



**HEDDLU**  
**GOGLEDD CYMRU**  
**NORTH WALES**  
**POLICE**

Response Date:02/12/2024

**2024/1075 - Parental leave policy**

In response to your recent request for information regarding;

- 1. The parental leave policy currently in place at your police force. I would like to understand how much time, and at what rate of pay are mothers, fathers and birth partners allowed to take?**

Please find attached policies for Police Officer and Police Staff.

- 2. Please can you provide data on the uptake of that policy, broken down by year over the past three years?**

The table includes Police Officers and Police Staff

| Leave Type                        | 2021      | 2022       | 2023       | 2024       |
|-----------------------------------|-----------|------------|------------|------------|
| ADOPTION APPOINTMENT LEAVE (PAID) |           |            |            | 2          |
| UK ADOPTION                       |           |            | 1          |            |
| UK MATERNITY                      | 39        | 69         | 69         | 55         |
| UK PATERNITY (BIRTH)              |           | 34         | 61         | 58         |
| UK SHARED PARENTAL LEAVE          |           | 1          | 1          | 1          |
| <b>Grand Total</b>                | <b>39</b> | <b>104</b> | <b>132</b> | <b>116</b> |

- 3. If you have the information, I would like the uptake of that policy broken down by category - how much leave was taken by mothers, how much by fathers or birth partners per year**

This information is not held.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST  
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 29/11/2024



**HEDDLU  
GOGLEDD CYMRU  
NORTH WALES  
POLICE**

## **Duties and Leave Police Officers**

|                                 |                                               |                 |     |
|---------------------------------|-----------------------------------------------|-----------------|-----|
| <b>Governance:</b>              | Senior Leadership Team                        |                 |     |
| <b>Document Type:</b>           | Policy                                        |                 |     |
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| <b>Recommended Review Date:</b> | 30/10/2023                                    |                 |     |

# POLICY

| CHANGE HISTORY |                       |                                                                             |              |
|----------------|-----------------------|-----------------------------------------------------------------------------|--------------|
| Version No     | Author                | Changes                                                                     | Ratification |
| 2.1            | ...                   | Reformatted to new template                                                 | N/A          |
| 2.3            | ...                   | Minor amendments to para 6.15 and para 5.8.9 added                          | N/A          |
| 2.4            | ... Corporate HR Lead | Amendments to para 6.13 Parental Bereavement Leave to match Reg 33 Annex TA | N/A          |

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## 1. WHY IS THIS POLICY REQUIRED?

This policy will provide clear guidance on:

- 1.1 Entitlements for working overtime, working on a rest day, public holiday, or free day.
- 1.2 Annual leave entitlements and working on an annual leave day.
- 1.3 Allocating a Winsor Day.
- 1.4 Entitlements for other types of leave or time off such as compassionate leave, paternity leave etc.
- 1.5 Procedure and rules to deal with adverse weather conditions.
- 1.6 The application of the Working Time Regulations.
- 1.7 Being on-call.

## 2. WHO SHOULD USE THIS POLICY?

- 2.1 This policy should be used by Police Officers only. Police Staff should refer to the Conditions of Service which can be found [here](#).

## 3. WHAT SHOULD I CONSIDER WHEN USING THIS POLICY?

- 3.1 This policy has been written based on the Police Regulations. Officers should refer to the regulations for additional information.
- 3.2 For further information, guidance and tutorials on overtime and TOIL Officers can access the HR SharePoint site [here](#)

## 4. ROLES AND RESPONSIBILITIES

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4.1 LINE MANAGERS</b>       | <ul style="list-style-type: none"> <li>• Are expected to maintain visibility of the Optimum balances of individuals in their teams and ensure that TOIL, Annual Leave etc. are managed effectively and individuals supported to take time off;</li> <li>• Authorise any claims for overtime or TOIL ensuring that the details entered on the system are correct, the budget is available to pay the overtime, and that it is feasible for the officer to take the TOIL within the specified time frame;</li> <li>• Ensure that officers do not have negative balances in either their TOIL or rest day balances;</li> <li>• Ensure that sufficient cover is maintained before granting Annual Leave.</li> </ul> |
| <b>4.2 INDIVIDUAL OFFICERS</b> | <ul style="list-style-type: none"> <li>• Responsibility to update Optimum through HR Self-Service to ensure the correct times are recorded for days worked;</li> <li>• Ensure that adjustments are requested and authorised by a supervisory officer before making any claim for overtime or TOIL;</li> <li>• Ensure that the correct codes are used for any claims for overtime or TOIL;</li> </ul>                                                                                                                                                                                                                                                                                                            |

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | <ul style="list-style-type: none"> <li>• Take personal responsibility for proactively managing and taking their time off to maintain a good work life balance;</li> <li>• Ensure that TOIL and rest day balances are never negative;</li> <li>• Ensure that Optimum is always up to date to enable Line Managers and Resource Management Unit to effectively plan duties and to enable AJD to schedule court attendance.</li> </ul> |
| <b>4.3 SERVICE AREA LEADS</b> | <ul style="list-style-type: none"> <li>• Responsible for the annual overtime budget in their respective areas and will delegate nominated individuals to monitor its allocation as required.</li> </ul>                                                                                                                                                                                                                             |

## **5. DUTIES INCLUDING ANNUAL LEAVE, OVERTIME AND TOIL**

### **5.1 Duty Day**

The Chief Constable has decided for the purposes of the Regulations the expressions 'week', 'fortnight' and 'month' mean periods of seven days, fourteen days and four weeks respectively, commencing at 7 am on the first Monday in each leave year. A duty day for members on day, evening or broken shift duty will commence at 7am and end at 7am the following day, unless this is formally varied by a Variable Shift Agreement (VSA).

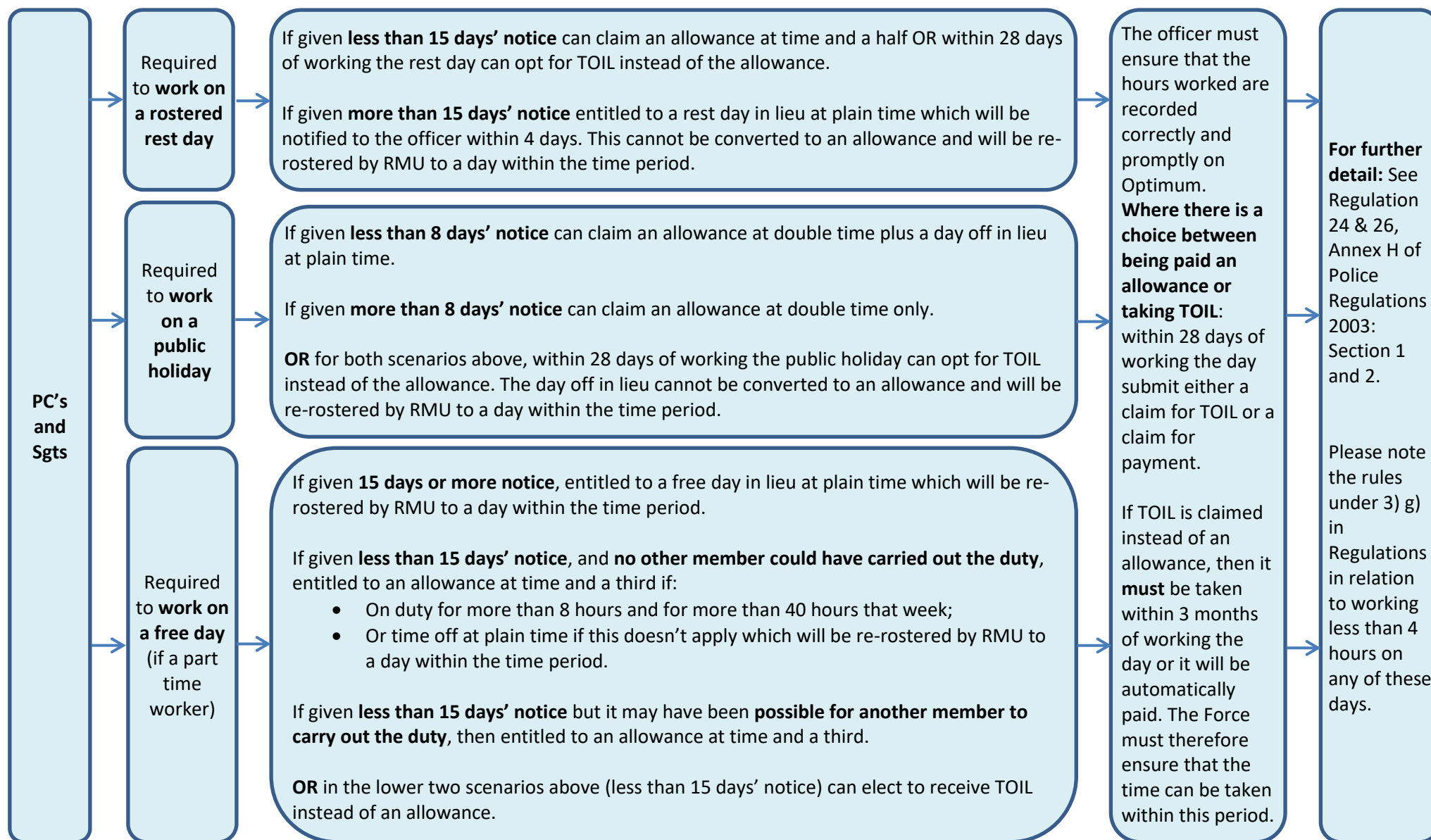
### **5.2 Management and Recording of Duties including Overtime and TOIL**

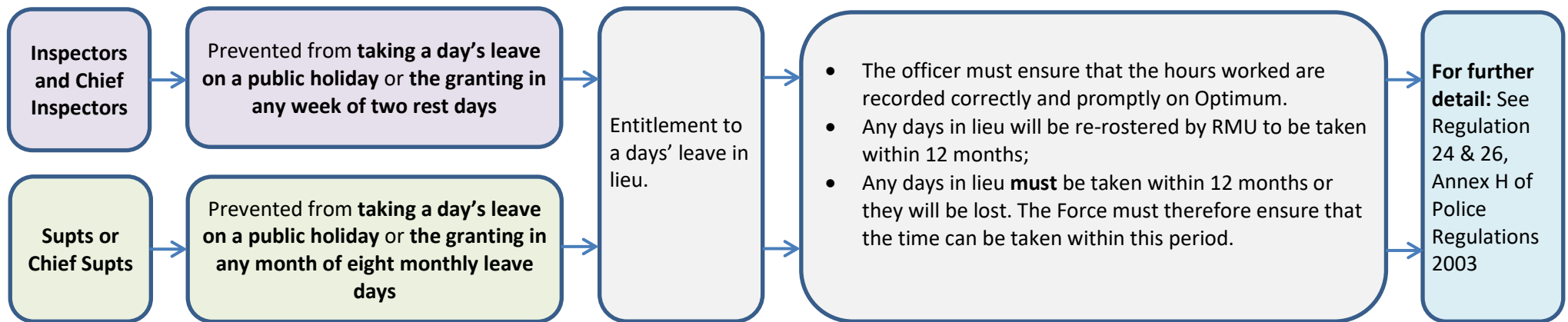
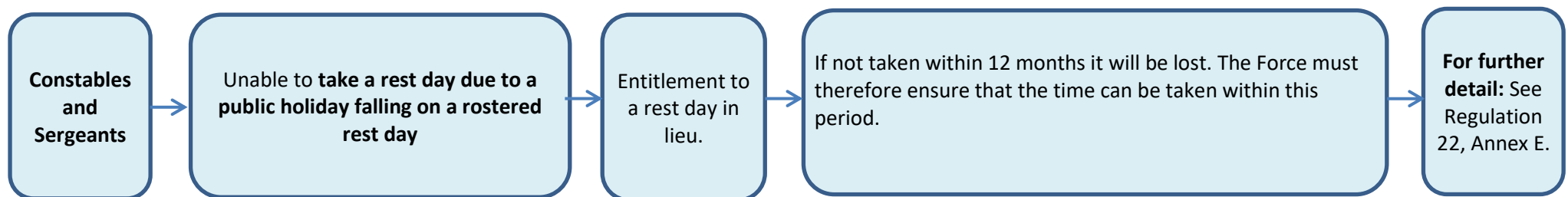
5.2.1 Hours of duty will be as per Police Regulations, Local Agreements and whatever Variable Shift Agreements are current. These are all recorded and managed through Optimum by the Resources Management Unit (RMU), officers and their supervisory officers. Optimum is part of the HR Self Service which also includes the facility for making claims for financial payment in relation to the duties set out in this policy.

5.2.2 Hours worked which then lead to a claim for time off in lieu or for payment must be entered on Optimum in order for claims to be made.

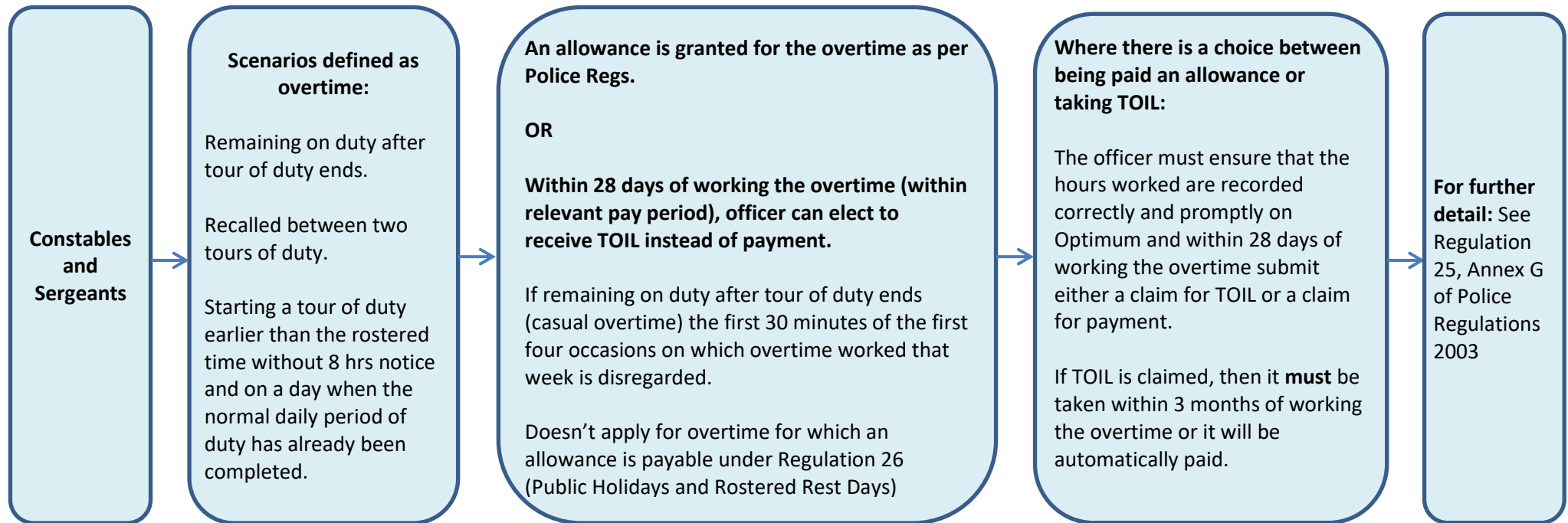
5.2.3 Please note there are particular rules set out in Police Regulations (Annex X and Annex J) about those carrying out Acting or Temporary roles and the entitlement to overtime. Please read the summary guide within the Pay folder of the HR SharePoint site [here](#).

