

# **DERBYSHIRE FIRE & RESCUE SERVICE**



**Derbyshire**  
Fire & Rescue Service  
Making Derbyshire Safer

## **EMPLOYMENT POLICY**

### **PATERNITY LEAVE & MATERNITY SUPPORT LEAVE**

**SEPTEMBER 2019  
VERSION 1.2  
STATUS: LIVE**

#### **CONTENTS**

<b>SECTION 1</b>	<b>INTRODUCTION</b>
<b>SECTION 2</b>	<b>ELIGIBILITY</b> Paternity Leave and Pay Maternity Support Leave and Pay
<b>SECTION 3</b>	<b>ANTENATAL APPOINTMENTS</b>
<b>SECTION 4</b>	<b>LEAVE ENTITLEMENT</b> Paternity Leave Maternity Support Leave
<b>SECTION 5</b>	<b>PATERNITY PAY AND MATERNITY SUPPORT PAY</b> Paternity Pay Maternity Support Pay
<b>SECTION 6</b>	<b>NOTIFICATION REQUIREMENTS</b> Paternity Leave Maternity Support Leave
<b>SECTION 7</b>	<b>SPECIAL CIRCUMSTANCES</b>
<b>SECTION 8</b>	<b>PROTECTION FROM DETRIMENT OR DISMISSAL</b>
<b>SECTION 9</b>	<b>CHILDCARE VOUCHERS</b>
<b>SECTION 10</b>	<b>RELEVANT FORMS</b>
<b>SECTION 11</b>	<b>RELEVANT DOCUMENTS</b>
<b>SECTION 12</b>	<b>RELEVANT LEGISLATION</b>

Employment Policy: Paternity Leave & Maternity Support Leave v 1.2 Sept 2019

This Employment Policy is uncontrolled when printed. Please ensure you have the most up-to-date version.

## 1. INTRODUCTION

- 1.1 Derbyshire Fire & Rescue Service (DFRS) is committed to equality of opportunity and aims to encourage and support employees who wish to integrate their career development with family responsibilities.
- 1.2 This document refers to Paternity Leave and Pay & Maternity Support Leave and Pay. The provisions apply to all employees regardless of the number of hours worked per week.
- 1.3 The Paternity Leave and Pay & Maternity Support Leave and Pay provisions comply with all relevant legislation.
- 1.4 Employees who share primary responsibility for the care of a child, may be eligible for Shared Parental Leave. Further information on Shared Parental Leave can be found on FireView.
- 1.5 In the case of Adoption, the adoptive parent not taking Adoption Leave will be entitled to apply for Paternity Leave or Maternity Support Leave.
- 1.6 You may be eligible for Paternity Pay and Leave or Maternity Support Leave and Pay if you use a surrogate.
- 1.7 If you require any further information in relation to Paternity Leave or Maternity Support Leave please contact an HR Partner.

## 2. ELIGIBILITY

### **Paternity Leave and Pay**

- 2.1 To qualify for Paternity Leave and Pay employees must:
  - have or expect to have responsibility for the child's upbringing
  - be taking the time off to support the birthparent and/or child
  - have at least 26 weeks' continuous local government service at the end of the 15th week (26th week of pregnancy) before the expected week of confinement (EWC)
  - have at least 26 weeks' continuous local government service at the end of the week they are matched with a child for Adoption
  - have average weekly earnings above the Lower Earnings Limit for National Insurance purposes

### **Maternity Support Leave and Pay**

- 2.2 Employees who do not qualify for Paternity Leave and Pay may be entitled to Maternity Support Leave of one week, where the employee:

- has less than 26 weeks continuous service at the end of the 15th week (26th week of pregnancy) before the expected week of confinement (EWC)
- has less than 26 weeks' continuous local government service at the end of the week they are matched with a child for Adoption
- average weekly earnings below the Lower Earnings Limit for National Insurance purposes and do not qualify for Statutory Paternity Pay (SPP)
- is nominated as the carer by the birthparent to assist in the care of the child and provide support to the birthparent

### **3 ANTENATAL APPOINTMENTS**

3.1 Where an employee has a qualifying relationship with the pregnant birthparent or the expected child, they can request time off to attend antenatal appointments. A qualifying relationship is defined below:

- The spouse, inclusive of same sex marriage, or civil partner of the pregnant birthparent;
- The partner, including same sex partners, who live with the birth parent
- The second parent of the expected child;
- A parent of the expected child by virtue of Section 42 or 43 of the Human Fertilisation and Embryology Act 2008 (HFEA) (same sex partner treated as parent in case of assisted reproduction); or
- A potential applicant for a Parental Order under Section 54 of HFEA in respect of the expected child (surrogacy cases).

