

Police Service of Northern Ireland

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POLICY DIRECTIVE

MANAGING NEW AND EXPECTANT MOTHERS POLICY

1. POLICY IDENTIFICATION

POLICY TITLE: Managing New and Expectant Mothers Policy

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POLICY APPROVED BY:

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2. POLICY STATEMENT

- (1) The Police Service of Northern Ireland (PSNI) (the Service) is committed to providing a supportive, productive and harmonious working environment for new and expectant mothers.
- (2) The Service is also committed to ensuring it provides a safe working environment for all its police officers and police staff, particularly those who are new or expectant mothers.
- (3) The Service is an Equal Opportunities Employer and will ensure that new and expectant mothers are afforded the same opportunities and support that all other police officers and police staff receive during the course of their employment.
- (4) Further information on the rights of new and expectant mothers are set out in Policy Directive 04/06 – Equal Opportunities Policy.
- (5) The maternity entitlements outlined in this Policy apply to all female police officers and police staff with an Expected Week of Childbirth (EWC) on or after 5th October 2008. Queries regarding maternity entitlements prior to this date should be directed to the individual's Human Resources (HR) Manager.

3. INTRODUCTION

(1) Summary

- (a) This Policy explains how new and expectant mothers will be managed within the Service.
- (b) It summarises the rights of new and expectant mothers and the responsibilities of HR Managers and various departments within PSNI in ensuring that new and expectant mothers are managed appropriately and in accordance with both Health and Safety and Equality legislation.
- (c) It sets out the key things that the Service must do under the law and what the new and expectant mother must do to benefit from the protections that are available for her.
- (d) It also sets out the support mechanisms that exist for new and expectant mothers within the Service.
- (e) It is important that police officers and police staff feel supported by the Service. Police officers and police staff who feel valued and supported are likely to be more productive during their pregnancy. They are also more likely to return to work in a positive frame of mind.
- (f) Consistent and clear communication is the key element in managing new and expectant mothers appropriately. Talking to the expectant mother about her plans from an early stage will help everyone involved.

(2) Application

- (a) All police officers and police staff have a duty to adhere to and comply with this Policy.
- (b) Implementation of this Policy will have implications for all managers, police officers and police staff regardless of grade or rank.
- (c) Line Managers have a particular responsibility to manage new and expectant mothers appropriately and maintain harmonious and effective working relationships with their colleagues.

- (d) As an employer, the Service has a duty to ensure that policies, procedures and protocols are in place, working effectively, applied consistently and that all new and expectant mothers are made aware of their existence and receive appropriate guidance on their content.

(3) Legal Basis

This Policy complies with the requirements of the following legislation:

- (a) Equal Pay Act 1970;
- (b) Statutory Maternity Pay (General) Regulations 1986;
- (c) Social Security Contributions and Benefits Act 1992;
- (d) Employment Rights Act 1996;
- (e) Maternity and Parental Leave etc Regulations 1999;
- (f) Employment Act 2002;
- (g) Employment (NI) Order 2002;
- (h) Police Regulations 2005 Regulation 28 and 32, Annexes J, P, Q.
- (i) Maternity and Parental Leave etc and Paternity and Adoption Leave (Amendment) Regulations 2006;
- (j) Statutory Maternity Pay, Social Security (Maternity Allowance) and Social Security (Overlapping Benefits) (Amendment) Regulations 2006;
- (k) Work and Families (NI) Order 2006; and
- (l) Sex Discrimination Order, 1976 (Amendment) Regulations (NI) 2008.

4. IMPLICATIONS OF THE POLICY

(1) Financial and Efficiency Implications

- (a) The full implementation of this Policy will require the support of HR Managers, police staff and line management from within Districts and Departments.
- (b) Appropriate guidance will be provided to all relevant police officers and police staff.
- (c) By fully implementing this Policy, the Service will ensure that it deals with the management of new and expectant mothers appropriately and consistently. It is also recognised that police officers and police staff who feel valued and supported are likely to be more productive during their pregnancy.

(2) Risks

This Policy must be consistently applied across the Service to ensure that every pregnancy is treated to the same standard and that every new and expectant mother receives the appropriate and necessary assistance and support from the Service.

