



SCOTTISH EXECUTIVE

Justice Department
Police Division

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Identity No: Police Circular No: 1/2002

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**Title: MATERNITY, MATERNITY SUPPORT, PARENTAL
AND ADOPTION LEAVE AND TIME OFF FOR
DEPENDANTS**

Our ref: DCC/6/10

**Addressed to: Chief Constables
Chief Executives
Dumfries and Galloway Council and Fife
Council
Clerks to the Joint Police Boards**

Dates Issued: 22 March 2002

Topic: Terms and Conditions

Implementation: 8 February 2001

Impact: Immediate

**Contact(s) for more information: Mr George Vine (Tel: 0131-244 2155)
(at the above address)**

Dear Colleague

Purpose of the circular: To convey Scottish Ministers' endorsement of the agreement reached in the Police Negotiating Board on the subject of maternity, maternity support, parental and adoption leave and time off for dependants.

This Circular authorises implementation of the agreement reached in the Police Negotiating Board on maternity, maternity support, parental and adoption leave and time off for dependants of police officers from **8 February 2001** which was the subject of PNB Circular 01/22 (copy attached). Police Regulations will be amended as appropriate in due course.

A copy of this circular is enclosed for the Director of Finance in the police authority. Copies have also been sent to the Convention of Scottish Local Authorities, the police associations and the Accounts Commission.

David Henderson
Head of Police Division

PNB Circular 01/22(Advisory)

POLICE NEGOTIATING BOARD

Independent Secretary
Mrs E J Santry
Office of Manpower Economics
Oxford House
76 Oxford Street
London W1D 1BS

AGREEMENT REACHED IN THE POLICE NEGOTIATING BOARD

1. A PNB agreement was reached on 8 February 2001 on **maternity, maternity support, parental and adoption leave and time off for dependants**. Details are set out in the attached memorandum. This circular supersedes PNB circular 95/15 'A police occupational maternity scheme'.
2. This agreement requires amendment to police regulations or specific authorisation by home department circular and any approved changes will be promulgated in due course in Home Office, Scottish Executive Justice Department and Northern Ireland Office circulars. This PNB circular is purely advisory and does not confer authority* to implement the agreement.
3. Any inquiries should be addressed to the Independent Secretariat at the Office of Manpower Economics ☎ 020 7467 7218 or to the Official Side Secretary ☎ 020 7296 6722 or to the Staff Side Secretary ☎ 020 8399 2224. Enquiries to the Independent Secretariat relating to the interpretation of this circular should, where possible, be sent in writing.

8 October 2001

* PNB Circulars form a single numerical series. Those which in themselves provide authority to implement an agreement carry the serial number alone, while those which are purely advisory are designated as such after the serial number.

MEMORANDUM

The following agreement reached in the Police Negotiating Board is submitted for the approval of the Secretary of State for the Home Department, the Scottish Ministers and the Secretary of State for Northern Ireland.

GENERAL

1. The Maternity and Parental Leave Regulations 1999 together with provisions inserted in the Employment Rights Act 1996 create new rights for employees to parental leave and improved maternity leave. PNB has agreed amendments to the Police Occupational Maternity Scheme, as set down in PNB circular 95/15 and Police (Scotland) Regulations 28ZA and 30B, to take account of these and other changes. In addition, new provisions have been created for police officers to maternity support leave (which replaces paternity leave), adoption leave and time off for dependants. These entitlements take effect from 15 December 1999 unless stated otherwise (as in paragraphs 17, 23 and 26). These provisions apply to full-time officers and those who are serving, or have served, part-time or in job shares.
2. The Police Occupational Maternity Scheme provides that maternity leave can be taken by all policewomen for the whole or any part or parts of the period:
 - i) commencing six months before the expected date of childbirth; and
 - ii) ending nine months after the expected date of childbirth.
3. The scheme allows policewomen to choose for themselves when they will commence any period of maternity leave provided that a period of maternity leave commences no later than the expected date of childbirth. For those officers qualifying under paragraph 8 the first three months maternity leave will be paid.
4. The entitlements to ante-natal care identical to those provided to other workers by Section 55 of the Employment Rights Act 1996 (as amended) shall be provided to all policewomen.
5. All policewomen will be entitled (whether or not entitled to paid maternity leave) to reckon 18 weeks maternity leave as
 - i) service in their rank for the purposes of pay determination under regulation 30B and as relevant service under paragraph 4 (1) of Schedule 2 and
 - ii) part of any period of probation.
6. PNB has agreed that policewomen who have served continuously for a period of not less than one year at the beginning of the eleventh week before the expected date of birth, will, in addition to reckoning the 18 weeks maternity leave period pursuant to paragraph 5 above, be entitled to reckon any part of the period beginning with the week of childbirth and ending 29 weeks from the week of childbirth as:
 - i) service in their rank for the purposes of pay determination under regulation 30B and as relevant service under paragraph 4(1) of Schedule 2; and
 - ii) part of any period of probation.



