



# WEST MIDLANDS POLICE MATERNITY/ADOPTION SUPPORT LEAVE POLICY



The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



<b>Current Version And Effective Date.</b>	<b>Version 1.0</b>	<b>04/04/2018</b>
<b>Business Area Owner</b>	<b>Business Partnering</b>	
<b>Department Responsible</b>	<b>Employee Relations</b>	
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<b>Policy Initial Implementation Date</b>	<b>04/04/2018</b>	
<b>Review Date</b>	<b>04/04/2020</b>	
<b>Protective Marking</b>	<b>None</b>	
<b>Suitable For Publication – Freedom Of Information</b>	<b>Yes</b>	

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## 1.0 POLICY STATEMENT

We are delighted that you, or in the case of nominated carers a member of your family, are due to become a parent. We recognise that you may have questions about your entitlements during this time and we want you to have all the information you need to make appropriate plans.

If you and your partner are having a baby, adopting a child, fostering to adopt or having a baby through a surrogacy arrangement, you may be eligible for maternity/adoption support leave.

## 2.0 PURPOSE

We have set out this policy to:

- Clarify if you are eligible for maternity/adoption support leave, and
- Explain what you need to do if you want to take this leave from our Force.

## 3.0 SCOPE

This policy applies to all West Midlands Police Officers and Staff, including those on temporary and fixed-term contracts with our Force.

Some of the provisions of this policy are different for Police Officers and Police Staff.

This policy does not apply to people working with our Force in any third-party capacity, including consultants, contractors and third-party agency staff.

## 4.0 MATERNITY/ADOPTION SUPPORT LEAVE

### 4.1 Eligibility

You can only take maternity/adoption support leave if it is to look after the child and support the mother or adoptive parent (for adoptions of children up to the age of 18)

To be eligible, you must be an employee or officer of our Force and:

- a) Have or expect to have the responsibility for bringing up your child  
and

Be the child's biological father or the child's adopter, or  
the spouse, civil partner or partner of the mother or 'primary' adopting parent, or  
one member of a couple who are having a baby by a surrogacy arrangement,

**OR**

- b) Be the expectant mothers nominated carer

**AND**

- c) Have worked continuously for our Force for at least 26 weeks by:
- a. the end of the 15<sup>th</sup> week before the expected week your baby is due to be born (for birth and surrogacy parents) or
  - b. the end of the week in which you are matched with your child (for UK adoptions), or
  - c. or the date on which your child arrives in the UK or you want your paternity pay to start (for overseas adoptions),

**AND**

- d) Have followed the correct notification procedure  
e) Taken any shared parental leave required

### 4.2 Entitlement

If you are eligible, you are entitled to take either 1 or 2 consecutive weeks' maternity/adoption support leave, which you must take as a single block; not as odd days. Your entitlement is

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the same, whether you are having a single or multiple birth, or are adopting one or more than one child at the same time.

For birth parents or nominated carer's, your maternity/adoption support leave can start at any time from the date of your child's birth.

For adoptive parents, your maternity/adoption support leave can start on the day of placement or an agreed number of days after the placement date (UK adoptions) or on the date the child arrives in the UK or an agreed number of days after this (for overseas adoptions).

For surrogacy parents, your maternity/adoption support leave can start on the day the child is born or the day after this, if you are working on that day.

In all cases, your maternity/adoption support leave must end within 56 days of the birth or adoption placement date.

#### **4.3 Notifying us that you are taking maternity/adoption support leave**

We encourage you to notify your manager as soon as possible that you are intending to take maternity/adoption support leave, so that we can work with you to plan for your absence. You should complete a **Maternity/Adoption Support Leave Application Form** and return this, with a copy of the MATB1 or Matching Certificate to your line manager. Your line manager will subsequently send this to Shared Services to process via the My Service Portal.

Birth parents, including through surrogacy, you must notify us, in writing, of your intention to take maternity/adoption support leave by no later than the end of the 15<sup>th</sup> week before the expected week your baby is due to be born. You must tell us your baby's expected week of birth, whether you wish to take 1 or 2 weeks maternity/adoption support leave and the date when you would like your leave to start.

Surrogacy parents, you must also provide written confirmation that you are eligible for, and intend to apply for, a Parental Order within 6 months of your baby's birth.

Adoptive parents, you must notify us within 7 days of being notified that you have been matched with a child for adoption and in the event that this is not reasonably possible then as soon as reasonable practicable. You must tell us the date when you were notified of being matched with the child, the date when the child is expected to be placed with you, whether you wish to take 1 or 2 weeks maternity/adoption support leave and when you expect it to start.

For nominated carers you should complete a **Maternity/Adoption Support Leave Application Form** and return this, with a copy of the MATB1 or Matching Certificate to your line manager. Your line manager will subsequently send this to Shared Services to process via the My Service Portal.

Note: If you do not submit the required notice of the intention to take maternity/adoption support leave or when you wish to vary a submitted request you may lose your right to take it.

#### **4.4 Changing your start date**

You can change your maternity/adoption support leave start date, either bringing it forward or postponing it, providing you notify us in writing at least 28 days before the new start date, or where this has not been possible, as soon as reasonably practicable.

#### **4.5 Shared Parental Leave**

You may also be eligible for shared parental leave with your partner. However, you cannot take maternity/adoption support leave after you have taken shared parental leave. To take shared parental leave, you and your partner must meet certain eligibility requirements and comply with the relevant curtailment, notice and evidence requirements. Please see our **[Shared Parental Leave Policy](#)** for further information.

