

WEST MIDLANS POLICE MATERNITY LEAVE POLICY



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1.0 POLICY STATEMENT

We are delighted that you 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 for you and your baby.

2.0 PURPOSE

We have set out this policy to:

- Explain what you are eligible to receive when you are expecting a baby.

3.0 SCOPE

This policy applies to all West Midlands Police Officers and Staff, regardless of seniority, including those on 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 or temporary workers

4.0 IMPORTANT TERMS USED IN THIS POLICY

Expected week of childbirth (EWC)	The week (always starting on a Sunday) during which your baby is due to be born
Qualifying Week	The 15 th week before the expected week of childbirth
MATB1 (Maternity Certificate)	A form issued to you by your Doctor or midwife confirming your Expected Week of Childbirth. This must include either your Doctor's name and address or your midwife's name and registration number.
Ordinary Maternity Leave	The first 26 weeks of maternity leave
Additional Maternity Leave	The period of maternity leave from week 27 onwards

5.0 DURING YOUR PREGNANCY

5.1 Notifying us that you are pregnant

We understand that you may not want to share the news of your pregnancy with many people in the first few weeks. However, we encourage you in the interest of your own welfare to notify your line manager and Shared Services, so that we can consider and discuss with you at an early stage, any health and safety implications for you and your baby during your pregnancy. Please note that if you are undertaking IVF, you are considered to be pregnant from the point of implantation. It is important to us that you and your unborn child's safety and well-being are protected as soon as practicable.

By no later than the start of the 15th week or for Police Officers at least 28 days before your expected week of childbirth (your Qualifying Week), you must have informed us, in writing, of your pregnancy and have completed the [Qualifying Form for Maternity Leave](#), explaining:

- 1) that you are pregnant
- 2) your expected week of childbirth
- 3) when you intend to start your maternity leave.

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You must also supply us with your MAT B1 form by this date and submit it to Shared Services via the My Service Portal. This is required in order to claim and pay Statutory Maternity Pay. We will respond to you, in writing, within 28 days of receiving your notification, confirming the date when you are expected to return to work after your maternity leave. This date will be based on you taking your full maternity leave entitlement.

Before you leave to have your baby, you can change your maternity leave date, either bringing it forward or postponing it, providing you notify your manager in writing at least 28 days before the new start date, or where this is not possible, as soon as reasonably possible.

5.2 Protecting you and your baby from exposure to risks

Once you tell us that you are pregnant, we will ensure a risk assessment is completed with you without unreasonable delay and, where possible, within 7 calendar days. Your line manager should complete the [Risk Assessment Form](#) with you and return it via the My Service Portal to Shared Services.

It is important to ensure that if you have any concerns about your health and safety at any time during your pregnancy, or your medical care practitioner highlights any potential restrictions for you, you notify your line manager without delay, so we can work with you to make the necessary adjustments to your work during your pregnancy.

If you think you may require a Personal Emergency Evacuation Plan at any time during your pregnancy, you should discuss this with your line manager and one of our fire marshals.

5.3 Temporary changes to your working arrangements

The health and safety of you and your baby during your pregnancy is of utmost importance to us. If either you or we identify potential issues, it is important that they are discussed and addressed wherever possible and promptly. The suitability of your current role, arrangements and your capacity to continue to undertake it, may have to be reviewed and consideration may be given to alternative duties, tasks, working hours etc. for the duration of your pregnancy.

In the unlikely and rare event that we cannot make suitable changes, suspension from duty on full pay for as long as it is necessary to protect you and your baby's health and safety may have to be considered.

In all cases we will meet with you and actively engage with you to ensure you are involved in the decision making process and options will be jointly explored; however, due to the Force's Health and Safety responsibility it will make the final decision.

5.4 Time off work for antenatal care

You are entitled to take reasonable paid time off work to receive antenatal care. Following your first antenatal appointment, we may ask you to provide confirmation of your subsequent appointments. In addition to your medical and healthcare appointments, you can attend other antenatal activities where you can demonstrate that these have been recommended by your healthcare professional. We encourage you to give your manager as much notice as possible of your appointments and, where possible, we ask you to consider arranging your appointments at non-peak times or the start/end of your shift, so there is minimal disruption to your work and your team.