(3) Internal Policy Links

The following related instructions refer:

- (a) Policy Directive 10/09 – Management of Sickness Absence;
- (b) Policy Directive 14/06 - Health and Safety;
- (c) Policy Directive 04/06 – Equal Opportunities Policy;
- (d) Policy Directive 01/05 – Bullying and Harassment Policy;
- (e) Service Procedure 55/08 – Selection Competitions and Appointments.
- (f) Service Procedure 41/08 – Domestic Incidents involving Police Officers and Police Staff;
- (g) Service Procedure 34/08 – Special Leave (Domestic);
- (h) Service Procedure 33/08 – Flexible Working – Application Procedure for Police Officers and Police Staff;

(4) Consultation

The following have been consulted in preparation of this Policy:

- (a) Superintendents Association of Northern Ireland (SANI);
- (b) Police Federation for Northern Ireland (PFNI)
- (c) Northern Ireland Public Service Alliance (NIPSA);
- (d) Unite;
- (e) Women's Police Association (WPA);
- (f) Ethnic Minority Police Association (EMPA);
- (g) Equality Commission;
- (h) Heads of HR;
- (i) HR Managers;
- (j) People Development;
- (k) Reward and Recognition;
- (l) Pay Section;
- (m) Pensions Branch;
- (n) Health and Safety Branch;
- (o) Occupational Health and Well-being (OHW);

(p) Human Rights Legal Adviser;

(q) Employment Lawyer.

5. HUMAN RIGHTS/UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION

- (1) This Policy is deemed to be Human Rights compliant and consideration has been given to the United Nations Convention on the Rights of the Child (UNCRC).
- (2) This Policy has been screened for Section 75 considerations.
- (3) This Policy complies with the PSNI Code of Ethics.
- (4) This Policy is suitable for disclosure in accordance with the Freedom of Information Act 2000.

6. REVIEW

- (1) The Equality and Diversity Unit will monitor and assess the impact of this Policy.
- (2) This Policy will be reviewed 3 years from the date of publication unless otherwise necessitated by legislative change.

7. PROCEDURAL GUIDANCE

The appendices attached to this Policy contain further useful information on managing new and expectant mothers:

- (1) Appendix 'A' - Step by Step Guidance;
- (2) Appendix 'B' – Supporting Guidance;
- (3) Appendix 'C' – Glossary of Terms;
- (4) Appendix 'D' – New and Expectant Mothers Risk Assessment Process Flowchart;
- (5) Appendix 'E' – Form 23/4 – Maternity Leave Application Form.

STEP BY STEP GUIDANCE

1. STEP 1: NOTIFY LINE MANAGER OF PREGNANCY

- (1) The pregnant officer or member of police staff must inform her Line Manager of the pregnancy as soon as possible. She must set out in writing that:
 - (a) she is pregnant;
 - (b) the Expected Week of Childbirth (EWC);
 - (c) approximate dates of when she plans to start her maternity leave (and return to work).
- (2) When a police officer or member of police staff discloses her pregnancy, the Line Manager should respond positively to the announcement. It is also good practice for the Line Manager to ask the individual if they wish to keep this information confidential or if they are happy for it to be more broadly known.
- (3) The Line Manager must immediately inform the pregnant officer or member of police staff's HR Manager of the pregnancy.

2. STEP 2: ARRANGE A MEETING

- (1) The HR Manager must then arrange to meet with the police officer or member of police staff and her Line Manager within 14 days of being informed of the pregnancy.
- (2) In this meeting, the HR Manager should provide the pregnant officer or member of police staff with a New Parents Information Pack.
- (3) This meeting is a good opportunity to talk about the individual's maternity rights and entitlements and to encourage open and constructive communication about flexible working options and/or her return from leave. The HR Manager should also use this meeting to discuss the risk assessment process (please refer to Step 3 below).
- (4) The Line Manager should schedule in additional meetings throughout the pregnancy. These meetings should be used to identify any health and safety issues and update the risk assessment as necessary. These meetings also afford the Line Manager the opportunity to canvass options for the police officer or member of police staff's return to work, including the length of leave she is planning to take and flexible working. The pregnant officer or member of police staff is not bound to make a decision about return dates or flexible working at this time, but it is useful to discuss the possibilities. These meetings also enable the pregnant officer or member of police staff to ask any questions or raise any concerns that she may have.

3. STEP 3: ARRANGE A RISK ASSESSMENT

- (1) For detailed information on the Risk Assessment Process including a risk assessment pro forma, please refer to the guidance information available on PoliceNet.
- (2) Once notified about the pregnancy, the Line Manager is responsible for identifying a suitably trained risk assessor to carry out a risk assessment for the pregnant officer or member of police staff so that, if necessary, protective measures can be taken for her and her unborn child.