### 5.3 Requirement to work on a rostered rest day, a public holiday, or a free day:

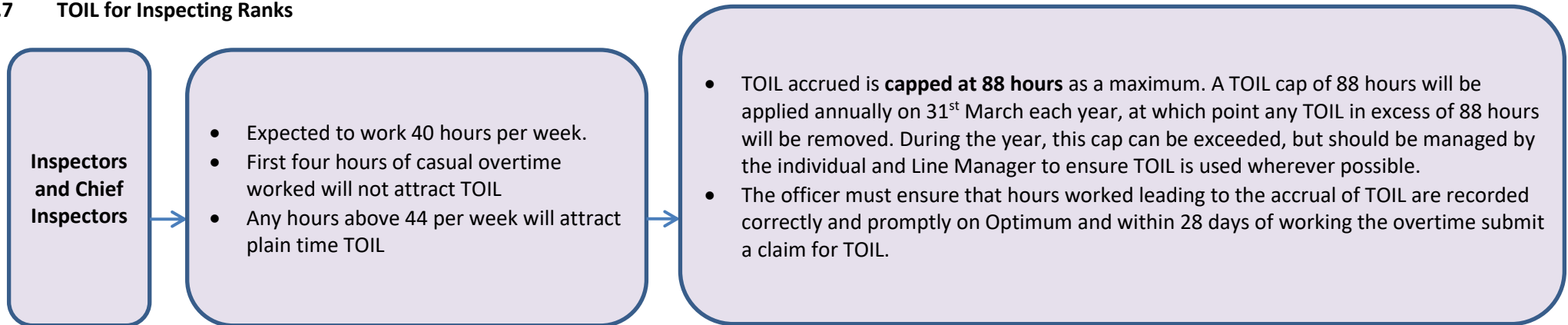


**5.4 Prevented from taking leave on a public holiday and/or prevented from taking a rest day:****5.5 Unable to take a rest day due to a public holiday:**

## 5.6 Scenarios defined as overtime and relevant entitlements



## 5.7 TOIL for Inspecting Ranks



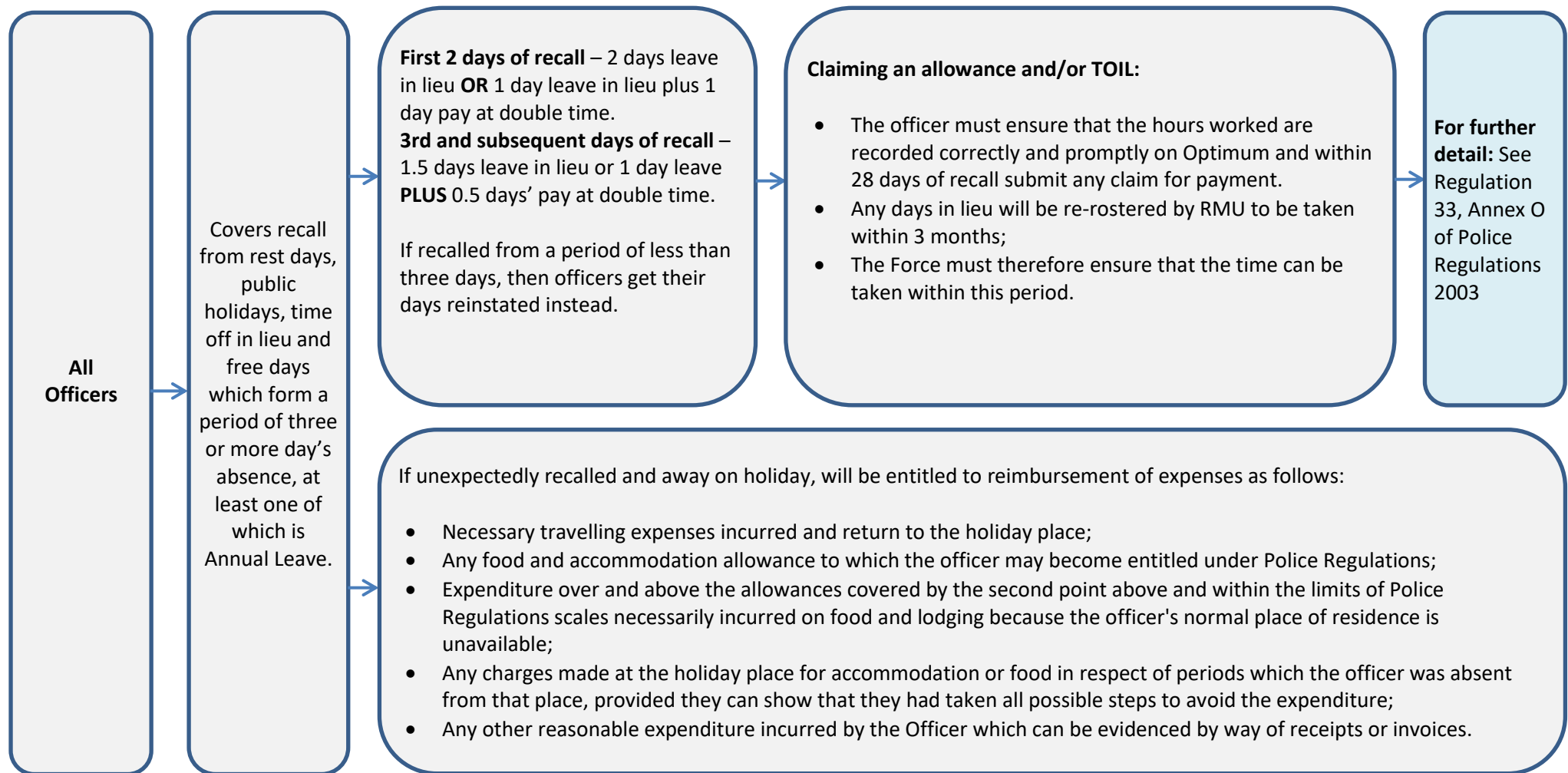
## 5.8 Annual Leave

Please see Annex O, Regulation 33 within the Police Regulations 2003 for details regarding entitlements and granting of annual leave.

|       |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.8.1 | <b>Leave Year</b>                          | Period of twelve months commencing 1 <sup>st</sup> May and ending 30 <sup>th</sup> April the following year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5.8.2 | <b>Requests for Annual Leave</b>           | Requests should be made at least 28 days prior to its commencement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 5.8.3 | <b>Leave Periods</b>                       | Summer Period: 1 <sup>st</sup> May to 31 <sup>st</sup> October<br>Winter Period: 1 <sup>st</sup> November to 30 <sup>th</sup> April<br><br>Annual leave taken during the Summer Period should not exceed two thirds of the annual leave entitlement.                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.8.4 | <b>Annual Leave During School Holidays</b> | Officers will normally be restricted to a maximum continuous period of 14 days annual leave during this period.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 5.8.5 | <b>Granting Annual Leave</b>               | Supervisory officers are responsible for granting Annual Leave through the Optimum system. This must be done following authority from the Service Lead and/or Resources Management Unit to ensure that sufficient cover is maintained.                                                                                                                                                                                                                                                                                                                                                                                                    |
| 5.8.6 | <b>Court Attendance</b>                    | Officers must ensure that their duties are always up to date so that AJD can provide accurate availability to the courts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 5.8.7 | <b>Secondments and Annual Leave</b>        | Officers commencing secondments will be advised how they will maintain their leave records. Those on mutual aid will still be required to maintain their leave records on Optimum. Please refer to the Secondment Procedure within the Recruitment Policy.                                                                                                                                                                                                                                                                                                                                                                                |
| 5.8.8 | <b>Annual Leave Carry Over</b>             | There will be an automatic carry over allowance of 5 days leave per year if this has not been taken. In exceptional circumstances, Functional Area Leads may extend this allowance.<br><br>Financial payment will not be made for untaken annual leave from the previous year.<br><br>Officers who have been unable to take annual leave due to long term sickness may carry over up to 20 days annual leave into the leave year immediately following the leave year in which they were due. There is no exception for extending the number of days in this instance unless the sick leave is due to an injury sustained whilst on duty. |

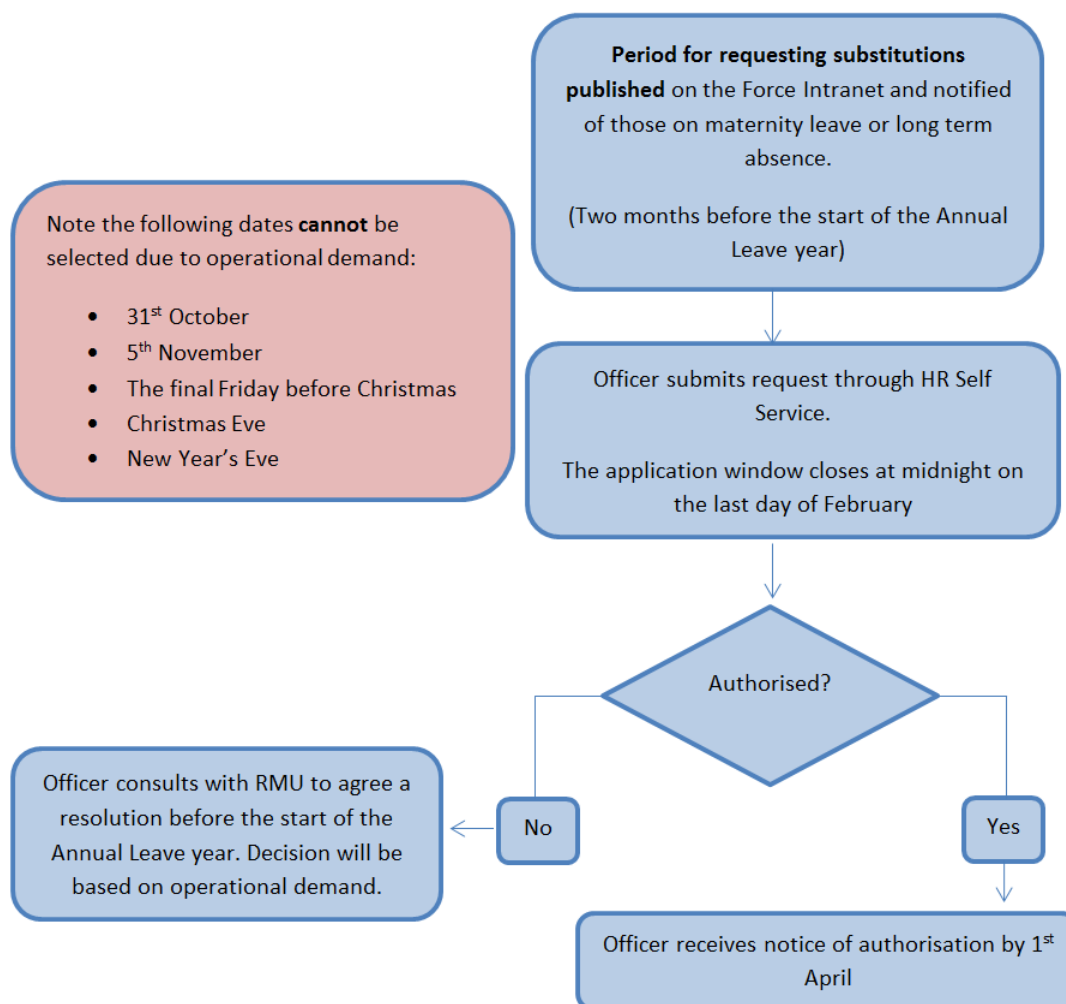
5.8.9 Individuals have a responsibility to check their own annual leave/TOIL/RDIL entitlements and balances are correct. Should there be an error in Force calculations which leads to individuals taking more than their actual entitlements North Wales Police reserve the right to recover the difference. Equally, if it transpires that an individual has received less than their correct entitlements then the Force will add this to the individual's allowances. In the case of North Wales Police recovering the difference the Force will agree an appropriate timeframe with the individual to recover the said amount.

## 5.9 Recall to duty from Annual Leave



## 5.10 Allocation of Winsor Days – (See Regulation 22, Annex E, Section 4 of Police Regs)

5.10.1 Constables and Sergeants may request to substitute a day which is not a specified Public Holiday for any day which is such a Public Holiday with the exception of Christmas Day. The substitute day will be known as a Winsor Day and shown on Optimum as WD. For officers working reduced hours this will be on a pro-rata basis. Any shortfall can be met using TOIL or reallocated rest day accounts as long as they are in credit.



5.10.2. Following substitution of a Public Holiday:

- Should the officer work on the original Public Holiday they will not be entitled to an enhanced rate of overtime.
- Officers who have opted not to retain the official published public holiday will normally be expected to work on that date as they will be paid at the normal flat rate of pay.
- Officers who are rostered to be on a rest day/nonworking day and opt to reallocate their public holiday will become the first officers to have their rest day cancelled due to the cost benefit that will accrue to the force.
- Officers who have booked a Winsor Day and subsequently report sick on that date will not receive a day in lieu.

**6. OTHER TYPES OF LEAVE**

| Type of Leave                                                  | Summary                                                                                                                      |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>Compassionate/Special Leave</b>                             | 5 days paid maximum (Pro rata). Service Leads discretion to extend.                                                          |
| <b>Dependants Leave</b>                                        | 1 – 2 days paid (Pro rata) up to a maximum of 5 occurrences per leave year.                                                  |
| <b>Domestic Issues Leave</b>                                   | 1 – 2 days paid leave.                                                                                                       |
| <b>General Practitioners / Dental / Opticians Appointments</b> | Arrange outside working hours or use TOIL balance.                                                                           |
| <b>Medical Screening / Specialist Hospital Treatments</b>      | Paid time if during working hours at discretion of Line Manager.                                                             |
| <b>North West Benevolent Fund</b>                              | Time off will be granted in works time to attend for treatment during normal working hours                                   |
| <b>Transfer Leave</b>                                          | 3 calendar days.                                                                                                             |
| <b>Maternity Leave</b>                                         | Details found in Force's Maternity Scheme.                                                                                   |
| <b>Maternity Support / Paternity Leave</b>                     | 2 weeks of 40 hours each (Pro-rata).                                                                                         |
| <b>Adoption Leave</b>                                          | 39 weeks Adoption Leave. Pay depends on length of service.                                                                   |
| <b>Unpaid Parental Leave</b>                                   | 18 weeks in maximum blocks of 4 weeks per child per leave year.                                                              |
| <b>Shared Parental Leave</b>                                   | This shared leave can be taken by each parent separately or at the same time.                                                |
| <b>Parental Bereavement Leave</b>                              | Two weeks' leave for parents or primary carers following the loss of a child.                                                |
| <b>Time Off for Antenatal Care</b>                             | As required – paid.                                                                                                          |
| <b>Time Off for IVF</b>                                        | Woman undergoing treatment: 3 days paid, 2 days unpaid per leave year.<br>Partner: 3 day paid, 2 days unpaid per leave year. |
| <b>Time Off for Fosters Carers</b>                             | 1-2 days per annual leave year unpaid (Pro-rata) up to maximum of 3 occurrences.                                             |
| <b>Religious Leave</b>                                         | Use Annual Leave or re-arrange shifts or rest days in liaison with Line Manager.                                             |
| <b>Disability Leave</b>                                        | Reasonable paid time off authorised by Line Manager.                                                                         |
| <b>Voluntary Donation of Organs / Blood / Bone Marrow</b>      | Decision on time off made on case by case basis in liaison with Line Manager/HR/OHU.                                         |
| <b>Gender Reassignment Leave</b>                               | Paid time for medical screening and specialist hospital treatments.                                                          |
| <b>Armed Forces Reservists</b>                                 | See Armed Forces Reservists Practice guide                                                                                   |
| <b>Study Leave</b>                                             | Details can be found in the Learning and Development Framework.                                                              |
| <b>Study Time for Mandatory Training</b>                       | Details can be found in the Learning and Development Framework.                                                              |

| Type of Leave       | Summary                                                                               |
|---------------------|---------------------------------------------------------------------------------------|
| <b>Jury Service</b> | Officers called upon for jury service will be granted reasonable duty time to attend. |
| <b>Special Duty</b> | Special duty is duty time that is being paid for privately, see section 6.25          |

The following provisions are compliant with [Regulation 33](#) of the [Police Regulations 2003](#).

It is the responsibility of Line Managers to ensure any leave within this policy is recorded on Optimum and that appointment cards are provided by the officer if necessary. The Resources Management Unit can provide information in relation to leave entitlements for officers.

## 6.1 Compassionate/Special Leave

6.1.1 Compassionate or Special Leave can be granted for bereavement of close relatives, attendance at funerals of close relatives or for life threatening illnesses of close relatives.

