴ For a parental order parent in a surrogacy arrangement, the continuity of employment test is the same as that which applies to birth parents (ie they must have been a serving member of the Armed Forces for 26 weeks up to and including the 15th week before the week in which the baby is due to be born), even though they get adoption leave and pay.

e. a SP wishing to take ShPL must satisfy each of the following criteria:

(1) The mother or primary adopter¹²⁵ must have an entitlement to the AFOMS or AFOALS) or an entitlement to Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP).

(2) They must have ended or given notice to reduce any maternity or adoption leave entitlements in accordance with (4) below.

(3) The SP must still be serving in the Armed Forces at the start of each period of ShPL.

(4) The SP must correctly notify their CO of their eligibility for ShPL and provide the necessary declarations and evidence.

27.7. Other Parent is Self-Employed. A self-employed parent will not be eligible for ShPL or ShPP but if they satisfy the employment and earnings test this may enable their SP partner to access ShPL and ShPP.

27.8. Multiple Births or Adoptions. There is only an entitlement to one period of ShPL regardless of the number of children resulting from a single pregnancy or the number of children matched for adoption at the same time or adopted from overseas as part of the same arrangement.

Leave Patterns

27.9. Leave must be taken in complete weeks which may start on any day of the week. Leave can be booked as either continuous or discontinuous leave. Up to 3 bookings can be submitted.

a. **Continuous Leave** is leave taken in one unbroken block. A continuous leave pattern should be agreed by the CoC unless it is refused for exceptional service reasons in accordance with para 27.10 below.

b. **Discontinuous Leave (splitting blocks of leave)** is submitted in a single notice but is arranged around leave where an employee returns to work eg every other week for 3 months. If the CoC and the SP cannot agree on a discontinuous leave pattern it may be refused (with Unit HR agreement). In this circumstance the same amount of leave is to be taken in a continuous block starting on the first day of the leave applied for unless withdrawn by the SP within 15 days and a new notice submitted.

c. **Concurrent Forms of Leave.** As long as a commitment has been made to curtail maternity or adoption leave on a future date, the remaining balance can be taken by the other parent while the parent is still on maternity or adoption leave.

Refusal, Deferral and Recall from ShPL

27.10. Refusing ShPL. Unless for exceptional service reasons, the CoC should authorise ShPL. Advice from the relevant single-Service policy staff¹²⁶ must be sought

¹²⁵ The Primary Adopter is the parent who takes the Adoption Leave, not the Adopter taking Paternity Leave.

before refusing applications for ShPL. A decision to refuse ShPL and the reasons for it is to be given in writing using JPA Form R007 (copied to Unit HR staff) as soon as reasonably practicable and no later than 2 weeks after receipt of the original request. If an application for ShPL is refused, a SP may re-apply for a period of leave at a later date.

27.11. **Deferral or Recall of ShPL.** Deferral of previously booked ShPL or recall of a SP from a period of leave can only be for exceptional service reasons and can only be approved by an officer of OF4 or above. Policy advice from the relevant single-Service policy staff should be sought before deferral or recall takes place. An explanation is to be given in writing (using JPA Form R007) to the SP (copied to Unit HR staff) as soon as reasonably practical, giving the SP a minimum of four weeks' notice. If the CoC has to defer or recall a SP from ShPL, the leave should be granted as soon as reasonably practical. The ShPL subsequently granted should be completed within 18 months of the birth or placement for adoption of the child.

Timing and Duration of ShPL

27.12. **Commencement of ShPL.** ShPL can only begin once the child has been born or placed for adoption and must end the day before the child's first birthday and in cases of adoption, on the day before the first anniversary of the date on which the child was placed for adoption¹²⁷, unless this is not possible because leave has been deferred or the SP recalled for exceptional Service reasons (see also para 27.11 about the effect of deferral of leave on ShPP).

27.13. ShPL can commence as follows:

- a. The mother or adopter has taken the mandatory two weeks of leave after the birth or placement of the child.
- b. The mother or adopter has ended any maternity or adoption leave by returning to work.
- c. Where a mother or adopter gives notice to curtail her maternity or adoption entitlement, then the other parent can take leave while the mother or adopter is still using her maternity or adoption entitlements.

27.14. The SP must book ShPL by giving the correct notification of at least 15 weeks for personnel serving in the Naval Service and RAF; and eight weeks for Army personnel, before the date on which they wish to start the leave and (if applicable) receive SShPP.

