

## FAMILY LEAVE: PATERNITY POLICY AND PROCEDURE



Policy Schedule		
Policy owner and lead	ODHR: HR Policy Manager	
Consultation	Trade unions	Date
	Employee engagement forum	Date
	CMT	Date
	CCF	Date
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation		
Version number	Version 3 (April 2017)	
Related documents	Family Leave Policies: <ul style="list-style-type: none"> <li>• Maternity Policy</li> <li>• Adoption, Surrogacy, Fostering Policy</li> <li>• Parental Leave Policy</li> <li>• Shared Parental Leave</li> <li>• Flexible Working Policy</li> </ul>	
Review interval	Three yearly (December 2019)	

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## **1. Introduction**

- 1.1 This policy sets out the statutory rights and responsibilities of employees whose wife, civil partner or partner gives birth to a child and gives details of the arrangements for paternity leave and pay.
- 1.2 Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave.
- 1.3 Paternity leave will not count towards Shared Parental Leave.

## **2. Paternity Leave**

- 2.1 In order to be eligible for paternity leave an employee must satisfy the following criteria:
  - The employee must be the father of the child or married to the civil partner or the partner of the child's mother, married to the civil partner or the partner of the child's adopter or one of a couple jointing adopting a child. They will also be expected to have responsibility for the upbringing of the child and be making the request to help care for the child and/or to support the child's mother.
  - Have 26 weeks continuous local government service at the 15<sup>th</sup> week before the baby is due to be born, or in respect of an adopted child, the week in which the child's adopter was notified of having been matched with a child.
  - The employee may be asked to produce evidence of entitlement to paternity leave by signing a self certification form declaring that he or she meets the statutory eligibility criteria.
- 2.2 Paternity leave is granted in addition to an employee's normal holiday entitlement. Paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of birth but within eight weeks of the expected date of childbirth. Paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date. In addition, employees who are the father or partner have the right to take unpaid time off work to accompany expectant mothers on up to 2 antenatal appointments.

- 2.3 To qualify for paternity leave, the employee must have, or expect to have, responsibility for the child's upbringing. Thus paternity leave is not available to biological fathers who are not likely to have parental responsibility for their child.
- 2.4 Only one period of leave is available to employees irrespective of whether more than one child is born as a result of the same pregnancy. Paternity leave is not available to partners where one is adopting the others' children.

### **3. Notification – Paternity Leave: Birth of a child**

- 3.1 Where an employee wishes to request paternity leave in respect of the birth of a child, he or she must complete **Form A: Paternity Notification** available on the SBCinsite no later than 15 weeks before the expected week of childbirth:
- a) the expected week of the child's birth
  - b) whether they intend to take one or two weeks' leave; and
  - c) the date on which they want paternity leave to start.
- 3.2 The employee may change the date on which they want their paternity leave to start providing they notify their line Manager of the change at least 28 days before leave was due to start. If due to unforeseen circumstances the employee is unable to provide the required notice, their Manager has discretion to agree a revised date.
- 3.3 If an employee has chosen to start paternity leave on a pre-determined date, and the child is not born on or before that date, the employee must change their choice of date and notify their line Manager of the change as soon as possible.
- 3.4 In all cases, the employee must notify their line Manager as soon as possible after the child's birth, of the date on which the child was born.
- 3.5 If the employee has elected to start paternity leave on the date the child is born and they are at work on that date, leave will start the following day.
- 3.6 If an employee commences paternity leave without giving the required notifications it will be considered unauthorised absence.

### **4. Notification – Paternity Leave: Adoption**

- 4.1 In the case of an adopted child, the employee must notify their line Manager of their intention to take 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. He or she must complete **Form A: Paternity Notification** available on the SBCinsite.

4.2 The notice must specify the following:

- a) date the child is expected to be placed for adoption
- b) date the employee intends to start paternity leave
- c) length of the intended paternity leave period; and
- d) date on which the adopter was notified of having been matched with the child

4.3 The employee may change the date on which they want their paternity leave to start providing they notify their line Manager of the change at least 28 days before leave was due to start. If due to unforeseen circumstances the employee is unable to provide the required notice, their Manager has discretion to agree a revised date. If an employee commences paternity leave without giving the required notification it will be considered unauthorised absence.

## **5 Paternity Pay**

5.1 There are two types of paternity pay:

- Statutory Paternity Pay
- Council's Occupational Paternity Pay

### **Statutory Paternity Pay (SPP)**

5.2 Statutory Paternity Pay is paid for a maximum of 2 weeks. It is paid at a flat rate laid down by statute or 90% of average weekly earning if this is less.

5.3 To qualify for statutory paternity pay employees must have average earning at or above the lower earnings limit for the payment of National Insurance contributions.

5.4 An employee's average weekly earnings are calculated by taking their average earnings over the 8 weeks immediately leading up to the notification week (i.e. 15 weeks before the expected week of childbirth, or the date of placement of the child).

5.5 Statutory Paternity Pay will begin at the same time as an employee's paternity leave commences and will be paid on the same date that salary would have been paid and will be subject to deductions for tax, National Insurance and any pension contributions in the usual way.

## Occupational Paternity Pay (OPP)

5.6 Occupational Paternity Pay is more generous than SPP. An employee is entitled to OPP if:

- They have at least 12 months continuous local government service by the 11<sup>th</sup> week before EWC or in the case of adoption, the week you are notified by the adoption agency that you have been matched with a child.
- Gives at least 28 days written notice of the date they intend to start Paternity Leave
- They provide a copy of the mother's **MAT B1** form stating her expected week of childbirth at least 28 days prior to the start of paternity leave or in the case of adoption a copy of the Matching Certificate fully completed by the relevant adoption agency

## 6 Shared Parental Leave

6.1 The options to use these new Shared Parental Leave rights apply to parents who meet the eligibility criteria. Please refer to the Shared Parental Leave policy available on SBC insite – [insert link](#).

## 7 Exceptional Circumstances

7.1 In the very sad event an employee's partner has suffered a miscarriage before 24 weeks of pregnancy, the employee will be entitled to some time off under the statutory right to time off for dependants – [insert link to the Council's Leave Policy and Procedure](#). If the child is tragically stillborn after 24 weeks of the pregnancy, or is born alive but dies after this time, the employee is still entitled to Paternity Leave and Pay along with time off for dependants.

Managers should ensure the sensitive handling of an employee after such sad events. An employee with any concerns about the grieving process impacting on their work performance should discuss this in confidence with either their line manager or ODHR, to ensure that any reasonable adjustments that may be necessary are discussed and put in place and that the employee is supported in their return to the full range of duties and responsibilities that they had prior to the bereavement or their duties and responsibilities are adjusted (as necessary) with the prior agreement of line manager. The employee may want to return on a phased return basis, on reduced hours or take a period of unpaid leave. All requests must be carefully considered and confidential advice is available from ODHR. Employees can access support from the Councils Employee Assistance at [www.livewell.optum.com](http://www.livewell.optum.com), telephone 0800 282 193. Support may also be accessed through

the Child Bereavement UK guidance for employees and employers on returning to work.  
[www.childbereavementuk.org](http://www.childbereavementuk.org).

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