6.1.2 A 'Close Relation' of the officer shall include:-

- Spouse, civil partner, or recognised partner
- Parent or children
- Brother or sister
- Grandparents and grandchildren
- Sister or brother-in-law
- Son or daughter-in-law
- Mother or father-in-law
- Persons standing in loco parentis to the officer, or to whom the officer stands in that relation
- Persons to whom the officer is the recognised carer, or has a special responsibility

6.1.3 The amount of leave granted is at the discretion of the manager up to a maximum of 5 days paid leave. Time off for post holders who work reduced hours will be pro rata.

6.1.4 Dependent upon the circumstances, Service Leads may consider extending this period of paid leave for periods longer than five days.

6.1.5 This does not remove the Service Leads discretion to authorise compassionate or special leave for reasons not covered by this section. This would be based on individual circumstances.

## 6.2 Dependants Leave

6.2.1 Such leave is intended to deal with short-term difficulties or to make arrangements to deal with long-term difficulties. It will normally be restricted to one or two days' duration and shall be paid. This will be pro rata for officers working reduced hours. A maximum of five occurrences a leave year will be granted.

6.2.2 An emergency is when someone who depends on you:

- Is ill and needs your help
- Is involved in an accident or assaulted
- Needs you to arrange their longer term care
- Needs you to deal with an unexpected disruption or breakdown in care, such as a childminder or nurse failing to turn up
- Goes into labour

6.2.3 For the purposes of this section those classed as dependants are:-

- Spouse, civil partner, or recognised partner

- Child or parent
- Someone living with you as part of your family.
- Others who rely solely on you for help in an emergency may also qualify.

6.2.4 Officers are entitled to apply for reasonable time off for specified reasons affecting a dependant. If leave beyond two days is required, this will be granted on an unpaid special leave basis or compassionate leave may apply.

6.2.5 Officers should advise their Line Manager as to the reasons for the dependants request and how long they expect to be off.

### **6.3 Domestic Issues Leave**

6.3.1 Officers are entitled to apply for reasonable time off to deal with short-term domestic issues requiring immediate attention such as flooding, burglary, and fire damage and to make arrangements to deal with long-term difficulties in relation to these issues.

6.3.2 It will normally be restricted to one or two days' duration and shall be paid. If leave beyond two days is required, this will be dealt with by the use of change of shifts, annual leave etc.

6.3.3 Where an officer is called home part way through a working day to deal with such an eventuality, the rest of the shift/attendance may be regarded as paid leave.

### **6.4 General Practitioners/Dental/Opticians Appointments**

All appointments should be scheduled as far as possible, outside of duty time. Where this is not possible, Line Managers should ensure that the time is made up later or that any TOIL credit is used. All such appointments should be agreed with the Line Manager.

### **6.5 Medical Screening/Specialist Hospital Treatments**

Necessary time off shall be granted for the purpose of appropriate screening. Where appointments for specialist hospital treatment / screening / testing are only provided during normal working hours these may be approved as authorised absences. The annual allocation of paid days is at the discretion of the Line Manager taking into account the individual circumstances of each case.

This is not applicable for elective cosmetic surgery treatment, screening, or testing. Any officer undergoing gender re-assignment may qualify under this scheme. See Section 6.20 for further details.

### **6.6 North West Benevolent Fund**

The North West Benevolent Fund provides treatment to Police Officers who pay for individual membership. It also provides treatment to Police Staff and Officers as individuals or teams who are nominated for a wellbeing stay through the Force membership. Time off will be granted in work time (to include travel time) to attend for treatment, whether this is at the North West Benevolent Fund Centre in Lancashire (for a full day of treatment or a programme that includes an overnight stay), or at other locations closer to or within the North Wales Police area.

Where treatment includes an overnight stay, only the normal working hours will count as paid working time; any hours outside of this, including the overnight stay are in the individuals own time. Individuals will not be able to claim subsistence or overnight allowance in these circumstances.

Individuals claiming for travel costs to attend treatment must ensure that they have 'business cover' on their motor insurance.

**6.7 Transfer Leave**

Service Leads are authorised to grant, at their discretion, three calendar days leave to officers who are required, by NWP, to move home as a result of a transfer of workplace. This special leave will be taken on the day preceding removal, the day of removal and the day following removal.

**6.8 Maternity Leave**

Details of maternity leave allowances can be found in the [Maternity Guide for Police Officers](#) and in Annex R of Regulation 24&33, Police Regulations 2003. You can also refer to the Maternity Leave folder of the HR SharePoint site for an application form and summary of entitlements.

**6.9 Maternity Support/Paternity Leave**

6.9.1 An officer who is the child's father or the partner or the nominated carer of an expectant mother is entitled to maternity support leave (also referred to as Paternity Leave), at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth.

6.9.2 All officers meeting the above criteria are entitled to 2 weeks maternity support leave; the first week (40 hours or pro-rata for reduced hour's workers) is paid. Those officers who have 26 weeks continuous service at the 15th week before the expected week of confinement will be entitled to be paid for the second week (40 hours or pro-rata for reduced hours workers) at Statutory Paternity Pay rate.

6.9.3 All leave taken as maternity support leave is pensionable, reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

**6.10 Adoption Leave**

6.10.1 An officer adopting is entitled to 5 days (1 week) paid leave, irrespective of length of service.

6.10.2 Officers with 26 weeks service but less than one year continuous service at the time of notification of being matched with a child are eligible for a further 38 weeks adoption leave paid at statutory adoption pay rate.

6.10.3 Officers who have over one year continuous service are entitled to full pay for the first 26 weeks adoption leave then up to 13 weeks leave paid at statutory adoption pay rate (with effect from the 4<sup>th</sup> January 2021). Officers can if they wish spread the last five weeks of adoption leave at full pay over ten weeks on the same basis as the maternity pay arrangements.

6.10.4 Adoption pay and leave arrangements should mirror police maternity pay and leave arrangements.

6.10.5 Leave taken as adoption leave will be reckonable for incremental pay, leave purposes and count as continuous service.

6.10.6 Adoption leave is applicable to only one partner, not both. The remaining partner will be eligible for 2 weeks paternity/maternity support leave at section 6.9 above.

**6.11 Unpaid Parental Leave**

6.11.1 To qualify for parental leave, the officer must have completed at least one year's continuous service. The following are the entitlements available:

- Parents are entitled to take up to 18 weeks' unpaid parental leave for each child and adopted child, up to their 18<sup>th</sup> birthday.

- The maximum unpaid parental leave that each parent can take in a year is 4 weeks for each child.
- Unpaid parental leave must be taken as whole weeks rather than individual days and individuals must give 21 days' notice before their intended start date.

6.11.2 Contractual rights and obligations continue through the period of parental leave (except remuneration), and officers are protected against detriment or dismissal. If leave is taken for 4 weeks or less the officer should return to the same job. If the period taken is for more than 4 weeks, the return may be to another similar and appropriate position.

## **6.12 Shared Parental Leave**

Shared Parental Leave (SPL) applies to parents whose baby is due on or after 5 April 2015 or are adopting a child due to be placed on or after 5 April 2015. Shared Parental Leave replaces Additional Paternity Leave.

If the mother decides to curtail her maternity leave, or an adopter decides to curtail their adoption leave, any remaining leave can be converted into Shared Parental Leave (SPL) and shared between both parents if eligibility criteria are met.

This shared leave can be taken by each parent separately or at the same time.

The amount paid during the leave depends on the entitlements from each parent's employer.

Please refer to the HR SharePoint site and click on the link to Shared Parental Leave for more information.

## **6.13 Parental Bereavement Leave**

Officers are entitled to two weeks' leave following the death of a child under the age of 18, or a stillbirth after at least 24 weeks of pregnancy. In the case of stillbirth the date of death is taken to be the date the child is stillborn.

These provisions apply to any officer, regardless of length of service, who is a 'bereaved parent'. For these purposes, a bereaved parent is any of the following to the child at the date of death:

- a) A parent;
- b) A natural parent of a child who has been adopted, but there is a court order providing for contact with the child;
- c) A person with whom a child has been placed for adoption, for so long as that placement has not been disrupted;
- d) A prospective adopter who is living with the child following the child's entry into Great Britain from overseas for adoption purposes, and has received official notification of their eligibility to adopt;
- e) An intended parent under a surrogacy arrangement;
- f) A parent in fact;
- g) The partner of any of the above.

An Officer is entitled to take a period of leave, known as 'parental bereavement leave', which may be taken either as one week, two consecutive weeks or two separate weeks at different times. A 'week' is any period of seven calendar days and the leave must be taken as whole weeks. Both weeks will be on full pay.

Parental bereavement leave can be taken at any time in the period of 56 weeks beginning with the date of death.

Where more than one child has died or been stillborn, the Officer is entitled to a separate period of leave in relation to each child

There is no qualifying period of service to be eligible for this leave.

When giving notice the officer should specify:

- a) The date of the child's death;
- b) The date on which they choose that any period of leave to start; and
- c) Whether they intend that period of absence to be for one or two weeks.

For parental bereavement leave starting within the first 56 days or 8 weeks of the period starting with the date of death, the Officer must give notification no later than the time they are due to start work on the day that they start parental bereavement leave. However, if this is not reasonably practicable the Officer must give notification as soon as reasonably practicable afterwards. If an Officer is already at work during this period and they give notification of their intention to begin their leave on the same day, the period of parental bereavement leave begins on the next day.

For parental bereavement leave starting after this period (weeks 9 to 56 after a child's death) the Officer should give at least one week's notice of their intention to take parental bereavement leave wherever possible, or as soon as reasonably practicable otherwise.

Officers can change or cancel their weeks of parental bereavement leave within the same periods of notice as set out above. However, a week of parental bereavement leave cannot be cancelled if it has already commenced. A period of parental bereavement leave commences on the date specified in the notice, unless cancelled, or the exception referred to above applies.

#### **6.14 Time Off for Antenatal Care**

All pregnant officers are entitled to paid time off to attend antenatal care appointments made on the advice of a registered medical practitioner, midwife, or health visitor. Antenatal care may include relaxation classes upon medical advice and parent craft classes.

#### **6.15 Time Off For IVF**

Woman Undergoing IVF Treatment: A period of 3 days paid leave per leave year. This may be followed by 2 days unpaid leave per leave year. It is assumed that any additional time needed, will be taken as; unpaid leave, annual leave entitlement, TOIL or through a change of shift.

The Partner of a Woman Undergoing IVF Treatment: 3 days' paid leave and 2 days unpaid per leave year is given in order to attend necessary appointments and offer support to their partner going through the process. Any additional time should be taken as unpaid leave, annual leave entitlement, TOIL or through a change of shift.

Due to the nature of the process, it is realised that prior notice is not always possible to give. Management should therefore accommodate the request for leave whenever possible.

#### **6.16 Time Off for Foster Carers**

Officers who are undertaking the care of a child / children under a foster care arrangement with a local authority may need to take time off work when placed with a child/children to help the child / children to settle into the new environment. Subject to exigencies of duty a period of 1-2 days duration unpaid leave will be granted for this purpose, up to a maximum of 3 occurrences per leave year. This will be pro rata for post holders working reduced hours.

Time off to attend training, meetings, or appointments in relation to becoming a foster carer should be taken as annual leave, TOIL/change of shifts or unpaid leave.

**6.17 Religious Leave**

All religions have particular holy days that require individual observance. Every effort should be made to allow officers who practice a particular religion or faith to have annual leave on these days. Prior agreement must be reached with the Line Manager who should consider, whenever possible, to reschedule rest days, change of rota or granting of annual leave to enable officers to attend religious festivals

**6.18 Disability Leave**

Where an officer has informed North Wales Police of a disability, in line with the Forces Working with Disability Policy the officer is eligible to take reasonable paid time off as disability related leave. Disability related leave will be recorded on Optimum as paid leave and must be authorised by Line Manager.

**6.19 Voluntary Donation of Organs / Blood / Bone Marrow**

- Donations covered in this section are those that will directly affect the health of another person.
- Blood donations can be made in working time, where the location and timing of the donation would not cause an unreasonably long and/or inconvenient absence.
- Time off for donation of organs/bone marrow will be considered on its own merits and must be in liaison with the Line Manager, HR, and Occupational Health Unit, taking into account individual circumstances and business needs.

**6.20 Gender Reassignment Leave**

- A Line Manager and officer should discuss what time off is likely to be required, and when, if known.
- Time taken to attend medical screening and specialist hospital treatments should be paid in accordance with section 6.5 of this policy.
- Any surgical medical procedure and recovery which incapacitates the individual and prevents them from working should be recorded as sickness absence under the Attendance Management Policy and a FIT note provided if the absence extends past 7 days. This absence should not be counted towards any sickness trigger level or management action.
- An understanding approach, whilst considering operational needs should be adopted if an Officer requests time off to undergo non-medical treatments relating to gender re-assignment e.g. electrolysis for hair removal, or counselling. An officer may also request to take a period of leave before returning to work in their true gender. If the absence is not covered by a GP's FIT Note, then it should be considered from the normal annual leave entitlement or TOIL account.

**6.21 Armed Forces Reservists**

Please refer to the NWP Armed Forces Reservists Practice guide.

**6.22 Study Leave**

Officers studying in their own time, dependent upon the nature of the course, may be granted limited duty time to complete their studies. The details of what is considered an "approved course" and the arrangements for granting of duty time can be found in the Learning and Development Framework.

**6.23 Study Time for Mandatory Training**

Officers studying for mandatory training will be provided with time for the completion of these studies. Details are provided in the Learning and Development Framework.

**6.24 Jury Service**

Police Officers may be required to attend court for Jury Service. Officers called upon for jury service will be granted reasonable duty time to attend. This will be recorded as such on Optimum. Any expenses incurred such as traveling, childcare, refreshment etc. should be claimed by the individual from the courts.

Duty planning for Jury Service – officers required for Jury Service should be shown for resources planning purposes as working Monday – Friday with their rest days on weekends.

#### **6.25 Special Duty**

Special duty is duty time that is being paid for privately. For example film companies when filming will pay to hire an officer for road closures etc. Officers who perform special duty will claim for such duty on the appropriate form. This will be submitted to Payroll to enable the invoices to be prepared for onward transmission to the person requesting the service. Rates will be as per Police Regulations.

## **7. ADVERSE WEATHER CONDITIONS**

|                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Unable to get to work due to severe weather conditions</b>                                          | <p>Apply for annual leave or use existing TOIL</p> <p>Consider potential to re-roster a rest day if additional payment would <u>not</u> be incurred</p>                                                                                                                                                                                                                                                                                                                  |
| <b>Unable to work because of domestic problems / need to care for dependants due to severe weather</b> | <p>Apply for annual leave or use existing TOIL</p> <p>Consider using Dependants Leave if the relevant criteria are met</p>                                                                                                                                                                                                                                                                                                                                               |
| <b>Normal workplace closed or inaccessible e.g. cut off by floods</b>                                  | <p>Consider working from another workplace and if this is possible complete an appropriate risk assessment to evaluate any operational difficulties</p> <p>If there is no alternative workplace, there will be no loss of salary and the officer will not be expected to use Annual Leave or TOIL</p>                                                                                                                                                                    |
| <b>Able to get to work but delayed due to severe weather conditions</b>                                | <p>If the individual has made all reasonable efforts to arrive at the usual time, they will be treated as arriving at their planned start time</p>                                                                                                                                                                                                                                                                                                                       |
| <b>Leaving early due to severe weather conditions</b>                                                  | <p>If the individual has concerns about getting home due to the severe weather conditions (e.g. due to the distance to travel, reliant on shared transport or collection of children), managers have discretion to allow them to leave early. They will be considered as having completed their duty time.</p> <p>Not all individuals will be able to be released – each case will be considered fairly on its own merits and in light of exigencies of the service.</p> |

Senior Management Teams should ensure that appreciation is expressed to all those who are able to attend work and keep services running despite the adverse weather conditions.