ABILITY TO TAKE MATERNITY LEAVE IN MORE THAN ONE PERIOD (REGULATION 28ZA, POLICE (SCOTLAND) REGULATIONS 1976 (as amended))

7. There is currently an anomaly in police regulations precluding officers from returning to duty within a period of maternity leave (e.g. to attend court hearings) after childbirth. It has been agreed that it was intended that the regulations should allow for split periods of maternity leave both before and after childbirth. The correction will be made, to operate retrospectively to the date when regulation 28ZA came into effect (10 April 1996).

PAID MATERNITY LEAVE

8. In addition, the police occupational maternity scheme (regulation 30B) provides an entitlement to be paid for the first three months of maternity leave in respect of each pregnancy (this may include split periods of maternity leave as referred to in paragraph 7 above) if the following requirements are met:

- i) the policewoman has served continuously for a period of not less than one year at the beginning of the eleventh week before the expected date of birth; and
- ii) remains pregnant or has given birth 15 weeks before the expected week of childbirth.

9. Where any period of paid maternity leave coincides with statutory maternity pay periods, police maternity pay will be offset by statutory maternity payments.

10. An officer receiving occupational maternity pay will return to work, following maternity leave, for at least one month. This requirement will be satisfied whether the officer works full or part-time and whether or not during that period she enjoys any period of annual or sick leave. An officer who fails to do so will be required to reimburse her Authority the occupational maternity pay (in excess of statutory maternity pay and net of all statutory deductions and pension contributions) except where the Authority waives their right to reimbursement.

NOTIFICATION

11. As soon as reasonably practicable and not later than 21 days before the expected date of childbirth an officer shall give notification of:

- i) the pregnancy;
- ii) the expected week of childbirth; and
- iii) the date on which she intends to commence maternity leave (this date may subsequently be brought forward by the officer to any point up to six months before the expected date of childbirth).

12. There is an assumption that an officer will return to work 9 months after the expected date of childbirth. If this is not the case an officer will provide notification not less than 21 days in advance of her anticipated date of return. This period may be reduced with the agreement of the chief constable.

INTER-RELATIONSHIP WITH THE POLICE OCCUPATIONAL SICKNESS LEAVE AND PAY SCHEME

13. A pregnant policewoman will have the following entitlement:

- i) if sick before her maternity leave and otherwise meeting the requirements of the sick pay scheme, an entitlement to sickness pay until the date she would otherwise have commenced her intended maternity leave;
- ii) if sick following maternity leave and otherwise meeting the requirements of the sick pay scheme, an entitlement to sick pay and leave of absence in accordance with the normal rules of the sickness scheme.

14. A policewoman who has commenced her maternity leave will not be entitled to sickness payments before her intended date of return to work.

15. For the avoidance of doubt, the sick pay scheme does not exclude any entitlement to sick leave in respect of any injury, illness or incapacity for duty, which is solely or mainly due to pregnancy or childbirth or their after effects, in the period before the intended start of maternity leave or the period after the intended date of return to work.

DEATH OF A BABY AND STILL-BIRTH

16. If a baby dies or is stillborn after 24 weeks pregnancy the scheme would apply. Where this occurs before 24 weeks, authorities should give sympathetic consideration to the circumstances and where necessary grant special leave or sick leave as appropriate on the basis of the individual circumstances. The decision should be advised by the needs of the officer and medical opinion.

PARENTAL LEAVE

17. Parental leave provisions equivalent to the Maternity and Parental Leave Regulations 1999 will apply to the police service. These Regulations provide that an officer who has continuously served for not less than one year at the time they want to take the leave and has or expects to have, responsibility for a child, is entitled to 13 weeks leave in respect of each child up to the age of five (except as otherwise provided under the Maternity and Parental Leave Regulations 1999), and in addition any other nominated carer where the chief officer is satisfied that that person is taking parental responsibility. This entitlement applies in respect of children born/adopted on or after 15 December 1994.

18. The arrangements for taking parental leave and the timing of that leave shall be agreed between the officer and the chief constable but shall be no less favourable to the officer than as provided under the Maternity and Parental Leave Regulations 1999.

19. Leave taken as parental leave will be reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

20. An officer is entitled to buy back, for pension purposes, reckonable service in respect of any period taken as parental leave.

PATERNITY AND MATERNITY SUPPORT LEAVE

21. The current provision in Regulation 28A for 2 days paternity leave is replaced by an entitlement to 5 days paid maternity support leave to an officer who is the child's father or the partner or the nominated carer of an expectant mother at or around the time of the 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 the birth. The leave entitlement for part-time or job sharing officers shall be calculated in the same way as their annual leave.

22. Leave taken as maternity support leave will be reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

23. This entitlement takes effect from 8 February 2001.

ADOPTION LEAVE

24. Paid adoption leave of 5 days shall be granted to the adoptive parents at or around the time of the adoption. The leave entitlement for part-time or job sharing officers shall be calculated in the same way as their annual leave.