3.2 Applications for time off to attend antenatal appointments must be made using form E60, available on FireView. Evidence of appointments must be provided to your Line Manager and the leave taken should be recorded locally or on flexi timesheets, where applicable. The completed E60 form and evidence of appointments must be sent to HR Services.

3.3 Leave taken to attend antenatal appointments will be added to any other approved leave taken during that financial year and will be subject to the maximum allowances for paid and unpaid approved leave, set out in the procedure for approved leave.

3.4 In the unlikely circumstances where both paid and unpaid approved leave has been exhausted in that financial year, on no more than two occasions, six and a half hours unpaid leave will be granted to attend ante-natal appointments.

3.5 Applications in the cases of 3.3 and 3.4 will be subject to the exigencies of DFRS, but will not be unreasonably refused.

## **4 LEAVE ENTITLEMENT**

### **Paternity Leave**

- 4.1 Employees can choose to take either one week, or two consecutive weeks' Paternity Leave. You must take your leave in one go.

A week is the same amount of days that you normally work in a week, e.g. if you only work on Mondays and Tuesdays, a week is 2 days.

- 4.2 The leave can commence from the date the child is born/date of placement (Adoption). Leave can start on any day of the week, but all leave must be completed within 56 days of the actual date of birth/date of placement (Adoption).
- 4.3 You get the same amount of leave if the birthparent has a multiple birth (e.g. twins) or more than one child is placed together for adoption.

### **Maternity Support Leave**

- 4.4 Employees can choose to take one week Maternity Support Leave. You must take your leave in one go. A week is the same amount of days that you normally work in a week, e.g. if you only work on Mondays and Tuesdays, a week is 2 days.
- 4.5 The leave can commence from the date the child is born/date of placement (Adoption). Leave can start on any day of the week, but all leave must be taken at or around the date of birth/date of placement (Adoption).
- 4.6 You get the same amount of leave if the birthparent has a multiple birth (e.g. twins) or the primary adopter has more than one child placed for Adoption.

## **5 PATERNITY PAY & MATERNITY SUPPORT PAY**

### **Paternity Pay**

- 5.1 Employees who are eligible for Paternity Pay will receive full pay or average earnings for the Paternity Leave period of one or two consecutive weeks.
- 5.2 Part of the full pay during the Paternity Leave period is made up of Statutory Paternity Pay (SPP). To ensure that employees receive this element, they must complete form SC3 'Becoming a Parent' or SC4 'Becoming an Adoptive Parent' and forward to Payroll (see paragraph 6.1 below).

### **Maternity Support Pay**

- 5.3 Employees who are eligible for Maternity Support Pay will receive full pay or average earnings for the Maternity Support Leave period of one week.

## **6 NOTIFICATION REQUIREMENTS**

### **6.1 Paternity Leave**

Employees who wish to take Paternity Leave must comply with the following notification procedures:

- Inform their Line Manager of their intention to take Paternity Leave at the end of the 15th week (26th week of pregnancy) before the expected week of confinement (EWC), or within 28 days of being notified that you have been matched with a child for adoption, using form PL1 - Application for Paternity Leave or Maternity Support Leave available on FireView.
- Provide a copy of the maternity certificate, MAT B1, with their PL1 application.
- The notice must include the expected week of confinement/placement, the start date, and whether Paternity Leave will be for one or two weeks.
- The start date may be changed as long as the employee gives at least 28 days' notice, unless this is not reasonably practicable.
- Complete form SC3 'Becoming a Parent' or SC4 'Becoming an Adoptive Parent'. This will be sent with the application confirmation from the Service Centre.
- The employee must inform DFRS of the baby's date of birth as soon as is reasonably practicable on MyView.