- (3) Pregnancy should not be equated with ill health and should be regarded as a condition not an illness. Health and safety implications can be adequately addressed by normal health and safety management procedures. Some hazards in the workplace may however have a greater effect on the health and safety of new or expectant mothers and of their children.
- (4) **Pregnancy does not automatically mean that a police officer or member of police staff must be removed from all operational duties.** It is extremely important that the individual risk assessment should take into consideration which aspects of operational work a pregnant officer or member of police staff is or is not able to continue performing. Every effort should be made to put protective measures in place that enable the pregnant officer or member of police staff to continue to work within their own team/unit.
- (5) In all circumstances, the health, safety and welfare of the pregnant officer or member of police staff and unborn child are of paramount importance and the Service will take all reasonable steps to prevent placing the pregnant officer or member of police staff and unborn child at risk of harm.
- (6) The Service is also aware that where necessary, it is required to provide pregnant officers or members of police staff with suitable alternative work and responsibility where available. To this end, there should be liaison between the HR Manager, Line Manager and where required, HR Department [eg Resourcing Unit, Health and Safety Branch, Occupational Health and Well-being (OHW)] to determine available roles and posts that can be filled by the pregnant officer or member of police staff until the commencement of her maternity leave.
- (7) If a pregnant officer or member of police staff is moved to an alternative role, the Line Manager of the new unit will assume responsibility for her management for the duration of her pregnancy. On commencement of her maternity leave, the original Line Manager will re-assume responsibility.
- (8) There is an obligation on Line Managers to keep the risk assessment under review throughout the duration of the pregnancy.
- (9) Risk assessments must be reviewed where there is a change in circumstances.
- (10) The HR Manager is responsible for conducting audits of the risk assessment process in relation to new and expectant mothers to ensure the process is being appropriately completed.

4. STEP 4: ARRANGE ANTENATAL CARE

- (1) All pregnant officers and police staff are entitled to take time off work for antenatal care.
- (2) The time off is to be paid as though the pregnant officer or member of police staff was at work.
- (3) Paid time off is available for antenatal care where the appointment is attended on the advice of a registered doctor, midwife or health visitor.
- (4) Antenatal care can include, for example, medical examinations, midwife appointments, antenatal classes, relaxation and parent craft classes.
- (5) The Line Manager can request evidence of the appointments, such as an appointment card. However, the Line Manager cannot request evidence for the first appointment.
- (6) The Line Manager should not unreasonably refuse to allow the pregnant officer or member of police staff time off for antenatal care.

5. STEP 5: ARRANGE MATERNITY LEAVE

- (1) The pregnant officer or member of police staff must decide when it is the most appropriate time to leave work. This will often depend on her health.
- (2) A pregnant police officer may start her maternity leave at any time after the beginning of the 15th week before the Expected Week of Childbirth (EWC). This is set out in Police Regulations 2005, Regulation 28, Annex J, 2b.
- (3) A pregnant member of police staff may start her maternity leave at any time after the beginning of the 11th week before the Expected Week of Childbirth (EWC).
- (4) Application for maternity leave is made by submitting Form 23/4 (copy attached at Appendix 'C') and attaching a MATB1 certificate completed by a GP or midwife. Form 23/4 is available on PoliceNet. The Service may require production of a Doctor's Certificate on the individual's fitness to continue work at any time after the 6th week before the Expected Week of Childbirth (EWC).
- (5) Within 28 days of receiving the application for maternity leave, the HR Manager must acknowledge the application and inform the pregnant officer or member of police staff in writing of the date when she is due back to work. The HR Manager is also responsible for updating the HR System and informing pay section/local finance office of the intended maternity leave period.
- (6) If the pregnant officer or member of police staff changes her mind about the date on which she plans to return from Maternity Leave, she must give her HR Manager at least 21 days notice of the revised date.
- (7) The HR Manager may postpone the return to work until the appropriate notice is received (however the return to work cannot be postponed beyond the end of the statutory maternity leave period).
- (8) As a means of supporting the pregnant officer or member of police staff, she may apply to take annual leave at either the beginning or the end of her maternity leave in order to extend the amount of paid time off. Whilst on both ordinary and additional maternity leave she will continue to accrue annual leave and bank/public holidays. Where maternity leave extends over the change of a leave year, normal rules regarding carry over of annual leave (pro-rata for part time) will apply. In reaching a decision on allowing the carry-over of annual leave, flexibility should be built in to support new mothers in balancing childcare arrangements with their return to work.
- (9) If childbirth occurs before the date the pregnant officer or member of police staff had notified, maternity leave automatically starts on the day after childbirth. In this case the police officer or member of police staff must, as soon as practicable, advise her HR Manager in writing of the date of childbirth.

