

**MATERNITY SUPPORT LEAVE**

## 1) MATERNITY SUPPORT LEAVE

(a) So far as the exigencies of duty permit, a member of a police force who is the child's father or the partner or the nominated carer of an expectant mother shall be granted:-

- (i) 5 days maternity support leave with effect from 8 February 2001 and 5<sup>th</sup> April 2003;
- (ii) two weeks maternity support leave with effect from 6<sup>th</sup> April 2003,

at or around the time of the birth.

(b) For the purposes of this determination, a nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

(c) In the case of a part-time member, each day of maternity support leave granted counts for the purposes of regulation 24(1) and the determination thereunder as a period of duty of 8 hours multiplied by the appropriate factor.

## 2) PARENTAL LEAVE

a) With effect from 15 December 1999 a member of a police force who:

- (i) has served continuously for a period of not less than a year; and
- (ii) has, or expects to have, responsibility for a child,

is entitled, in accordance with this determination, to be absent from work on parental leave for the purpose of caring for that child.

b) A member has responsibility for a child, for the purposes of subparagraph (a), if:

- (i) the member has parental responsibility for the child; or
- (ii) the member has been registered as the child's father under any provision of 14 or 18 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965.

c) A member is entitled to thirteen weeks' leave in respect of any individual child.

- d) With effect from 16 April 2003, a member is entitled to eighteen weeks' leave in respect of any individual child where that child is entitled to disability living allowance, subject to sub-paragraph (j) of this determination.
- e) Where the period for which a member is normally required to do duty in the course of a week does not vary, a week's leave for the member is a period of absence from duty which is equal in duration to the period for which the member is normally required to do duty.
- f) Where the period for which a member is normally required to do duty in the course of a week varies from week to week or over a longer period, or where the member is normally required to work in some weeks but not in others, a weeks' leave for the member is a period of absence from duty which is equal in duration to the period calculated by dividing the total of the periods for which the member is normally required to do duty in a year by 52.
- g) Where a member takes leave in periods shorter than the period which constitutes for the member, a weeks' leave under whichever of sub-paragraphs (e) and (f) is applicable in the member's case, the member completes a weeks' leave when the aggregate of the periods of leave the member has taken equals the period constituting a weeks' leave for the member under the applicable sub-paragraph.
- h) Except in the cases referred to in sub-paragraphs (i) and (j), a member may not exercise any entitlement to parental leave in respect of a child after the date of the child's 5<sup>th</sup> birthday or, in the case of a child placed with the member for adoption by the member, on or after:
  - (i) the 5<sup>th</sup> anniversary of the date on which the placement began, or
  - (ii) the date of the child's 18<sup>th</sup> birthday,

whichever is the earlier.
- i) In the case of a child:
  - (i) born before 15<sup>th</sup> December 1999, whose 5<sup>th</sup> birthday was or is on or after that date, or
  - (ii) placed with the member for adoption by the member before 15<sup>th</sup> December 1999, the 5<sup>th</sup> anniversary of whose placement was or is on or after that date,

not being a case to which sub-paragraph (j) applies, any entitlement to parental leave may not be exercised after 31<sup>st</sup> March 2005.

- j) In the case of a child who is entitled to a disability living allowance, any entitlement to parental leave may not be exercised on or after the date of the child's 18<sup>th</sup> birthday.
- k) A member of a police force shall give notice to the Chief Constable of their intention to take any part of the parental leave to which the member is entitled. For the purposes of this sub-paragraph, the notice required is notice which:
  - (i) specifies the dates on which the period of leave is to begin and end; and
  - (ii) is given to the Chief Constable at least 21 days before the date on which that period is to begin.
- l) As far as the exigencies of duty permit, the Chief Constable shall grant the member parental leave where notice has been given in accordance with sub-paragraph (k) above.

### 3) ADOPTION LEAVE

- a) So far as the exigencies of duty permit, a member of a police force who is the child's adoptive parent shall be granted-
  - (i) 5 days adoption leave, with effect from 8 February 2001 to 5<sup>th</sup> April 2003 at or around the time of the adoption;
  - (ii) One week adoption leave with effect from 6<sup>th</sup> April 2003.
- b) With effect from 6 April 2003 and so far as the exigencies of duty permit, a member of a police force who is the child's adoptive parent and who either;
  - (i) has been notified that he has been matched with a child on or after 6 April 2003; or
  - (ii) has had a child placed with him on or after 6 April 2003;

shall be granted 51 weeks' adoption leave provided that the member concerned has served continuously for a period of 26 weeks by the end of the notification week.

- c) In paragraph (b) above, the "notification week" is the week in which the member is notified of being matched with a child for adoption.
- d) A member of a police force may take adoption leave on the day on which a child is placed with them or on such other date that the member notifies to the chief constable.
- e) The date that may be notified under paragraph (d) shall be no more than 14 days before the day on which the child is expected to be placed with the member and no later than that date.

- f) In the case of a part-time member each day of adoption leave granted counts for the purposes of regulation 24(1) and the determination thereunder as a period of duty of 8 hours multiplied by the appropriate factor.

4) ADOPTION SUPPORT LEAVE

- a) With effect from 6 April 2003 and so far as the exigencies of duty permit, a member of a police force who is the spouse or partner of an adoptive parent shall be granted 2 weeks adoption support leave at or around the time of adoption.
- b) In the case of a part-time member, each day of adoption support leave granted counts for the purposes of regulation 24(1) and the determination thereunder as a period of duty of 8 hours multiplied by the appropriate factor.

5)

- a) In this determination and determinations made under regulations 22 and 25, "day", in relation to members of a police force, means a period of 24 hours commencing at such time or times as the Chief Constable shall fix and the Chief Constable may fix different times in relation to different groups of members.
- b) In discharging their functions under sub paragraph (a) above, the Chief Constable shall have regard to the wishes of the joint branch board.