### **6.2 Maternity Support Leave**

Employees who wish to take Maternity Support Leave must comply with the following notification procedures:

- Inform their Line Manager of their intention to take Maternity Support Leave as soon as practically possible but no later than 28 days' before the expected week of confinement (EWC), or within 7 days of being notified that you have been matched with a child for adoption, using form PL1 - Application for Paternity Leave or Maternity Support Leave available on FireView.
- The notice must include the expected week of confinement/placement and the start date of the leave.
- The start date may be changed as long as the employee gives at least 28 days' notice, unless this is not reasonably practicable.
- The employee must inform DFRS of the baby's date of birth as soon as is reasonably practicable on MyView.

## **7 SPECIAL CIRCUMSTANCES**

**7.1** Employees are still eligible to receive Paternity Leave and Pay or Maternity Support Leave and Pay if the baby:

- is stillborn from 24 weeks of pregnancy
- born alive at any point during the pregnancy

- 7.2 Where the child is born early, Paternity Leave can be taken within the period of the actual date of birth and up to 56 days after the date of which the birth was expected. Maternity Support Leave can be taken at or around the date of birth.
- 7.3 In certain situations an employee's rights and requirements regarding Paternity Leave & Maternity Support Leave and Pay may change. In these circumstances DFRS will abide by any statutory obligations and an employee should refer to the regulations listed in Section 12 below and/or clarify any issues or queries with HR Services.

## **8 PROTECTION FROM DETRIMENT OR DISMISSAL**

- 8.1 It is unlawful for an employee to suffer detrimental treatment at work due to reasons related to taking or seeking to take Paternity Leave or Maternity Support Leave.

## **9 CHILDCARE VOUCHERS**

- 9.1 DFRS offers employees a scheme to pay for registered childcare using childcare vouchers paid through their salary. Employees can make savings of up to £900 per year on Tax and National Insurance, subject to the relevant criteria and amounts being satisfied. For more information log onto Firesaver, which can be accessed via FireView, and select the Other Benefits tab.
- 9.2 The Government is currently reviewing the Childcare Voucher Scheme.

## **10 RELEVANT FORMS**

PL1 – Application for Paternity Leave and Maternity Support Leave

## **11 RELEVANT DOCUMENTS**

Adoption Leave Policy  
Approved Leave Policy  
Flexible Employment Policy  
Maternity Leave Policy  
NJC Green and Grey Books  
Parental Leave Policy  
Shared Parental Leave Policy

## **12 RELEVANT LEGISLATION**

Children & Families Act 2014  
Employment Act 2002  
Maternity and Adoption Leave Regulations 2014  
Paternity and Adoption Leave Regulations 2014  
Shared Parental Leave Regulations 2014  
Statutory Shared Parental Pay Regulations 2014

DOCUMENT HISTORY	
Version no.	1.2
Replaces	Paternity Leave and Pay Procedure issued November 2015 has been removed from the Intranet. All hard copies should be destroyed.
Summary of changes	This Employment Policy has been reviewed and minor changes have been made as follows:
Author	Ruth Holden, HR Partner in liaison with Lukasz Gazda, Inclusion Officer and Rachel Salmon, Positive Action Officer
Department	HR Services
Approved by	Area Manager Judi Beresford

### Revision history

Version	Date	Author	Changes
1.1	Nov 2015	Annette Barrett – HR Partner and Emma Neely – HR Partner	<ul style="list-style-type: none"> <li>Renamed to Paternity Leave &amp; Maternity Support Leave</li> <li>Clarity on eligibility</li> <li>Guidance on Maternity Support Leave incorporated into Policy</li> <li>Clarity on Antenatal Care</li> <li>Information on Special Circumstances</li> </ul>
Unversioned	April 2007	ACO (HR)	Information regarding adoption
Unversioned	December 2005	ACO (HR)	New Policy

### Review Period

This Employment Policy will be reviewed September 2024

### Distribution

Employment Policies are published on the intranet in the month of issue. No hard copies are distributed.

### Index

Keywords: Paternity, Children, Baby, Leave, Maternity Support, Ante-natal