POLICE NEGOTIATING BOARD

Independent Secretary:
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AGREEMENT REACHED IN THE POLICE NEGOTIATING BOARD

1. The Police Negotiating Board have agreed the **introduction of an adoption leave policy for police officers**. This is effective from the 1 September 2006. This circular sets out the Police Negotiating Board agreement to introduce adoption leave arrangements, intended to provide where appropriate adopting parents the same facilities and payments as officers on maternity leave. Details are set out in the attached memorandum.

2. This agreement supersedes the adoption leave arrangements set out in PNB circular 03/1.

3. This PNB circular remains advisory until specific approval of the Secretary of State for the Home Department has been given and does not confer authority* to implement the agreement. Once approval has been given, it will be promulgated in a Home Office circular. In due course relevant Police Regulations and Determinations will be amended to take account of this agreement.

4. Any enquiries about this circular should be addressed to the Independent Secretariat at the Office of Manpower Economics ☏ 020 7215 8101, to the Official Side Secretary ☏ 020 7187 7340 or the Staff Side Secretary ☏ 020 8399 2224. Enquiries to the Independent Secretariat relating to the interpretation of this circular should be made in writing.

1 September 2006

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* 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

The following agreement reached in the Police Negotiating Board is submitted for the approval of the Secretary of State for the Home Department, the Scottish Ministers and the Secretary of State for Northern Ireland.

ADOPTION LEAVE

Background
1. There are a number of practical considerations that need to be addressed when supporting parent(s) who adopt children. The PNB believes that adoption leave on full pay for 13 weeks would assist officers with the demands placed upon them by the adoption process.

2. HOC 29/2003 gave the Home Secretary's approval of the PNB agreement reached on 16 April 2003 and published as PNB circular 03/1 which included adoption leave and adoption support leave. This agreement supersedes only the adoption leave and adoption support leave arrangements set out in PNB circular 03/1, with effect from the date of this circular.

Key Features of this agreement

3. All police officers (irrespective of service) are entitled to a minimum of one week's adoption leave ("standard adoption leave"). All police officers who have a minimum of 26 weeks service by the week in which an approved match is made with a child as notified by an adoption agency are entitled to a period of ordinary and additional adoption leave. This is inclusive of "standard adoption leave".

4. Where a couple, whether both are officers or not, are adopting jointly only one of the couple can take adoption leave, it cannot be split between them or claimed by both. (The other partner may be able to claim adoption support leave and pay).

5. The provisions governing ordinary and additional adoption leave do not apply to cases of adoption by step parents and foster parents in respect of children previously living with the adoptive parents.

Length of Ordinary and Additional Adoption Leave

6. Up to a maximum of one year comprised of:
   - 26 weeks ordinary adoption leave followed immediately by
   - up to 26 weeks additional adoption leave.

7. The length of ordinary or additional adoption leave cannot be extended if more
than one child is being adopted at the same time.

When does Adoption Leave Start
There is a two-week window—the latest it can begin is from the date the child is placed and the earliest is from a fixed date up to 14 days before the expected date of placement.

Adoption Pay

8. All officers are entitled to 1 week adoption leave on full pay ("standard adoption leave").

9. All police officers who have a minimum of 26 weeks but less than one year's continuous service by the week in which an approved match is made with a child as notified by an adoption agency are entitled to 26 weeks statutory adoption pay followed by 26 weeks unpaid.

10. All police officers who have at least one year continuous service by the week in which an approved match is made with a child as notified by an adoption agency are entitled to full pay for the first 13 weeks adoption leave then up to 13 weeks at statutory adoption pay followed by 26 weeks unpaid.

Notification

11. Officers are required to give notice of their intention to take adoption leave within 7 days of being notified that they have been matched for adoption. They need to state when the child is expected to be placed and when they want their adoption leave to start. Where it was not reasonably practicable for the member to give notice within 7 days, the notice should be given as soon as is reasonably practicable.

Returning to work

12. Officers intending to return to work after their full adoption leave do not have to give any further notification. Those who want to return before the end of their adoption leave period must give 28 days notice of the date they intend to return.

Adoption Support Leave

13. An officer being an adopter's spouse or partner can take up to two weeks continuous leave, the first of which is on full pay.

14. An officer who has 26 weeks continuous service at the notification week, will be entitled to be paid for the second week at statutory paternity pay rate. Where any period of paid adoption support leave coincides with statutory paternity pay periods, police adoption support pay will be offset by statutory paternity pay.
Annual leave

15. Annual Leave will continue to accrue during any Adoption Leave (whether comprising standard, ordinary or additional adoption leave) in line with the officer’s normal entitlement. Officers may wish to take annual leave before their Adoption Leave commences, or convert part of the unpaid Adoption Leave to paid Annual Leave.

Housing

16. An officer who is entitled to free accommodation may continue to reside rent free throughout Adoption Leave. If she/he does not return, i.e. resigns from the Force or takes a career break, she/he will be required to vacate the premises.

17. If a police officer resides in police property but is not entitled to housing/rent allowance, she/he will continue to pay rent as before during the whole of the Adoption Leave, whether paid or unpaid.

Miscellaneous

18. For all members a period of standard adoption leave, and ordinary adoption leave will be pensionable, reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

19. All leave taken as adoption support leave will be pensionable, reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

20. All the provisions of this agreement will apply for officers serving part time or job sharing.

Returning To Work

21. An officer taking Adoption Leave has the right to return to work on the same conditions of service (e.g. hours, grade, etc). Wherever possible posts should be re-organised or covered on a temporary basis to allow the officer to return to the post occupied before the leave, if they so wish. The assumption must be made that the officer will return to work following their indicated period of leave.

22. Should a re-organisation take place when the officer is absent, the same procedures of consultation should apply as if they were present in the workplace.
POLICE NEGOTIATING BOARD

Independent Secretary:
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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.
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.