6. POLICE OFFICERS MATERNITY LEAVE/PAY

- (1) **Occupational Maternity Leave/Pay**
 - (a) Police officers are entitled to 15 months maternity leave during the maternity period, which refers to the period 6 months before the Expected Week of Childbirth (EWC) and 12 months after the Expected Week of Childbirth (EWC). For those police officers who wish to work until a few weeks before the baby is due, they will be entitled to be on maternity leave for up to 12 months after the baby is born.

- (b) Police officers are entitled to full Occupational Maternity Pay (OMP) for the first 3 months of any period or periods of maternity leave in any one maternity period if they satisfy the following provisions as outlined in Police Regulations 2005, Regulation 28, Annex J which state:
 - (i) at the beginning of the week (a period of 7 days beginning with Sunday) in which the expected date of birth occurs, the female police officer will have served continuously for a period of not less than 63 weeks in the Police Service, as a police trainee, or in a police force in Great Britain; and
 - (ii) on the relevant date 15 weeks before the expected date of birth (as so defined) she either remains pregnant or has given birth prematurely to a baby who is alive on the relevant date.
- (c) Police officers who do not satisfy these criteria will be paid according to statutory maternity arrangements.
- (d) Occupational Maternity Pay (OMP) is paid on the condition that a police officer intends to return to work and that she completes at least one month's paid service on her return to work. Where a police officer has not satisfied this requirement, the HR Manager must ask her to repay any salary or wages for the period of maternity leave (less any Statutory Maternity Pay (SMP) to which she is entitled).
- (e) Heads of HR have discretion to waive repayment where there are good reasons why the police officer cannot return or they believe a genuine intention to return cannot be realised because of exceptional circumstances.

(2) Statutory Maternity Leave/Pay

- (a) After the expiry of the 3 months Occupational Maternity Pay (OMP) period, eligible police officers are, in addition, entitled to 26 weeks Statutory Maternity Pay (SMP) at the current statutory rate. Tax and National Insurance Contributions will continue to be taken from Statutory Maternity Pay (SMP).
- (b) Police officers not eligible for Occupational Maternity Pay (OMP) will qualify for 39 weeks Statutory Maternity Pay (SMP) if they have been employed by the service continuously for 26 weeks by 15 weeks before the Expected Week of Childbirth (EWC) and have average earnings of not less than the lower earnings limit for the payment of National Insurance contributions.
- (c) Police officers not eligible for Occupational Maternity Pay (OMP) will receive payment for the first 6 weeks Statutory Maternity Pay (SMP) at a rate of 90% of their average weekly earnings, followed by up to 33 weeks at the standard Statutory Maternity Pay (SMP) rate [or 90% of earnings for the full 39 weeks if this is less than the standard Statutory Maternity Pay (SMP) rate)].
- (d) Police officers who do not qualify for Statutory Maternity Pay (SMP) may be eligible for maternity allowance. Entitlement to maternity allowance is based on the police officer's employment and earnings in the 66 weeks ending with the week before the Expected Week of Childbirth (EWC). Maternity allowance is a social security benefit, which police officers must claim directly from the Social Security Agency, from whom advice should be sought.
- (e) Police officers in receipt of maternity allowance must inform PSNI Pay Section as soon as possible of the amount of maternity allowance paid.
- (f) After Occupational (OMP) and Statutory Maternity Pay (SMP) entitlement is exhausted, police officers can avail of unpaid leave for the remainder of their maternity leave entitlement.