27.15. A Servicewoman who has submitted notice before the birth to end maternity leave will have until the end of the sixth week after the birth to or her return to work (whichever is the earlier) to revoke her curtailment and remain on maternity leave.

¹²⁶ The relevant policy staff are: RN - SO1 Employment Policy, NC HQ, 93832 5514; Army - SO1 Employment Policy, Army HQ, 94393 6740; RAF - SO2 Employment Policy, HQ Air Command, 95221 5048.

¹²⁷ Exceptionally the period when the leave must be completed is 18 months if the SP has been deployed.

Shared Parental Pay Policy

27.16. Two types of pay are available to eligible SP wishing to take ShPL. These are: Statutory Shared Parental Pay (the untaken balance of Statutory Maternity Pay); and Occupational Shared Parental Pay.

27.17. **Statutory ShPP.** The total number of weeks when Statutory ShPP is payable is 39 weeks minus the number of weeks of SMP or SAP taken by the mother or the adopter. The 39 week maternity / adoption pay period is continuous and starts when the mother or adopter starts their maternity or adoption leave. (The other parent **may** therefore be entitled to receive up to a maximum of 37 weeks of Statutory ShPP while taking ShPL.)

27.18. Any Statutory ShPP which is not enhanced to Occupational Pay will be paid at the prescribed rate which is currently £140.98¹²⁸ a week or 90% of the SP's average weekly earnings, whichever is the lower.

27.19. The weekly rate of statutory ShPP is set by the government at a prescribed rate and is reviewed annually. Changes to the rate of statutory pay are announced in April each year. Details of the current rate can be found on GOV.UK.

27.20. **Occupational Pay** is Statutory ShPP enhanced to an individual's full daily rate of pay. Therefore to receive full pay a SP must also be in receipt of statutory ShPP. The maximum number of weeks when occupational pay is available is 26. These 26 weeks can be claimed at any time within the first 39 weeks following the start of the mother's maternity leave or the adopter's adoption leave.

27.21. In the case of births, the other parent can only start ShPL after the child is born. This may occur a number of weeks into the 39-week statutory pay period.

27.22. If both parents are serving in the Armed Forces, the maximum number of weeks of occupational pay available is 26 minus the number of weeks the mother or primary adopter has taken under the AFOMS or AFOALS schemes. Serving parents who both meet the qualifying criteria for Occupational pay may opt to share the 26 weeks. They will be required to provide details of the spouse or partner and to state how the 26 week period is to be divided.

27.23. **Unpaid Leave.** Weeks 39 to 52 of the maternity leave period or adoption leave period (as appropriate) are unpaid. However, as ShPL is flexible these weeks can be taken at any point in the ShPL period (after the baby is born).

Eligibility for Statutory Shared Parental Pay

27.24. In addition to meeting the eligibility requirements for ShPL, a SP seeking to claim SShPP must further satisfy all of the following criteria:

- a. The mother or adopter must be or have been entitled to SMP, SAP or MA and must have curtailed their maternity or adoption pay period or MA period.
- b. The SP must intend to care for the child during the weeks in which ShPP is payable.

¹²⁸ As at April 2017.

c. The SP's average weekly earnings for the period of eight weeks leading up to and including the 15th week before the EWC or matching date for adoption are not less than the lower earnings limit in force for national insurance contributions. For details of the up-to-date rates for these see [GOV.UK](https://www.gov.uk).

d. Volunteer Reserves (VRs) must have had average weekly earnings (not including bounty payments) from the MOD in the eight weeks up to and including the last pay day immediately before the end of the Qualifying Week, of not less than the lower earnings limit (see above).

e. The SP must remain in continuous service until the first week of ShPP has begun.

f. The SP must give proper notification in accordance with the rules set out below.

27.25. Non-Domiciled Other Parents. For a SP to qualify for ShPL or ShPP, the other parent must be paying national insurance contributions or hold an exemption certificate. An individual who is non-domiciled but working in the UK and paying tax in the UK may be eligible for ShPL/ShPP. An individual may be resident in the UK but non-domiciled and still be liable to tax and National Insurance on UK earnings.

27.26. SP who receive full pay if they undertake Maternity or Adoption Leave whilst on a CI and receive full pay in accordance with JSP 760, Chapters 24 and 25 will not be entitled to Statutory pay and therefore no ShPP can be created.