## 8. WORKING TIME REGULATIONS

### 8.1 Summary of the Working Time Regulations (WTR)

- 8.1.1 The Regulations, which came into force on the 1<sup>st</sup> October 1998, provide new rights for all workers to ensure they do not work excessive hours. Regulation 41 states that for the purpose of the Regulations the holding of the office of constable shall be treated as employment.
- 8.1.2 Working time is defined as being that time when a worker is working, at the employer's disposal and carrying out activities and duties
- 8.1.3 The Working Time Regulations are extremely complex but the main provisions for all officers are that they:
- Should not be required to work more than a maximum of 48 hours per week (including overtime) averaged over a 17 week period

- Should have a minimum daily rest period of 11 consecutive hours
- Should have a minimum rest period of one day per week, which can be aggregated to 2 days in a 14 day period
- Are entitled to paid annual leave as outlined within individuals conditions of service

8.1.4 There are circumstances in which it is possible to deviate from the requirements of the Regulations, these derogations are:

**Where agreement has been reached between the employer and employee to vary the regulations.**

The primary purpose of the regulations is to protect employers and employees from the adverse impact of working long hours. The present legislation allows individuals to opt out of the WTR. Although the force cannot prevent someone from taking this action, it would be inappropriate to allow anyone to expose themselves to potential adverse health impact. There must also be the consideration that the individual may expose themselves or the force to risk should critical errors be made by them if they are over fatigued or otherwise not fit for duty as a consequence of working long hours. Therefore any officer that opts out of the regulatory requirements will still be monitored and will remain part of the managerial responsibility to consider the hours they work.

Officers must not be rostered to breach the requirements except in specified circumstances. The only exception to this is in situations where a person has a notified secondary employment. In these circumstances it must be stressed on the individual that the Force takes primacy. Although we cannot force an individual to adhere to the WTR in consideration of their hours worked in both jobs, they should be strongly advised to consider the effect on them if they exceed their total hours and the possible detriment to their health and working ability. Please see NWP Business Interests and Secondary Employment Policy.

**The duty undertaken results in an ‘inevitable conflict’ with the provisions of the Regulations.**

This has been interpreted by the Health and Safety Executive (HSE) to mean that day to day operational policing must conform to the provisions of the Regulations.

8.1.5 For certain activities, the provision in respect of rest breaks, daily rest, weekly rest, and length of night work may not apply. These groups include those engaged in security and surveillance activities, which require permanent round the clock presence and workers engaged in major incident/enquiry, disaster, terrorist operations, and civil unrest. For such activities, the Force will deviate if operationally necessary from the provisions of the Regulations. The effect of this will be to temporarily suspend Working Time Regulations.

The decision to deviate from the provisions of the regulations should be recorded and reviewed daily, together with the reasons to justify that the incident causes an “Inevitable conflict” with the regulations. This may be for a maximum of seven days. The SIO must ensure that forward planning is in place to scope adequate staffing requirements in order that the deviation from the Regulations ceases as soon as possible.

Each individual case must be fully justified, and a commitment given by line managers to ensure the maximum average permitted working hours are balanced out over a 17-week period. If rest breaks are changed, as per the Regulations, compensation will be provided. A balance is required in terms of ensuring adequate rest/refreshment breaks within health and safety requirements.

## **8.2 Voluntary Work**

Officers who undertake voluntary work should also be aware that the hours they do for this work may also count towards their hours under this legislation.

### **8.3 On Call**

For purposes of WTR, the time when an officer is on call, but otherwise free to pursue their own activities would not be counted as working time. Therefore for these purposes working time will start when they take a call requiring action. This may not be the case if an officer is restricted e.g. on reserve and does not have the freedom to pursue their own activities.

### **8.4 Compliance Guidance**

#### **8.4.1 A Maximum Average Working Week of 48 Hours**

In general the weekly average hours will be averaged out over a 17 week period. Breaches of the weekly hours will be identified through Optimum and brought to the attention of the Command Team. Where appropriate, management intervention will take place and local records should be made of any action taken, for example line managers responsibility, workloads reviewed, time management advice given to managers and individuals etc. Management intervention resulting in action planning to minimise future breaches will be recorded within the manager's and individual's personal record via HR. Federation/UNISON representatives can be invited to sit in where action plans are being addressed.

#### **8.4.2 Consecutive Hours Rest in Every 24 Hours**

Rostered duties will ensure 11 hours consecutive rest in every 24 hours.

If a return to work with less than 11 hours is unavoidable each occasion should be risk assessed, by the line manager/supervisor, from the time the breach is anticipated until adequate compensatory rest is taken. The breach must be justified operationally OR due to personal circumstances.

If officer are required to have less than 11 hours break between shifts then the 11 hour minimum break between the following two shifts should be increased by the shortfall to maintain the total of the two breaks as at least 22 hours (between end of 1<sup>st</sup> shift and beginning of 3<sup>rd</sup> one). A further risk assessment will be needed if this is then not achieved and any shortfall carried on to the next break etc. (See Appendix A for example)

"Compensatory Rest" does not provide an automatic entitlement to reduce working time. The start AND finish times of following shift(s) should be retarded where possible to ensure it is taken. The length of shifts may, however, be reduced if the following shift(s) cannot be adjusted for operational reasons.

Officers who have discretion over their working hours should be regularly reminded by their supervisors of their personal responsibilities to ensure compliance with the Regulations.

#### **8.4.3 Rest days**

One Rest Day in every 7 day period or two Rest days in every 14 day period. These are "rolling" 7 or 14 day periods in which rest days must be granted.

#### **8.4.4 Restrictions on Night Working**

In determining shift patterns for the force the Resource Project will ensure the hours worked at night do not breach the WTR. To this end officers are only permitted to work shift patterns which are authorised such as approved Variable Shift agreements or formal flexible working agreements.

#### 8.4.5 Health Assessments for Night Workers

An officer who regularly works shifts which include nights, irrespective of the shift pattern actually worked, will be classed as a 'night worker' for the purpose of the Working Time Regulations.

Under Working Time Regulations, night time is defined as a period of at least 7 hours which includes the period from midnight to 5 am. This will usually be between the hours of 2300 and 0600 but can be adjusted by local agreement.

A night worker is someone who works at least 3 hrs of their daily working time as a normal course. Therefore any officer who works to 0200 or later, as part of their normal roster, or habitually on un-rostered hours are regarded as Night Workers.

An employer must take all reasonable steps to ensure that a night worker's hours of work (not just the hours of night work) do not exceed an average of 8 hours in each 24 hours over the rolling reference period of 17 weeks.

All night workers will be given the opportunity of a free health assessment. The assessment will take the form of a questionnaire which will be scrutinised by an occupational health professional. The assessments are available to all officers from the Health and Safety website 'Think Right'.

#### 8.4.6 Breaks for those working more than 6 hours

All officers are entitled, in any one shift of at least 6 hours, to a minimum 20 minute break. This is the minimum length of break as required by the WTR. Police Regulations far exceed these and should therefore be followed. The break may not be at the very beginning or the end of the working day.

Compliance with this entitlement must not, however, compromise public and or officer safety.

Managers must be proactive in ensuring refreshment breaks are taken and provide local instruction on how to ensure this, exploiting overlaps to ensure that officers have the opportunity to take a break and perhaps planning breaks for all officers at briefings. Officers must also take personal responsibility to proactively ensure breaks are taken and to ensure that they try to take the break before the end of the shift.

Officers should alert their line manager if meal breaks are not taken who should take steps to negate this reoccurring. Line managers must ensure, as far as possible, that officers actually take required WTR breaks.

### 9. ON CALL

9.1 On-call is defined as being available to respond to a telephone call for advice/instruction and/or an immediate recall to duty to deal with an operational requirement. It is a necessary part of some roles and therefore places restrictions on their private lives when not actually on duty.

For officers, being on-call means being:

- Contactable by telephone/pager at all times. A mobile/pager will be provided for this purpose.
- Accessible, in the sense that the officer can physically reach any place where they might normally anticipate being required to perform their role, within a reasonable period of time.
- Fit for duty, i.e., being free from the effect of drink or drugs, in accordance with the provisions of Force Policy on Substance Misuse.

Police Regulations state that answering the telephone whilst at home on a rest day or after a tour of duty does not generally constitute a recall to duty and does not attract compensation. If a member receives a call which requires necessary action or duty to be performed, this may be a recall to duty, and the member may be eligible for appropriate compensation.

Police Regulations set out the compensatory arrangements that apply where a recall to duty occurs. The relevant sections of Police Regulations are as follows:

Police Regulations Annex H – covers working on a rest day or public holiday

Police Regulations Annex G – covers recall between tours of duty

Police Regulations Annex O – covers recall from leave

Police Regulations Annex U – refers to on-call allowance

## **9.2 Work-Life Balance**

All managers have a general duty of care to ensure that the combination of the working day and any on-call commitment does not make excessive or unreasonable demands upon individuals.

The following will also apply:

- Officers will not be rostered to be on-call during a period of annual leave
- Officers will not be expected to be on-call on weekly rest days or public holidays other than in an emergency or for some other unexpected operational reason
- Officers will not, other than as referred to in the following paragraph (or in exceptional circumstances such as the early days of a major crime enquiry or serious outbreak of public disorder) be rostered to provide an on-call service on more than 20% of their working days.

Exceptionally, there may be cases where a Department finds it impossible to provide a safe and/or effective work patterns from within available resources without breaching the general limit of 20% set out above. Where this occurs a local agreement may be negotiated to exceed that limit which will need the joint support of the Departmental Commander/Departmental Head concerned, the members of staff affected and the Police Federation. In reaching such agreements health and safety considerations will be paramount.

## **9.3 Managing On-Call**

Departmental Commanders and Departmental Heads will arrange that:

- All types of on-call services provided by the Department are formally identified and recorded and lists are maintained of those who provide an on-call service by Resources Management Unit;
- When a post that has associated with it the provision of an on-call service falls vacant and is advertised, the advertisement will contain a reference to the on-call requirement and this should also be included in any Post Profile.
- In respect of all posts within their area of business that have attached to them an on-call commitment, an annual review is conducted to ensure that the requirement remains necessary and is justified.

## **9.4 Occasional Recall to Duty Outside Normal Working Patterns**

A recall to duty outside normal working patterns should not be confused with providing an on-call service. There is no duty roster and no restrictions on the private lives of the individuals involved beyond a general acceptance of the fact that on occasions a recall will occur and a commitment to return to work if called.

Whilst there is an expectation that officers will return to duty if called upon, there is no sanction if an individual is on a particular occasion unable to do so.

A recall to duty always counts as work for the Working Time Regulations (WTR) and will attract payments or compensatory rest periods in accordance with the WTR and Police Regulations.

## **10. DECLARATION & LEGALITIES**

- 10.1 In line with all Force policies, the overarching purpose of this document is to directly support the PCC police and crime plan objectives. Overall the intention of this policy is to make North Wales the safest place in the UK.
- 10.2 In the writing of this policy cognisance has been taken of the college of policing code of ethics (2014).
- 10.3 North Wales Police policies will be written in accordance with the approved corporate format and published on the Force Intranet, allowing access to staff and public, where appropriate, on the pages of the public facing Internet site under the Force publication scheme and Freedom of Information Act 2000.
- 10.4 The following main legal requirements have been identified within this policy:
- Equality Act 2010
  - Human Rights Act 1998
  - The Welsh Language (Wales) Measure 2011 and the Welsh Language Standards for the Chief Constable
  - Data Protection Act 2018
  - Freedom of Information Act 2000
  - Health and Safety Act 1974
- 10.5 This policy has been written giving due regard to the above legislation and has considered the risk of unfair and/or disproportionate impacts on individuals or groups (actual or perceived) and has done so via an equality impact assessment (EIA).
- 10.6 New legislative requirements or changes in Force structure may necessitate a review of this policy document.



**PART 2 SECTION 3 LEAVE**  
**LOCAL AGREEMENT 1**

## **LEAVE SCHEME**

|                  |                                 |            |                               |
|------------------|---------------------------------|------------|-------------------------------|
| Effective Date   | 1 <sup>st</sup> May 2007        | Version 1  | 10 <sup>th</sup> April 2007   |
| Version 2        | 5 <sup>th</sup> January 2010    | Version 3  | 7 <sup>th</sup> July 2011     |
| Version 4        | 12 <sup>th</sup> March 2013     | Version 5  | 11 <sup>th</sup> June 2013    |
| Version 6        | 17 <sup>th</sup> September 2013 | Version 7  | 7 <sup>th</sup> January 2014  |
| Version 8        | 24 <sup>th</sup> June 2014      | Version 9  | 25 <sup>th</sup> August 2015  |
| Version 10       | 30 <sup>th</sup> April 2018     | Version 11 | 6 <sup>th</sup> August 2019   |
| Version 12       | 4 <sup>th</sup> January 2021    | Version 13 | 22 <sup>nd</sup> March 2021   |
| Version 14       | 21 <sup>st</sup> June 2022      | Version 15 | 17 <sup>th</sup> January 2023 |
| Version 16       | 10 <sup>th</sup> July 2023      | Version 17 | 1 <sup>st</sup> December 2023 |
| Version 18       | 3 <sup>rd</sup> April 2024      | Version 19 | 1 <sup>st</sup> August 2024   |
| Ratified at SNCC | 1 <sup>st</sup> August 2024     |            |                               |

### **1. ANNUAL LEAVE ENTITLEMENT AND CONDITIONS**

- 1.1 The table below outlines the full-time annual entitlement for all Police Staff.  
In addition to the below, staff also have a full-time entitlement to 8 public holidays per annum.

Period of Continuous Service

|                                                                                       | 0 – 5yrs      | Over 5yrs      | Over 15yrs     | Over 20yrs     | Over 30yrs     |
|---------------------------------------------------------------------------------------|---------------|----------------|----------------|----------------|----------------|
| <b>Number of Days</b>                                                                 | <b>25</b>     | <b>29*</b>     | <b>30*</b>     | <b>31*</b>     | <b>32*</b>     |
| <b>Hours</b><br><i>based on the normal working day for police staff of 7:24 hours</i> | <b>185:00</b> | <b>214:36*</b> | <b>222:00*</b> | <b>229:24*</b> | <b>236:48*</b> |

\* To commence immediately on completion of relevant years service – pro rata to annual leave year.

- 1.2 The 'leave year' for all staff means the period of twelve months commencing 1<sup>st</sup> May and ending 30<sup>th</sup> April the following year.
- 1.3 As a general rule and subject to the exigencies of duty, annual leave shall be divided into the following periods:

Summer period: 1<sup>st</sup> May to 31<sup>st</sup> October  
Winter period: 1<sup>st</sup> November to 30<sup>th</sup> April

Annual leave taken during the Summer Period will not generally exceed two thirds of the annual leave entitlement.

- 1.4 The authority for granting annual leave lies with the Service Lead/Departmental Head who is responsible for ensuring that there is sufficient cover to maintain minimum staffing levels. However, this function may be delegated to more local line management.
- 1.5 School holiday periods are times of great demand to take annual leave. As a result, Service Leads/Heads of Department will normally restrict individuals to a maximum continuous period of continuous absence, during school summer holiday period, of a maximum of 14 days (in whatever combination of annual leave and rest days).
- 1.6 If school October half term goes into November, leave requests for this week will be classed as summer leave.
- 1.7 Application for annual leave should be made at least 28 days prior to its commencement.
- 1.8 Staff who may be called to give evidence at court must ensure that Justice Services are aware of leave dates at the earliest opportunity.
- 1.9 Any application to amend annual leave rosters must be made to Service Leads/Departmental Heads, unless delegated.
- 1.10 Staff seconded out of the Force will be provided, prior to taking up their post, with details of how they will maintain their annual leave records. Those on mutual aid will still be required to maintain their records on HR Self Service for annual leave and sickness through their division/department.
- 1.11 Annual leave shall be granted in accordance with an individual's Contract of Employment.

- 1.12 Employees starting employment during the annual leave year are entitled to leave proportionate to the number of completed days' service during the year. Leave should be taken at times agreed between managers and post holders.
- 1.13 In the leave year in which an employee completes 5 years' service, if the anniversary is reached mid-month the increase in annual leave will be calculated on the basis of a complete month.
- 1.14 Where entitlements are expressed in days, these will be converted into hours and minutes for the purposes of pro rata calculations and entitlement adjustments/payments.
- 1.15 Individuals have a responsibility to check their own annual leave/TOIL/RDIL entitlements and balances are correct. Should there be an error in Force calculations which leads to individuals taking more than their actual entitlements North Wales Police reserve the right to recover the difference. Equally, if it transpires that an individual has received less than their correct entitlements then the Force will add this to the individual's allowances. In the case of North Wales Police recovering the difference the Force will agree an appropriate timeframe with the individual to recover the said amount.

