

## **NPCC National Reward Team**

### **Maternity & Adoption Leave Entitlement - Guidance Document**

#### **Introduction**

This document will inform all forces of the changes to both Maternity and Adoption Leave. Qualifying officers will have occupational maternity pay increased from 18 to 26 weeks.

Ministers have agreed this determination change will become effective on 4th January 2021 and, so this will benefit those officers who become entitled to payments on or after 4<sup>th</sup> January 2021 and those still receiving the current entitlement of 18 weeks (who will have started their entitlement on or after 1<sup>st</sup> September 2020). The option remains to spread the final five weeks of pay over 10 weeks, at half their full pay.

This change will also include qualified officers who adopt from 4th January 2021. This change will also apply to those officers still receiving the current entitlement of 18 weeks (who will have started their entitlement on or after 1<sup>st</sup> September 2020).

The above changes do not affect the qualifying criteria that apply to the payment of SMP or SAP.

#### **Maternity Leave**

##### **Police Maternity Pay Entitlement (PMP)**

Under Annex L Determination to receive full pay officers, need to have served for a period of no less than 63 weeks.

Annex R Determination defines the “maternity period” as a 15 month period which either:

- a) Begins six months before the expected date of birth and
- b) Ends 12 months after the date given

As currently, officers need to give notice to take maternity leave as soon as possible in accordance with their respective force policies. Forces will then need to complete relevant health and safety legislation. This includes a risk assessment (subject to an ongoing review) up to and upon return to work. Please refer to individual force policies.

An officer returning to work before the end of their maternity leave need to give 21 days’ notice in writing. The officer can change the date of their return at any time provided they give at least 21 days’ written notice. An officer may return on a flexible working basis or have a career break. In this instance, they need to seek the individual force policy.

Officers are entitled to annual leave and public bank holidays whilst on occupational maternity leave. The officer can use this accrual before or at the end of their maternity leave. If an officer decides not to return, they are paid any remaining accrual when leaving the service. This is pro rata to the last day of service.

Officers pay pension contributions at the appropriate percentage whilst on maternity leave. When an officer's rate of pension contribution changes i.e. half pay or no pay, this will affect their pension. Officers have one month to top up their pension contribution in arrears. This is also known as reckonable service. Please refer officers to contact HMRC. Unless an officer has opted out of the pension scheme.

## **Adoption Leave**

### **Adoption Leave Entitlement**

Under Annex R Determination, officers with less than 26 weeks of service receive one-week of full pay. Those who have served more than 26 weeks will now receive 26 weeks, increasing from 18 weeks of full pay.

Officers qualify for adoption occupational leave when they give notice stating:

- a) That the member has been matched with a child for adoption (this includes surrogacy and foster to adopt)
- b) the date on which the child is expected to be placed with the member for adoption; and
- c) the date on which the member intends to commence adoption leave.

Officers need to notify their force they qualify for adoption leave as soon as possible. An officer matched with a child who is a stepchild or foster child does not qualify for adoption leave. If a couple is adopting a child, only one can take adoption leave. If an officer places more than one child at the same time this will not mean they get extra adoption leave.

If an officer intends to return to work before the end of their adoption leave, they should give forces 28 days' notice.

Officers will be entitled to annual leave and public bank holidays whilst on adoption leave.

Qualified officers also receive statutory adoption pay. This is by Part XIIZB of the Social Security Contributions and Benefits Act 1992.

### **Overseas adoption**

Overseas adoption requires the UK authority's official notification the parent can adopt. This will need to include proof of the date the child arrived in the UK, for example, a plane ticket.

### **Surrogates**

Officers must give a written statement, (statutory declaration) to confirm:

- they intend to apply for a parental order within 6 months after the baby's birth
- expect the order (for example because they do not have any convictions involving children)