5.5 Sickness Absence during your pregnancy

If you are absent from work due to sickness during your pregnancy, you should follow our normal sickness absence reporting procedure, as set out in our [Attendance Management Policy](#).

5.5.1 Pregnancy-related sickness absence from the 4th week before your EWC

If you are a Police Staff member and are absent from work due to a pregnancy-related illness during the 4 weeks before the baby is due, your maternity leave will start automatically from that date.

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If you are a Police Officer and are absent with pregnancy related illness as above, statutory maternity pay (SMP) will commence from the following day of absence. You can choose to bring your maternity leave forwards, or alternatively you can choose to start your Maternity Leave on your originally intended date.

5.5.2 Absence following a miscarriage

Miscarriage is the loss of a baby before the end of the 24th week of pregnancy. We will strive to support you at this difficult time, which may include a period of compassionate leave. We will consider any additional absence you require as ill-health, in line with our [Attendance Management Policy](#).

5.5.3 Absence following a stillbirth or the death of your baby:

If your baby is stillborn, (which is any loss of your baby after 24 weeks), or your baby dies after being born, we will strive to support you at this most difficult time. You will still be able to take your maternity leave and any maternity pay you are entitled to receive.

5.5.4 Support for Bereaved Parents

If 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 **0800 048 5956** which is available using text / call 24/7, 365 days of the year for support and guidance, bereavement and counselling support. Further information on the EAP scheme can be found following the below links

My Service Portal at the below link:

Employee Assistance Programme

Or VIVUP can be accessed directly from their website:

[VIVUP](#)

5.6 Pregnancy through IVF

Where you are seeking to become pregnant through IVF, you are considered to be pregnant from the point of implantation and protected from adverse treatment. A pregnancy test is usually taken 2 weeks following implantation. In the unfortunate event that treatment is unsuccessful (a negative test) this period of protection will extend for a further 2 weeks. Any absence during this protected period should be recorded as pregnancy related and will be disregarded for the purposes of sickness triggers when monitoring and managing attendance.

6.0 YOUR MATERNITY LEAVE

6.1 Your maternity leave entitlement:

You are entitled to take up to 15 months of maternity leave, in one or more periods, regardless of your length of service, providing you have followed the [‘Notifying us that you are pregnant’](#) process.

The consideration of one or more periods may enable you to attend training or take paid annual leave without bringing your maternity leave to an end. However, please refer to Section 7.1 Statutory Maternity Pay for guidance on how one or more periods of maternity leave will impact upon your pay.

You can start your maternity leave at any time from 6 months before your expected week of childbirth but in all cases, you must return to work no later than 15 months leave or 12 months after the birth of your child, whichever is sooner.

If you are a member of Police Staff and your baby is born early, your maternity leave will automatically start on the day after your baby is born.

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If you are a Police Officer and your baby is born early, you can choose to bring your maternity leave forwards, or alternatively you can choose to start your Maternity Leave on your originally intended date.

You do not have to take your full maternity leave entitlement if you don't want to; however you must, by law, take 2 weeks' compulsory maternity leave, immediately after you have given birth.

6.2 Opportunity for you to consider Shared Parental Leave:

If you and your partner meet certain eligibility criteria, you may be able to end your maternity leave and pay early and share the untaken balance of leave with your partner. It is important that you read and understand the [Shared Parental Leave Policy](#) before taking any action to end your maternity leave and pay as there are financial implications.

6.3 Keeping in contact with you during your maternity leave:

We will want to keep in contact with you during your maternity leave. We encourage you to discuss and agree contact arrangements with your line manager before you start your maternity leave, so that we can ensure any contact is relevant and reasonable.

6.4 Keeping in Touch (KIT) days:

KIT days are an opportunity to attend work during your maternity leave and can be used for a range of reasons, for example to attend training courses, meetings or professional development opportunities.

Other than the first two weeks after childbirth, you can agree to come to work, or attend work-related training, for up to 10 days during your maternity leave. You cannot work more than 10 KIT days, as it will result in a loss of a week's Statutory Maternity Pay if when you are still in the maternity pay period and would bring your maternity leave to an end.

