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Police Memorial Day 25th September 2022





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Chairs Foreword

Dear colleagues and friends,

Again, it has been another extremely difficult year following the 2-3 years of the COVID virus and its many derivatives having long term effects on the health of family and friends. We also have the financial pressures from government with additional tax increases caused by the aftermath of the pandemic and as a consequence, the economy is struggling and every area of industry is directly affected by this too.

The additional effects from the war between Russia and Ukraine is causing further increases to the 'cost of living' due to fuel shortages driving the price of petrol/diesel, gas and electricity upwards too.

In order to assist with these financial challenges, your National/Regional and Local Federation have been fighting to improve the pay and conditions package and helped to secure a £1900 pay increase for each and every officer with effect from September 2022, with the greatest financial benefit being felt by the junior officers who received up to an 8.8% pay rise in percentage terms.

Due to the limited pay rises over the last few years, the PFEW subscriptions have not been increased in order to help offset the above increases, unfortunately, the Federation costs for representing and supporting our officers have also spiralled and to help maintain the standard of support you need, the subscription cost is set to increase by 3.1% with effect from 1 December 2022. This means, Student Officers in year 1 of service



Steve Martin
*Branch Board Secretary
Conduct and Performance
Liaison Officer (CAPLO)*

will increase from £11.79 per month to £12.16 per month and all other members will see an increase in subs from £23.58 to 24.31 per month. Every effort has been made to keep the increase to a minimum and to ensure that the timing is right, although I accept the timing is never right. There will be a National update sent out to each officer with greater detail and explanation shortly.

We will continue to fight to improve your financial position and working conditions and are committed to maintaining the negotiating options with our government through attendance at National pay and conditions forums.

Myself, Chair Simon Payne and our Office Manager Gill Burford wish you all a very merry Christmas and a happy and prosperous New Year.

Steve Martin

Warwickshire Police Federation
Branch Board Secretary
Conduct and Performance Liaison Officer
(CAPLO)

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Travel Disruption Over Christmas

Travel disruption is expected over the festive period, due to strikes planned by border staff.

This is likely to result in delays at airports as well as flight cancellations by airlines. Airlines have more than 2 weeks' notice of the strikes so they may be able to put contingency plans in place to reduce the impact, but given the popularity of travel this year, alternative seats will be very difficult to find.

If an insured person's trip is disrupted due to strike action (provided that when the policy was taken out or the trip was booked, there was no reasonable expectation that the trip would be affected), what benefits are available under the terms of our insurance?

Travel delay – if you are delayed for more than 12 hours in reaching your destination or in returning to the UK

✓ A payment for each complete 12 hour delay

Trip abandonment – if you abandon the trip due to the public transport being cancelled or delayed for more than 24 hours

✓ Reimbursement of any irrecoverable unused accommodation and travel costs

Note: in many cases, you will be able to recover costs from your travel provider, meaning that costs are not irrecoverable (for example, if a flight is cancelled, the passenger is entitled to a refund or an alternative flight; if the trip is a package then Package Travel Regulations apply).

Additional travel and accommodation – in the event that the public transport on which you were booked being cancelled or delayed for more than 12 hours

✓ Reasonable suitable accommodation and public transport expenses incurred in reaching your destination or in returning to the UK

Note: in the event of a cancelled flight, airlines should provide an alternative flight or a full refund. If the trip is a package holiday, then the Package Travel Regulations apply. In the event of a delay, airlines should provide subsistence and, if appropriate, suitable accommodation.

Missed departure

This benefit is unlikely to apply, since it applies in the event an insured is delayed in getting to the point of departure. The rail and other strikes are on known dates, you should take the necessary precautions to arrive at the point of departure in time.

Cancelling a trip due to reports of potential travel disruption

If an insured person makes a decision to cancel their trip due to the potential disruption, there would not be any cover under the insurance; we would recommend speaking to the airline or tour operator to see if it possible to rearrange the trip.

We would of course strongly recommend that passengers regularly monitor the news and information from their airline, travel provider and airport/port. We would suggest leaving adequate time to reach the point of departure and for security checks.

Please refer to your policy wording for full details of the benefits, terms and conditions applicable.

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Federation Personal Injury Claims

The Federation can help you with Personal Injury claims.
This is free of charge and includes family members.

For injuries linked to an RTC, whether on duty or off duty,
you can call the helpline on **0808 1965 315**

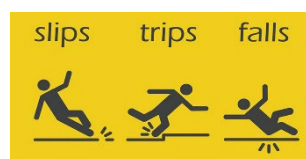


Unfortunately, whilst the service we provide in relation to all other PI claims (excluding RTA) has not changed, the number of cases being received has substantially reduced.

