

## **FREQUENTLY ASKED QUESTIONS – MATERNITY.**

**1. Q: When do I have to notify the force that I am pregnant?**

**A:** You have to notify the force 28 days before you intend to commence your maternity leave however the force does have an obligation under health and safety legislation to carry out risk assessments on pregnant workers and this cannot be done until you notify them. Also you will probably need to tell the force in order for them to accommodate any antenatal appointments or any other support that may be needed.

**2. Q: When should I commence my maternity leave?**

**A:** Maternity leave can be taken at any time commencing 6 months before the probable birth date to 12 months after the stated probable date of birth up to a maximum of 15 months in total.

For pay purposes it is best to start your maternity leave on a Sunday, because if you start your maternity leave on a Monday you are deemed to have been available for work on the Sunday and therefore not eligible for state benefits that week. You will also need to consider this when returning to work as if you are deemed to have worked part of a week you will lose your SMP (Statutory Maternity Pay) for that week. This does not however apply to KIT (Keeping in touch) days.

**3. Q: How do I qualify for maternity leave?**

**A:** All policewomen are entitled to take maternity leave irrespective of their length of service. You can choose when and how much maternity leave to take. Maternity leave can be taken at any time from 6 months before the expected date of birth to twelve months after, within a maximum maternity period of 15 months. Maternity leave will commence on the day you notify you wish it to start but it can be no later than the date given as the probable date of birth.

**4. Q: How do I qualify for maternity pay?**

**A:** To qualify for Police Maternity Pay (PMP) you must have 63 weeks continuous service at the beginning of the week (Sunday) that your baby is expected. PMP is full pay for the first 13 weeks of your maternity leave. You may also be entitled to Statutory Maternity Pay (SMP) and to qualify for this you must have completed 26 weeks continuous service at the 'qualifying week'. The qualifying week commences on the Sunday, 15 weeks before the week the baby is due.

Providing you qualify officers will receive their 13 weeks PMP followed by 26 weeks Statutory Maternity Pay.

If you do not qualify for PMP or SMP you may be entitled to Maternity Allowance, paid directly by the Benefits Agency.

**5. Q: Can I take my maternity leave in more than one block?**

**A:** Yes, you can take your maternity leave in one or more blocks of leave provided you give the required notice.

**6. Q: What duties should I do when I am pregnant?**

**A:** The force is required to undertake a risk assessment on the job you are doing. If they identify any risk to you they must tell you what the risk is. Once you have notified the force you are pregnant your line manager must conduct continuous risk assessments throughout your pregnancy. You should be given the opportunity to discuss the risk assessment with your line manager and your medical advisors. If you cannot continue in your present work, the force must consider altering the work so that the risk is removed or find alternative work for you to do. If they are unable to find you another job they must place you on paid leave.

If you wish to remain on certain duties, the force should not remove you from them without first undertaking a proper risk assessment (which may include seeking medical advice).

**7. Q: Should I work nights or shifts?**

**A:** If your doctor, midwife or health visitor certifies that it would endanger your health or that of your child, then you should not work nights and/or shifts.

**8. Q: Can I be required to continue on operational duties when I become pregnant?**

**A:** In many circumstances operational duties will pose particular risks for a pregnant woman. Forces must undertake a risk assessment and discuss the risks with you. You should discuss those risks with your doctor. As previously stated if there are risks associated with your role the force may remove those risks from your role or offer you a restricted duties role.

**9. Q: Can I stay on operational duties if I want to?**

**A:** This depends on the risks that have been identified by the risk assessment in your particular circumstances. The force should not make any “Knee jerk” or “blanket” decisions about your duties without doing a risk assessment, discussing it with you, obtaining medical advice and allowing you to discuss the issues with your medical advisors. There should be an opportunity for you to come to an agreement with the force in the full knowledge of your and their concerns. There may be parts of the job that could be removed that would enable you to continue doing the main duties of the role.

**10. Q: Can I be removed from training when I am pregnant?**

**A:** This will depend on the nature of the training. If risks have been identified by the risk assessment but you are keen to continue with the training, the force should consider whether there are any reasonable adjustments that could be made to the training programme which would allow you to continue without having to cease the training altogether. For example, if part of the training involved vigorous role plays, it might be possible for you to continue the training by watching the role plays rather than taking part in them.

**11. Q: Will I lose any of my pay or benefits if I go onto restricted duties?**

**A:** Your pay and most benefits will be protected whilst you are pregnant and remain at work, however benefits such as SPP may be lost if you are moved to perform a role which does not attract an SPP.

