

**DETERMINATIONS OF THE SECRETARY OF STATE UNDER THE POLICE
REGULATIONS 2003**

The Secretary of State has determined that the determination made under Regulation 33 of the Police Regulations 2003 (Annex S – Maternity Support Leave, Adoption Support Leave and Parental Leave) shall be amended as follows. These amendments shall have effect from 3rd April 2011.

- 1) For the heading of Part 1 there shall be substituted the following:

“Part 1 – Ordinary Maternity Support Leave and Ordinary Adoption Support Leave”

- 2) For the words “maternity support leave” in paragraphs (1), (4), (5)(a), (8) and (11) there shall be substituted the words “ordinary maternity support leave”.
- 3) For the words “adoption support leave” in paragraphs (3), (4), (5)(b), (8) and (11) there shall be substituted the words “ordinary adoption support leave”.
- 4) After Part 1 there shall be inserted the following:

“Part 1A – Additional Maternity Support Leave and Additional Adoption Support Leave

- 11A) Without prejudice to Part 1 of this determination, and so far as the exigencies of duty permit, a member of a police force who:

a) satisfies the conditions specified in paragraph (11B); and

b) complies with the requirement specified in paragraph (11C),

shall be granted additional maternity support leave or additional adoption support leave (as the case may be) for the purposes of caring for a child.

- 11B) The conditions are that:

- a) the member is the father of the child, or the spouse or partner of the mother or adopter of the child;
- b) the member is taking leave to care for the child and has, or expects to have, responsibility for the child;
- c) the member has served in that or another police force for a continuous period of at least 26 weeks ending with:
 - i) the week immediately preceding the 14th week before the expected week of the child's birth (in the case of additional maternity support leave), or
 - ii) the week in which the adopter is matched with the child for adoption (in the case of additional adoption support leave);
- d) the member remains a member of the police force until the week before the first week of additional maternity support leave or additional adoption support leave;
- e) the mother or adopter of the child:
 - i) has been in receipt of statutory maternity pay, statutory maternity allowance or statutory adoption pay,
 - ii) has returned to work before the commencement of the additional maternity support leave or additional adoption support leave, and
 - iii) has not exercised the full entitlement to maternity or adoption leave;and

f) the child is due to be born on or after 3rd April 2011 (in the case of additional maternity support leave), or the adopter was notified of a match for adoption on or after 3rd April 2011 (in the case of additional adoption support leave).

11C) The requirement is that the member gives the chief officer eight weeks' notice of the member's intention to take any part of the additional maternity support leave or additional adoption support leave to which the member is entitled. For the purposes of this paragraph the notice required is notice which:

a) is given in writing;

b) specifies:

i) the name of the member,

ii) the week in which the mother was expected to give birth (in the case of additional maternity support leave) or the date on which the adopter was notified of a match for adoption (in the case of additional adoption support leave),

iii) the date on which the child was born (in the case of additional maternity support leave) or placed for adoption (in the case of additional adoption support leave),

iv) the dates on which the period of leave is to begin and end;

c) contains a declaration by the member stating:

i) that the purpose of the leave will be to care for the child, and

ii) that the member satisfies the conditions in paragraph (11B)(a) and (b);
and

d) contains a declaration by the mother or adopter (as the case may be) stating:

- i) the mother or adopter's name, address and National Insurance number,
- ii) the date the mother or adopter intends to return to work,
- iii) that the member satisfies the conditions in paragraph (11B)(a) and (b),
- iv) that the member is the only person exercising an entitlement to leave under this part of this determination, or to additional paternity leave under the Additional Paternity Leave Regulations 2010, in respect of the child, and
- v) that the mother or adopter consents to the chief officer processing the information contained in the declaration.

11D) Additional maternity support leave or additional adoption support leave:

- a) may be taken at any time within the period which begins 20 weeks after the date on which the child is born (in the case of additional maternity support leave) or placed for adoption (in the case of additional adoption support leave) and ends 52 weeks after that date;
- b) may be taken for a minimum period of two weeks and a maximum period of 26 weeks; and
- c) must be taken in multiples of complete weeks and, subject to paragraph (11E), must be taken as one continuous period.

11E) A member on additional maternity support leave or additional adoption support leave:

- a) may, in exceptional circumstances, be recalled to duty during the period of leave; and

b) shall be entitled to ten “Keeping in Touch Days” in accordance with paragraph 29 of Annex R (Maternity Leave and Adoption Leave), and the references in sub-paragraph (d) of that paragraph to statutory maternity pay or statutory adoption pay shall be read as references to additional statutory paternity pay within the meaning of Part XIIZA of the Social Security Contributions and Benefits Act 1992.

11F) In a case where the mother or adopter dies before the end of the period of 52 weeks beginning with the date on which the child is born (in the case of additional maternity support leave) or placed for adoption (in the case of additional adoption support leave):

a) a member who has given notice in accordance with paragraph (11C) may vary the dates on which the period of leave is to begin or end; and

b) the leave may be for a minimum period of two weeks and, notwithstanding paragraph (11D)(b), a maximum period of 52 weeks.

11G) Leave taken as additional maternity support leave or additional adoption support leave shall be treated as relevant service for the purposes of calculating annual leave entitlement in accordance with determinations made under regulation 33 (Annex O).”