Eligibility for Occupational Pay

27.27. SP who have completed a year's continuous service by the Qualifying Week¹²⁹ and who have stated an intention to complete their Return of Service following their ShPL qualify for the occupational pay element of AFOShPLS.

Responsibilities for Checking Eligibility

27.28. The SP applying for ShPL is responsible for ensuring that they and the other parent meet the criteria for ShPL in accordance with para 6. Unit HR staff are responsible for checking that the application forms have been correctly completed and signed.

27.29. Requesting Further Evidence of Eligibility. The Service may, within 14 days of the SP submitting notification of entitlement to ShPL, request the following further evidence:

a. The name and business address of the other parent. Where the other parent is no longer employed or is self-employed their contact details must be given instead.

b. In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).

¹²⁹ The Qualifying Week is the 15th week before the beginning of the week in which the baby is due.

- c. In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

This information must be produced within 14 days of the request from the Service.

27.30. Fraudulent Claims. If there is suspicion that fraudulent information may have been provided, this will be investigated. The provision of false information could lead to disciplinary and/or administrative action being taken.

Submission of Application

27.31. Prior to the Informal Discussion. The SP wishing to take ShPL should confirm their entitlement to ShPL with their Unit HR Clk and discuss potential leave and pay patterns with the other parent. Parts A to E of the Application for Shared Parental leave, JPA Form R007 should be completed in advance of the informal discussion.

27.32. Informal Discussion. The CO/Line Manager must conduct an informal discussion, as soon as possible in the application process with a SP wishing to apply for ShPL. Sufficient time must be given for discussions to take place prior to the 15 week (8 for Army) notice period. The discussion is an opportunity for all parties to talk through the process and identify the potential effects, both on the SP (eg attendance on courses, pay, etc) and the unit. Keeping in Touch Plans and the use of Keeping in Touch Days should also be discussed.

27.33. Formal Booking. The Formal Booking notice must be submitted to the Line Manager giving at least 15 weeks (8 for Army) notice of the start of the leave period. There is a 2 week discussion period following submission (but prior to approval) where the leave can be changed or withdrawn without affecting the number of notifications. Line Manager must approve or decline the application within 2 weeks of submission. Unit HR must retain the original signed form in the SP's Personnel File.

27.34. Number of Booking Notices. A notification of ShPL consists of a pattern of leave submitted at the same time in one notification. For example 3 separate weeks of leave submitted at the same time on one form counts as one notification not 3. A notice to book or change ShPL counts towards the cap of 3 notifications. More than 3 notifications can be accepted by the Line Manager if operational circumstances allow. ShPL arrangements that have been approved can be changed by completing Part E to JPA Form R007.

27.35. Changing a Booking Notification Due to Early or Late Birth. Where a child is born earlier or later than the EWC, a SP who has previously booked ShPL to start within 15 weeks of the expected week of birth may take the leave at the equivalent time to when they would have had the baby been born on time. A notice to vary the leave booking must be submitted as soon as practicable following the birth. This does not count towards the cap of 3 notifications.

Return of Service

27.36. A SP who qualified for 26 weeks of occupational pay will be required to complete a return of service (ROS) commitment of one week for each week of occupational pay received. If the ROS commitment is not completed the SP will be required to pay back the

difference between statutory pay and full pay on a pro-rata basis of one week's pay for each week of leave taken.

Contact with the Service during ShPL

27.37. Before going on ShPL, SP should discuss with their CO/Line Manager the arrangements for keeping in touch during their leave. Reasonable contact will be required with individuals from time to time during ShPL, for example to discuss plans to return to duty; to ensure that SP are aware of possible promotion opportunities; to discuss training requirements; or to update them on developments during their absence.

27.38. **ShPL Keeping in Touch (KIT) Days.** A SP can agree to return to duty for up to 20 days during ShPL without bringing their period of ShPL to an end or impacting on their right to claim SShPP for that week. These are known as ShPL keeping in touch or ShPL KIT days. COs/Line Managers cannot demand that a SP undertakes ShPL KIT days, nor is there a right for SP to demand the opportunity to take them. Each ShPL KIT day will be paid at the SP's normal daily rate of pay and Duty Travel may be claimed.