7. POLICE STAFF MATERNITY LEAVE/PAY

(1) Occupational Maternity Leave/Pay

- (a) In order to benefit from occupational maternity arrangements, a member of police staff must:
 - (i) state that she intends to return to work in PSNI after the birth of her child, and that she agrees to repay any payment made during that period if she fails to return and complete at least one calendar month's service on her return; such repayment will exclude any Statutory Maternity Pay (SMP) to which she is entitled;
 - (ii) be in paid service with PSNI at the time her maternity leave begins and have rendered at least one year's paid service with PSNI, which need not be continuous; and
 - (iii) not be employed on an agency appointment.
- (b) Police staff who meet the qualifying conditions for the occupational maternity arrangements will be entitled to 52 weeks' maternity leave (this consists of 26 weeks' ordinary maternity leave and a further 26 weeks' additional maternity leave).
- (c) Police staff will be paid full pay (termed Occupational Maternity Pay) for the first 18 weeks of maternity leave. The remaining maternity leave period will be paid according to Statutory Maternity Pay (SMP) arrangements.
- (d) Where police staff qualify for both Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP), Occupational Maternity Pay will count towards the obligation to pay Statutory Maternity Pay (SMP).
- (e) Occupational Maternity Pay (OMP) is paid on the condition that a member of police staff intends to return to work and that she completes at least 1 month's paid Service on her return to work. Where a member of police staff has not satisfied this requirement, the HR Manager must ask her to repay any salary or wages for the period of maternity leave [less any Statutory Maternity Pay (SMP) to which she is entitled].
- (f) Heads of HR have discretion to waive repayment where there are good reasons why the member of police staff cannot return or they believe a genuine intention to return cannot be realised because of exceptional circumstances.
- (g) Where a member of police staff, who satisfies the qualifying conditions for Occupational Maternity Pay (OMP), wishes to start a second period of maternity leave before the first period has finished or, within 1 month of a completed period of maternity leave, she will only be entitled to Occupational Maternity Pay (OMP) provided she signs a new undertaking to repay Occupational Maternity Pay [less any Statutory Maternity Pay (SMP) paid] if she fails to return to work for at least 1 month at the end of the second period of maternity leave.

(2) Statutory Maternity Leave/Pay

- (a) After the expiry of the 18 weeks Occupational Maternity Pay (OMP) period, police staff are in addition entitled to 21 weeks Statutory Maternity Pay (SMP) at the current statutory rate. Tax and National Insurance Contributions will continue to be taken from Statutory Maternity Pay.
- (b) Police staff not eligible for Occupational Maternity Pay (OMP) will qualify for 39 weeks Statutory Maternity Pay (SMP) if they have been employed by the Service continuously for 26 weeks by 15 weeks before the Expected Week of Childbirth (EWC) and have average earnings of not less than the lower earnings limit for the payment of National Insurance contributions.

- (c) Police staff not eligible for Occupational Maternity Pay (OMP) will receive payment for the first 6 weeks of Statutory Maternity Pay (SMP) at a rate of 90% of their average weekly earnings, followed by up to 33 weeks at the standard Statutory Maternity Pay (SMP) rate [or 90% of earnings for the full 39 weeks if this is less than the standard Statutory Maternity Pay (SMP) rate].
- (d) Police staff who do not qualify for Statutory Maternity Pay (SMP) may be eligible for maternity allowance. Entitlement to maternity allowance is based on the member of police staff's employment and earnings in the 66 weeks ending with the week before the Expected Week of Childbirth (EWC). Maternity allowance is a social security benefit, which police staff must claim direct from the Social Security Agency (SSA), from whom advice should be sought.
- (e) Police staff in receipt of maternity allowance must inform PSNI Pay Section as soon as possible of the amount of maternity allowance paid.
- (f) After Occupational (OMP) and Statutory Maternity Pay (SMP) entitlement is exhausted, police staff can avail of unpaid leave for the remainder of their maternity leave entitlement.

8. PENSION AND ALLOWANCES

- (1) Allowances to which a police officer or member of police staff is entitled will be paid according to guidance in respect of individual allowances. Further information is available within Police Pay and Allowances Code and Northern Ireland Civil Service (NICS) Handbook.

(2) Pension (Police Officers)

- (a) For pension purposes, the first 26 weeks of maternity leave are automatically pensionable.
- (b) From week 27 – 52, the officer is entitled to repay pension contributions at either 11% or 9.5% (depending on the pension scheme that they belong to) at the rate of SMP.
- (c) The time limit for electing to make back-payments of pension contributions for maternity leave is within 3 months of the return to work or before leaving the Service, whichever is the earlier date.
- (d) The time period for making the necessary payment is within 6 months from the date of notification by Central Pay. Repayment can either be made by lump sum or additional monthly contributions.