Other PI Claim types in which the Federation provides legal assistance for members are:
(this list is not an exhaustive list)

Clinical Negligence
Slip/Trip
Defective Equipment
Chemical exposure
Occupational Stress
CICA (appeal/review only)
Training injuries

Assault
Hearing loss
Dog bite
Lifting injury
Needle stick injury
Enforcer rapid entry



If you feel that you have a personal injury claim please contact the Federation office at Barford to arrange for the necessary claim form to be submitted on your behalf. This can be done on 01926 684323, ext 4323 or by email to gill.burford@warwickshire.police.uk

National Police Memorial Day

This year the **National Police Memorial** was run in Belfast Northern Ireland. I attended for the first time and was touched by the event and by the number of attendees. The event is attended by chiefs, family members and representatives from across the country and world. I was unaware before attending that so many representatives would be present. The local PSNI were fanatic and represented their force well. Steve Martin and I were lucky enough to speak to 2 officers with a wide range of experience in the PSNI. To hear the development of the PSNI over the last 20 years, the troubles they have faced and lives that were lost was very touching. I was also pleased to hear the improvement in the situation as time has passed.

During the service we heard from families who had lost loved ones in active service and the impact that has on their lives, and the lives of family and friends. The death of each officers who had died in the last year were remembers so we could all pay our respects. During the service we were able to hear from representatives from different faiths and cultures showing the modern diverse police service we currently have. One of the most memorable moments was the release of the petals of remembrance during silence, these decent from the gallery during the silence.

It makes you feel proud to know that our fallen officers are remembered now and will continue to be remembered, for the sacrifice they have made in protecting the public and their colleagues.

Andy Morrissey, Vice Chair and Treasurer





New Regulations – Police Driving Standards

30th November 2022



New legislation was formally known as The Police, Crime, Sentencing and Courts Act 2022. It was introduced on the 30th November 2022 in relation to police driving standards. The statutory instrument is now available on the Government website. The below is some advice from the national Federation team in relation to the legislation.

INTRODUCTION

This information was produced jointly by the Police Federation of England and Wales and the National Police Chiefs' Council for officers to better understand the new laws regarding their driving, in particular in relation to the Police, Crime, Sentencing and Courts Act 2022.

It is not a definitive guide, nor does it amount to legal advice. The act should be consulted for more detailed information. The Police, Crime, Sentencing and Courts Act 2022 amended the Road Traffic Act (RTA) 1988 to introduce a new test to assess the standards of driving of a police officer. When deciding if a constable or other designated person has been driving carelessly or dangerously, this new test will allow the courts to judge their standard of driving against a competent and careful peer with the same prescribed training, rather than with a member of the public as was previously the case.

This new test can only be used if they are driving for police purposes and have undertaken prescribed training. The new legislation applies in England, Wales and Scotland and includes a regulation making a power to prescribe training for police drivers and other designated persons. Additionally, the Police, Crime, Sentencing and Courts Act amends the RTA 1988 to allow different provision to be made for different persons or areas.

FREQUENTLY ASKED QUESTIONS

Q. What has brought about the legislative change impacting police drivers?

A. The Police, Crime, Sentencing and Courts Act 2022 which came into effect in July 2022 and The Road Safety Act 2006. The combined effect of these important pieces of legislation has meant better governance and consistency has to be applied for officers to work effectively to keep the public safe.

Q. Why did the law need to change?

A. The previous legislation did not recognise the training that police response drivers undertake and the tactics they may have to employ to respond to emergencies and pursue criminals. In the case of *R v Bannister* [2010] 2 All ER 841, the Court of Appeal ruled that no account can be taken of a responder's skill or training in deciding whether the driving was careless or dangerous. The skill or training is considered irrelevant and is to be ignored.

Police drivers were held to the same standards as members of the public and had to rely on the discretion of the Independent Office for Police Conduct (IOPC) and the Crown Prosecution Service (CPS) to avoid conduct investigations and criminal prosecution. The previous exemptions designed to permit emergency service drives were unsatisfactory and unworkable. Tim Rogers, the Federation's national pursuits driving and driver training lead, headed up an eight-year Police Federation campaign to secure the change in legislation required.

Q. What protection does the new legislation provide?

A. The Police, Crime, Sentencing and Courts Act provides for a new test to assess the standard of driving of a police officer. Should an officer be involved in a road traffic incident, this new test will allow the courts and/or CPS to judge their standard of driving against a competent and careful police constable with the same level of prescribed training, rather than with a member of the public as was previously the case.