Terms and Conditions of Service

27.39. **Payment of Recruitment and Retention Payments when ShPL KIT Days are taken.** SP who are in receipt of Recruitment and Retention Payment (RRP) on a 'completion of Task Basis' will receive RRP for those ShPL KIT days where they are carrying out RRP duties. Where RRP was previously being received on a 'Continuous Career Basis' (CCB) or 'Non-Continuous Basis' by virtue of being in an RRP-tagged post immediately prior to going on ShPL, RRP entitlement will continue and so RRP will be payable on each ShPL KIT day worked. Similarly, where an individual is still within the eligibility window for payment of Reserve Band (RB) rates on a CCB, RB rates of CCB RRP will be payable.

27.40. **Advancement/Selection for Promotion or Redundancy during ShPL.** A SP should not be overlooked for advancement or promotion because they have taken ShPL. Throughout ShPL a SP 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 ShPL. In the event that a redundancy programme is instigated, SP remains eligible for selection whilst on leave, however, on no account will a SP be selected for redundancy on the grounds that they are on ShPL. During ShPL a SP's personnel management authority is responsible for informing them if plans for promotions or redundancies are announced and the individual is eligible for selection.

27.41. **Effect of ShPL on Assignment.** A SP returning to duty following a period of ShPL should return to their previous post if possible. In cases where the SP cannot return to their previous post, the SP 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.

27.42. **Appraisals during ShPL.** SP intending to take ShPL should refer to JSP 757 for single-Service policy for appraisals for SP on, or proceeding on ShPL, to ensure that unreported periods are kept to a minimum and this should be discussed with CO/Line Managers.

27.43. **Medical and Fitness.** Servicewomen returning to duty following pregnancy will require a medical in accordance with JSP 760 Chap 24. All other SP returning from ShPL will be required to adhere to physical fitness assessments.

Reservists with More than One Employer

27.44. If a Reservist is the child's mother or primary adopter and is entitled to maternity or adoption leave from more than one employer they must bring forward the date on which maternity/adoption leave and/or pay periods end with both the Service and their other employer. ShPL and/or pay can only be created if the mother or primary adopter gives all of their employers who are liable to give maternity/adoption leave or pay notice at the same time. If the Reservist meets the criteria for ShPL and SShPP by virtue of their reserve service, they will be eligible for both. If the Reservist also meets the criteria for ShPL and SShPP from another job as well, then they can take the leave and pay from the other employer as well.

27.45. Where a Reservist has two (or more) jobs and they qualify for ShPL in respect of each employment, they may be entitled to ShPL from each of their employers. If the mother or primary adopter wants to take or create ShPL for the other parent to take and has two (or more) jobs, they must have brought forward the date on which maternity/adoption leave period ends for each of their jobs either by returning to work or by giving notice to end maternity/adoption leave period (the notice must be given to each of the employers at the same time). A mother or primary adopter cannot take ShPL if they have only brought forward the date on which maternity/adoption leave period ends with one of their employers. A mother or primary adopter cannot still be on maternity/adoption leave in one job and on ShPL in another job, because they must curtail all maternity/adoption leave entitlement from both jobs for any entitlement to ShPL to arise.

If the Baby is Born Early

27.46. If the child is born before the EWC and the SP had booked to take ShPL within the first 15 weeks (for Naval Service and RAF personnel) or eight weeks (for Army personnel) of the due date, they should be allowed to take the same period of time off after the actual birth without having to provide the notice required under single-Service arrangements, by submitting a notice to vary their leave as soon as reasonably practicable. Unlike most other variation notices, this would not count as one of the SP's three notifications. Any leave arranged after the first eight weeks or 15 weeks (according to single-Service notice requirements) of the due date is still bound by the standard notice required to vary leave.

27.47. If the child is born more than 15 weeks (Naval Service or RAF) or 8 weeks (Army) before the due date and the application for ShPL has not yet been approved, there is no requirement to give the required notice before the period of leave starts. The notice should be given as soon as is reasonably practicable after the actual birth.

If the Baby Dies

27.48. **Before 24 Weeks of Pregnancy.** If a Servicewoman miscarries prior to 24 weeks there is no entitlement to ShPL for either the Servicewoman or the other parent. Where a child is stillborn after 24 weeks of pregnancy there is no legal entitlement to ShPL/ShPP. All legal entitlements relating to maternity and paternity leave and pay continue to apply.

27.49. **After 24 Weeks of Pregnancy or within the First Year.** Should the child die before the parents have applied to take ShPL then they cannot opt into ShPL because a qualifying condition is caring for a child. The mother will remain entitled to maternity leave and the other parent may qualify for paternity leave under AFOPLS (See JSP 760, Chapter 26).