**12. Q: Am I entitled to more frequent rest breaks?**

**A:** Yes, you will need to agree timing and frequency of rest breaks with the force as part of the risk assessment process.

**13. Q: I am a student officer. Am I entitled to take maternity leave and what will happen to my probation?**

**A:** You are entitled to the same maternity leave as any other officer. You will also be entitled to SMP and PMP provided the criteria are met as at question 4.

As regards the period of your probation, the force is able to extend probation if it is not satisfied that you have required the skills to be confirmed in post. If you have just a few weeks left of your probation and you have been doing well in your assessments, the force may well confirm you in post. If you have not served for very long and have not completed your assessments or SOLAP then you will not have reached the required standard and the force is likely to extend your probation.

**14. Q: If I take unpaid maternity leave what happens with my pension?**

**A:** The first 26 weeks of maternity leave is always pensionable even if unpaid. In addition all periods of paid maternity leave PMP and SMP are pensionable. Unpaid maternity leave after the first 26 weeks will also be pensionable providing you elect to pay the pension contributions you would have paid during this period within 3 months of returning to work and complete payment within 6 months. Your

pension contributions will be based upon the pay you received prior to going onto nil pay. This will normally be the percentage of pension contributions current at the time based on the SMP amount. You should contact the pension department if you wish to avail yourself of this.

**15. Q: What happens if I become sick whilst I am pregnant prior to my Maternity leave starting?**

**A:** You are entitled to take sick leave before maternity leave starts. This will not affect your entitlement to maternity leave unless your sickness is pregnancy related and it is within the 4 weeks before the EWC (Expected week of confinement) in which case your SMP will automatically start.

**16. Q: What happens if I become sick during maternity leave?**

**A:** You are not entitled to take sick leave during maternity leave. You can however give notice that you wish to come back from maternity leave and then immediately commence a period of sick leave. You must give at least 21 days notice of this. This could be of benefit to you if you are on unpaid maternity leave and you are entitled to full sick pay or half sick pay. However you will need to remember that any sick leave which is not pregnancy related will form part of the forces 'Attendance Standard' and all sick leave will be included for the purposes of any unsatisfactory attendance procedures.

**17. Q: What happens to my annual leave when I am on maternity leave?**

**A:** Your annual leave accrues whilst you are on maternity leave. You are entitled to carry forward 5 days leave (40 hours) from one leave year to the next. In exceptional circumstances you can carry forward more at the discretion of the Chief Superintendent or Head of Department. Many pregnant mothers either take AL prior to going onto maternity leave, resume from maternity leave onto AL and then

go back onto maternity leave or add periods of AL to the end of their maternity leave.

**18. Q: I receive rent/housing allowance, what will happen to this when I am on maternity leave?**

**A:** You will continue to receive your rent/housing allowance whilst you are on paid maternity leave. You will not receive this allowance when you are on unpaid maternity leave. You retain the right to receive this allowance on your return to work. If you take unpaid maternity leave and your partner or husband is a serving officer and is also in receipt of the allowance then they are entitled to have their allowance increased whilst you remain on unpaid maternity leave.

**19. Q: What happens when I want to return to work?**

**A:** You must give 21 days notice in writing of your intention to return to work, unless you are returning at the end of the maternity leave period. The force should undertake a risk assessment of the role they are expecting you to undertake when you return in the same way as they are required to undertake a risk assessment when you are pregnant. You can change your date of return at any time provided you give the required notification.

**20. Q: Will I get a maternity uniform?**

**A:** At the moment the force is looking at bringing in a new maternity uniform but in the meantime you can obtain a small allowance to purchase certain items of clothing.

**21. Q: Do I have to attend court whilst I am on maternity leave?**

**A:** Yes. Unless a doctor certifies that you are not fit enough to attend. If you are required to attend whilst on PMP your police paid maternity leave will be extended by the period that you were required to attend but this will not extend your SMP period. **If you are in receipt of SMP you will lose the whole of your SMP for that week** unless you use a KIT day. It will depend on the length of time that you are required to attend at court as to whether it is best to use a KIT day or resume from maternity leave and then go back onto maternity leave after you have attended at court. You will be paid for the days that you work.

**22. Q: Will I be entitled to parental leave?**

**A:** Yes, all parents are entitled to parental leave totalling 13 weeks unpaid leave for each child below the age of 5 years and 18 weeks for parents of a disabled child up to the age of 18 years.