(3) Pension (Police Staff)

- (a) During any period of paid maternity leave (ie when a member of police staff is receiving OMP or SMP the pension contributions of the Service will continue throughout the whole period.
- (b) The Service will not continue pension contributions during any subsequent period of unpaid leave.
- (c) Police staff contributions towards their occupational pension will be based on the amount of pay they receive during their maternity leave period.

9. KEEPING IN TOUCH (“KIT”) DAYS (POLICE OFFICERS)

Police Negotiating Board (PNB) is currently considering proposals to introduce KIT days for police officers. This Policy will be updated accordingly on publication of the PNB agreement.

10. KEEPING IN TOUCH (“KIT”) DAYS (POLICE STAFF)

- (1) Under the Maternity and Parental Leave etc (Amendment) Regulations (Northern Ireland) 2006, a member of staff may agree with her HR/Line Manager to work for up to 10 KIT days during her maternity leave without losing Occupational Maternity Pay (OMP), Statutory Maternity Pay (SMP) or maternity allowance, or bringing her maternity leave to an end as a result. This provision is intended to help to ease the member of police staff’s return to work.
- (2) Working KIT days has no effect on the end date of a member of police staff’s maternity leave.
- (3) For the purposes of this arrangement, “work” means any work completed for PSNI and may include training or any activity undertaken by the member of police staff for the purposes of keeping in touch with the workplace. For example, they could be particularly useful in enabling the member of police staff to attend a conference or to attend for a team meeting.
- (4) The Service has no right to demand that any such KIT day is worked, nor has the member of police staff any right to work a KIT day. The type of work that the member of police staff undertakes on KIT days is a matter for agreement between her and her Line Manager in conjunction with the HR Manager.

When KIT days may be worked

- (5) KIT days may be worked at any stage during the maternity leave period except during the first 2 weeks of maternity leave.
- (6) Although a member of police staff may work a maximum of 10 KIT days, these need not be worked on consecutive days and working for part of a day will count as one of the 10 days.

Payment for KIT days worked

- (7) The payment of Occupational Maternity Pay (OMP), Statutory Maternity Pay (SMP) or maternity allowance is not affected by working any of the 10 permitted KIT days. Therefore, if a member of police staff works a KIT day, she will continue to receive any Occupational Maternity Pay (OMP), Statutory Maternity Pay or maternity allowance that is due for that day.
- (8) Where the member of police staff is entitled to an additional payment, it will be paid as basic pay. Although working for part of a day will count as one of the 10 KIT days, any entitlement to payment will be calculated using the net hours actually worked.
- (9) The total of maternity pay and any additional payment due for working a KIT day will not exceed the member of police staff’s normal daily rate of pay.
- (10) For the purposes of KIT days maternity allowance will be treated the same as Statutory Maternity Pay (SMP) and when calculating payment for working a KIT day, a notional daily rate of Statutory Maternity Pay or maternity allowance, equivalent to one seventh of the appropriate weekly rate, will be used.
- (11) As an alternative to payment for KIT days worked, the member of police staff may also agree with their Line/HR Manager to take the time off on return from their maternity leave.

11. STEP 6: DISCUSS CONTACT WHILE ON MATERNITY LEAVE

- (1) The Line/HR Manager and pregnant officer or member of police staff can make reasonable contact during maternity leave.
- (2) Before the pregnant officer or member of police staff commences her maternity leave, the Line Manager must discuss and agree what communication (if any) she would like while she is on leave. Some pregnant officers and police staff will not want any contact, while others may want circulars, newsletters (Callsign, Weekly Orders, etc) or other documents emailed or posted to them to keep them up to date with work issues. This should be recorded in writing on the pregnant officer or member of police staff's Form 23/4 - Application for Maternity Leave (available on PoliceNet).
- (3) If the pregnant officer or member of police staff's annual appraisal would normally occur while she is on leave, it is helpful to decide how this will be undertaken. It may be completed prior to her going on leave, on her return, or by some other arrangement.