27.50. If the parents have opted into ShPL and have booked leave, they will still be entitled to take the booked leave. No further notice booking leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave. A SP who is absent on ShPL may cancel agreed ShPL and return to work by giving the required notice of their return to duty.

Change of Family Circumstances

27.51. **Other Parent is no longer Caring for the Child.** If a SP has booked ShPL and their circumstances change so that they will no longer be responsible for caring for the child (unless it is because the child has died), their entitlement to both ShPL and ShPP will cease immediately and they must inform their CO and Unit HR of this.

27.52. If the SP has any ShPL arranged within eight weeks of their entitlement ceasing, the Service can still require them to take it as ShPL if it is not reasonably practicable for the Serviceperson to return to duty. Any weeks of ShPL arranged after eight weeks of their entitlement ceasing must be cancelled.

27.53. If the remaining parent will be continuing to care for the child then they will still be eligible to take their ShPL entitlement. If the other parent, who is no longer caring for the child had any ShPL entitlement outstanding, the remaining parent will only be able to transfer it into their own entitlement if they can get the signed agreement of the other parent to a notice confirming a variation of leave entitlement.

27.54. **Death of a Parent during the Child's First Year.** If either parent dies, and the other parent is taking, or is entitled to ShPL, then they will continue to be eligible. Any ShPL that was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for ShPL. Should it be necessary for the other parent to take a further period of ShPL or to vary pre-agreed leave then notice may be given as soon as is reasonably practicable if eight weeks' notice cannot be given. If they have already given three notices to take leave they must be allowed to submit one further notice to book/amend ShPL.

Adoption Specific Policy

27.55. **Adoption Placement is Unsuccessful.** Where an adoption placement is unsuccessful and there is less than eight weeks before the SP is due to take ShPL and they inform their CO that they no longer meet the conditions of entitlement, and it is not reasonably practical for the Service to accommodate the change in circumstances, the Service may require the SP to take the leave all or in part.

Surrogacy

27.56. A surrogate mother (the woman who has given birth to the child) has the same rights as any other pregnant woman to maternity leave and pay.

27.57. If intending parents adopt a child through a registered adoption agency and have an Adoption Order, they will be the legal parents of the child. They will then be entitled to adoption leave and pay if they meet the qualifying criteria. Intended parents in a surrogacy arrangement who are entitled to adoption leave and pay (ie those who intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008) will also be entitled to SPL and ShPP, if they meet the qualifying criteria.

Reckonable/Non-Reckonable Leave

27.58. For guidance on whether service is reckonable/non-reckonable on taking Paternity Leave please refer to the table at [Chapter 29](#).

Other ShPL Provisions

27.59. **Childcare.** Service personnel are responsible for making their own arrangements for the care of their children and for meeting the costs involved.

27.60. **Service Accommodation.** The tri-Service Accommodation Regulations including liability for accommodation charges and entitlement to provision are set out in [JSP 464 - Tri-Service Accommodation Regulations \(TSARs\)](#).

27.61. **Allowances.** The tri-Service regulations for expenses and allowances are set out in [JSP 752](#) and the tri-Service regulations for pay are set out in [JSP 754](#).

27.62. **Deductions from pay,** such as repayment of loans, advances of pay, messing and accommodation charges will continue to be made while SMP, SAP or Stat ShPP (as appropriate) is paid. When SMP, SAP or Stat ShPP (as appropriate) 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 continue to accrue until pay resumes.

27.63. **Accrual of Annual Leave.** Annual leave (including PH) continues to accrue during ShPL. SP should refer to JSP 760 Chapter 1 on the rules applying to the carry-over of leave.

27.64. **Voluntary payments** to Service benevolent funds and insurance schemes eg PAX, Forces Safeguard, etc will continue to be deducted while Statutory ShPP is payable unless a Serviceperson gives JPAC written instructions to cease deductions. When Statutory ShPP 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.

27.65. **Appraisals.** Details of tri-Service appraisal reporting instructions are set out in [JSP 757](#).

27.65. **Change of PStat Cat.** Service personnel should be aware that notification of ShPL is not a formal notification of change in PStat Cat. The requirement to notify their unit HR staff of any changes to their family circumstances remains in accordance with [JSP 752 para 01.0120d](#).