**23. Q: I am considering adopting a child; will I be entitled to paid leave?**

**A:** In addition to 13 weeks police paid adoption leave adopters are eligible for up to a further 26 weeks Statutory Adoption Leave paid at Statutory Adoption Pay rate. SAP is equivalent to the lower rate of Statutory Maternity Pay. In order to qualify for this you must have completed 26 weeks service by the end of the week that they notify you that you have been placed with a child. You can then also take a further 13 weeks Statutory Additional Adoption Leave which is unpaid. Any paid leave taken is reckonable for service. For part time officers the pay for each paid leave is pro rata.

**24. Q: Am I able to move to part time duties when I return from my Maternity leave?**

**A:** You may request to work part time at any time during your service. The force must treat your application seriously and consider whether you can work in your current post on a part time basis or whether there is some other post that you could undertake part time. The Force should provide you with reasonable operational reasons why you cannot work part time. Probationers can also work part time, although their probation period may be extended and particular periods e.g. some periods of training may have to be undertaken on a full time basis. If your application is approved it is best to move to part time when you return to duty from maternity leave, not before or during your maternity leave because your circumstances may change whilst you are on maternity leave. Look on the website for further details on part time.

**25. Q: What happens if I have negotiated and it has been agreed that I will return from maternity leave as a part time officer but on that day I am sick?**

**A:** If you have been appointed to part time hours on a particular date, you will go onto the part time pay that you would have been paid had you been available to work. Also the force's attendance standard would apply in the same way.

**26. Q: Can I be recalled to duty during my maternity leave?**

**A:** Yes, but this should be for exceptional reasons only, such as court duty. Unless a doctor certifies that you are unfit you must attend. You should not be recalled during the first two weeks immediately following the birth. Attendance at court as a police witness is treated as 'duty time'.

**27. Q: Are there any special arrangements if I am still breastfeeding when I return to work?**

**A:** A risk assessment must be carried out to identify whether there are any particular risks for you as a breastfeeding mother from the workplace or from the role that it is proposed that you perform. Before you return to work you should discuss this with the force. If you wish to continue to breast feed after you return to work you should expect to be provided with hygienic, private (i.e. screened and lockable) facilities and appropriate storage facilities for expressed milk. The protections of the Management of Health and Safety at Work Regulations 1999 extend to breast feeding workers. Also the UK Government is a signatory to a declaration, which supports breastfeeding and seeks to encourage the development of facilities to allow for breastfeeding or expressing milk.

**28. Q: Should I be required to return to operational duties when I am breastfeeding?**

**A:** This depends on the risks that have been identified by the risk assessment in your particular circumstances. Again the force should not make any “knee-jerk” or “blanket” decisions about your duties without doing a risk assessment, discussing it with you, obtaining medical advice and allowing you to discuss the issues with your medical advisors. There are different potential risks for a breastfeeding mother, in comparison with a pregnant woman and the risk assessment should reflect this. The possible risks could include an increased risk of exposure to dangerous chemicals or other noxious substances, a possible inability to express milk at regular intervals in a safe and hygienic environment and the practical difficulties associated with wearing a protective vest and increased fatigue and stress.

**29. Q: What facilities should the force provide if I am still breastfeeding when I return to work?**

**A:** You should have access to a private and hygienic room in which to rest and express milk. Cool facilities should also be available for you to store breast milk securely until you leave work.

**30. Q: How long can I breast feed after I return to work?**

**A:** This is a matter for you to discuss with your line manager. The exact legal position is unclear but you should not suffer less favourable or discriminatory treatment because of your desire to breast feed. The force will look at health recommendations and your own personal circumstances.

**31. Q: What happens if the baby dies or is classed as a still-birth?**

**A:** If a baby sadly dies after the 24<sup>th</sup> week of pregnancy, police women are still entitled to their full maternity leave and maternity pay.

**32. Q: Do I continue to pay Federation subscriptions when I am on maternity leave?**

**A:** Federation subscriptions are not required to be paid whilst on unpaid maternity leave. However contributions to member services such as, Life insurance, private health insurance, friendly societies, PMAS, credit unions etc will usually continue whilst on paid maternity leave but you should check as this may depend on the terms of the scheme. You will need to make arrangements to maintain cover whilst on unpaid maternity leave. Contact the Federation Office and police pay section for further information.