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## **5.0 MATERNITY/ADOPTION SUPPORT PAY**

### **5.1 Entitlement to Maternity/Adoption Support Pay**

If you meet certain qualifying criteria, you are entitled to receive statutory paternity pay and this is the basis upon which we assess your entitlement when you are on maternity/adoption support leave. At West Midlands Police, we enhance this payment (occupational maternity/adoption support pay).

This means you will receive full pay for the two weeks of your maternity/adoption support leave, subject to deductions for tax and national insurance contributions.

Whilst nominated carers do not meet the qualifying criteria for statutory paternity pay, the Force will make a payment of two weeks at full pay.

Your maternity/adoption support pay will begin at the same time as your maternity/adoption support leave, be paid for the duration of that leave and will be paid in the same way as your normal wages.

### **5.2 Eligibility requirements to receive Maternity/Adoption Support Pay**

You will be eligible to receive occupational and statutory (paternity) maternity/adoption support pay, if you are a Police Officer or member of Police Staff and have been continuously employed by us for at least 26 weeks by either:

- a) The end of the 15th week before your baby is due (for birth parents), or
- b) The time you are notified that you have been matched with a child (for UK adoptions), or
- c) The date you receive your official notification that you are matched with a child (for overseas adoptions), or
- d) The end of the 15th week before your baby is due and you intend to apply for a Parental Order (for surrogacy arrangements).

In all cases, you must continue to be employed by us (Police Staff) or work for our Force (Police Officer) at the date your child is born/adopted.

You must also:

- a) Have or expect to have the responsibility for bringing up your child  
and
- b) Be the child's biological father or adopter, or  
the spouse, civil partner or partner of the mother or 'primary' adopter, or  
one member of a couple who are having a baby by a surrogacy arrangement  
and
- c) Have average weekly earnings that are not less than the lower earnings limit for  
national insurance contributions  
and
- d) Have notified us, in writing at least 28 days before of the date you want your  
maternity/adoption support pay to start, or as soon as reasonably practicable where  
this has not been possible  
and
- e) Have provided us with the MATB1, or the Matching Certificate for UK adoptions, or a  
copy of the Official Notification and if applicable, Entry Clearance documents for  
overseas adoptions, or a Parental Statutory Declaration for surrogacy adoptions

Or

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- f) Be the nominated carer of the expectant mother and have provided a letter of confirmation of nomination and satisfy c, d and e above.

### **5.3 Time off work for antenatal care/adoption matching appointments**

If you are the father, spouse, partner or civil partner of the pregnant woman, or the intended parents having a baby through surrogacy, you can take paid time off to accompany the mother to two antenatal appointments of up to 4 hours each. Any additional time off you require will need to be taken as annual leave, TOIL, flexi-leave or unpaid leave. You will be required to confirm in writing your relationship with the mother or primary adopter, the purpose of the time off, that the appointment is on the advice of a medical practitioner, the dates and times of your appointment and when your time off will start and finish.

If you are adopting and you are the 'secondary' adopter, you can take paid time off to attend up to 2 adoption appointments after you have been matched with your child and prior to their placement date. Any additional time off you require will need to be taken as annual leave, TOIL, flexi-leave or unpaid leave. The appointments must be before the date of the child's placement for adoption with you and have been arranged by or at the request of the adoption agency.

We may ask you to provide confirmation of your appointments.

### **5.4 Support for Bereaved Parents**

In the unfortunate circumstances that you suffer a miscarriage, stillbirth or loss of your baby remember you can contact our Occupational Health team and our Employee Assistance Programme (EAP) which offers completely confidential independent support. The confidential EAP helpline on 0808 168 2143 is available 24/7 365 days of the year for support and guidance, bereavement and counselling support. Further information on the EAP scheme can be found at:

[http://intranet2/functions/people\\_od/health\\_wellbeing.aspx](http://intranet2/functions/people_od/health_wellbeing.aspx)

## **6.0 YOUR PAY & CONDITIONS DURING YOUR MATERNITY/ADOPTION SUPPORT LEAVE**

Throughout your maternity/adoption support leave, your terms and conditions will remain the same, except for your remuneration (see [Maternity/Adoption Support Pay](#)).

If you are a Police Officer, you may be recalled to duty at any time during your maternity/adoption support leave. This will only be in exceptional circumstances, such as for court attendance.

## **7.0 ANNUAL LEAVE ENTITLEMENT**

You will continue to accrue your contractual holiday entitlement, including Public Holidays, throughout your maternity/adoption support leave in the usual way.

## **8.0 RETURNING TO WORK AFTER MATERNITY/ADOPTION SUPPORT LEAVE**

You are entitled to return to the same role on terms and conditions no less favourable than those relevant to your role upon the commencement of your maternity/adoption support leave. There are some circumstances when this right may vary and if you or your manager have any queries please contact Shared Services via the My Service Portal.

If you do not return to work at the end of your maternity/adoption support leave, we will treat this as unauthorised absence, unless you are sick and have supplied a current medical certificate before the end of your Maternity/Adoption Support Leave. We will then manage your absence in line with our [Attendance Policy](#).

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**Note:** Remember that when you are on maternity/adoption support leave, Police Regulations or your contract of employment are still applicable to you e.g. accrual of annual leave confidentially and Standards of Professional Behaviour etc.

If you decide during your maternity/adoption support leave that you do not wish to return to work, provide us with written notice of your resignation, providing us with the relevant notice period, as set out in Police Regulations (for Police Officers) or your terms and conditions of employment (for Police Staff).

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