KIT day working during your Maternity Leave is by mutual agreement and must be arranged with your line manager.

When you work a KIT day, you will be paid in line with your normal rate of pay for that day for the hours worked during that day, however during periods of contractual pay, an additional payment will not be made.

NB. For Police Officers: When you work a KIT day, you will be paid in line with your normal rate of pay for the hours worked during that day, your occupational maternity pay and maternity leave is extended by a day, however your statutory maternity pay remains unaffected.

Any work you carry out on an agreed day will be counted as one KIT day, even if it means that you are only coming into work for a few hours to attend a meeting or short training session. You are therefore encouraged to make full use of a KIT day where this will be beneficial to you.

6.5 Attending court during your maternity leave:

If you must attend court during your maternity leave, this will not normally be counted as a KIT day. Instead, you should claim TOIL for any time you spend in Court (which will be carried forward until your return to work). It may be possible for this to be conducted via a video link, but this would need to be discussed and arranged with Criminal Justice. Police Staff can, subject to the provision of the PSC handbook, request payment for this time instead.

7.0 YOUR MATERNITY PAY

7.1 Statutory Maternity Pay

You can receive Statutory Maternity Pay, if you:

- have at least 26 weeks continuous service at the end of your Qualifying Week

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- are still employed by us (Police Staff) or working for us (Police Officers) during that week
- are still pregnant 11 weeks before the start of your expected week of childbirth, or have already given birth
- have provided us with a MAT B1 form, confirming your Expected Week of Childbirth
- Your average weekly earnings are not less than the lower earnings limit for national insurance contributions.

Your Statutory Maternity Pay will start at the same time as your maternity leave or the eleventh week before your Expected Week of Childbirth; whichever is later. **NB.** For Police Officers, this is usually the case, however should your baby arrive ahead of your planned maternity leave start date, you can either choose to bring your maternity leave forward, or choose to keep your start date the same, in which case you will receive Statutory Maternity Pay ahead of your formal maternity leave start date. You are encouraged to seek advice from payroll and consider any financial implication you may have.

Statutory Maternity Pay is payable for up to 39 weeks and you will receive:

- 90% of your average weekly earnings for the first 6 weeks
- either Statutory Maternity Pay or 90% of your average weekly earnings for the remaining 33 weeks, whichever is lower.

Your Statutory Maternity Pay is paid in the same way as your normal wages and is subject to both income tax and national insurance contributions. It is only payable when you are not at work, so will stop if you return to work before the end of the 39 weeks.

To assist you with calculating your Statutory Maternity Pay, please visit the link to: <https://www.gov.uk/pay-leave-for-parents>

Should you elect to take your maternity leave in one or more periods, your maternity leave for statutory purposes will cease, along with your entitlement to Statutory Maternity Pay. It is therefore encouraged that you consider the financial implications carefully before pursuing this option, or elect to take your additional maternity leave period/s once your entitlement to Statutory Maternity Pay has expired.

7.2 Maternity Allowance

If you are not eligible for Statutory Maternity Pay, you may be eligible to receive Maternity Allowance instead. We will give you a SMP1 Form, in such cases, so you can pursue a claim for Maternity Allowance. Further guidance can be found at <https://www.gov.uk/maternity-allowance/>

7.3 Police / Enhanced Maternity Pay

If you are a Police Officer and have 63 weeks continuous service or a member of Police Staff with 1 year's continuous service with us by the eleventh week before your Expected Week of Childbirth before your Expected Week of Childbirth you will be entitled to receive:

- Full pay for the first 26 weeks of maternity leave (with the option to extend your final 5 weeks maternity pay to 10 weeks at half pay plus half SMP at the lower rate)
- Statutory Maternity Pay for the following 13 weeks of maternity leave
- No pay for the remaining period of your maternity leave

NB: If you are a Police Officer and your baby arrives early and you choose not to amend your maternity leave start date, whilst your entitlement to Police Maternity Pay and SMP remains, however the phasing of your SMP will differ to the above and payroll will be able to advise accordingly.