Q. What is meant by "prescribed training"?

A. The regulations/legislation will prescribe minimum standards of police driver training required for the new legal test to be applied. In post-incident investigations and court cases, it will be objectively assessed whether the officer (or other designated person) has undertaken the prescribed training. This will ensure that police drivers, depending on their role, are trained to a similar standard, and the legal test for police drivers will have a fairer comparator. Training MUST be delivered by an accredited and licensed police driving instructor, in line with the nationally set learning standards and to be compliant with Section 19 of the Road Safety Act 2006 and The Police Driving (Prescribed Training) Regulations 2022. This act sets the national minimum requirement to enable officers to respond.

Q. Who will be responsible for assessing the standard of an officer's driving?

A. The new law demands that an officer's driving, when appropriate, is assessed by a professional, knowledgeable and competent individual. All users of the new legislation have agreed that this expertise is contained within policing. As such, each police force must have an appropriate mechanism by which these nationally agreed and enshrined in law standards are assessed.

Locally, officers will have a driving standards unit. Nationally, and for matters requiring subject matter expert (SME) evidence there is the National Police Chiefs' Council (NPCC) SME group. All experts must have complete knowledge of the standards either through delivery of these and or competent performance of them. They will also have attended the approved SME course run through the NPCC.

Q. Will the assessing panel's report be comprehensive?

A. The main questions to be answered in line with the new legislative test are:
Was the police driver up to date with their training? Was the delivering training unit accredited? It must have reached the required national standards for a driver development unit. Was the tactic performed one that had been trained? Was the officer performing the tactic to an appropriate standard?

Q. Will this report be available to both prosecutor and defence?

A. Yes, through this consistent professional process, we hope to see a reduction in the call for two reports. The SMEs will not produce a report unless they have all available evidence. They are the experts and must decide the relevance of such information, not the investigator.

Q. How can police drivers ensure that they do not find themselves facing legal proceedings?

A. Officers must be up to date with their training. The national standards are now enshrined in law. Deviance from these could constitute a criminal offence rather than a breach of policy. Officers must adhere to their prescribed training.

Q. Whose responsibility is it to ensure an officer is "in ticket" before driving?

A. There is an obligation on both the force and the officer. Even if "reassured" by a supervisor – be that a chief superintendent et al - the officer will not be covered if out of ticket and will be liable to prosecution. Likewise, a supervisor who does not check that an officer is up to date prior to a relevant posting would also be criticised.

Q. Are steps being taken to ensure that police driving schools across the country are training and assessing drivers to the same standards?

A. There will be an accreditation process with self assessment. If a force does not comply, officers and police drivers must drive as per a normal member of the public as they will not be covered by the new legislation.

Q. Are driving schools likely to be licensed in the same way as firearms units?

A. Yes, there are 12 million immediate response calls each year, as well as pursuits, meaning more tactics are performed so licensing is essential.

Q. Will the College of Policing issue new Authorised Professional Practice (APP)?

A. Yes, this will be updated to reflect the new legislation.

Q. What if an officer comes across a situation in which they need to drive in a way that has not been formally trained to keep the public safe?

A. There is a permissive ability to deviate from the "standards" in prescribed and proportionate circumstances. Please see this section of the APP. You will have to justify this deviation.

Q. Who can I contact if I need further information about this change in legislation and how it impacts me?

A. Read the briefing documents or contact your local driver development unit or regional Federation roads policing lead.

Tim Rogers
PFEW pursuits driving
and driver training lead

Roger Gardner
Adviser to the NPCC
police driving lead

National Chair Steve Hartshorn's response to request police officers cover striking ambulance drivers



Later this month we will witness the biggest ambulance strike action in 30 years. Ambulance workers from all three unions are due to walk out on 21 December – this means that ambulance drivers, paramedics, call handlers and emergency care assistants will refuse to work across 10 of the 11 trusts in England and Wales. A further strike is due to take place on the 28 December by members of the GMB union.

Perhaps more than most we appreciate current frustrations with pay offers, poor working conditions and minimal resources - police officers have suffered a real terms pay cut of between 25 to 30 per cent since 2010. The great difference for police officers up and down the country though, is that we, uniquely, are unable to express our own frustrations through strike action, even though we step in as a last resort to ensure public safety when others strike.

It is no different with the ambulance workers' strike as our members are being asked to step in and drive ambulances; it shouldn't need saying, but police are not ambulance drivers or qualified paramedics.

At a time when the thin blue line is overstretched and under pressure like never before, this request gives me grave concern for the welfare of our members. Our officers are exhausted, many feel they are on their knees already after a tumultuous year of extra duty, including unprecedented large-scale events. Alongside the strikes that have required extra policing, this year has seen an increase in protest action by various groups across the country. One group alone, Just Stop Oil, has held protests on 46 days of the year so far, requiring 12,500 officers to police, this on top of their regular duties, and such is the threat of similar action by the group we have police officers permanently on standby.