## **2. ANNUAL LEAVE WHEN CHANGING HOURS MID MONTH**

- 2.1 Employees who change their hours of work (either increasing or decreasing) part way through a leave year will have their annual leave entitlement for that year re-calculated.

## **3. ANNUAL LEAVE WHEN LEAVING EMPLOYMENT**

- 3.1 All leave should be taken before the end of employment. Where this is not possible because of medical retirement or disciplinary issues or other reasons outside the person's control, pro rata payment will be made in respect of untaken holiday entitlement relating to the current holiday year.
- 3.2 There is no entitlement to payment in respect of leave carried forward from one leave year to the next. Consequently, leave not taken which has been carried forward will be lost when an individual leaves employment.

- 3.3 For staff who have been unable to take annual leave due to a long-term sickness absence and who leave the Force due to ill health, there is discretion to pay for all untaken annual leave. This may include leave carried over from previous years in its entirety and is not restricted only to the current holiday year.

The above will only be actioned when an individual has not been able to take annual leave during their sickness period because of the medical condition that has led to the long-term sickness absence. As stated in the Attendance Management Policy, if a member of staff is on a period of sick leave and wishes to take a holiday or absence away from their normal place of residence whether pre-booked or otherwise, they must first seek prior permission from their line manager.

If a staff member who is off long-term sick goes on holiday and does not seek organisational approval for annual leave, and does not deduct it from their leave entitlement, then requesting to be paid for it upon leaving employment will be considered under misconduct guidelines (i.e. fraudulently claiming for payment for something already taken).

- 3.3 Employees leaving employment during the annual leave year are entitled to leave proportionate to the number of completed days' service during the year.
- 3.4 Employees will be paid at their full basic rate for all authorised absence on annual leave. Those who receive regular payments for working arrangements other than normal office hours will be entitled to such payments during such leave.

#### **4. CARRY OVER OF ANNUAL LEAVE**

- 4.1 A Manager may grant the carry over of no more than 5 days from the previous into the following annual leave year at his/her discretion. Service Leads may also, in exceptional circumstances connected with the interests of organisational efficiency, grant more than 5 days.
- 4.2 Staff working reduced hours may carry forward annual leave pro rata to their hours of employment.

- 4.3 Staff who have been unable to take annual leave due to long term sickness may carry over up to 20 days annual leave (pro rata for part time staff) into the leave year immediately following the leave year in which they were due. There is no exception for extending the number of days in this instance unless the sick leave is due to an injury sustained whilst on duty. Annual leave carried over under this provision should be taken within 18 months of the end of the leave year in which it was accrued.
- 4.4 Under the Working Time Regulations there is no entitlement to payment in respect of annual leave which has been carried forward from one annual leave year to the next if the member of staff leaves before taking the annual leave which has been carried forward.
- 4.5 In instances when a police staff member's maternity leave bridges two leave years and they have been unable to take all of their annual leave in the leave year due to being on maternity leave, then they are entitled to carry it over to the appropriate leave year when they return to work. Carried over annual leave should be taken at the end of the maternity leave period, prior to the member of staff returning to work.

## **5. SICKNESS WHILST ON ANNUAL LEAVE**

- 5.1 The staff member must contact their Line Manager (preferably by telephone if possible, however, text message or email are also acceptable) at the commencement of sickness, or as soon as they become aware that there will be a period of incapacity during a holiday. The staff member can get their annual leave reinstated in accordance with the Attendance Management Policy.
- 5.2 Only annual leave, planned TOIL or Rest Days in Lieu lost due to sickness absence can be re-taken. Absence from duty owing to sickness will necessitate the loss of any rest days falling due within the period of sickness.
- 5.3 The Line Manager must delete any period of leave which has been affected by sickness in HR Self Service. The cancellation of leave will reimburse the appropriate entitlement balances.

- 5.4 The staff member must ensure that their daily duties have been correctly recorded, and that they are shown as sick for the appropriate number of days.

## 6. PUBLIC HOLIDAYS

- 6.1 Employees are entitled to paid leave on each public holiday. Where such leave cannot be granted for operational reasons on a particular public holiday then the employee shall be covered by the arrangements in accordance with the Local Agreement 9 Public Holiday Working.
- 6.2 Maternity leave: If a public holiday falls during the contractual period of statutory maternity leave, then a member of staff who would normally be rostered to work on a particular public holiday will be entitled to a re rostered rest day. An untaken re-rostered rest day will not be remunerated.

## 7. SEVERE WEATHER CONDITIONS AND TIME OFF

- 7.1 At the onset of severe weather it will be the responsibility of each individual to decide whether or not they are able to travel to work. The line manager (or other appropriate manager) must be advised in the normal way and the individual must record their absence in line with the below.
- 7.2 Any post holder who comes to work in severe weather conditions will have flexi time suspended and despite work pattern a **maximum 7:24 minutes only** will be credited for the day, irrespective of their normal working pattern e.g 10 hour shifts etc. The line manager will not unreasonably refuse a request to leave work early because of severe weather conditions.
- 7.3 When a post holder has decided they are unable to get to work it would remain that the individual would use their own time i.e. flexi time, time off in lieu or annual leave.

- 7.4 If the current year's leave entitlement is exhausted it may be taken from the following year's annual leave entitlement. For staff who work 'flexi' or who have a time off in lieu a debit may be incurred and made up in the following month.
- 7.5 Where appropriate a member of staff may be able to work from home or from police premises elsewhere in the Force area on a temporary basis. This should be discussed and agreed with the line manager or other appropriate senior manager prior to commencing such duties.

## **8. GENERAL PRACTITIONERS/DENTAL/OPTICIANS APPOINTMENTS**

- 8.1 Except in exceptional cases such as Consultant appointments, staff should make medical, dental, opticians appointments in their own time or be debited accordingly. The exceptional cases have to be agreed with the line manager in line with the Leave Agreement - Medical Screening/Specialist Hospital Treatments.

## **9. MEDICAL SCREENING/SPECIALIST HOSPITAL TREATMENTS**

- 9.1 Necessary time off shall be granted for the purpose of appropriate screening.
- 9.2 Where appointments for specialist hospital treatment/ screening/testing are only provided during normal working hours these may be approved as authorised absences. The annual allocation of paid days is at the discretion of the line manager taking into account the individual circumstances appertaining to each case. This is not applicable for elective cosmetic surgery treatment, screening or testing. Any member of staff undergoing gender reassignment consideration may qualify under this scheme.
- 9.3 Individuals must be prepared to show their appointment card if necessary and line managers will be required to maintain adequate records.

## **10. OCCUPATIONAL HEALTH APPOINTMENTS**

- 10.1 If attendance at OHU is requested by the Force, time off in work time will be granted. Other appointments with specialists referred by OHU should be on the next available

date irrespective of whether this is during a normal working day or not. Time off in lieu will be granted.

## **11. NORTH WEST BENEVOLENT FUND**

The North West Benevolent Fund provides treatment to Police Officers who pay for individual membership. It also provides treatment to Police Staff and Officers as individuals or teams who are nominated for a wellbeing stay through the Force membership. Time off will be granted in work time (to include travel time) to attend for treatment, whether this is at the North West Benevolent Fund Centre in Lancashire (for a full day of treatment or a programme that includes an overnight stay), or at other locations closer to or within the North Wales Police area.

Where treatment includes an overnight stay, only the normal working hours will count as paid working time; any hours outside of this, including the overnight stay are in the individuals own time. Individuals will not be able to claim subsistence or overnight allowance in these circumstances.

Individuals claiming for travel costs to attend treatment must ensure that they have 'business cover' on their motor insurance.

## **12. DISABILITY LEAVE**

- 12.1 Where an individual has informed North Wales Police of a disability, in line with the Forces Working with Disability Policy the individual is eligible to take reasonable paid time off regarding Disability related leave after the Occupational Health Unit have confirmed that the absence is disability related.
- 12.2 Disability related leave will be recorded on HR Self Service as paid leave and must be authorised by the line manager.

### **13. COMPASSIONATE/SPECIAL LEAVE**

- 13.1 Compassionate or Special Leave can be granted by authorised managers for a period of up to 5 days. This period may be extended at the discretion of the Departmental Head in liaison with HR and NPCC.
- 13.2 Such leave should be granted for bereavement of close relatives, attendance at funerals of close relatives or for life threatening illnesses of close relatives. The amount of leave granted is at the discretion of the manager up to a maximum of 5 days paid leave. Time off for post holders who are contracted on reduced hours will be pro rata. Where appropriate the relevant HR Advisor should be asked for advice.
- 13.3 For the purposes of this scheme a 'Close Relation' of the employee shall include:
- Husband, wife, partner or same sex partner
  - Parent or children
  - Brother or sister
  - Grandparents and grandchildren
  - Sister or brother-in-law
  - Son or daughter-in-law
  - Mother or father-in-law
  - Persons standing in loco parentis to the employee, or to whom the employee stands in that relation
  - Persons to whom the employee is the recognised carer or has a special responsibility

### **14. PARENTAL BEREAVEMENT LEAVE**

- 14.1 Staff members are entitled to two weeks' leave following the death of a child under the age of 18, or a stillbirth after at least 24 weeks of pregnancy. In the case of stillbirth the date of death is taken to be the date the child is stillborn.
- 14.2 These provisions apply to any staff member, regardless of length of service, who is a 'bereaved parent'. For these purposes, a bereaved parent is any of the following to the child at the date of death:

- a) A parent;
- b) A natural parent of a child who has been adopted, but there is a court order providing for contact with the child;
- c) A person with whom a child has been placed for adoption, for so long as that placement has not been disrupted;
- d) A prospective adopter who is living with the child following the child's entry into Great Britain from overseas for adoption purposes, and has received official notification of their eligibility to adopt;
- e) An intended parent under a surrogacy arrangement;
- f) A parent in fact;
- g) The partner of any of the above.

14.3 Individuals are entitled to take a period of leave, known as 'parental bereavement leave', which may be taken either as one week, two consecutive weeks or two separate weeks at different times. A 'week' is any period of seven calendar days and the leave must be taken as whole weeks. Both weeks will be on full pay.

14.4 Parental bereavement leave can be taken at any time in the period of 56 weeks beginning with the date of death.

14.5 Where more than one child has died or been stillborn, the member of staff is entitled to a separate period of leave in relation to each child.

14.6 There is no qualifying period of service to be eligible for this leave.

14.7 When giving notice the member of staff should specify:

- a) The date of the child's death;
- b) The date on which they choose that any period of leave to start; and
- c) Whether they intend that period of absence to be for one or two weeks.

14.8 For parental bereavement leave starting within the first 56 days or 8 weeks of the period starting with the date of death, the individual must give notification no later than the time they are due to start work on the day that they start parental bereavement leave. However, if this is not reasonably practicable they must give notification as soon as

reasonably practicable afterwards. If the individual is already at work during this period and they give notification of their intention to begin their leave on the same day, the period of parental bereavement leave begins on the next day.

- 14.9 For parental bereavement leave starting after this period (weeks 9 to 56 after a child's death) the individual should give at least one week's notice of their intention to take parental bereavement leave wherever possible, or as soon as reasonably practicable otherwise.
- 14.10 Individuals can change or cancel their weeks of parental bereavement leave within the same periods of notice as set out above. However, a week of parental bereavement leave cannot be cancelled if it has already commenced. A period of parental bereavement leave commences on the date specified in the notice, unless cancelled, or the exception referred to above applies.
- 15. TIME OFF FOR IVF**
- 15.1 A period of 3 days paid leave per leave annum will be granted to the woman undergoing IVF treatment. This will be followed by 2 days unpaid leave. It is assumed that any additional time needed, will be taken will be as unpaid leave, annual leave entitlement, or as flexi time/change of shift.
- 15.2 It is realised that prior notice is not always possible to give due to the nature of the process. Management should therefore accommodate wherever possible the demands of the leave requested.
- 15.3 Partners may also need time off for IVF leave. 3 days' paid leave and 2 days' unpaid per annum is given in order to attend necessary appointments and offer support to their partner going through the process. Any additional time should be taken as unpaid leave/annual leave/flexi time/change of shift.
- 15.4 Individuals must be prepared to show their appointment card if necessary and line managers will be required to maintain adequate records.

## 16. TIME OFF FOR ANTENATAL CARE

- 16.1 All pregnant employees are entitled to paid time off to attend antenatal care appointments made on the advice of a registered medical practitioner, midwife or health visitor. Antenatal care may include relaxation classes upon medical advice and parent craft classes. Individuals must be prepared to show their appointment card if necessary and line managers will be required to maintain adequate records.

## 17. TIME OFF TO ATTEND ADOPTION APPOINTMENTS PRIOR TO PLACEMENT

- 17.1 Employees who are adopting alone or jointly are entitled to time off to attend adoption appointments prior to the date on which the adoption placement commences.
- 17.2 An employee who has been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption with the **employee alone** has the right to **paid** time off during working hours to attend an appointment arranged by the adoption agency in relation to the proposed adoption.
- 17.3 An employee who has been notified that a child is to be, or is expected to be, placed jointly for adoption with the **employee and another person**, can elect to take **either paid time off or unpaid time off** during working hours. The purpose of the time off must be to attend an appointment arranged by the adoption agency in relation to the proposed adoption. Where two employees are jointly adopting a child and are entitled to time off under these provisions, only one of them can elect to take paid time off, but the other employee can elect to take unpaid time off. The same rule applies where an employee and an agency worker are jointly adopting a child.
- The right to **paid** time off to attend an adoption appointment is limited to five occasions for a maximum of six-and-a-half hours on each occasion.
  - The right to **unpaid** time off to attend an adoption appointment is limited to two occasions for a maximum of six-and-a-half hours on each occasion.

- 17.4 The right to time off applies only where the appointment has been arranged by, or at the request of, the adoption agency that notified the employee of the placement. The purpose of the appointment must be to allow the employee to have contact with the child or for any other purpose connected with the adoption. Further, the appointment must take place prior to the date of placement of the child with the employee.
- 17.5 If more than one child is to be, or is expected to be, placed with an employee as part of the same arrangement, the provisions relating to time off and pay are modified so that the arrangement is treated as one adoption in relation to time off and pay. The effect of these modifications is as follows:
- An adoption appointment may relate to one or more of the children to be placed;
  - The employee is not entitled to take time off on more than five occasions (paid time off) or two occasions (unpaid time off) in respect of the arrangement;
  - Time off to attend an adoption appointment must be taken before the date of placement of the first child under the arrangement; and
  - An election by the employee to take time off (paid or unpaid) must relate to all the adoptions in the arrangement.
- 17.6 An employee is not entitled to take paternity leave if they have exercised the right to paid time off to attend an adoption appointment under this provision in respect of the same child.

## **18. MATERNITY LEAVE**

- 18.1 If eligibility criteria are met, a mother is entitled to take up to 15 months maternity leave of which 39 weeks are paid. The amount of pay depends on the individual's length of service.
- 18.2 Maternity leave of up to 15 months shall be regarded as continuous service for the purposes of annual leave. Annual leave continues to accrue during both ordinary and additional maternity leave.

Details regarding maternity leave and pay can be found on the Human Resources Page of the Intranet.

## **19. ANNUAL LEAVE IN RELATION TO MATERNITY LEAVE**

- 19.1 Maternity leave (including unpaid additional maternity leave up to a maximum of 15 months duration) should be regarded as service for the purpose of calculating an employee's entitlement to annual leave. Maternity leave (including unpaid additional maternity leave up to a maximum of 15 months duration) should not affect the length of an employee's annual leave entitlement in the leave year(s) in which maternity leave falls.
- 19.2 If the member of staff does not intend to return to work, the annual leave entitlement should be taken prior to the last day of work. If they planned to return and do not then they will be paid as per Working Time Regulations.
- 19.3 Annual leave and Bank Holidays are accrued throughout the individual's paid and unpaid maternity leave provided they return to work.
- 19.4 If a member of staff intends to return to work on reduced hours, annual leave accrued during maternity leave should be based on their hours before maternity leave commenced.
- 19.5 In instances when a police staff members maternity leave bridges two leave years they may carry forward more than 5 days leave into the new leave year or pro rata equivalent for individuals who work reduced hours prior to commencement of maternity leave. Line managers are responsible for ensuring the majority of annual leave is taken prior to the maternity period, if operationally feasible.
- 19.6 There is no entitlement to payment in respect of annual leave carried forward and not taken when an employee leaves employment (Working Time Regulations).