28 Parental Leave

Aim

28.1. The aim of Parental Leave is to allow Service personnel unpaid leave to look after their child's welfare by, for example: spending more time with the child; settling a child into new childcare arrangements; looking at new schools; or accompanying a child during a stay in hospital. (NB: Parental Leave should not be confused with Shared Parental Leave, details of which can be found in Chapter 27).

Entitlement

28.2. Parental Leave allows 18 weeks' leave for each parent of each child and adopted child, up to the child's 18th birthday. The limit on how much parental leave each parent can take in a year is 4 weeks for each child.

28.3. 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

28.4. To qualify for Parental Leave, Service parents must meet the following eligibility criteria:

- a. They must have served in the Armed Forces continuously for one year by the time they want to take the leave.
- b. They must be named on the child's birth or adoption certificate.
- c. They must have, or expect to have, legal parental responsibility for a child under 18.

28.5. 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, they 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. Foster parents are not eligible for Parental Leave unless they have secured parental responsibility through the courts.

28.6. Parental Leave is an individual right and may not be transferred from one parent to another or anyone else. Also, entitlement to Parental Leave applies to each child, not to an individual's employment. This means, for example, that if a parent has used up 10 of their 18 weeks of leave with a previous employer, they would only have an entitlement to 8 weeks with their new employer.

28.7 **Reserve Personnel.** 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 of the 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.

Timing of Parental Leave

28.8. Subject to completing a year's continuous service in the Armed Forces and meeting the eligibility criteria set out above, a Service Person who is a parent can take 18 weeks' unpaid leave for each child born or adopted. The leave can start once the child is born or placed for adoption, and once the parent has served in the Armed Forces continuously for one year, whichever is later.

28.9. Parental Leave may be taken immediately after Maternity or Adoption Leave, or before or after Annual Leave provided that the proper notice has been given (see para 28.1).

Length of Leave

28.10. Eligibility commences at 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 18 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 over 7 days.

28.11. Leave must be taken in blocks of one week (ie normally 7 calendar days) unless the child is disabled, in which case periods of less than 7 days may be taken. If less than one week is taken and the child is not disabled, 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 18-week entitlement.

Application for Leave

28.12. A request for Parental Leave should, where possible, 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.

28.13. 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 or adoption certificate.

28.14. An application for Parental Leave may be made 21 days before the week the child is due or adopted, provided that a medical certificate confirming the expected date of birth or evidence that the adoption process is proceeding is produced.

28.15. Applications for Parental Leave should be made using JPA Form R001.

Deferral of Leave

28.17. If it is considered by the Chain of Command that the granting of Parental Leave would be detrimental for operational reasons, then the leave may be deferred for up to 12 months.

28.18. The reason for deferring the leave must be given in writing no later than 7 calendar days after the application has been submitted using the form at Annex B to this chapter.

The letter should include the reasons for deferring the leave and provide dates when the leave may be taken. Where Parental Leave is deferred the Chain of Command should negotiate mutually agreed alternative dates. Operational requirements may justify prolonged deferral. Single-Service policy branches should be consulted for policy advice before leave is refused. The reason for deferring 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.

28.19. If deferring a period of Parental Leave results in the deadline for taking the leave being exceeded (e.g. the child has reached the age of 18), the deadline should be extended to allow the full entitlement to be taken.

28.20. 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 this is required for operational reasons.

Reckonable/Non-Reckonable Leave

28.21. For guidance on whether service is reckonable/non-reckonable on taking Parental Leave please refer to the table at [Chapter 29](#).

Returning to Work After Parental Leave

28.22. Where the period of Parental Leave is 4 weeks or less and does not take place immediately after a period of Additional Maternity Leave or Additional Adoption Leave, the Service person has the right to return to the job to which they were assigned before the absence.

28.23. Where the period of Parental Leave is 4 weeks or less and does take place immediately after a period of Additional Maternity or Additional Adoption Leave, the Service person is entitled to return to the job to which they were assigned before the absence, unless it is not reasonably practicable to do so.

28.24. Where a Service person takes Parental Leave for a period of more than 4 weeks (for example to cover instances where there is more than one qualifying child) they are entitled to return to the same job to which they were assigned before the absence unless it is not reasonably practicable to do so.

28.25. In a case falling within paras 28.22 and 28.23 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 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.

29 Table of Reckonable and Non-Reckonable Leave

An updated version of this table will be available in due course.

In the interim, you should seek advice from your single Service POC in the first instance.