

Policy

Paternity Leave and Pay

Introduction

If your partner becomes pregnant or you are jointly adopting a child with another person and have designated yourself as the secondary adopter, you may be entitled to take time off work for various reasons, and this policy explains what your rights are.

Ante-Natal/Adoption Appointments

You have the right to take time off to accompany your partner to ante-natal appointments or adoption appointments. This applies from the start of your employment.

In relation to a birth, you must be the father of the child; or the husband, civil partner or partner of the mother. An ante-natal appointment is one which has been made on the advice of a registered medical practitioner, nurse or midwife.

In relation to an adoption, you must be adopting the child jointly with another person. If you are a sole adopter, you may have separate rights to time off for appointments.

Under this right, you are entitled to take time off to attend a maximum of 2 ante-natal/adoption appointments, to a maximum of 6.5 hours per appointment. This time is unpaid.

You will need to provide a declaration relating to your eligibility and, amongst other things, state the date and time of the appointment. We have a form you can use for this which is available the HR Department.

The right applies whether the baby was conceived naturally or via donor insemination.

Eligibility For Paternity Leave

You must be the father of the child, or be married to, or the civil partner or "partner" of, the child's mother or adopter. "Partner" in relation to a child's mother or adopter means a person, whether of a different sex or the same sex, who lives with the mother, or adopter, and the child in an enduring family relationship but is not a relative of the mother or adopter (a relative is defined as a parent, grandparent, sister, brother, aunt or uncle).

You must have, or expect to have, responsibility for the upbringing of the child.

Only one period of leave is available even if more than one child is born as a result of the same pregnancy or adopted as part of the same arrangement.

Commencement And Duration Of Leave

Leave may only be taken during the period beginning with the date of the child's birth or placement and ending 52 weeks after that date or, in a case where the child is born before the first day of the expected week of birth, 52 weeks after that day.

Subject to the above, you can choose to begin your leave:

- on the date on which the child is born/placed with the adopter;
- from a specified chosen number of days after the date of the child's birth/placement (whether this is earlier or later than expected); or
- from a specified predetermined date which is later than the first day of the expected week of the child's birth/expected date of placement.

Leave can start on any day of the week and you can choose to take:

- a) one week of leave
- b) two consecutive weeks of leave or
- c) two non-consecutive single weeks of leave.

During paternity leave you are entitled to the benefit of your normal terms and conditions of employment, except wages or salary, and you are bound by any obligations arising under those terms and conditions except in so far as they are inconsistent with the right to paternity leave.

Where possible, you should book and take your annual leave entitlement in the current holiday year. However, if you are unable to take all of your statutory minimum entitlement to annual leave because you were on paternity leave, you are entitled to carry over untaken annual leave into the following leave year.

Notification Requirements

Birth - Notice of entitlement

First, you must give us notice of your entitlement to take paternity leave in or before the 15th week before the expected week of the child's birth.

The notice must specify the expected week of birth and must include a signed declaration that:

- d) you are either the father of the child or married to or the partner of the child's mother, but not the child's father;
- e) if you are the father, that you have or expect to have responsibility for the upbringing of the child; and
- f) if you are the mother's husband or partner but not the child's father, the main responsibility (apart from any responsibility of the mother) for the upbringing of the child.

Birth - Notice of leave

Then, once you have chosen the dates of each occasion of your paternity leave, you are required to give us a further notice, in writing, of:

- g) when you want your leave to start and
- h) the length of leave you want to take.

You must also give us a signed declaration that you are taking leave for the purpose of caring for a child or supporting the child's mother.

A form that you can use for this notification is available from the HR Department.

If you want to take leave starting on the date of birth, you need to give us the notice of leave at least 28 days before the first day of the expected week of the child's birth.

If you want to start your leave a number of days after the birth rather than giving an actual date, you need to give us the notice of leave at least 28 days before the day that falls that number of days after the first day of the expected week of birth. For example, if you want to start paternity leave 4 days after the birth of the child, you need to give us the notice of leave 28 days before the 4th day after the first day of the expected week of childbirth.