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For Police Officers and Police Staff you will remain eligible for Enhanced Maternity Pay providing you return to work at the end of your maternity leave for a continuous period of one month or more. If you do not fulfil this requirement, you must repay the difference between the statutory maternity pay and the occupational/enhanced maternity pay.

The table below provides a summary of Maternity Leave and Pay entitlements.

Length of Continuous Service	Employment Intention	Leave Entitlement	Pay Entitlement
Less than 26 weeks continuous service at your qualifying week	Returning or not returning	15 months	No entitlement to Statutory Maternity Pay (but you may be eligible for Maternity Allowance).
More than 26 weeks continuous service at your qualifying week but less than 52 weeks (Police Staff) or 63 weeks (Police Officers) at the 11 th week before the expected week of childbirth (EWC).	Returning or not returning	15 months	Statutory Maternity Pay
52 or more continuous service (Police Staff) / 63 weeks or more continuous service (Police Officers) at the 11 th week before the expected week of childbirth (EWC).	Returning	15 months	Enhanced Maternity Pay (which includes Statutory Maternity Pay)
52 or more continuous service (Police Staff) / 63 weeks or more continuous service (Police Officers) at the 11 th week before the expected week of childbirth (EWC).	Not returning	15 months	Statutory Maternity Pay (Police Staff only) Enhanced Maternity Pay (which includes Statutory Maternity Pay for Police Officers)

8.0 YOUR PAY AND CONDITIONS DURING MATERNITY LEAVE

Throughout your Maternity Leave, your terms and conditions of employment (for Police Staff) or Police Regulations (for Police Officers) will remain the same, except for your remuneration which will be in accordance with maternity pay entitlements. This also means that you continue to accrue annual leave and service and are bound by e.g. confidentiality and standards of professional behaviour, business interests etc.

8.1 Annual Leave Entitlements

You will continue to accrue your annual leave entitlements, including Public Holidays, throughout your maternity leave in the usual way. You can choose to take your accrued leave either directly before or immediately after your maternity leave. If you accrue any leave that

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you are unable to take before or after your maternity leave, you can carry it forward to the following leave year.

If you have chosen to take your maternity leave in more than one period, you can take your annual leave during the break in maternity leave. Should you elect to take your maternity leave in one or more periods, your maternity leave for statutory purposes will cease (staff only), along with your entitlement to Statutory Maternity Pay. It is therefore encouraged that you consider the financial implications carefully before pursuing this option, or elect to take your additional maternity leave period/s once your entitlement to Statutory Maternity Pay has expired.

If you are unsure whether you will return to work after your maternity leave, we would encourage you to only take the annual leave you will have accrued up until the end of your maternity pay period. This will reduce the likelihood of you taking too much annual leave, which you would then be required to repay to us.

If you want to book annual leave for a time when you will have returned to work, you should book your leave with your line manager, in accordance with the [Annual Leave for Police Officers Policy](#) or [Annual Leave for Police Staff Policy](#), as applicable. This will ensure you have the best opportunity to have your leave request approved, rather than waiting until your return and then finding the dates you want are not available. As with all annual leave, we cannot guarantee your request will be granted.

8.2 Salary Increases

You will be entitled to receive any pay increases that are due to you during your maternity leave. These will be calculated and back dated to the date the pay award took place and you will not suffer any detriment.

8.3 Pensions:

Your Pension rights vary upon which pension scheme you are in and whether you are a Police Officer or a member of Police Staff

POLICE OFFICER

You will not lose pensionable service for the first 26 weeks of your maternity leave irrespective of whether you receive any statutory or occupational maternity pay. Pension Contributions are payable on relevant pay, including Statutory Maternity Pay (SMP). If, when your Occupational Maternity Pay finishes, you transition to SMP only, pension contributions will be due on the SMP you receive but your police pension benefits will increase as if you continued to receive your contractual pay.