I would never ask members to refuse to pick up overtime, indeed for many I am sad to say overtime represents a vital additional income - a condemning reflection of the state of policing today that illustrates why we are campaigning so hard for fair pay for officers.

But I am given pause for concern that far too much police time is being spent doing work that is not traditional police work.

It is in our nature as police officers to step up when help is needed, but I worry that this is to the detriment of the health and wellbeing of our members. It was only this month I expressed my concern at the blurring of the lines between police and prison officers with police cells being used as overflow for prisoners, and now today I am forced to express my concerns at police being asked to drive ambulances.

I am encouraged by the NPCC statement made by Assistant Chief Constable, Owen Weatherill, National Mobilisation coordinator, "Policing must ensure it can deliver its own core business. Police officers already deal with issues from existing ambulance attendance times, often related to mental health incidents". It is important that as a community all police speak with one voice so that our message is amplified.

As the Assistant Chief Constable states, "Preservation of life will always be policing's number one priority and that has not changed", so whilst we acknowledge the request for police to drive ambulances and have not ruled this out entirely, first and foremost is our duty to ensure we have the capability to deliver our core service, something that at present is a struggle across all forces.

Police officers driving ambulances may make sense to some; many officers are uniquely qualified to drive both emergency service vehicles, but this is where any similarity ends. It's important to remember every officer that would be driving an ambulance is an officer not preforming their police duties.

I have genuine concern for any officer who may be exposed to medical emergencies they are not qualified to act on. The human consequences are awful to imagine, but we must consider the legal responsibilities and practicalities too. Should a patient die in the presence of a police officer, or within a period of time of being with a police officer, that officer is referred to the Independent Office for Police Conduct for investigation.

The physical strain, mental pressures and legal worries are real world concerns for all our members, and it is my responsibility to give voice to these concerns whilst allowing members the freedom to make their own decisions.

Branches have already been in touch to tell us that they are running minimum staffing levels for their patrols - some have said they cannot even fill the minimum staffing level requirements.

Things are so bad, we are told by those on the front line, that rest days are being cancelled up to six months in advance. Adding more pressure over the coming weeks as we are asked to pick up extra work outside of traditional policing, moves us ever closer towards a tipping point.

I am mindful, too, of unforeseen and unintended consequences of such action, just as we are now experiencing as a result of the junior criminal barristers strike action that took place six months ago. The announcement that 400 police cells be used as an overflow for the prison service is disturbing enough, but a little investigation reveals a surprising genesis for this requirement.

Justice Minister Damian Hinds argued that the unusually high surge in prisoners was in part due to a backlog of outstanding court cases caused by the strike action taken by junior barristers.

There is a theme here, not only are the police expected to pick up the direct slack caused by other public sector workers going on strike, but there are too, very tangible, knock-on impacts for policing that may not be immediately obvious. No one could have imagined that

a strike of junior barristers in June 2022 would have such an impact six months down the line on policing. I fear for future impacts from the request to put officers in ambulances.

Strike action impacts the public in varying degrees, but the police service is always impacted. This impact is perhaps to face its biggest challenge to date as a level of strikes unseen for 30 years are set to take place over the coming months. We will always uphold the law, but as the law evolves to deal with such action, our responsibilities are changed, often increased, perhaps without sufficient Government oversight into supporting these increased responsibilities.

As the police are called upon to cover more and more public sector workers, I have serious concern for what this may bring all our members, now and down the line.

Warks Federation Chair, Simon Payne:
‘If there are any issues locally whilst Warwickshire Officers are being asked to help manage the impact of other services striking please contact myself or Steve Martin or your local rep. You can also contact the office by emailing gill.burford@polfed.org.’



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New Federation Maternity Guide



There is a new Maternity guide that is now on our website www.warkspolfed.org and we will soon have it in hard copy.

In the mean time here are some of the main highlights:

Your pregnancy is great news and you will need to make some life changing decisions over the next few months and years as your family grows. There are plenty of people who will be able to offer you advice and support during this time, but you need to be aware that **women police officers do not have exactly the same terms and conditions at work as women employees. Police officers are not “employees”**; they are “officers of the Crown” and work under the terms set out in Police Regulations and Determinations 2003 (as amended). The provisions which govern pregnancy and maternity in Police Regulations are different from the statutory provisions provided by the government (State benefits) and from those provided to Police Staff.

