Paternity Policy

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Introduction

The Council is committed to supporting employees balance the needs of work and family life and in doing so offers enhanced 'Paternity Leave' benefits.

In addition to this 'Paternity Leave Policy' the Council provides a suite of 'Family Friendly' policies aimed at supporting employees to achieve work/life balance.

The Council's Family Friendly Polices include:

- Maternity Leave Policy
- Adoption Leave Policy
- Shared Parental Leave Policy
- Parental Leave Policy
- Time off Work Policy
- Annual Leave Policy
- Flexible Working Policy
- Agile Working Policy

Scope

The Council is committed to ensuring equality and diversity across the organisation and the purpose of this 'Paternity Leave Policy' is to provide an opportunity for our employees to integrate the development of a career with family responsibilities.

This document sets out the paternity provisions to which employees are entitled, both before and after the birth of their baby. These paternity provisions comply with the relevant legislation and apply to all eligible employees employed by the Council.

Key Points

Paternity provisions refer to the leave and pay to which employees are entitled to under the statutory provision, and their right to resume employment with the Council, following the period of 'Paternity Leave'.

Employees are entitled to take 'Statutory Paternity Leave' as either one or two consecutive paid weeks off from work following the birth of their baby or adoption of a child.

This benefit applies to employees with new parenting responsibility for bringing up a child, who may be the biological father, or married to, or the partner of the primary carer (normally the mother but may be an adoptive parent).

A partner is someone who lives with the mother or adoptive parent in an enduring family relationship but is not an immediate relative and may include a partner in a same sex relationship.

1. Criteria

1.1 A new father, partner or a new adoptive parent who is not taking 'Maternity Leave' or 'Adoption Leave' will be entitled to 'Paternity Leave' subject to the following:

- The leave must be taken for the specific purpose of caring for a newborn child or supporting the mother, or
- For the purpose of caring for a child newly placed for adoption and supporting the adoptive parent.

1.2 'Paternity Leave' is provided in addition to an employee's normal annual holiday entitlement. If the baby is born early, paternity leave must be taken from the time of the birth but within 56 days of the actual date of childbirth.

1.3 '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.

1.4 'Paternity Leave' is available to employees who:

- have or expect to have responsibility for the child's upbringing
- are the biological father of the child, the mother's husband or partner; including same sex relationships or the partner of the primary adopter
- have worked continuously for the Council for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child (UK Adoption), or the date the child enters the UK (Overseas Adoptions).

1.5 There is no distinction between live and still births in the granting of 'Paternity Leave'.

2. Time off for Antenatal Appointments

2.1 Fathers and partners including same sex couples of a pregnant woman are entitled to unpaid time off work to attend up to two antenatal appointments.

2.2 Employees should discuss time off with their People Manager and submit a request through First4HR.

Following the first appointment a People Manager may request to see evidence of an appointment.

2.3 It is expected that time off work to attend antenatal appointments should not exceed half a day per appointment. Should an employee require additional time off work then they should discuss this with their People Manager and refer to the companies 'Time off Work Policy'

2.4 The right to two unpaid antenatal appointments also includes employees who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for, and intend to apply for, a Parental Order.

2.5 Please refer to the company 'Maternity Policy' for further information in relation to 'Maternity Leave'

3. Paternity Leave and Pay Entitlements

3.1 All employees seeking to take Paternity Leave and receive Paternity Pay must provide the Council with a copy of the MATB1 (Maternity Certificate) as soon as possible during the pregnancy.

3.2 The MATB1 is issued by a doctor or midwife to the pregnant woman no sooner than the 20th week before the baby is due.

Statutory Paternity Leave (SPL) and Statutory Paternity Pay (SPP)

3.3 To qualify for Statutory Paternity Leave (SPL) and Statutory Paternity Pay (SPP) the employee must have been:

- Employed by the Council continuously for at least 26 weeks into the 15th week before the Expected Week of Childbirth (EWC)
- To receive SPP, have average earnings above the LEL (Lower Earnings Limit) for the 8 week "relevant" period between weeks 15 – 23 week of the pregnancy. The LEL is the amount you have to earn before you are treated as paying National Insurance contributions.

3.4 Employees who qualify for Statutory Paternity Leave (SPL) and/or Statutory Paternity Pay (SPP) will receive:

- Up to 2 weeks leave.
- Up to 2 weeks of paid SPP for those who qualify.
- SPP is paid at the government set SPP weekly rate or 90% of an employee's average weekly earnings (whichever is lower).
- The number of weeks taken is decided by the employee.
- An employee must take the 'Statutory Paternity Leave' in full weeks, and no single days.
- A week is the same amount of days that the employee would normally work - for example, a week is 2 days if an employee only works on a Monday and Tuesday.

3.5 Employees get the same amount of 'Statutory Paternity Leave' regardless of multiple birth such as twins or triplets.

3.6 Employees may request to take a single block of one or two weeks. However, leave must be taken by the 56th day after the birth / adoption or 56 days after the date the baby is due, whichever is later.

3.7 (ELDC & SHDC Employees only).The Council also provides the option of paying one week's Occupational Paternity Pay, which is the equivalent of one week's full pay, to those employees who have been employed for 1 year at the beginning of the 11th week before the Expected Week of Childbirth (this date can be found on the employee's partner's MATB1 form). Employees whose average weekly earnings are below that of the lower earnings limit for national insurance contributions will not be eligible for SPP.

4. Notification of Paternity Leave

4.1 To secure these rights the employee must complete the 'Notification of Paternity' form which is available on the HR & Payroll Service Portal by the end of the 15th week before the Expected Week of Childbirth (EWC).

4.2 Where an employee wishes to request 'Paternity Leave' then they must complete Form HMC SC3 which available on the HR A-Z.

4.3 Employees should give their People Manager 15 weeks' written notice of the date on which their partner's baby is due, the length of 'Paternity Leave' they wish to take and the date on which they wish the leave to commence.

4.4 In the case of an adopted child, the employee must give written notice 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.

The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start 'Paternity Leave' and the length of the intended paternity leave period and the date on which the adopter was notified of having been matched with the child.

4.5 If an employee subsequently wishes to change the timing of requested 'Paternity Leave' then they must provide 28 days' written notice of the new dates. Flexibility will be exercised in regards to notice requirements in regards to earlier arrivals where partners are seeking time off immediately after the birth.

5. Annual Leave

5.1 The Council's 'Annual Leave' year runs from 1st April to 31st March.

5.2 Employees that are on 'Paternity Leave' will continue to accrue 'Annual Leave' and Bank Holidays.

5.3 It is not possible to take 'Annual Leave' whilst on 'Paternity Leave' therefore this must be taken at an alternative date.

5.4 Should an employee wish to take Annual Leave following a period of Paternity Leave then they should discuss this with their People Manger prior to seeking approval through the First4HR system.

6. Continuity of Service

6.1 The contract of employment continues throughout any period of ‘Paternity Leave’.

7. Additional Entitlements

An employee may also be entitled to take Shared Parental Leave in addition to the 2 weeks Paternity Leave. Please see the Shared Parental Leave Policy for more information and to see how to apply.