## 20. ADOPTION LEAVE

- 20.1 All employees are entitled to 52 weeks adoption leave. Payments for employees who have completed one year's continuous service, ending with the week in which the employee is notified of having been matched with a child, shall be as follows:
- 26 weeks at full pay;
  - Employees can elect, with the agreement of the employer, to extend their final five week's adoption pay to 10 weeks at half pay;
  - 13 weeks at Statutory Adoption Pay (SAP);
  - 13 weeks unpaid.
- 20.2 The pay to which an employee is entitled to under paragraph 20.1 shall be reduced, in respect of any week for which the employee receives SAP by an amount equal to the SAP. The half pay to which an employee is entitled under paragraph 17.1 shall be reduced, in respect of any week for which the member receives SAP, by an amount equal to half of the SAP that the member receives for that week.
- 20.3 Leave taken as adoption leave will be reckonable for incremental pay, annual leave purposes and count as continuous service. An employee is entitled to buy back, for pension purposes, reckonable service in respect of any period of adoption leave.
- 20.4 Payments made by the employer during adoption leave under 4.1 above shall be made on the understanding that the employee will return to work for the employer for a period of at least one month. This period may be varied by the employer on good cause being shown. In the event of the employee not returning to work for the one month period, he/she shall refund the monies paid, or such part thereof, if any, as the employer may decide. Payments made to the employee by way of SAP are not refundable.
- 20.5 Adoption leave is applicable to only one spouse/partner, not both. The remaining spouse/partner will be eligible for paternity/maternity support leave.

Details regarding adoption leave and pay can be found on the Human Resources Page of the Intranet.

## **21. SURROGACY**

- 21.1 Where a child is born to a surrogate mother, the intended parents can become the child's legal parents by applying for a parental order. One of the intended parents must be genetically related to the child and the child must live with the intended parents.
- 21.2 Where a couple have a parental order in relation to a child, one of the parents can be eligible for Adoption Leave and pay and the other can be eligible for Paternal Leave and pay. The couple must elect which one of them will take adoption leave.
- 21.3 An employee who takes adoption leave in these circumstances can curtail their adoption leave and take shared parental leave with the other parent, provided that both parents meet the relevant eligibility requirements.

## **22. MATERNITY SUPPORT/PATERNITY LEAVE**

### 22.1 Paternity Leave

- 22.1.1 A maximum of 5 days paid leave (inc. Statutory Paternity Pay) and 5 days leave paid at statutory paternity pay rate only will be granted to the partner or nominated carer of an expectant mother at or around the time of birth, or in the case of an adoption, to the partner of the primary adopter and in the case of a surrogacy arrangement, to the second parent. Leave entitlement for part time/job share post holders will be pro rata.
- 22.1.2 Individuals must have 26 weeks service at the 15<sup>th</sup> week before the date of birth or adoption in order to qualify for paternity leave and pay.
- 22.1.3 A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth.
- 22.1.4 This paternity leave may be taken as a single period of either one or two weeks, or two non-consecutive periods of one week each, within 52 weeks of the date of birth or adoption.

#### 22.1.5 Notice of intention to take paternity leave (birth):

- By the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) the individual should inform the Force of the EWC (or if this is not reasonably practicable, as soon as is reasonably practicable).
- Notice should be provided at least 28 days before the date the individual wants their leave to start and should include how much leave they want to take.

#### 22.1.6 Notice of intention to take paternity leave (adoption):

- By no more than 7 days after the date on which the adopter is notified by an approved adoption agency the individual should inform the Force that they have been matched with a child for adoption (or if it is not reasonably practicable to give notice within that seven-day period, as soon as is reasonably practicable).
- At the same time, the individual should give the Force notice of each period of leave that they are intending to take.

22.1.7 An individual may cancel a period of paternity leave or change their mind about the date on which they intend to start a period of paternity leave, as long as they inform the Force of the cancellation or revised start date at least 28 days before the earlier of the original or revised date (or as soon as is reasonably practicable, if not in a position to do so within the prescribed period, e.g. if the child is born prematurely).

22.1.8 Only one period of paternity leave is available where more than one child is born as a result of the same pregnancy, e.g. twins, or if more than one child is placed for adoption under the same arrangement.

### 22.2 Shared Parental Leave

22.2.1 Shared Parental Leave (SPL) applies to parents whose baby is due on or after 5 April 2015 or are adopting a child due to be placed on or after 5 April 2015. Shared Parental Leave replaces Additional Paternity Leave.

22.2.2 If the mother decides to curtail her maternity leave, or an adopter decides to curtail their adoption leave, any remaining leave can be converted into Shared Parental Leave (SPL) and shared between both parents if eligibility criteria are met.

22.2.3 This shared leave can be taken by each parent separately or at the same time.

22.2.4 The amount paid during the leave depends on the entitlements from each parent's employer.

Please refer to the Human Resources Page of the Intranet and click on the link to Shared Parental Leave for more information.

### 22.3 Time off for Antenatal appointments

22.3.1 Members of staff can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments if they are:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long-term relationship with the expectant mother
- the intended parent (if you're having a baby through a surrogacy arrangement)

22.3.2 Staff members can take up to 6 and a half hours per appointment.

## **23. UNPAID PARENTAL LEAVE**

23.1 Parents of a child up to age 18 are entitled to take up to 18 weeks' unpaid parental leave until the child's 18<sup>th</sup> birthday.

23.2 Parents of a child placed with them for adoption are entitled to take up to 18 weeks' unpaid parental leave until the fifth anniversary of the adoption or until the child's 18<sup>th</sup> birthday, whichever occurs sooner.

- 23.3 Parents or adoptive parents of a child who has been awarded disability living allowance or personal independence payment are entitled to take up to 18 weeks' unpaid parental leave until the child's 18<sup>th</sup> birthday.
- 23.4 To qualify for parental leave, the employee must have completed at least one year's continuous service.
- 23.5 Parental leave is available to both parents in respect of each qualifying child. It is also available to any other nominated carer where the employer is satisfied that the person is taking parental responsibility.
- 23.6 Contractual rights and obligations continue through the period of parental leave (except remuneration), and staff are protected against detriment or dismissal.
- 23.7 If leave is taken for 4 weeks or less the employee should return to the same job. If the period is for more than 4 weeks the return may be to another similar/appropriate position.
- 23.8 Parental leave can be taken in minimum periods of one week except in the case of a child in receipt of a disability living allowance or personal independence payment in which case no minimum period applies. Such leave will usually be granted in maximum blocks of 4 weeks per child per year.
- 23.9 Leave taken as parental leave will be reckonable for incremental pay, annual leave purposes and count as continuous service. An employee is entitled to buy back, for pension purposes, reckonable service in respect of any period of parental leave.

## **24. TIME OFF FOR FOSTER CARERS**

- 24.1 Employees who are undertaking the care of a child/children under a foster care arrangement with a local authority may need to take time off work to help the child/children to settle into the new environment. A period of 1-2 days duration unpaid leave will be granted for this purpose, up to a maximum of 3 occurrences per annual leave year. This will be pro rata for post holders working reduced hours.

24.2 Time off to attend training, meetings or appointments should be taken as unpaid leave, annual leave or flexi time/change of shifts.

## **25. DEPENDANTS LEAVE**

25.1 The provision for time off for dependants is covered by the Employment Relations Act 1999. However, the Force will apply the same provisions outlined in Police Regulations Annex T, Determination for Regulation 33, to Police Staff members.

25.2 Such leave is intended to deal with short-term difficulties or to make arrangements to deal with long-term difficulties. There is no requirement that Dependants Leave is only available once all other leave has been exhausted.

25.3 Situations that are covered by Dependants Leave:

*Responding to something that has happened:*

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted.
- to make arrangements for the provision of care for a dependant who is ill or injured.

*Death:*

- in consequence of the death of a dependant.

*Disruption/unexpected events:*

- because of the unexpected disruption or termination of arrangements for the care of a dependant.
- to deal with an incident which involves a member's child and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for them.

Reference to illness or injury includes mental illness or injury.

25.4 'Dependants' are defined as:

- a spouse/civil partner/partner living together
- a child
- a parent

- a person who lives in the same household as the member, otherwise than by reason of being their employee, tenant, lodger or boarder.
- any person who reasonably relies on the member to make arrangements for the provision of care.

25.5 There is no set amount of time allowed to deal with the issue. In most cases one or two days will constitute reasonable time off. The final decision about what is 'reasonable' will be at the discretion of the line manager.

25.6 There is also no set limit on the number of occasions per year that Dependants Leave can be taken, as long as the leave is necessary and the conditions above are met.

25.7 Leave taken as time off for dependants will be paid.

25.8 Dependants Leave is designed to give members the time and space to set up care arrangements or to deal with an expected event involving a dependant. It is not designed for:

- Personal difficulties such as a domestic appliance breakdown or pet related issues.
- Regular visits to doctors or hospital.
- Significant caring responsibilities for a parent, child or other dependant. The time needed for this should be managed through part-time working, flexible working, change of role or hours, or Carers Leave.

25.9 Members should advise their Line Manager as to the reasons for the Dependants Leave request and how long they expect to be off.

## **26. CARER'S LEAVE**

26.1 Regardless of length of service, post holders have a statutory right to take Carer's Leave to provide or arrange care for a dependant if they have a long-term care need.

26.2 In the context of statutory Carer's Leave, a dependant means:

- your spouse, civil partner, child or parent;

- any person who lives in the same household as you (other than as a lodger, tenant, boarder or employee); or
- any other person who would reasonably rely on you to provide or arrange care.

26.3 A dependant has a long-term care need if they:

- have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
- have a condition that amounts to a disability under the Equality Act 2010; or
- require care for a reason connected to their old age.

26.4 This statutory right to Carer's Leave applies to a wide range of caring situations, but excludes general childcare, except where your child meets the definition of a dependant with a long-term care need.

26.5 The leave could be taken for any reason associated with the individual's condition who you are caring for. This may include (not an exhaustive list):

- Providing personal support.
- Helping with official or financial matters.
- Accompanying someone to medical and other appointments if they occur during normal working hours.
- Appointments related to the education of a child that are necessary as a result of their condition.
- Providing care or making arrangement for the provision of care for a dependant who requires long-term care.

## **26.6 Amount of Carer's Leave you can take**

The amount of Carer's Leave that you can take is up to one week in any 12 month rolling period. This leave will be paid.

A week of Carer's Leave is the same duration as your normal working week, meaning that a full-time police staff member is entitled to 37 hours leave in any 12 month rolling period. If you are contracted to work part-time you will be entitled to a pro-rated amount of Carer's Leave in any 12 month rolling period.

Leave can be taken in hours (minimum of 30 minutes), either across the year or up to a block of one week.

If you are caring for more than one dependant, you do not have a separate entitlement to Carer's Leave for each dependant.

## **26.7 Notice to take Carer's Leave**

You are requested to provide as much notice as possible when requesting Carer's Leave so that the Force can plan for your absence. In any event, you should give notice in advance that is either twice the number of working days that you wish to take as Carer's Leave, or three days, whichever is earlier.

All Carer's Leave must be approved in advance by your line manager.

## **26.8 Postponing your Carer's Leave**

While every effort will be made to meet your request, your line manager may postpone a period of Carer's Leave if it is considered that your absence will disrupt the operation of the Force.

If a decision is taken to postpone your leave, your line manager will consult with you to find an alternative leave period within one month of the Carer's Leave period original requested.

Your line manager should write to you within seven days of receiving your notice, clarifying the reason for the postponement and the revised dates on which the Carer's Leave can be taken.

## **27. DOMESTIC ISSUES LEAVE**

- 27.1 Such leave is intended to deal with short-term domestic issues to make arrangements or to deal with long-term difficulties (e.g. flooding, burglary, fire damage). It will normally be restricted to one or two days' duration and shall be paid.
- 27.2 Staff are entitled to apply for reasonable time off for personal domestic issues requiring immediate attention. If leave beyond two days is required, this will be dealt with by the use of flexi/change of shifts, annual leave or special unpaid leave.
- 27.3 Where an employee is called home part way through a working day to deal with such an eventuality, the rest of the shift/attendance may be regarded as paid leave.

## **28. ELECTED HOLIDAYS FOR RELIGION & BELIEF**

- 28.1 There are a number of public holiday entitlements whose origins lie in an explicit link with Christian Festivals, namely Good Friday, Whit, Easter Monday and Christmas Day. All religions have particular holy days that require individual observance. Individuals have an entitlement which would allow them to elect to substitute PHRE (Public Holiday Religious Election) three holidays linked to their chosen religion or faith.
- 28.2 Once an individual exercises the PHRE those dates would qualify as a Public Holiday for the purposes of 'Terms of conditions of Employment'. This agreement reflects the provisions of the Equality Act 2010.

## **29. ELECTIVE SURGERY OR PROCEDURES**

- 29.1 Annual leave, flexi time or other time off in lieu should be used for elective surgery or procedures e.g. vasectomy, any cosmetic surgery or procedure which the individual has elected to have carried out.
- 29.2 Where the surgery or treatment is confirmed in writing by an employee's GP as being necessary, following an accident, or for complications arising from relevant surgery for medical reasons, time off will be recorded as sickness absence.

## **30. GENDER REASSIGNMENT LEAVE**

- 30.1 A line manager and individual should discuss what time off is likely to be required, and when, if known.
- 30.2 Time taken to attend medical screening and specialist hospital treatments should be paid in accordance with this agreement.
- 30.3 Any surgical medical procedure and recovery which incapacitates the individual and prevents them from working should be recorded as sickness absence under the Attendance Management Policy and a FIT note provided if the absence extends past 7 days. This absence should not be counted towards any sickness trigger level or management action.
- 30.4 An understanding approach, whilst considering operational needs should be adopted if an individual requests time off to undergo non-medical treatments relating to gender re-assignment e.g. electrolysis for hair removal, or counselling. An individual may also request to take a period of leave before returning to work in their true gender. If the absence is not covered by a GP's FIT Note then it should be considered from the normal annual leave entitlement, flexi or TOIL account.

## **31. VOLUNTARY DONATION OF ORGANS/BLOOD/BONE MARROW**

- 31.1 Donations covered in this section are those that will directly affect the health of another person.
- 31.2 Blood donations may be made in working time, where the location and timing of the donation would not cause an unreasonably long and/or inconvenient absence.
- 31.3 Time off for donation of organs/bone marrow will be considered on its own merits and must be in liaison with the line manager, relevant HR Advisor and Occupational Health Unit, taking into account individual circumstances and business needs.

## **32. COLLEGE ATTENDANCE LEAVE**

### **32.1 Role specific training**

If a line manager requests a post holder attends college/tutorials for courses of study specifically related to the role (i.e. an explicit essential criteria quoted within job description) post holders will be eligible to attend in duty time. This will be pro rata for post holders on reduced hours. These days should encompass time off for pre-examination study, to attend examinations etc.

In the case of Developmental training this will normally be completed within the post holders own time i.e. duty time will not be granted.

## **33. IN FORCE TRAINING**

33.1 Protective learning time will be set dependent on the Course as per the Force Learning and Development Framework.

## **34. JURY SERVICE**

34.1 In accordance with the Criminal Justice Act 2003, from 5 April 2004 Police Staff are eligible for paid duty time to give Jury Service. Time off will be paid. Guidance to staff called for jury service is attached as Appendix A.

## **35. TIME OFF FOR PUBLIC SERVICE DUTIES**

35.1 For those members of Staff who have been elected a member of a Local Authority committee or County Council or is required to undertake Civic duties, an entitlement of 5 days paid leave per annum will be granted for the purpose of carrying out public duties.

## **36. SCHOOL GOVERNOR/DUTIES OF OFFICE**

36.1 Reasonable unpaid time off to attend meetings will be granted. Relevant details should be recorded on the personal record.