12. STEP 7: ARRANGE THE RETURN TO WORK

- (1) The Line Manager should talk to the police officer or member of police staff to plan her return to work and think about the practicalities.
- (2) If the police officer or member of police staff changes her mind about her return date from Maternity Leave she must give her HR Manager 21 days notice of the change.
- (3) A police officer or member of police staff returning to work after the first 6 months of leave (Ordinary Maternity Leave) is entitled to return to the same job she was doing before her maternity leave.
- (4) A police officer or member of police staff who returns to work after the second 6 months of leave (Additional Maternity Leave) is also entitled to return to the same job, unless there is some reason why it is not reasonably practicable for the Service to take her back in her original job, in which case she is entitled to be offered suitable alternative work.
- (5) Notwithstanding her absence on maternity leave, a police officer or member of police staff must be consulted in relation to any proposed changes to her individual terms and conditions of employment or redundancy.
- (6) Police officers and police staff who wish to vary their working patterns on return to work may make a request for flexible working on a temporary or permanent basis. The Line Manager should already have discussed flexible working options with the police officer or member of police staff before maternity leave. If the individual is interested, she should make her request in advance of her return to work, wherever possible. The request must follow the procedure set out in Service Procedure No 33/08 - Flexible Working - Application Procedure for Police Officers and Police Staff.
- (7) Whilst it is not a legal requirement, PSNI recognises the need to give consideration to providing a safe and healthy environment for police officers and police staff who are breastfeeding to express and store milk. Police officers and police staff intending to breastfeed on their return from maternity leave, should advise their Line Manager at an early stage so that suitable arrangements can be put in place.
- (8) The Line Manager must hold a "mini-induction" on the returning officer or member of police staff's first day back after her maternity leave. This is an opportunity to update her on changes that may have occurred while she was on maternity leave and to explore any training and development needs. The "mini-induction" should also be used to discuss any queries or concerns the returning officer or member of police staff may have. The Line Manager should also outline the support and services available, in particular the medical and nursing support available via OHW.
- (9) In addition, the Line Manager must review the risk assessment following the return to work for 6 months after the birth or whilst the new mother is breastfeeding.

SUPPORTING GUIDANCE

1. MISCARRIAGE, STILLBIRTH OR DEATH OF A BABY

The Service fully understands that the loss of a baby is an extremely difficult time and aims to treat police officers and police staff affected by such circumstances in a sympathetic and sensitive manner.

(1) Miscarriage

- (a) A **miscarriage** is where a baby is born dead before the end of the 24th week of pregnancy.
- (b) A police officer or member of police staff who suffers a **miscarriage** is not entitled to maternity leave or pay. The police officer or member of police staff may however apply for special leave or avail of sick leave as appropriate to her individual circumstances.

(2) Stillbirth

- (a) Stillbirth is where a baby is born dead during or after the 25th week of pregnancy. Any police officer or member of police staff whose baby is stillborn is entitled to maternity leave.
- (b) If the pregnant officer or member of police staff's baby dies or is stillborn before 24 weeks' sympathetic consideration will be given to the circumstances and where necessary special leave should be granted or sick leave availed of as appropriate to her individual circumstances. This decision should be based on medical advice from OHW.
- (c) If a police officer or member of police staff's baby is stillborn while she is on maternity leave, no action needs to be taken by the police officer or member of police staff and her entitlements will continue as before the stillbirth.
- (d) If the baby is stillborn before the police officer or member of police staff has started her maternity leave, the police officer or member of police staff must notify her HR Manager as soon as practicable after the birth that she has given birth and the date of the stillbirth. The police officer or member of police staff must also provide her HR Manager with medical evidence of the Expected Week of Childbirth (EWC) and of the date the baby was stillborn.
- (e) If the police officer or member of police staff has already given notice of her intended maternity leave but she wishes her maternity leave to start earlier because of the stillbirth, she must advise her HR Manager accordingly in writing.
- (f) Maternity leave will start on the day after the date of stillbirth.

(3) Death of a baby

If a police officer or member of police staff's baby is born alive but dies soon afterwards that will be classed as a live birth. In these traumatic circumstances, the police officer or member of police staff will be entitled to maternity leave and pay, provided she satisfies the eligibility criteria.