There are also a range of entitlements available to your partner at this time. If your partner is also serving police officer, he or she does not have exactly the same rights at work as other employees. Ultimately, it is your force’s responsibility to give you accurate information about your pay and other benefits you will have during your maternity leave. The force is also responsible for the health, safety and welfare of you and your child and they must have completed a formal risk assessment process, taking all known relevant medical advice into account.

Every pregnancy is different, and the way it impacts upon an officer’s work and her workplace will be different. Some women may have no problems and wish to continue working for as long as possible but others may have had earlier problems or be unwell during their pregnancy. Each person should be treated individually and sympathetically

PREGNANCY AND MATERNITY LEAVE DISCRIMINATION

Pregnancy and maternity are protected characteristics under the Equality Act 2010. A woman is protected from discrimination from the date she notifies her force of her pregnancy until the end of her maternity leave period, or when she returns to work if that is before the end of her leave period. This is known as “the protected period”.

A person discriminates against a woman if, at a time in a protected period, and on the ground of her pregnancy, she is treated unfavourably; or she is treated unfavourably on the ground that she is exercising or seeking to exercise, or has exercised or sought to exercise a right to maternity leave. There does not need to be a comparator who receives better treatment.

FERTILITY TREATMENT

Trying to conceive is not a protected characteristic under the Equality Act 2010. However, most forces will have an IVF policy that supports officers, of both sexes, who are undertaking IVF treatment. At the point of implantation, a woman is protected under the pregnancy provisions of the Equality Act 2010.

HEALTH & SAFETY

Your force should have a generic risk assessment which sets out the potential risks in the workplace for women officers of childbearing age. You need to consider the implications of this if you are planning to have a baby or think you might be pregnant.

Once you tell the force in writing that you are pregnant (or if you have returned to work after having a baby in the last 6 months or if you are breastfeeding), they need to carry out regular specific risk assessments on you. The force must provide you with the risk assessment and you should discuss it and the requirements of your role with your medical advisors.

You should feed into the force any medical advice you receive from your medical advisors, so that they can take it into account in subsequent risk assessments.

Your risk assessment should be regularly reviewed; for example, each time you have had an antenatal care appointment. If a significant risk is identified that could cause harm to you or your child and which cannot be controlled, then:

- 1 Your working conditions or hours must be altered to avoid the risk. If that is not possible:
- 2 You must be provided with suitable alternative work. If that is not possible:
- 3 You must be suspended from work for as long as necessary to protect your health and safety and that of your child.

The actions taken to reduce or remove the risks do not have to be done in the above order; the most appropriate measures should be taken at the relevant time. The force should not have a policy of simply moving you to a particular role because you are pregnant; they must have undertaken a suitable risk assessment that includes an assessment of the risks associated with maintaining you in your current role and identify any concerns about a new role.

If your working conditions or hours are altered, or if you are moved to another job or suspended from work because of health and safety concerns, you are entitled to your basic pay and any allowances designed to meet a particular expense (e.g. dog handler's allowance, London and South East allowance, London Weighting), but not to any allowances which relate to the performance of specific tasks in particular circumstances, where you do not actually perform those tasks because of your pregnancy (e.g. overtime, unsocial hours payment). Regulation 36 of Police Regulations enables a chief officer to remove payments of allowances designed to cover expenditure after 28 days in circumstances where, owing to absence on sick or maternity leave, the expenditure is no longer being incurred.

Forces should not be risk averse. Many women can and do work productively throughout their pregnancy. The Health and Safety legislation does not require that all risks are removed, just that they are reduced to an acceptable level. For example, a pregnant officer may still work nights or shifts, unless the risk assessment has concluded otherwise or a doctor or midwife has provided a medical certificate stating she should not work nights.

In the final analysis, the force is responsible for the health, safety and welfare of you and your child, but it must have gone through a formal risk assessment process with you and taken all known relevant

medical advice into account. In some circumstances, failure to undertake a risk assessment may be a breach of health and safety law and unlawful sex discrimination under the Equality Act.

SICKNESS ABSENCE

The risk assessment process should pick up any evidence of whether your pregnancy is having an adverse impact on your ability to perform your role, and your work should be adjusted accordingly. Signing you off sick from work may not be in your best interests, and in some circumstances could adversely affect your maternity benefits and/or your sick pay when you return to work. If you are not well enough to return to work at the end of your maternity leave, then the provisions of Regulation 28 relating to sickness absence will apply. The protected period under the Equality Act ends at the end of maternity leave period, or when you return to work if that is before the end of your leave period.

