

Paternity Leave Policy

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Preamble to the Policy

Equal Opportunities

The College shall comply with all statutory duties in respect of equal opportunities in the areas of sex, race, age, disability, sexual orientation, gender identity, religion, belief, pregnancy, maternity and paternity, marriage and civil partnership and the rehabilitation of offenders. The college shall also comply with the Human Rights Act 1998 and any subsequent enactments or modifications.

Sustainability

The college will comply with all statutory duties in respect of sustainable development by seeking to improve the long-term economic, social and environmental wellbeing of people and communities. This needs to be done in ways which promote social justice, equality of opportunity and which enhance the natural and cultural environment while respecting its limits.

Welsh Language

The College will comply with its Welsh Language Scheme, which is a statutory document, in all of its activities. This includes conducting Welsh Language Impact Assessments for all new and revised policies and initiatives.

1. Introduction

This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave.

This policy applies to all employees regardless of gender. Reference to a partner throughout this policy may be a partner of a different sex or the same sex.

2. Ordinary Paternity Leave

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father/parent of the child, is entitled to two weeks' ordinary paid paternity leave provided that they have 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either of the adoptive parents may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. A separate policy is available in respect of adoption leave. In respect of an adopted child, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

To qualify for ordinary paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother/parent.

Ordinary paternity leave is granted in addition to an employee's normal annual holiday entitlement. Ordinary 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 the birth but within eight weeks of the expected date of childbirth. Ordinary 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.

3. Notification of ordinary paternity leave

Where an employee wishes to request ordinary paternity leave in respect of a birth child, they must give the College 15 weeks' written notice of the date on which their partner's baby is due, the length of ordinary paternity leave they wish to take and the date on which they wish the leave to commence.

In the case of an adopted child, the employee must give written notice of their intention to take ordinary paternity leave no later than seven days after the date on which notification of the match of 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 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.

4. Ordinary statutory paternity pay

Pay during ordinary paternity leave will be at a rate set by the Government for the relevant tax year, or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than the Government's set weekly rate. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for ordinary statutory paternity pay.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

5. Contractual Paternity Pay

Employees will be entitled to contractual paternity pay of two weeks' full pay (including statutory paternity pay).

Employees who do not qualify for statutory paternity pay may be able to get Benefit Allowance while on paternity leave. Additional financial support may be available, and employees should contact the relevant Government Office.

6. Additional Paternity Leave

Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother/parent has returned to work before using their full entitlement to maternity leave.

Additional paternity leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work before using their full entitlement to adoption leave.

The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity

leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.

Additional paternity leave will generally commence on the employee's chosen start date specified in their leave notice, or in any subsequent variation notice (see "Notification of additional paternity leave" below).

During the period of additional paternity leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary, and contractual annual leave entitlement will continue to accrue.

Salary may be replaced by statutory paternity pay for some of the additional paternity leave period if the employee is eligible to receive it. The remaining period of additional paternity leave is unpaid.

Pension contributions will continue to be made during any period when the employee is receiving statutory paternity pay but not during any period of unpaid additional paternity leave.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of additional paternity leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during additional paternity leave, the employee should take their outstanding entitlement before starting their additional paternity leave.

7. Eligibility for additional paternity leave

In order to be eligible for additional paternity leave, an employee must satisfy each of the following criteria:

- They must be the father/parent of the child or married to, the civil partner of, or the partner of, the child's mother/birth parent, married to, the civil partner of, or the partner of, the primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's/birth parent's responsibility). In the case of adoption, they must have been matched with the child for adoption. In both cases, they must be taking the leave to care for the child.
- They must have a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which they were notified of having been matched with the child.

- They must remain in continuous employment until the week before the first week of additional paternity leave.
- The mother/birth parent of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay. The mother or primary adopter must have returned to work and forfeited a portion of their maternity or adoption leave.

8. Notification of additional paternity leave

Where an employee wishes to request additional paternity leave and pay, they must give the College eight weeks' written notice of the date on which they wish to take the leave and, if applicable, additional statutory paternity pay to commence. The request form must be in writing and specify, in the case of a birth child, the date on which the child was expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption. On both cases, the notice must also specify the employee's name and intended start date and end date of additional paternity leave and statutory paternity pay.

The employee must also submit a written and signed self-certification form not less than eight weeks before the proposed start date of additional paternity leave and pay stating that the purpose of the additional paternity leave/statutory paternity pay period is to care for the child and that they satisfy the relationship eligibility conditions for additional paternity leave and pay.