## **37. SPECIAL UNPAID LEAVE**

- 37.1 Staff may apply for up to one month's unpaid leave in respect of exceptional domestic/personal circumstances at the discretion of their manager.
- 37.3 During unpaid leave, pension's contributions will be in accordance with the Pensions Scheme Regulations. Specific details can be obtained via the Forces Finance Department.

## **38. SERVING POLICE STAFF - SPECIAL CONSTABLE DUTY**

- 38.1 In accordance with the criteria outlined in the Special Constabulary Procedure, the North Wales Police 'Timeout Initiative' grants up to 8 hours per month to perform Special Constabulary duties as part of a pre-planned initiative. This applies to police staff who are serving Special Constables.

## **39. CAREER BREAKS/SECONDMENTS**

- 39.1 Career breaks are available to police staff with two years' continuous service and enable staff to take unpaid breaks in service. Career breaks are normally granted for reasons of domestic responsibilities, educational or personal development. For further details please see Procedure 3 of the Force Recruitment Policy.

## **APPENDIX A**

### **GUIDANCE TO STAFF CALLED FOR JURY SERVICE**

- (i) It is still possible to be excused from jury service or have it deferred; however, the more likely course is deferral. It is only in the most exceptional circumstances that a person will be excused completely.
- (ii) A common problem is likely to be where a member of police staff is summoned to attend as a juror at the court where they frequently work, or which hears cases of which they have knowledge. Should this occur, they should apply to the summoning officer not to serve at that particular court. The summoning officer should then consider whether jury service could be undertaken at a different court. It is to be borne in mind that no juror is expected to travel more than one and a half hours from home in order to serve on a jury.
- (iii) When arriving at court as a juror it is advised that members of police staff discretely inform the jury officer of the nature of their employment.
- (iv) It would be inappropriate for a juror to have any special knowledge of any person involved in a trial: this primarily applies to defendants and witnesses but may also apply to members of the judiciary and legal representatives. Personal knowledge of the jury bailiff or other court staff will not normally be considered problematic.
- (v) As with all jurors, if having been empanelled on a jury, a juror recognises anyone involved in the trial, they should inform the judge. The judge will then take a decision as to whether their familiarity or knowledge of that person might be in anyway prejudicial.
- (vi) Likewise, if a member of police staff serving as a juror realises that they have any special knowledge of the case, for example because they have been involved in its investigation, then they should inform the judge immediately. The judge will then decide whether it is necessary for that juror to be dismissed.
- (vii) If selected to serve on a jury, it is vital that police staff understand that they do so as part of their duty as a private citizen. It is neither necessary nor appropriate to conceal their

profession from other jurors, but nor is it necessary to volunteer such information immediately. All jurors should expect to be treated equally regardless of the nature of their employment.

- (viii) Where a jury is required to leave court during the trial, police staff on the jury should avoid the temptation to speculate about why they have been asked to leave and should not attempt to give any explanation beyond what the Judge has told the jury, even if asked.

# MATERNITY GUIDE

## POLICE STAFF



September 2023

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## Introduction

This guide provides general guidance to Police Staff, regardless of length of service or working hours, and managers on pregnancy and maternity leave and covers relevant legislation and Police Staff Conditions of Service.

Please note that it should be used as a guide only and is not a statement of legal fact. Complex maternity leave queries not covered in this document should be raised to the SSF HR Employment Services team via their email address.

## Ante-natal Care

All employees, regardless of their length of service and working hours, have the right to reasonable time off work with pay for ante-natal care (e.g., hospital and clinic appointments, routine check-ups, ante-natal classes).

In order to qualify for this entitlement, you should:

- inform your Line Manager of your pregnancy, and
- have made an appointment to receive ante-natal care on the advice of a registered medical practitioner, midwife, or health visitor.

Following the first appointment, your Line Manager may ask you to provide evidence of subsequent appointments (e.g., an appointment card) prior to your attendance. It will be helpful if you can plan your appointments and give notice to your line manager so that arrangements can be made to cover your absence.

Members of staff can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments if they are:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long-term relationship with the expectant mother
- the intended parent (if you are having a baby through a surrogacy arrangement)

## Maternity support / Paternity leave

Maternity support leave of two weeks paid in line with statutory entitlement shall be granted to the child's father/parent of the baby or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth.

## Maternity Leave

All employees are entitled to a maximum period of maternity leave of 15 months, which can be taken in one or more periods. The period in which maternity leave can be taken starts six months before the expected week of childbirth and ends no later than 12 months afterwards. The ability to take maternity leave in more than one period allows the employee to:

- return to work for e.g. a court appearance or training course, and then resume maternity leave.
- take annual leave during a break in maternity leave.

### **Please note**

Maternity Leave may commence on any day of the week as specified by the employee in the notice they give to the Force.

Under current employment legislation, you are prohibited from working or returning to work during the two weeks immediately following the date of childbirth.

## Early Births

Your maternity start date will be changed if you have your baby early, in this case it will commence the day after the birth of your baby. You should inform your manager if you have your baby early and SSF HR Employment Services via email [SsfHrEmploymentServices@northwales.police.uk](mailto:SsfHrEmploymentServices@northwales.police.uk) in order for your maternity dates and pay to be amended.

## Notification

You should notify your Line Manager and SSF HR Employment Services of the date on which you intend to start your maternity leave by the 15<sup>th</sup> week before your EWC (approximately 25 weeks into your pregnancy). If you wish to commence maternity leave prior to this date, you should provide notification at least 28 days before your absence begins or as soon as is reasonably practicable.

s

The following information should be provided on the Application Form – Maternity Leave (Police Staff):

1. The Expected Week of Childbirth (EWC), i.e., MATB1 Certificate issued by a GP or Midwife around the 26<sup>th</sup> week of pregnancy stating the EWC, or other medical evidence of pregnancy.
2. The date you intend to commence maternity leave and the date you intend to return.
3. Confirmation of the appropriate leave and pay options.

Details of your maternity leave will be shared with:

1. Human Resources
2. Resource Management Unit – to ensure your Optimum record is updated accordingly.
3. SSF Payroll - for pay purposes.
4. Maternity, Adoption, and Paternity Supporters

## Risk Assessment

Once you have informed your Line Manager of your pregnancy, they will arrange for a Risk Assessment to be completed. A further Risk Assessment will be completed upon your return to work. This is to ensure the health and welfare of you and your baby whilst you are working and is also in accordance with the Health and Safety at Work Act. As a consequence of a risk assessment Operational Police Staff wishing to continue duties beyond their third month of pregnancy may need to be assigned alternative duties to protect their health and welfare during pregnancy.

## Maternity Pay

### Less than 26 weeks continuous service by the end of the 15<sup>th</sup> week before the EWC

If you do not have sufficient service to qualify for Statutory Maternity Pay (SMP) you may be entitled to claim Maternity Allowance (MA) through the Department for Work and Pensions.

Maternity Allowance pays a standard weekly rate for a maximum period of 39 weeks. The amount of Maternity Allowance you get depends on your gross average weekly earnings or the amount you are treated as earning from your self-employment.

The Force will provide you with a Maternity Allowance MA1 form and SMP1 form, which explains why you will not get Statutory Maternity Pay from us and what you need to do to claim MA. Further details can be found at <https://www.gov.uk/maternity-allowance/overview>

### Less than 1 year but at least 26 weeks continuous service by the end of the 15<sup>th</sup> week before the EWC

**Statutory Maternity Pay (SMP)\*:**

|                           |                                                                                                        |
|---------------------------|--------------------------------------------------------------------------------------------------------|
| First 6 weeks of absence: | 90% of salary<br>(Inclusive of higher rate SMP)                                                        |
| Followed by 33 weeks at:  | standard rate SMP only<br>(The lesser of £184.03 per week or 90% of average weekly earnings (2024/25)) |

**\* Please Note:**

Staff who have not contributed enough National Insurance may not qualify for SMP but may be entitled to Maternity Allowance, see guidance notes above.

## More than 1-year continuous service at the beginning of the 11<sup>th</sup> week before the EWC

### Occupational Maternity Pay (OMP) (Inclusive of SMP):

|                            |                                                                                                        |
|----------------------------|--------------------------------------------------------------------------------------------------------|
| First 26 weeks of absence: | Full pay                                                                                               |
| Next 13 weeks at:          | standard rate SMP only<br>(The lesser of £184.03 per week or 90% of average weekly earnings (2024/25)) |

**OR**

|                            |                                                                                                                              |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------|
| First 21 weeks of absence: | Full pay                                                                                                                     |
| Next 10 weeks at:          | Half a week's pay plus 50% of standard rate SMP (the lesser of £184.03 per week or 90% of average weekly earnings (2024/25)) |
| Followed by 8 weeks at:    | standard rate SMP only<br>(The lesser of £184.03 per week or 90% of average weekly earnings (2024/25))                       |

Occupational Maternity Pay for Police Staff is granted on the understanding that you will return to work (either full time or part time) for a period of at least 1 month following your absence. In the event of you not returning to work, you may have to reimburse the Force any overpayment of Occupational Maternity Pay which you have received.

For all Police Staff, the first 26 weeks of Maternity Leave counts as reckonable service. Any remaining unpaid Maternity Leave does not count unless the relevant pension contributions are paid within six months of the date of return to work and you remain in the service for that period. Further details may be obtained from SSF Payroll and Gwynedd Pensions telephone 01286 679982 email [pensions@gwynedd.llyw.cymru](mailto:pensions@gwynedd.llyw.cymru).

**Please Note:**

For Police Staff, Maternity Pay is calculated from your average salary over the 8 weeks before the qualifying week (QW). The QW commences 15 weeks before the week that your baby is due.

### Benefits during Maternity Leave:

During Ordinary Maternity Leave (26 weeks) you will be entitled to receive all benefits, except salary, to which you are contractually entitled.

## Duties of Operational Police Staff

As soon as you notify the Force of your pregnancy you have the right to certain restrictions when your Line Manager determines your duties (as agreed with the Occupational Health Unit). These are as follows:

- a) The right to exemption from duties where you are likely to have contact with prisoners or potential prisoners if you so wish.

- b) The right to request that the Force comply with other particular restrictions laid down by your Registered General Practitioner to ensure the health and welfare of both you and your unborn child.
- c) The right to be employed on duties that are appropriate to your level of skills and experience.
- d) The right to apply for internal vacancies and to seek training and development opportunities. If you would like to receive vacancy details whilst away from work, please provide an email/contact address to the SSF HR Employment Services.

Please note that no restrictions are to be placed on working hours including night duty or overtime unless medical instructions have been given to the contrary.

## Contact while on Maternity Leave

While on Maternity Leave you may be required to attend court unless your GP certifies that you are unfit to do so. Such attendances are in duty time and should be notified to SSF HR Employment Services for payment.

## Maternity, Adoption and Paternity (MAP) Support

The Maternity, Adoption and Paternity (MAP) support scheme offers a number of MAP Supporters across the Force who have volunteered to act as an informal point of contact during leave. They can act as a sounding board for any decisions about work life balance or career, provide signposting to relevant sources of information and help keep individuals up to date with changes in the workplace. For additional information please click [here](#).

## Keeping in Touch (KIT) Days

Up to 10 KIT (Keeping in Touch) days can be requested in order to allow a woman to do a limited amount of work during the Maternity Paid Period. Any work done on any day during this period will count as a whole KIT Day, however only the actual hours worked will be paid at normal salary rate and the post holder will not lose SMP during that period. In other words, if a woman attends work for a 2-hour training session this will count as 1 KIT Day, but they would be paid for 2 hours of work. Legislation prohibits KIT days to be taken within 2 weeks of childbirth.

## Relationships with Sickness Absence

- a) Maternity leave should not be treated as sick leave and should not therefore be taken into account for the calculation of the period of entitlement to sickness leave or for sickness absence monitoring purposes.
- b) Paid maternity leave and authorised unpaid maternity leave of up to and including 26 weeks duration shall be regarded as service for the purpose of the recommended sickness scheme.
- c) Any sick leave which is solely or mainly due to the pregnancy will be counted as Maternity Leave if it falls AFTER the 4<sup>th</sup> week prior to the EWC. In this instance the Force will automatically commence the Maternity Pay period.
- d) Although there is no requirement to do so, whilst on, or before commencing Maternity Leave, you are encouraged to consult the Occupational Health Nurse if you are experiencing any health or welfare problems.

## Annual Leave & Bank Holidays

The total maternity leave period counts as continuous employment for the purposes of accruing annual leave and bank holidays provided the member of staff returns to work.

If the member of staff does not intend to return to work, the annual leave entitlement should be taken prior to the last day of work.

If a public holiday falls during the contractual period of statutory maternity leave, then a member of staff who would normally be rostered to work on a particular public holiday will be entitled to a re rostered rest day. An untaken re rostered rest day will not be remunerated.

Where a member of staff intends to return to work on reduced hours, annual leave accrued during maternity leave should be based on their hours before maternity leave commenced.

In instances when a police staff member's maternity leave bridges two leave years and they have been unable to take all of their annual leave in the leave year due to being on maternity leave, then they are entitled to carry it over to the appropriate leave year when they return to work. Carried over annual leave should be taken at the end of the maternity leave period, prior to the member of staff returning to work. There is no entitlement to payment in respect of annual leave carried forward and not taken when an employee leaves employment.

## Duties and Responsibilities of a Line Manager

Once your Line Manager/SSF HR Employment Services has been correctly notified of the date on which you intend to start your maternity leave, they must write to you within 28 days acknowledging your intentions and advising you of the date on which your Ordinary Maternity Leave (and Additional Maternity Leave if applicable) will end.

Staff on maternity leave should be kept informed by their line manager of all vacancies/promotion opportunities, courses etc. If further information is sought all the relevant details should be provided, without delay.

Whilst on maternity leave your Line Manager will maintain contact with you and ensure that a risk assessment is completed upon your return and discuss anything else which needs considering.

## Your Responsibilities - Return to Work

Your return-to-work date will be documented in the letter which acknowledges your intentions. You can change your date of return at any time provided you give at least 56 days' (8 weeks) notice prior to the original return date in writing. Where the notice given is less than 8 weeks the employer may postpone the return to ensure 8 weeks' notice but not beyond the end of the maternity leave. Simply complete the relevant proforma which is attached to the original acknowledgement letter. You must return to work on the date originally advised or if applicable, on the revised date, unless you are prevented by sickness or injury, in which case you should contact your Line Manager and SSF HR Employment Services.

If, having returned to work, you have any health problems which are thought to be solely or mainly due to the effects of pregnancy or childbirth and the maternity period has not yet ended the advice of the Occupational Health Adviser should be sought. In order that advice or assistance can be given if required not only for your benefit but for the benefit of all pregnant staff as well as your Line Manager.

Where possible, you have the right to return to the job in which you were originally employed on terms and conditions no less favourable than those which would have applied had you not been absent. In the event of that job no longer being available, you should be considered for a position with similar terms and conditions. This does not, however, entitle you to return to a post which was made available to you on the grounds of your pregnancy.

A change of duties/or health should not be precluded if it can objectively be shown to be necessary for operational reasons if it is at your instigation or agreement. It must be emphasised that you should not be disadvantaged in either working hours, pay or Career Development as a consequence of having been on Maternity Leave.

## Organisational Change

- a) Where it is not practicable by reason of redundancy for return to work in their job, the employee should be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to them and appropriate to the circumstances, and that the capacity and place in which you are

to be employed and your terms and conditions of employment are not substantially less favourable to you than if you had been able to return to the job in which you were originally employed

- b) Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. general reorganisation), which would have occurred if you had not been absent, necessitate a change in the job in which you were employed prior to your absence. The work to be done should be suitable to you, and appropriate to the circumstances and the capacity and place in which you are to be employed, and your terms and conditions of employment should not be less favourable to you than if you had been able to return to the job in which you were originally employed.

## Breastfeeding

The Force wishes to support mothers who wish to continue breastfeeding their babies after they return to work, by allowing the mother to express breast milk during working hours in order to maintain their milk supply and provide breast milk which can later be fed to their infant.

You should speak with your Line Manager about suitable refrigeration for storage of expressed breast milk.