REST FOR PREGNANT AND BREASTFEEDING MOTHERS

Pregnant workers and breastfeeding mothers are entitled to more frequent rest breaks, and this should be considered as part of your risk assessment. Your force must provide you with a suitable area where you can rest. This should:

- include somewhere to lie down if necessary
- be hygienic and private so you can express milk if necessary (toilets are not a suitable place)
- include suitable facilities to store breast milk.

There is no requirement for a woman to finish breastfeeding at any point and forces should support breastfeeding officers for as long as the officer wishes to continue doing so. The force may facilitate additional rest periods for you to attend to your baby or may provide you with suitable private lockable facilities to express and store milk at work.

- Women officers are entitled to police maternity leave under Police Regulations and Determinations.
- Women officers are not entitled to statutory maternity leave.

Police maternity leave can be taken for a period of up to 15 months in an 18 month period, from 6 months before the expected date of birth until 12 months after the expected date of birth. It must end 15 months after it started, or 12 months after the expected date of birth (whichever is the sooner). It can be taken in one or more blocks, before or after childbirth, providing the notification requirements are met.

Police maternity leave starts on the day you notify the force that you want it to start and no later than the expected date of birth. It will end on the date you give that you intend to return to work (giving at least 21 days' notice) and no later than the last day of the maternity period (up to a maximum of 12 months after the expected date of birth). If your circumstances change and you wish to alter the dates of your police maternity leave, you can do this at any time during your maternity leave as long as you give 21 days notice. The start and finish of police maternity leave is not subject to exigencies of duty; the force cannot change the date a police officer starts their leave or the date she returns to work. A force cannot start a police officer's police maternity leave (or therefore her police maternity pay) if she has her baby early or if she is off sick with a pregnancy related condition in the 4 weeks before her baby is due.

MATERNITY PAY

Women officers are entitled to police maternity pay (if they meet the eligibility rules set out below).

- Women officers are also entitled to statutory maternity pay (if they meet the eligibility rules set out below).
- If the woman officer does not have the qualifying service for either police maternity pay or statutory maternity pay she may be eligible for Maternity Allowance or another benefit paid by the Benefits Agency. Maternity pay is payable based on the week an officer is expected to give birth – the Expected Week of Childbirth (EWC). If they meet the separate eligibility requirements, police officers receive BOTH Police Maternity Pay (26 weeks full pay) and Statutory Maternity Pay (39 weeks pay – 6 weeks at 90% of full pay, plus 33 weeks at the lower rate of SMP).

A police officer can elect the start of her police maternity pay and her Statutory Maternity Pay (SMP), within certain parameters, in order to maximise the pay she receives and/or the length of time she receives her maternity pay.

Police maternity pay starts on the same day an officer's police maternity leave starts. A force cannot alter the start of an officer's police maternity leave, or therefore, her police maternity pay. SMP is payable from the 11th week before a woman's EWC but does not start automatically at the 11th week before the EWC. It must start if she is off 4 weeks before her EWC, but between those two dates (11th and 4th week before her EWC). If an officer is off on police maternity leave, she can elect the date on which her SMP starts.

Police Maternity Pay is paid to all women officers who:

- have 63 weeks continuous service as a police officer (in any Force) before their expected week of childbirth (EWC) and
- remain pregnant or have given birth 15 weeks before the expected week of childbirth (EWC). All officers who satisfy the eligibility criteria above are entitled to receive 26 weeks paid maternity leave, paid at their normal rate of pay. Alternatively, officers can take the last five weeks of their police maternity pay over 10 weeks, thus extending their police paid period by an additional 5 weeks; i.e. 21 weeks at full pay followed by 10 weeks at half pay plus half the value of lower rate SMP, making 31 weeks on police maternity pay.

A police officer must return to work for a month following her maternity leave. If she does not the force could reclaim her police maternity pay (26 weeks full pay). She may be able to take this period as annual leave.

An officer on a career break remains eligible for police maternity pay if she becomes pregnant. She is entitled to suspend her career break and restart in due course, subject to a new agreement. (It is unlikely that she will be eligible for SMP as that is dependent on the payment of National Insurance contributions for a period during her pregnancy – see below).

Statutory Maternity Pay (SMP) is paid to all women officers who:

- have 26 weeks continuous service as a police officer in their force at the qualifying week (15 weeks before the expected week of childbirth (EWC)),
- are pregnant at the 11th week before the expected week of childbirth (EWC) or have already given birth,
- have earned the lower earnings limit for the payment of National Insurance contributions for 8 weeks up to and including the qualifying week.
- have given at least 28 days' notice to her Chief Officer that she intends to stop work and does in fact stop work, and
- have produced medical evidence of pregnancy, (usually on Form MAT B1) SMP is a State benefit payable for 39 weeks paid under certain statutory rules. It is paid by the force who claim it back from the government. The first 6 weeks of SMP are paid at the "higher rate", which is 90% of the woman's average pay received during the period 8 weeks before the qualifying week.