At the same time, the mother/birth parent or primary adopter must submit a written and signed declaration form stating:

- Their name, address and national insurance number;
- The date that they intend to return to work;
- That they have given notice to their employer of returning to work;
- That they are entitled to statutory maternity pay, maternity allowance or statutory adoption pay;
- The start date of their maternity or adoption pay period;
- Confirmation that the employee satisfies the relationship eligibility conditions;
- That they consent to the College processing the information contained in the declaration form; and

- That the employee is to their knowledge the sole applicant for additional statutory paternity pay and, in the case of a birth child, also that the employee is to their knowledge the only person exercising the entitlement to additional paternity leave in respect of the child.

On request by the College, the employee must produce the name and business address of the mother's/birth parent's or primary adopter's employer and a copy of the child's birth certificate or, in the case of an adopted child, evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption. The employee must supply this information within 28 days of it being requested.

The employee is permitted to bring forward their additional paternity leave start date, provided that they advise the College in writing at least six weeks before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their additional paternity leave start date, or cancel their additional paternity leave altogether, provided that they advise the College in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The College will formally respond in writing to the employee's notification of their additional paternity leave plans within 28 days, confirming the relevant start and end dates of additional paternity leave and pay.

9. Additional statutory paternity pay

Additional statutory paternity pay may be payable during some of additional paternity leave. An employee is entitled to additional statutory paternity pay if:

- They are the father/parent of the child or married to, the civil partner or, or the partner of, the child's mother/birth parent, married to, the civil partner of, or the partner of, the child's primary adopter, and, in the case of a birth child, expects to have the main responsibility for the upbringing of the child (apart from the mother's/birth parent's responsibility) or, in the case of adoption, has been matched with the child for adoption, and in either case intends to care for the child during the additional statutory paternity pay period;
- They have a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which they were notified of having been matched with the child (the "relevant week");

- They remain in continuous employment until the week before the additional statutory paternity pay period begins;
- Their average weekly earnings for the period of eight weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions;
- The mother/birth parent is entitled to statutory maternity pay or maternity allowance or, in the case of adoption, the primary adopter is entitled to statutory adoption pay, and the mother/birth parent or primary adopter has returned to work before their full entitlement to statutory maternity pay/maternity allowance/statutory adoption pay has been exhausted;
- The mother/birth parent or primary adopter has at least two weeks of their maternity or adoption pay that remains unexpired; and
- They give proper notification in accordance with the rules set out above.

Any statutory paternity pay due during additional paternity leave will be paid at a rate set by the Government for the relevant tax year, or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than the Government's set weekly rate.

Statutory paternity pay is payable whether or not the employee intends to return to work after their additional paternity leave.

10. Contact during additional paternity leave

Shortly before an employee's additional paternity leave starts, the College will discuss the arrangements for them to keep in touch during their leave, should they wish to do so. The College reserves the right in any event to maintain reasonable contact with the employee from time to time during their additional paternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

11. Keeping-in-touch days during additional paternity leave

An employee can agree to work for the College (or to attend training) for up to 10 days during additional paternity leave without that work bringing the period of their additional paternity leave to an end and without loss of a week's statutory paternity pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The College has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during their additional paternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the College and the employee. Any keeping-in-touch days worked do not extend the period of additional paternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's statutory paternity pay for any week in which they agree to work for the College. It may also bring the additional paternity leave period to an end.

12. Returning to work after additional paternity leave

The employee will have been formally advised in writing by the College of the end date of their additional paternity leave. The employee is expected to return on the next working day after this date, unless they notify the College otherwise. If they are unable to attend work at the end of additional paternity leave due to sickness or injury, the College's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they must give the College at least six weeks' notice of their date of early return, preferably in writing. If they fail to do so, the College may postpone their return to such a date as will give the College six weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after additional paternity leave, they must give notice of resignation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after additional paternity leave has ended, the College may require the employee to return to work for the remainder of the notice period.

13. Rights on and after return to work

On resuming work after both ordinary and additional paternity leave (in the latter case where it was an isolated period of leave or taken with certain other types of statutory leave), the employee is entitled to return to the same job as they occupied before commencing paternity leave on the same terms and conditions of employment as if they had not been absent.

14. Adoptions from overseas

If an employee has adopted a child from overseas, they may still be entitled to additional adoption leave provided again that the primary adopter has returned to work before using their full entitlement to adoption leave.