If you want your leave to start on a predetermined date after the first day of the expected week of the child's birth, you need to give us the notice of leave at least 28 days before that predetermined date.

Where it is not reasonably practicable for you to give notice as set out below, it should be given as soon as is reasonably practicable.

Adoption - Notice of entitlement

You must give us notice of your entitlement to take paternity leave within 28 days of the date of the official notification. Where the 28-day period expires before the start of your employment, you must give us notice of your entitlement as soon as reasonably practicable.

The notice must specify:

- i) the date on which you were notified of having been matched with the child,
- j) the date on which the child is expected to be placed with you or, where the child has already been placed for adoption, the date of placement.

You must also give us a signed declaration that:

- k) you are either married to or the partner of the child's adopter; and
- l) you have, or expect to have, the main responsibility (apart from the responsibility of the adopter) for the upbringing of the child.

Adoption - Notice of leave

Once you have chosen the dates of each occasion of your paternity leave, you are required to give us a further notice, in writing, no more than seven days after the date on which you were notified of having been matched with a child of:

- m) when you want your leave to start and
- n) the length of leave you want to take.

You must also give us a signed declaration that you are taking leave for the purpose of caring for a child or supporting the child's adopter.

Forms that you can use for the various notification requirements are available from the HR Department.

Changing your mind about dates of leave – birth and adoption

You may change your mind about the date on which you want your leave to start or end, or cancel the period of leave chosen, providing you notify us in writing. The notice must be given by whichever is the earlier of at least 28 days before the original date of leave or the new date of leave, unless this is not reasonably practicable. If you give us notice to vary a period of paternity leave, you must also give us a signed declaration as to the purpose of the absence.

Required changes to dates of leave – birth and adoption

If you have chosen to start a period of paternity leave on a particular predetermined date, and the child has not been born/is not placed with the adopter on or before that date, you must change the date you want paternity leave to start and give us notice of the new date. This notice must contain a signed declaration as to the purpose of the absence.

Telling us the date of birth/placement

You must give us a further notice, in writing, as soon as is reasonably practicable after the child's birth or placement for adoption, of the date on which the child was born or placed, if the date of placement was not provided in the notice of intention to take paternity leave.

Paternity Pay

You may be entitled to Statutory Paternity Pay (SPP) if you meet the eligibility criteria.

Eligibility

You will qualify for SPP if you meet the following criteria:

- o) you have been continuously employed with us for at least 26 weeks' continuing into the 15th week before the week the baby is due/the week in which you were notified of having been matched with a child and remain employed by us at the date of birth/placement.
- p) your average weekly earnings are not less than the lower earnings limit relevant for National Insurance purposes.
- q) you have the prescribed relationship with the child and the mother/adopter.
- r) you intend at the start of the paternity pay period to care for the child or support the mother.

Length of Pay Period

The paternity pay period is a maximum of 2 weeks to be payable for the duration of your paternity leave.

Amount of Payment

Payment will be made at the standard rate for the duration of paternity leave. Your line manager will confirm the rate of pay to you.

Returning To Work

If you return to work following an isolated period of paternity leave; or a period of parental leave of no more than four weeks, you are entitled to return to the job in which you were employed before the absence. In addition, seniority, pension and similar rights should be as they would have been had the absence not occurred, and other terms and conditions should not be less favourable than those which would have applied had the absence not occurred.

Shared Parental Leave

You may be entitled to take shared parental leave if both you and your partner meet the eligibility criteria. Shared parental leave enables you and your partner to divide almost a year's leave between you after the child is born/adopted and gives you more flexibility over who will take leave and when. If you choose to take shared parental leave, you are still entitled to take paternity leave.

If you would like more information on shared parental leave, please speak with your line manager.

Bereaved Partner's Paternity Leave

You may be entitled to take bereaved partner's paternity leave if you are the father of a child whose mother has died, or you are the spouse, civil partner or partner of a child's primary carer who has died. For details on your entitlement to time off and support available, please speak with your line manager.