This is followed by 33 weeks at the “lower rate”. The lower rate is around £150 a week and changes each year in April.

- SMP can be paid from the 11th week before the EWC.
- If a woman officer starts her police maternity leave after the 11th week before the EWC, she can delay the payment of SMP until the 4th week before her EWC.
- If a baby is born prematurely, the officer’s SMP will start the day after the baby is born (but not her police maternity leave and pay).
- If an officer is absent for a pregnancy-related reason (such as pregnancy related sickness absence or police maternity leave) after the beginning of the 4th week before the EWC, her SMP will start automatically. If the officer has notified that she wishes her police maternity leave to start after this point, her SMP (but not her police maternity leave or pay), will start. Police Maternity Leave and Pay will start on the date the woman notified the force that her police maternity leave was to start.
- It follows that in certain circumstances a police officer will be able to start her police maternity pay before her statutory maternity pay, and vice versa. However, in the weeks where a woman is eligible for both SMP and police maternity pay only the higher payment is received.
- If an officer returns to work (other than for a KIT day) before she has exhausted her SMP, her SMP is brought to an end and will not restart if she then returns to maternity leave.

Police Maternity Pay Calculator

To assist you to work out what your pay will look like, depending on how much leave you choose to take, the Police Federation of England and Wales has created a Police Maternity Pay Calculator. You can find it at www.polfed.org/maternity

KEEPING IN TOUCH (KIT) DAYS

An officer is able to return to work for 10 “Keeping in Touch” (KIT) days during her police maternity leave period without losing her entitlement to SMP. KIT days are voluntary and both the officer and the force/line manager have to agree when they are taken and what work will be undertaken. The work may be normal day to day activity to assist the return to work process, undertaking a training activity or attending a team meeting for example. KIT days do not normally involve working from home such as checking emails. If, however, your work can be performed at home it may be possible for you to undertake a KIT day from home.

Work done on a KIT day should help make the return to work from maternity leave easier. They allow both the officer to maintain contact with her line manager and her colleagues, and to be part of any activities taking place during her absence. They can be used to discuss and agree a request to reduce your hours or a flexible working plan with your manager prior to your return to work. Any work undertaken on one tour of duty by police officers whilst on police maternity leave counts as one KIT day, even where the hours worked total more or less than the full duration of the shift in question. Once those days have been used up, the woman will lose any further entitlement to SMP. Payment for a KIT day is at normal daily rate in accordance with Police Regulations and Determinations and is pensionable.

- If the officer is receiving Maternity Pay and works a KIT day, the period of paid police maternity pay will be extended because police maternity leave can be taken in more than one period - effectively the police maternity leave is temporarily suspended for a day
- If the officer is still receiving Statutory Maternity Pay (SMP) this will not impact on or interrupt any SMP payments being made, but there will be no extension of the SMP paid period. Officers will receive pay for the hours worked on a KIT day plus their SMP for the week in which the KIT day(s) occur.
- If the officer is on unpaid leave the KIT day is payable and officers will receive pay for the hours worked.

RECALL TO DUTY

Police officers may be recalled to duty at any time following the compulsory maternity leave period (the first two weeks after the baby’s birth). This should be for exceptional reasons, such as court attendance or a disciplinary hearing. It should be noted that a recall to duty from maternity leave is different from a voluntary return to work on a KIT day.

A recall to duty will not normally count as a KIT day (although it may be preferable for the woman to take the odd day as a KIT day). It must be remembered that once the entitlement to 10 KIT days is used up, an officer will lose her continuing entitlement to SMP if she engages in further work. Officers who are recalled to duty should be credited with time off in lieu (TOIL) to be taken when they return to work in order to preserve their continued entitlement to SMP. The TOIL should not be “bought out” by the force unless and until the hours are not taken within 3 months of the woman’s return to work

ANNUAL LEAVE

Annual Leave entitlement will accrue during maternity leave for a period of up to 52 weeks.

An officer who is to take maternity leave has two rights to leave: one to maternity leave and another to the annual leave provided by Police Regulations and Determinations and/or the Working Time Regulations for the annual leave year in question. She must be able to take both types of leave. In most cases, this will not cause significant issues as the annual leave can be accommodated within the leave year(s) in question. However, there may be occasions when a woman will not be able to take her annual leave before her maternity leave starts. This may be due to the fact that her maternity leave will start close to the beginning of the annual leave year, or it may be that an officer had planned to start her maternity leave later in the leave year, but either she has been on sick leave or the baby has been born prematurely and she has therefore not been able to take her annual leave.

