



# PATERNITY LEAVE AND PAY POLICY

Date of adoption at Full Council	13 <sup>th</sup> November 2024 Minute
Reviewed by Staffing Committee	2 <sup>nd</sup> October 2024 Minute 24/10(213)
Next Review Date	As required

## PATERNITY LEAVE AND PAY

### Purpose and scope

This document sets out the policy on paternity leave and pay.

Employees may be [eligible for Statutory Paternity Leave and Pay](#) if they and their partner are:

- having a baby
- adopting a child
- having a baby through a surrogacy arrangement

### Eligibility

Employees must be one of the following, the:

- father
- husband or partner of the mother (or adopter)
- child's adopter
- intended parent (if they're having a baby through a surrogacy arrangement)

Employees must also:

- be [classed as an employee](#) (paternity leave only)
- be employed by the Council up to the date the child is born (or placed with the adopter) (paternity pay only)
- be on the payroll and earn at least £123 a week (gross) in an 8 week 'relevant period' (paternity pay only)
- give the [correct notice](#)
- be taking time off to look after the child or their partner
- be responsible for the child's upbringing
- have been continuously employed by you for at least 26 weeks up to any day in the 'qualifying week'

The qualifying week is the 15th week before the baby is due. This is different [if the employee is adopting](#).

If the child is born early, the employee is still eligible if they would have worked continuously for the Council at least 26 weeks by the qualifying week.

## **Ante-natal appointments**

An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child born through that arrangement.

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

You should endeavour to give the council as much notice as possible of when you need the time off for the antenatal appointment. We may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

## **Ordinary Paternity Leave (OPL)**

An employee whose partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' ordinary paternity leave. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 56 days of the birth or date of placement. If the child is born early, OPL may be taken between the date of birth and up to the 56th day after the EWC.

Employees taking statutory paternity leave (and pay, if they are eligible) can split their two weeks' entitlement into two separate one-week blocks, rather than having to take them both together. They can also take their two weeks at any time within the first year after their child's birth.

If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can. If you take both OPL and shared parental leave you must take ordinary paternity leave first.

### Notification of Ordinary Paternity Leave

You must inform the Council in writing of your intention to take OPL by the end of the qualifying week, unless this is not reasonably practicable. Employees must inform the Council of the due date at least 15 weeks before the baby is expected and when they want their leave to start, and how much leave they want to take, at least 28 days before. You must tell us:

- The week the baby is due,
- Whether you wish to take one or two weeks' leave, and,
- When you want your leave to start.

In the case of an adopted child, you must give notice of your intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was

given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

### **Green Book terms**

The Council has adopted the Green Book terms and conditions of employment. If you are contracted under Green Book terms and conditions, then maternity support leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. 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.

Maternity support leave is separate to the statutory entitlement of Paternity Leave.

### **Ordinary Statutory Paternity Pay (OSPP)**

You will qualify for OSPP if your weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions. The QW is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.

You claim Paternity Leave and Pay through your employer. You must give your employer at least 15 weeks' notice.

You can do this by [filling in the online form](#) (previously called form SC3). Once you have completed the form, you will need to download or print it and send it to your Line Manager.

Statutory Paternity Pay for eligible employees is either £184.03 a week or 90% of their average weekly earnings (whichever is lower). Tax and National Insurance will be deducted.

### **Shared Parental Leave (SPL)**

The birth mother or primary adopter is entitled to curtail their maternity/adoption leave and pay and instead take SPL and pay in conjunction with the child's father (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

### **Pay increases awarded during paternity leave**

We will ensure that whilst you are on PL you are not left out of a pay award which you would ordinarily have been entitled to. This means that if we make a pay award which takes effect during your PL, then when you return to work, you will return to the 'new' rate of pay that applies to the job you are returning to.

## **Returning to work**

On resuming work after PL, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

## **Requesting a change to your pattern of work**

You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria).

## **Increased protection against redundancy**

Employees taking certain types of parental leave now have protection from redundancy for at least 18 months. This protection means that if their role is made redundant their employer must give them first refusal of any other vacancies; however, they can still be made redundant if no appropriate vacancy is available. Previously, employees only had this protection during their period of maternity, adoption or shared parental leave.

Protection now begins on the day the employer is first notified of the employee's pregnancy and ends 18 months after the date of the child's birth. These protections also now extend to 18 months after the date of adoption for parents taking adoption leave or 18 months after the child's birth in cases where a parent is taking at least six weeks of shared parental leave.

## **Additional paternity leave**

Additional paternity leave is available to eligible employees who may take up to 26 weeks' unpaid additional paternity leave within the first year of their child's life provided that the mother has returned to work.

## **If the baby dies**

Employees still qualify for paternity leave and pay if the baby is either:

- stillborn from 24 weeks of pregnancy
- born alive at any point in the pregnancy but later dies

## **Data protection**

When managing your paternity leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, staff who need to manage paternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.