Your pension benefits will be affected by any periods of unpaid maternity leave as periods of absence can only count if pension contributions are paid. For unpaid leave, pension contributions are based on relevant pay. This means they are based on the pensionable pay you received immediately prior to your unpaid leave, which may only be at the rate of your SMP and not your contractual pay. If you wish to pay contributions under these circumstances, you must notify the Police Pension Authority (Pensions Department) within three months of your return to work, or by the date you leave the service if that is earlier. The contributions may be paid by lump sum or instalments and within six months of your return if you are a member of the 2006/2015 Police Pension Schemes.

Police Staff

LGPS

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Pension Contributions are payable on relevant pay, including Statutory Maternity Pay (SMP). If your Occupational Maternity Pay finishes and you transition to SMP only, pension contributions will be due on the SMP although you will be credited with your Assumed Pay; the pay you would have received should you have been at work.

Your pension benefits may be affected by any periods of unpaid maternity leave as period of absence can only count if pension contributions are paid. For unpaid maternity leave, pension contributions are based on assumed pay. This means they are based on the pensionable pay you would have received had you been at work. If you are in the 50/50 section of the LGPS, the moment you enter a period of No Pay, you must revert back to the main scheme and any unpaid pension contributions will accrue as such.

If you wish to pay contributions under these circumstances, you must, within 30 days of returning to work, contact WMP Payroll Department, who will provide you with the “Missing Pay” figure for you to use on the West Midlands Pension Fund calculator. You must then complete the election form and return this to the WMP Pensions Department, who will then process your request. After receiving authorisation from the West Midlands Pension Fund, the Payroll Department will be instructed to commence the relevant deductions. If you do not purchase the period of your unpaid pension this time will not count in any way for pension purposes.

Unpaid Maternity Leave

Police Pension Schemes	For unpaid leave, pension contributions are based on Relevant Pay. This means they are based on the pensionable pay you received immediately prior to your unpaid leave, which may only be at the rate of your SMP and not your contractual pay. For members of the 2006/2015 Police Pension Schemes, contributions must be repaid within 6 months of your return to work.
LGPS - Staff Pension Scheme	For unpaid leave, pension contributions are based on Assumed Pay. This means they are based on the contractual pay you would have received had you been working. If you wish to purchase your unpaid pension you must contact the WMP Payroll Department within 30 days of your return to work in order to obtain the pay information you will require to complete the online LGPS calculator at the West Midlands Pension Fund, before passing the completed request form to the WMP Pensions Team for processing.

KIT days

Police Officers

Police Officers	First 26 weeks	Occupational Maternity Pay (OMP) will be suspended and extended by one day for each KIT day worked,
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		irrespective of the number of hours worked on the KIT day. Your entitlement to Statutory Maternity Pay (SMP) will be unaffected. Your police pension entitlements are unaffected by KIT days worked during this time.
	Periods of SMP Only	Once your OMP expires it is likely you will continue to receive Statutory Maternity Pay (SMP) up to the end of week 39 of your Statutory Maternity Leave. You will be paid for these additional hours and pension contributions will be due at the appropriate rate. Your pension benefits will continue to increase at the same rate as if you were working.
	Unpaid Maternity Leave	For KIT days worked during Unpaid Maternity Leave are payable for the hours worked. Pension Contributions will be due at the appropriate rate for these hours although your pension benefits will increase as if you had worked a contractual day.

Police Staff

Police Staff	First 23 weeks	No additional payments are made for KIT days worked during periods of Occupational Maternity Pay. Your entitlement to Statutory Maternity Pay (SMP) will be unaffected. Your LGPS entitlements are unaffected by KIT days worked during this time.
	Periods of SMP Only	Once your OMP expires it is likely you will continue to receive Statutory Maternity Pay (SMP) up to week 39 of your Statutory Maternity Leave. You will be paid for these additional hours and pension contributions will be due at the appropriate rate. Your pension will continue to be credited as if you working.
	Unpaid Maternity Leave	KIT day hours worked during Unpaid Maternity Leave are pensionable and your pension will be credited for the pay you receive for that day.

POLICE STAFF:

Your pension benefits may be affected by any periods of unpaid absence as periods of absence can only count towards your pension if pension contributions are paid.