Officers can take annual leave before, during (i.e. if there is a break in between two periods of maternity leave) or after maternity leave. However, she should be aware that if she returns to work on annual leave/full pay when she is in receipt of SMP, she will lose her entitlement to SMP thereafter when she returns to maternity leave. Annual leave during maternity leave will not extend an officer's maternity period.

Police officers can carry up to five days annual leave from one year to the next, or more in exceptional circumstances, subject to the Chief Officer's discretion. However, if a woman is unable to take all of her annual leave in the leave year because she is on maternity leave she should be allowed to carry it over into the appropriate leave year when she returns to work.

Reckonable Service

Police officers can reckon a period of up to 52 weeks for pay and leave purposes when on maternity leave.

Pensionable Service

Any period of paid maternity leave (either Maternity Pay or Statutory Maternity Pay) counts towards pensionable service. You can buy-back a period of unpaid maternity leave at the rate of your last pay; this will usually be SMP at the lower rate.

Police Federation Subscriptions

Police Federation subscriptions should continue to be paid throughout your paid maternity leave period. No payments are required to be made during any unpaid maternity leave; however you may need to arrange for your member benefit payments to be made (e.g. insurance).

Please contact gill.burford@polfed.org

Inspectors & Chief Inspectors : Know what to claim for Rest day and Public Holiday working.

- **Inspectors and Chief Inspectors who are required to work on a rest day or public holiday are entitled to a day in lieu on each occasion to be taken in the following 12 months.**
- **With effect from 28 April 2020, in exceptional circumstances (due to exigencies of duty or work demands) rest days and public holidays in lieu can be taken over a further 12-month period. Temporary Promotions Regulations have been updated to take into account the NPPF process. Only people who are Ospre 1&2 qualified or NPPF level 3 can be classed as Temporary promoted. Those who do not fit into this categories are classed as temporarily salary promoted, not temporarily promoted. This means that those officers are entitled to claim overtime in respect of Rest Days and Public Holidays at the substantive rank. They will not be paid the Temporary salary for that day if the overtime is claimed.**

The current HR overtime system does not cover this anomaly. HR have requested that officers email HR support with their overtime directly so that they can liaise with Liberata directly to ensure all the adjustments are made. HR are seeking to make this an automated process in the future.

Any queries in relation to this please contact the Federation office. We would like to thank the officer that raised this query with us to allow for the situation to be clarified.

If you have any Reg questions where you believe clarity is required and where we can seek a definitive process from the force please do not hesitate to contact us.



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Resettlement Seminars 2023

We have now confirmed two dates for 2023 for our
much sought after Resettlement seminars

They are due to be held at **Barford on March 23rd
and June 20th**. A further date will also be held in
November. If you are approaching retirement and
want to know how to properly plan and what to
take into consideration please feel free to attend.
The seminars are a full day with lunch provided.

They cover subjects such as Managing finances
in retirement, Wills and Estate Planning, Lasting
Powers of Attorney, how to mentally prepare for
retirement, how to prepare a CV, personal taxation
and how to calculate your police pension.

You can attend these if you are within four years of
retiring so that you can start to get your plans
in place.

If you want to attend any of the dates above
please email gill.burford@polfed.org to secure
our place. **Start planning your future now!!!**



Police Mutual Your wellbeing matters



Placing your wellbeing at the heart of everything we do

Your Wellbeing 2023

January

Dry January
Blue Monday

February

Children's Mental Health Week
Time to Talk Day
World Cancer Day
Safer Internet Day

March

Debt Awareness Week
National No Smoking Day
Self Injury Awareness Week

April

World Health Day
National Stress Awareness Month
World Autism Month

May

Women's Health Week
Mental Health Awareness Week
National Walking Month
Dementia Awareness Week

June

Men's Health Week
Loneliness Awareness Week
Carer's Week
Healthy Eating Week

July

International Friendship Day
Getting Ready for Summer

August

Musculoskeletal problems
Grief Awareness Day

September

Sleeptember
Know your Numbers (blood pressure) Week
World Suicide Prevention Day
National Fitness Day

October

World Mental Health Day
World Menopause Day
Stoptober
Winter Wellbeing

November

International Stress Awareness Week
Talk Money Week
World Diabetes Day
Anti-bullying Month

December

National Grief Awareness Week
International Day of People with Disabilities
International Volunteer's Day

At Police Mutual, **we exist to improve the lives of those in the police family** and we do this through helping them to make better choices today and better plans for tomorrow.

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