

POLICE NEGOTIATING BOARD

Independent Secretary:
Bill Blase
Office of Manpower Economics
Victoria House
Southampton Row
WC1B 4AD

POLICE NEGOTIATING BOARD AGREEMENT

1. The Additional Paternity Leave Regulations 2010 implemented the powers in the Work and Families Act 2006 to introduce a new entitlement for employees who are fathers or partners of mothers or adopters to take additional paternity leave in the first year of a child's life or the first year after a child's placement for adoption.
2. The Police Negotiating Board has agreed that police officers and forces should also benefit from Additional Paternity Leave.
3. This agreement requires amendment to police determinations, regulations or specific authorisation by home department circular and any approved changes will be promulgated in due course in Home Office, Scottish Government and Northern Ireland Justice Department circulars. This PNB circular is purely advisory and does not confer authority to implement the agreement. This agreement takes effect from 3 April 2011.
4. Any enquiries about this circular should be addressed to the Independent Secretariat at the Office of Manpower Economics ☎ 020 7271 0472, to the Official Side Secretary ☎ 020 7187 7341 or the Staff Side Secretary ☎ 01372 352000. Enquiries to the Independent Secretariat relating to the interpretation of this circular should be made in writing.

19 August 2011

* PNB Circulars form a single numerical series. Those which in themselves provide authority to implement an agreement carry the serial number alone, while those which are advisory are designated as such after the serial number.

MEMORANDUM

What is Additional Paternity Leave?

1. Fathers and partners of mothers whose babies are due on or after 3 April 2011 or in the case of adopted children where the adopter is notified of a match for adoption on or after 3 April 2011 are entitled to take an additional period of paternity leave of up to 26 weeks to care for the child. For the father or partner to benefit from this provision the mother or primary adopter must have been in receipt of Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay and returned to work and not exercised their full entitlement to maternity or adoption leave.
2. Fathers and partners of mothers whose babies are born before 3 April 2011 will qualify for additional paternity leave where the baby was born early and the baby was not expected to be born until on or after 3 April 2011 and they satisfy the eligibility and notification rules.
3. Additional paternity leave will be available to male and female police officers. To be eligible to take additional paternity leave, a father or partner will need to be taking the leave to care for the child and have, or expect to have, responsibility for the child's upbringing. An officer must also meet relationship eligibility requirements and have sufficient service as detailed below.

What is the length of service requirement for additional paternity leave?

4. To qualify for additional paternity leave an officer will need to have served in their current force or another force for a continuous period of at least 26 weeks ending with the 15th week before the expected week of the child's birth, or ending with the week in which he or she is notified of the match for adoption, and they have remained a member of a police force until the week before the first week of additional paternity leave.

What notice will an officer need to give to take additional paternity leave?

5. Officers who wish to take additional paternity leave will need to provide at least eight weeks' notice and provide the Chief Constable with the following information:
 - His or her name
 - The week in which the mother was expected to give birth or, in the case of adoptions, the date on which notification of a match was received
 - The date the child was actually born or the date of placement
 - The date on which the officer wishes additional paternity leave to start and end
 - A written declaration that:

- the officer wishes to take additional paternity leave to care for the child;
 - is the child's father, or is married to, the civil partner or partner of the child's mother, or is married to, the civil partner or partner of the main adopter and has been matched with the child; and
 - has, or expects to have, responsibility for the child's upbringing.
- The mother or main adopter will have to provide a declaration to the officer's Chief Constable stating:
 - His or her name, address and national insurance number;
 - The date that he or she intends to return to work;
 - That the officer satisfies the conditions in the written declaration above;
 - That, in respect of a birth child, the officer is, to the best of the mother's knowledge, the only person exercising the entitlement to additional paternity leave; and
 - That he or she consents to the force processing the information set out in the declaration.

When can additional paternity leave be taken?

6. Additional paternity leave can be taken for between two weeks and 26 weeks. It must be taken in multiples of complete weeks (A week is any period of seven days). Additional paternity leave must be taken in a single block, except where the officer is recalled to duty. Recall to duty does not bring the additional paternity leave to an end; it resumes when the officer is released from duty.

7. An officer will only be able to start their additional paternity leave 20 or more weeks after the child's birth or placement for adoption and once their partner has returned to work from statutory maternity leave or statutory adoption leave and, where eligible, ended their entitlement to statutory maternity or adoption pay, or maternity allowance. There can be a gap between the mother or main adopter returning to work and the start of the additional paternity leave.

8. An officer's additional paternity leave will have to end by the end of the 52nd week after the child's birth or placement for adoption.

Is there a payment for additional paternity leave?

9. Officers who take additional paternity leave may qualify for additional statutory paternity pay (ASPP). An officer will only receive additional statutory paternity pay during the time their partner would have been receiving statutory maternity or adoption pay, or maternity allowance had they not returned to work.

10. The eligibility criteria for additional statutory paternity pay are largely the same as for additional paternity leave; however, to qualify for payment the officer must also have received normal weekly earnings that are not below the

lower earnings limit for national insurance contributions during the eight-week period ending with the 15th week before the expected week of birth or ending with the week in which he or she was notified of the match for adoption. The mother or main adopter must have been entitled to receive maternity allowance, statutory maternity pay or statutory adoption pay and must have returned to work with at least two weeks' entitlement to pay remaining.

11. Additional statutory paternity pay is payable at the standard rate for ordinary statutory paternity pay or 90% of the officer's average earnings if this is less than the standard rate.

12. An officer may take unpaid additional paternity leave after the statutory maternity or adoption pay or maternity allowance period ends provided additional paternity leave does not exceed 26 weeks.

Is there an entitlement to keeping in touch (KIT) days?

13. An officer who takes additional paternity leave is entitled to ten Keeping in Touch (KIT) days without bringing their leave to an end. This entitlement is separate from the mother's or adopter's entitlement to KIT days. They are both entitled to take ten KIT days.

Recall to duty

14. Police officers may be recalled to duty at any time. This should only be for exceptional reasons such as court attendance or a disciplinary hearing.

How is additional paternity leave affected if the mother or main adopter dies?

15. If the child's mother dies within the first year of birth, or the main adopter dies within one year of the child being placed for adoption, an officer will be able to cancel or vary the start and end dates of the additional paternity leave. The officer will be able to take between two weeks and 52 weeks leave ending with the child's first birthday or the first anniversary of the placement for adoption.