25. Leave taken as adoption leave will be reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

26. This entitlement takes effect from 8 February 2001.

TIME OFF FOR DEPENDANTS

27. The time off for dependants' provisions in the Employment Relations Act 1999 will apply to the police service. This leave is intended to cope with short-term difficulties, normally 1 or 2 days, and will be paid.

28. Where the above entitlement is insufficient forces are reminded of the compassionate leave arrangements as set out in the Police Council Circular 9/75 (copy attached).



INVESTOR IN PEOPLE



**THE POLICE COUNCIL FOR THE UNITED KINGDOM
41 BELGRAVE SQUARE
LONDON SW1X BNZ**

TELEPHONE
01-235 9801

26 November 1975

CIRCULAR 9/75

Dear Sir,

We are writing to inform you of matters discussed and agreements reached at meetings of Standing Committees C and D on 6 November 1975.

COMMITTEE C

1. Instructors' allowance

The Staff Side claim is that overtime worked by instructors should be paid for in accordance with Regulations rather than by means of commuted overtime allowances, and that in addition an allowance should be paid at the same level as in District Training Centres. At the Committee's meeting in January 1975 it was reported that a working group set up to consider the claim in detail had made progress on the issue of overtime, and had sent a questionnaire to chief constables to establish how far there are shortages of instructors and how far instructors experience disturbance by reason of their place of duty. At the Committee's meeting in July 1975 the Staff Side asked for a deferment to consider further the results of that questionnaire, and they have now asked for a further deferment so that they may conduct more research into the matter.

2. London allowance

The Staff Side submitted a claim for an increase to the London allowance in line with cost increases in 1974. It was agreed to await the outcome of the reference to arbitration on this issued by the Civil Service Unions and the Civil Service Department.

COMMITTEE: D

3. Special leave

Agreement reached as set out in the attached memorandum. The agreement legitimises existing practice, and does not incur any additional cost. It is therefore within the terms of the Government's pay policy.

4. Removal allowance

The Staff Side submitted a claim to increase the amounts of removal allowance in line with increased costs. The Official Side said that they could not agree to increase the minimum entitlements as they were

not reimbursements of actual expenditure and therefore fell within the terms of the Government's pay policy. While they were not yet persuaded that there was a need to increase the maximum of £250, they were willing for the Joint Secretaries to investigate the adequacy of the present maximum.

5. Rent allowance - interim revisions to force maximum limits for rate increases

The opportunity is taken of clarifying the agreement published in Circular 5/75. The intention of the agreement is to 'protect' force maximum limits from the effect of the increase in rates in 1975/76 over 1974/75, subject to the proviso that the interim revision should not take place until the first anniversary of the force's previous revision. Thus, if a force revised its maximum limit on 1 April 1974, the rates payable on the selected house in 1974/75 were £100, and the rates payable in 1975/76 are £120, the force maximum limit should be increased from 1 April 1975 by £20 p.a. If, in the same example, the last revision of the maximum limit had taken place on 1 October 1974, the interim revision would not be due until 1 October 1975.

Yours faithfully,

B. J. RUSBRIDGE
J. MARTUCCI

Joint Secretaries:
Committees C and D

To: 1. The Clerk of the Police Authority/Joint Police Committee
2. The Chief Constable

THE POLICE COUNCIL FOR THE UNITED KINGDOM

The following agreement of Standing Committee D is submitted for the approval of the Secretary of State.

Special Leave

1. To provide that a police authority may grant any member of a police force special leave, in addition to the member's entitlement of annual leave.
2. Such special leave may be either paid or unpaid, at the discretion of the police authority, and may be granted in the following circumstances:
 - (a) for compassionate reasons;
 - (b) to attend courses of training or education;
 - (c) to participate in exchanges, visits or representative sporting activities; or
 - (d) in any circumstances where the police authority is satisfied that the grant of special leave would benefit the service, or the individual member's welfare or efficiency as a police officer.
3. The grant of special leave may in certain circumstances have to be delayed due to the exigencies of the service.
4. Periods of unpaid special leave should not be reckonable for pension purposes.

NOTES:

1. The intention of this agreement is to legitimise existing practice rather than restrict it. The effect of the agreement will also be to encourage the granting of special leave in forces where it has hitherto not been granted as a matter of policy. The intention behind the agreement is that special leave is to be granted at local discretion, within the broad guidelines - of benefit to the service.
2. The list in paragraph 2 of the agreement is intended as a guide and is not necessarily comprehensive.
3. Where a member is granted paid special leave, he should receive any allowance for which he normally qualifies, except overtime compensation and duty linked allowances such as authorised car user's allowance. Cases of doubt should be referred to the Joint Secretaries for a decision.
4. Should an officer on special leave put himself on duty, the provisions of the police pensions scheme would have effect accordingly in relation to any award which would thereby become payable.

B. J. RUSBRIDGE
J. MARTUCCI

Joint Secretaries:
Committee D

November 1975