If you wish to pay back pension contributions during a period of unpaid paid leave, you must notify our Pensions Department as soon as possible and no later than 30 days after you return to work. If you opt not to purchase the period of unpaid pension this time will not count in any

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way for pension purposes. Upon receipt of the request the payroll department will provide you with the missing pay figure for you to use in the LGPS calculator.

8.4 Work Equipment

If you have work equipment, such as a laptop or mobile phone, you may be asked to return these for the duration of your maternity leave. If you keep your work equipment, we must emphasise that we do not expect or encourage you to use your work equipment or deal with any work matters during your time away from work.

8.5 Childcare Vouchers

For up to date information on this benefit please visit the My Benefits page on the My Services Portal.

To note, if you are in receipt of childcare vouchers under the pre October 2018 Sodexo scheme, these will continue during your maternity leave. Should you wish to increase the value of your childcare vouchers during your maternity leave, or within the 3 months prior, any additional Force contribution will be paid, however you will be required to repay the increase on your return to work. A repayment plan will be agreed with you prior to your return. Should you require any further information; Shared Services will be able to advise further.

8.6 Your Federation and Society Subscriptions

If you wish to remain in the Police Federation, Police Mutual Assurance Society or another relevant society, you must notify them that you wish to continue making subscriptions during your maternity leave. You should liaise with Payroll if you have any queries.

For Police Officers only, it is important that you should seek advice from the Federation Officer about your individual contributions, as if you have a break in your contributions, for whatever reason, you may not be entitled to full protection and consultation support from them.

For Police staff only, you must notify your Branch Secretary immediately of the change in your circumstances and again when you return to being paid or change membership status.

9.0 AFTER YOUR MATERNITY LEAVE

9.1 Returning to work

You have the statutory right to return to work after you have had your baby. If you are a member of Police Staff returning after Ordinary Maternity Leave, you have the right to return to a role on terms that are no less favourable and in most circumstances this will be the role that you previously fulfilled.

After Additional Maternity Leave, you still have the right to return to work but we may offer you a suitable alternative role if it is not reasonably practical for you to return to your original job. The alternative work will be on no less favourable terms and conditions than your original role.

If you are a Police Officer your posting cannot be guaranteed to be to the same role or team. We will however always seek to make reasonable and appropriate decisions and to balance your needs and skills with that of the Force.

If you wish to take your full period of maternity leave entitlement, you return to work at the end of this period and do not need to give us any prior notice.

However, if you wish to return to work before the end of your full period of maternity leave entitlement, you must notify us in writing a minimum of 21 days before you intend to return to work.

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On your return to work, it is important that you complete a new maternity risk assessment with your line manager and return it to Shared Services. You should highlight any risks that are identified to our Health and Safety team. If you are breastfeeding on your return, we may need to make changes to your working arrangements to ensure you have suitable rest periods and we safeguard your ability to continue breastfeeding. We will make separate arrangements with you if you need to express and store milk. If we identify any potential risks to your health and safety, we may need to temporarily change your working arrangements. We will, where possible, ensure you can remain within your usual working environment, with your current team colleagues. In the unlikely event that we cannot find a suitable alternative option, we reserve the right to suspend you on full pay for as long as it is necessary to protect your health and safety.

9.1.1 *Changing your return to work date*

You can change your return to work date from the one you originally provided to us, by giving us 21 days written notice of the change.

9.1.2 *Requesting a change to your working hours*

If you decide that you want to reduce or adjust your working hours, you have the right to request flexible working which will be considered but cannot be guaranteed. It should be noted that on occasion in order to support flexible working alternative roles or teams have to be considered. Please see our [Flexible Working Policy](#) for further information.

9.2 Not returning to work

If you decide during your maternity leave that you do not wish to return to work, you should 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). Remember that if you do not return to work for a minimum of one month you will be required to repay the difference between your statutory maternity pay and any enhanced (occupational) maternity pay.

If you are unable to return to work at the end of your maternity leave due to a medical reason, we will manage this as we would with any other sickness absence from work, in line with our [Attendance Management Policy](#).

If you do not return to work after your maternity leave and have not resigned we will treat this as unauthorised absence so please discuss in advance any concerns or issues that may affect a return to work including an intention not to do so.

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