2. MANAGING SICKNESS BEFORE, DURING AND AFTER MATERNITY LEAVE

Before

- (1) During pregnancy, a police officer or member of police staff who is absent due to a pregnancy-related sickness is entitled to receive sick pay.
- (2) If a pregnant officer or member of police staff is absent due to a “pregnancy-related sickness” at any time during the 4 weeks up to the expected week of her child’s birth (EWC), her maternity leave will start on the day after the first day of absence, unless her HR Manager agrees otherwise.
- (3) In order to preserve her rights, the pregnant officer or member of police staff must advise her Line Manager that she is absent from work because of her pregnancy and give the date on which absence for that reason began.
- (4) Pregnancy related sickness will be recorded on the pregnant officer or member of police staff’s absence record, however absences specifically related to a pregnancy and that occur during a period of pregnancy will not generally be considered under the Unsatisfactory Attendance Procedure.
- (5) The Service will not use pregnancy-related sickness as a reason for disciplinary action or when selecting for redundancy or for any other detrimental purpose.
- (6) Time off work for antenatal care is not to be counted as absence due to pregnancy-related sickness.
- (7) A police officer or member of police staff’s entitlement to Statutory Maternity Pay (SMP) may be affected if she receives Statutory Sick Pay (SSP) during her pregnancy.

During

- (8) A police officer or member of police staff cannot receive Occupational/Statutory Sick Pay (SSP) whilst receiving maternity pay. If a police officer or member of police staff is sick after the maternity pay period, she will only receive Occupational/Statutory Sick Pay if she satisfies the relevant eligibility criteria.

After

- (9) If a police officer or member of police staff is sick on her return from Maternity Leave, she is subject to the PSNI’s Managing Attendance Policy and Unsatisfactory Attendance Procedure.
- (10) After maternity leave, the police officer or member of police staff no longer has protected status as this ends on the termination of her maternity leave.

3. SUPPORT

There is a range of support functions within PSNI for new and expectant mothers, including:

- (1) OHW provide a full range of medical and nursing support for all police officers and police staff.
- (2) The Equality and Diversity Unit, based at Lisnasharragh, can advise all police officers and police staff on internal policies and procedures relevant to their pregnancy.
- (3) CareCall is a confidential telephone advice and support line that all police officers and police staff may avail of, either from work or home, to discuss issues with trained support counsellors.

- (4) Health and Safety Branch, based at Lisnasharragh are also able to advise new and expectant mothers on issues relating to their pregnancy status such as working conditions, hours, operational duties, risk assessments, breastfeeding.
- (5) The Childcare Co-ordinator can advice police officers and police staff on easing the financial burden of childcare by using the Childcare Voucher System and/or accessing Child Tax Credits via the Inland Revenue.
- (6) Employers for Childcare, the Service's Childcare Voucher Provider provide confidential advice to all police officers and police staff on issues relating to parenting skills, childcare facilities and services, financial support, and other support networks for young and/or single parents throughout Northern Ireland.

GLOSSARY OF TERMS

EWC - Expected Week of Childbirth

Childbirth means the birth of a living child or the birth of a child whether living or dead after 24 weeks of pregnancy. The EWC is the week commencing on a Sunday in which Childbirth is expected.

QW - Qualifying Week

The Qualifying Week is the 15th week before the expected date of confinement. This is used in order to confirm the entitlement to Statutory Maternity Pay.

SMP - Statutory Maternity Pay

SMP is the term given to payment, which will be made in lieu of the normal salary during the maternity leave period. The qualification criteria and the amount are set by government and are reviewed annually each April.

OMP - Occupational Maternity Pay

OMP is the term given to payment, which is granted in lieu of the normal salary during your maternity leave. It is paid by the employer and may supplement Statutory Maternity Pay.

MATB1

This is a certificate confirming pregnancy and EWC, which is issued by a medical practitioner or certified midwife. It is the essential medical evidence, which is required to authorise payment of SMP and is usually issued at 26 weeks pregnancy.

FORM 23/4

This is the PSNI form that is used for formal notification of pregnancy and the monitoring of the various stages of your pregnancy including the commencement of your maternity leave. (Copy at Appendix 'C'). At various stages the form will be returned to the pregnant officer or member of police staff and should be kept securely.

MA - MATERNITY ALLOWANCE

This is paid to police officers and members of police staff who do not qualify for Statutory Maternity Pay. It is a Social Security Benefit and is paid directly from the Social Security Agency (SSA). An application to them must be accompanied by a Form SMP1 which is confirmation that the pregnant officer or member of police staff is not entitled to SMP.

SMP1

This is a form, which is issued by the Social Security Agency (SSA) available and completed by the Employer to enable the police officers and members of staff to claim maternity allowance where there is not entitlement to SMP.

**NEW AND EXPECTANT MOTHERS – RISK ASSESSMENT
PROCESS FLOWCHART**