## Maternity Guide for Police Officers



## **The Police Federation of England and Wales**

The Police Federation of England & Wales is the representative body for all constables, sergeants and inspector ranks in the police forces of England and Wales. This booklet sets out what women police officers can expect to happen from when they get pregnant and up to a year after their baby's birth. It is not a full statement of all possible issues, but a short summary for the benefit of Police Federation members in England and Wales.

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## CONGRATULATIONS

Your pregnancy is great news and you will need to make some life changing decisions over the next few months and years as your family grows. There are plenty of people who will be able to offer you advice and support during this time, but you need to be aware that **women police officers do not have exactly the same terms and conditions at work as women employees.**

Police officers are not “employees”; they are “officers of the Crown” and work under the terms set out in Police Regulations and Determinations 2003 (as amended). The provisions which govern pregnancy and maternity in Police Regulations are different from the statutory provisions provided by the government (State benefits) and from those provided to Police Staff.

To ensure that you get the right information about your entitlements, the Police Federation of England and Wales has produced this booklet about what to expect during your pregnancy, your maternity leave and on your return to work. There are also a range of entitlements available to your partner at this time. If your partner is also serving police officer, he or she does not have exactly the same rights at work as other employees.

**This booklet provides general information for women police officers about rights as a working woman police officer.**

Ultimately, it is your force’s responsibility to give you accurate information about your pay and other benefits you will have during your maternity leave. The force is also responsible for the health, safety and welfare of you and your child and they must have completed a formal risk assessment process, taking all known relevant medical advice into account.

Every pregnancy is different, and the way it impacts upon an officer’s work and her workplace will be different. Some women may have no problems and wish to continue working for as long as possible but others may have had earlier problems or be unwell during their pregnancy. Each person should be treated individually and sympathetically.



## PREGNANCY AND MATERNITY LEAVE DISCRIMINATION

Pregnancy and maternity are protected characteristics under the Equality Act 2010. A woman is protected from discrimination from the date she notifies her force of her pregnancy until the end of her maternity leave period, or when she returns to work if that is before the end of her leave period. This is known as “the protected period”.

A person discriminates against a woman if, at a time in a protected period, and on the ground of her pregnancy, she is treated unfavourably; or she is treated unfavourably on the ground that she is exercising or seeking to exercise, or has exercised or sought to exercise a right to maternity leave. There does not need to be a comparator who receives better treatment.



## FERTILITY TREATMENT

Trying to conceive is not a protected characteristic under the Equality Act 2010. However, most forces will have an IVF policy that supports officers, of both sexes, who are undertaking IVF treatment. At the point of implantation, a woman is protected under the pregnancy provisions of the Equality Act 2010. Please do reach out to your force for more on their policy around fertility treatment and support during this time.



## HEALTH & SAFETY

Your force should have a generic risk assessment which sets out the potential risks in the workplace for women officers of childbearing age. You need to consider the implications of this if you are planning to have a baby or think you might be pregnant.

Once you tell the force **in writing** that you are pregnant (or if you have returned to work after having a baby in the last 6 months or if you are breastfeeding), they need to carry out regular specific risk assessments on you. The force must provide you with the risk assessment and you should discuss it and the requirements of your role with your medical advisors. You should feed into the force any medical advice you receive from your medical advisors, so that they can take it into account in subsequent risk assessments.

**Your risk assessment should be regularly reviewed; for example, each time you have had an ante-natal care appointment**

If a significant risk is identified that could cause harm to you or your child and which cannot be controlled, then:

- 1 – Your working conditions or hours must be altered to avoid the risk. If that is not possible:
- 2 – You must be provided with suitable alternative work. If that is not possible:
- 3 – You must be suspended from work for as long as necessary to protect your health and safety and that of your child.

The actions taken to reduce or remove the risks do not have to be done in the above order; the most appropriate measures should be taken at the relevant time. The force should not have a policy of simply moving you to a particular role because you are pregnant; they must have undertaken a suitable risk assessment that includes an assessment of the risks associated with maintaining you in your current role and identify any concerns about a new role.

If your working conditions or hours are altered, or if you are moved to another job or suspended from work because of health and safety concerns, you are entitled to your basic pay and any allowances designed to meet a particular expense (e.g. dog handler's allowance, London and South East allowance, London Weighting), but not to any allowances which relate to the performance of specific tasks in particular circumstances, where you do not actually perform those tasks because of your pregnancy (e.g. overtime, unsocial hours payment). Regulation 36 of Police Regulations enables a chief officer to remove payments of allowances designed to cover expenditure after 28 days in circumstances where, owing to absence on sick or maternity leave, the expenditure is no longer being incurred.

Forces should not be risk averse. Many women can and do work productively throughout their pregnancy. The Health and Safety legislation does not require that all risks are removed, just that they are reduced to an acceptable level. For example, a pregnant officer may still work nights or shifts, unless the risk assessment has concluded otherwise or a doctor or midwife has provided a medical certificate stating she should not work nights.

In the final analysis, the force is responsible for the health, safety and welfare of you and your child, but it must have gone through a formal risk assessment process with you and taken all known relevant medical advice into account. In some circumstances, failure to undertake a risk assessment may be a breach of health and safety law and unlawful sex discrimination under the Equality Act.



## **SICKNESS ABSENCE**

The risk assessment process should pick up any evidence of whether your pregnancy is having an adverse impact on your ability to perform your role, and your work should be adjusted accordingly. Signing you off sick from work may not be in your best interests, and in some circumstances could adversely affect your maternity benefits and/or your sick pay when you return to work.

If you are not well enough to return to work at the end of your maternity leave, then the provisions of Regulation 28 relating to sickness absence will apply. The protected period under the Equality Act ends at the end of maternity leave period, or when you return to work if that is before the end of your leave period.



## **REST FOR PREGNANT AND BREASTFEEDING MOTHERS**

Pregnant workers and breastfeeding mothers are entitled to more frequent rest breaks, and this should be considered as part of your risk assessment. Your force must provide you with a suitable area where you can rest. This should:

- include somewhere to lie down if necessary
- be hygienic and private so you can express milk if necessary (toilets are not a suitable place)
- include suitable facilities to store breast milk.

There is no requirement for a woman to finish breastfeeding at any point and forces should support breastfeeding officers for as long as the officer wishes to continue doing so. The force may facilitate additional rest periods for you to attend to your baby or may provide you with suitable private lockable facilities to express and store milk at work.



## MATERNITY LEAVE

- Women officers are entitled to police maternity leave under Police Regulations and Determinations.
- Women officers are **not** entitled to statutory maternity leave.

Police maternity leave can be taken for a period of up to 15 months in an 18 month period, from 6 months before the expected date of birth until 12 months after the expected date of birth. It must end 15 months after it started, or 12 months after the expected date of birth (whichever is the sooner). It can be taken in one or more blocks, before or after childbirth, providing the notification requirements are met.

Police maternity leave starts on the day you notify the force that you want it to start and no later than the expected date of birth. It will end on the date you give that you intend to return to work (giving at least 21 days' notice) and no later than the last day of the maternity period (up to a maximum of 12 months after the expected date of birth). If your circumstances change and you wish to alter the dates of your police maternity leave, you can do this at any time during your maternity leave as long as you give 21 days notice.

The start and finish of police maternity leave is not subject to exigencies of duty; the force cannot change the date a police officer starts their leave or the date she returns to work.

A force cannot start a police officer's police maternity leave (or therefore her police maternity pay) if she has her baby early or if she is off sick with a pregnancy related condition in the 4 weeks before her baby is due.



## MATERNITY PAY

- Women officers are entitled to police maternity pay (if they meet the eligibility rules set out below).
- Women officers are also entitled to statutory maternity pay (if they meet the eligibility rules set out below).
- If the woman officer does not have the qualifying service for either police maternity pay or statutory maternity pay she may be eligible for Maternity Allowance or another benefit paid by the Benefits Agency

Maternity pay is payable based on the week an officer is expected to give birth – the Expected Week of Childbirth (EWC),

If they meet the separate eligibility requirements, police officers receive BOTH Police Maternity Pay (26 weeks full pay) and Statutory Maternity Pay (39 weeks pay – 6 weeks at 90% of full pay, plus 33 weeks at the lower rate of SMP).

A police officer can elect the start of her police maternity pay and her Statutory Maternity Pay (SMP), within certain parameters, in order to maximise the pay she receives and/or the length of time she receives her maternity pay.

Police maternity pay starts on the same day an officer's police maternity leave starts. A force cannot alter the start of an officer's police maternity leave, or therefore, her police maternity pay.

SMP is payable from the 11th week before a woman's EWC but does not start automatically at the 11th week before the EWC. It must start if she is off 4 weeks before her EWC, but between those two dates (11th and 4th week before her EWC). If an officer is off on police maternity leave, she can elect the date on which her SMP starts.

**Police Maternity Pay** is paid to all women officers who:

- have 63 weeks continuous service as a police officer (in any Force) before their expected week of childbirth (EWC) and
- remain pregnant or have given birth 15 weeks before the expected week of childbirth (EWC).

All officers who satisfy the eligibility criteria above are entitled to receive 26 weeks paid maternity leave, paid at their normal rate of pay. Alternatively, officers can take the last five weeks of their police maternity pay over 10 weeks, thus extending their police paid period by an additional 5 weeks; i.e. 21 weeks at full pay followed by 10 weeks at half pay plus half the value of lower rate SMP, making 31 weeks on police maternity pay.

A police officer must return to work for a month following her maternity leave. If she does not the force could reclaim her police maternity pay (26 weeks full pay). She may be able to take this period as annual leave. An officer on a career break remains eligible for police maternity pay if she becomes pregnant. She is entitled to suspend her career break and restart in due course, subject to a new agreement. (It is unlikely that she will be eligible for SMP as that is dependent on the payment of National Insurance contributions for a period during her pregnancy – see below).

**Statutory Maternity Pay (SMP)** is paid to all women officers who:

- have 26 weeks continuous service as a police officer in their force at the qualifying week (15 weeks before the expected week of childbirth (EWC)),
- are pregnant at the 11th week before the expected week of childbirth (EWC) or have already given birth,
- have earned the lower earnings limit for the payment of National Insurance contributions for 8 weeks up to and including the qualifying week,
- have given at least 28 days' notice to her Chief Officer that she intends to stop work and does in fact stop work, and
- have produced medical evidence of pregnancy, (usually on Form MAT B1)

SMP is a State benefit payable for 39 weeks paid under certain statutory rules. It is paid by the force who claim it back from the government.

The first 6 weeks of SMP are paid at the "higher rate", which is 90% of the woman's average pay received during the period 8 weeks before the qualifying week. This is followed by 33 weeks at the "lower rate". The lower rate is around £150 a week and changes each year in April.

- SMP can be paid from the 11th week before the EWC.
- If a woman officer starts her police maternity leave after the 11th week before the EWC, she can delay the payment of SMP until the 4th week before her EWC.
- If a baby is born prematurely, the officer's SMP will start the day after the baby is born (but not her police maternity leave and pay).
- If an officer is absent for a pregnancy-related reason (such as pregnancy related sickness absence or police maternity leave) after the beginning of the 4th week before the EWC, her SMP will start automatically. If the officer has notified that she wishes her police maternity leave to start after this point, her SMP (but not her police maternity leave or pay), will start. Police Maternity Leave and Pay will start on the date the woman notified the force that her police maternity leave was to start.
- It follows that in certain circumstances a police officer will be able to start her police maternity pay before her statutory maternity pay, and vice versa. However, in the weeks where a woman is eligible for both SMP and police maternity pay only the higher payment is received.
- If an officer returns to work (other than for a KIT day) before she has exhausted her SMP, her SMP is brought to an end and will not restart if she then returns to maternity leave.

#### **Police Maternity Pay Calculator**

To assist you to work out what your pay will look like, depending on how much leave you choose to take, the Police Federation of England and Wales has created a Police Maternity Pay Calculator.

You can find it at [www.polfed.org/maternity](http://www.polfed.org/maternity)



## KEEPING IN TOUCH (KIT) DAYS

An officer is able to return to work for 10 “Keeping in Touch” (KIT) days during her police maternity leave period without losing her entitlement to SMP. KIT days are voluntary and both the officer and the force/line manager have to agree when they are taken and what work will be undertaken. The work may be normal day to day activity to assist the return to work process, undertaking a training activity or attending a team meeting for example. KIT days do not normally involve working from home such as checking emails. If, however, your work can be performed at home it may be possible for you to undertake a KIT day from home.

Work done on a KIT day should help make the return to work from maternity leave easier. They allow both the officer to maintain contact with her line manager and her colleagues, and to be part of any activities taking place during her absence. They can be used to discuss and agree a request to reduce your hours or a flexible working plan with your manager prior to your return to work.

Any work undertaken on one tour of duty by police officers whilst on police maternity leave counts as one KIT day, even where the hours worked total more or less than the full duration of the shift in question. Once those days have been used up, the woman will lose any further entitlement to SMP.

Payment for a KIT day is at normal daily rate in accordance with Police Regulations and Determinations and is pensionable.

- If the officer is receiving Maternity Pay and works a KIT day, the period of paid police maternity pay will be extended because police maternity leave can be taken in more than one period - effectively the police maternity leave is temporarily suspended for a day
- If the officer is still receiving Statutory Maternity Pay (SMP) this will not impact on or interrupt any SMP payments being made, but there will be no extension of the SMP paid period. Officers will receive pay for the hours worked on a KIT day plus their SMP for the week in which the KIT day(s) occur.
- If the officer is on unpaid leave the KIT day is payable and officers will receive pay for the hours worked.



## RECALL TO DUTY

Police officers may be recalled to duty at any time following the compulsory maternity leave period (the first two weeks after the baby's birth). This should be for exceptional reasons, such as court attendance or a disciplinary hearing. It should be noted that a recall to duty from maternity leave is different from a voluntary return to work on a KIT day. A recall to duty will not normally count as a KIT day (although it may be preferable for the woman to take the odd day as a KIT day). It must be remembered that once the entitlement to 10 KIT days is used up, an officer will lose her continuing entitlement to SMP if she engages in further work.

Officers who are recalled to duty should be credited with time off in lieu (TOIL) to be taken when they return to work in order to preserve their continued entitlement to SMP. The TOIL should not be "bought out" by the force unless and until the hours are not taken within 3 months of the woman's return to work.



## ANNUAL LEAVE

Annual Leave entitlement will accrue during maternity leave for a period of up to 52 weeks.

An officer who is to take maternity leave has two rights to leave: one to maternity leave and another to the annual leave provided by Police Regulations and Determinations and/or the Working Time Regulations for the annual leave year in question. She must be able to take both types of leave. In most cases, this will not cause significant issues as the annual leave can be accommodated within the leave year(s) in question. However, there may be occasions when a woman will not be able to take her annual leave before her maternity leave starts. This may be due to the fact that her maternity leave will start close to the beginning of the annual leave year, or it may be that an officer had planned to start her maternity leave later in the leave year, but either she has been on sick leave or the baby has been born prematurely and she has therefore not been able to take her annual leave.

Officers can take annual leave before, during (i.e. if there is a break in between two periods of maternity leave) or after maternity leave. However, she should be aware that if she returns to work on annual leave/full pay when she is in receipt of SMP, she will lose her entitlement to SMP thereafter when she returns to maternity leave. Annual leave during maternity leave will not extend an officer's maternity period.

Police officers can carry up to five days annual leave from one year to the next, or more in exceptional circumstances, subject to the Chief Officer's discretion. However, if a woman is unable to take all of her annual leave in the leave year because she is on maternity leave she should be allowed to carry it over into the appropriate leave year when she returns to work.

### Reckonable Service

Police officers can reckon a period of up to 52 weeks for pay and leave purposes when on maternity leave.

### Pensionable Service

Any period of paid maternity leave (either Maternity Pay or Statutory Maternity Pay) counts towards pensionable service. You can buy-back a period of unpaid maternity leave at the rate of your last pay; this will usually be SMP at the lower rate.

### Police Federation Subscriptions

Police Federation subscriptions should continue to be paid throughout your paid maternity leave period. No payments are required to be made during any unpaid maternity leave; however you may need to arrange for your member benefit payments to be made (e.g. insurance). Please contact your local branch board office for further information.

**Your local branch board will also be able to help you if you have any queries about your or your partner's entitlements during your pregnancy, maternity leave and/or return to work.**