Form for an employee to request additional paternity leave in respect of a birth child (employees whose child has an expected week of birth beginning on or after 3rd April 2011)

Name of employee:	
Job title:	
Date of commencement of employment:	
I confirm that my wife, partner or civil partner gave birth to a child, or I am the biological father/parent of the child, and I give notice of my intention to take additional paternity leave, and to receive additional statutory paternity pay (if applicable), in respect of that child as follows:	
The expected week of childbirth was:	
The child's actual date of birth was:	
I wish to start my additional paternity leave on:	
I wish to end my additional paternity leave on:	
I expect the College's liability to pay additional statutory paternity pay (if applicable) to begin on:	
Signed:	
Dated:	
Notes: To qualify for additional paternity leave and pay, the employee must return this form to the Human Resources Section not less than eight weeks before the start date chosen by them for additional paternity leave and pay.	

Letter responding to an employee who has notified their intention to take additional paternity leave

Name

Address

Dear

Thank you for advising us that you intend to take additional paternity leave commencing on (date) and ending on (date). We confirm that you are eligible to take additional paternity leave as requested.

During your period of additional paternity leave, all the terms of your contract of employment, except your salary, will continue.

Instead of salary, during some of your additional paternity leave, you will be paid additional statutory paternity pay at the rate set by the Government for the relevant tax year. Your additional statutory paternity pay period will commence on (date) and end on (date). The remaining period of your additional paternity leave will be unpaid.

OR

Instead of salary, during some of your additional paternity leave, you will be paid additional statutory paternity pay at a rate equivalent to 90% of your average weekly earnings i.e. £ () per week. This is the rate payable where 90% of an employee's average weekly earnings are less than the standard rate of additional statutory paternity pay set by the Government for the relevant tax year. Your additional statutory paternity pay period will commence on (date) and end on (date). The remaining period of your additional paternity leave will be unpaid.

OR

As your spouse/partner was not eligible to receive statutory maternity pay/maternity allowance during their maternity leave, you will not be eligible to receive additional statutory paternity pay during your additional paternity leave.

OR

As your average weekly earnings are below the current lower earnings limit for national insurance contributions, you will not be eligible to receive additional statutory paternity pay during your additional paternity leave.

If you subsequently wish to change the date on which you intend to start your additional paternity leave (or if you wish to cancel your additional paternity leave altogether), you must notify the Human Resources Section no later than six weeks before your intended revised start date or six weeks before (the original proposed start date), whichever is sooner or, if that is not reasonably practicable, as soon as it is reasonably practicable for you to do so. Please contact the HR Section if you wish to discuss this further.

Given the date that you have chosen to end your additional paternity leave, the latest date on which you may return to work is (date), which is the next working day after your additional paternity leave ends. If you wish to return to work before this date, you must give us at least six weeks' notice of the date on which you wish to return. If you do not give this notice, or give insufficient notice, the College will have the right to postpone your return date for a number of days equivalent to the unexpired portion of the six-week notice period, or until the end of your additional paternity leave period of that occurs earlier.

You are eligible to work for the College for up to 10 days (known as "keeping-in-touch" days) during your additional paternity leave without bringing your additional paternity leave to an end and without lost off a week's additional statutory paternity pay (where it is due in that week). For these purposes, "work" can also include training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

During your period of additional paternity leave, the College may contact you about the possibility of working on keeping-in-touch days. You may also write to the College to request to work on keeping-in-touch days. However, you are under no obligation to agree to attend work and the College is under no obligation to offer you keeping-in-touch days. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree to work keeping-in-touch days.

In any event, the College reserves the right to maintain reasonably contact with you from time to time during your additional paternity leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

Finally, we would remind you that if you decide that you do not wish to return to work at the end of your additional paternity leave, you must still give us proper notice of termination of your employment in accordance with your contract of employment.

If you have any questions about any aspect of your additional paternity leave entitlement, please do not hesitate to contact a member of the HR Section.

Yours sincerely

Letter asking an employee for evidence of eligibility for additional paternity leave in respect of a birth child (employees whose child has an expected week of birth beginning on or after 3rd April 2011)

Name

Address

Dear

Thank you for advising us that you intend to take additional paternity leave commencing on (date) and ending on (date). To confirm your eligibility for additional paternity leave and additional statutory paternity pay, please provide within 28 days:

- A copy of the child's birth certificate; and
- The name and address of the child's mother's/birth parent's employer or, if they are self-employed, their business address.

If you have not already done so, please also complete the enclosed self-certification form and arrange for the child's mother/birth parent to complete the enclosed declaration form and return both forms to me as soon as possible and, in any event, no later than eight weeks before your chosen start date for additional paternity leave and pay.

In the meantime, please contact me if you have any queries.

Yours sincerely

Self-certification form in respect of an employee's eligibility for additional paternity leave and pay in respect of a birth child (employees whose child has an expected week of birth beginning or after 3rd April 2011)

Name of employee:	
Job title:	
Date of commencement of employment:	
In respect of my written request to take additional paternity leave, and to receive additional statutory paternity pay (if applicable), dated (date), I confirm that (please tick one box):	
I am the child's father/parent	
I am not the child's father, but am married to, the partner or the civil partner of the child's mother/birth parent	
In addition, I confirm that (please tick each box):	
I have, or expect to have, the main responsibility (apart from the mother's/birth parent's responsibility) for the upbringing of the child	
The purpose of the period of my additional paternity leave will be to care for the child, and I intend to care for the child during the additional statutory paternity pay period	
The information that I have provided in my written request to take additional paternity leave, and to receive additional statutory paternity pay (if applicable), dated (date) is correct	
Signed:	
Dated:	
Notes: <p>To qualify for additional paternity leave and pay, the employee must return this form to the HR Section not less than eight weeks before the start date chosen by them for additional paternity leave and pay.</p> <p>A partner is a person, whether of a different sex or the same sex, who lives with the mother/birth parent and the child in an enduring family relationship but is not a relative of the mother/birth parent. A "relative" for these purposes includes the mother's/birth parent's parents, grandparents, sisters, brothers, aunts and uncles.</p>	

Form for the partner of an employee requesting additional paternity leave to declare the employee's eligibility in respect of a birth child

Name of employee:	
Job title:	
Name of child's mother/birth parent:	
Address of mother/birth parent:	
Mother's/birth parent's national insurance number:	
I have now given notice to my employer that I am returning to work from my maternity leave and the relevant details are as follows:	
I became entitled, by reference to becoming pregnant with my child, to either statutory maternity pay or a maternity allowance.	
The start date of my statutory pay period, or my maternity allowance period, in respect of my child was:	
I intend to return to work from my maternity leave on:	
I confirm that the employee named above is (please tick one box):	
My child's father/parent	
Not my child's father/parent, but my spouse, partner or civil partner	
In addition, I confirm that (please tick each box):	
They have, or expect to have, the main responsibility (apart from my responsibility) for the upbringing of my child	
The employee is, to my knowledge, the only person exercising the entitlement to additional paternity leave, and is the sole applicant for additional statutory paternity pay, in respect of my child	
I consent to the College processing such of my information as is contained in this form	

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Signed:	
Dated:	
Notes: To qualify for additional paternity leave and pay, the employee must return this form to the HR Section not less than eight weeks before the start date chosen by them for additional paternity leave and pay. A partner is a person, whether of a different sex or the same sex, who lives with the mother/birth parent and the child in an enduring family relationship but is not a relative of the mother/birth parent. A “relative” for these purposes includes the mother’s/birth parent’s parents, grandparents, sisters, brothers, aunts and uncles.	

Form for an employee to request to withdraw from taking additional paternity leave

Name of employee:	
Job title:	
Date of commencement of employment:	
I previously notified you that I wished to start my additional paternity leave on:	
I confirm that I now wish to cancel my additional paternity leave.	
Signed:	
Dated:	
Please return this form to the HR Section at least six weeks before your original proposed start date.	

Form for an employee to request to vary the dates of additional paternity leave

Name of employee:	
Job title:	
Date of commencement of employment:	
I previously notified you that I wished to start my additional paternity leave on:	
Instead of starting my additional paternity leave on the above date, I would like to start my leave on (please insert the same date as above if start date is not changing):	
Instead of ending my additional paternity leave on the above date, I would like to end my leave on (please insert the same date as above if end date is not changing):	
Signed:	
Dated:	
Notes: <p>If you have applied to bring forward your additional paternity leave start or end date, please return this form to the HR Section at least six weeks prior to the new date on which you wish your additional paternity leave to start or end.</p> <p>If you have applied to postpone your additional paternity leave start or end date, please return this form to the HR Section at least six weeks before your original proposed start or end date.</p>	