

## **Paternity Policy**

### **1. Introduction**

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

The organisation recognises that, from time to time, employees may have questions or concerns relating to their paternity rights. It is the organisation's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the paternity provisions are complex, employees should clarify the relevant procedures with HR to ensure that they are followed.

### **2. Ordinary Paternity Leave**

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to 2 weeks' ordinary paternity leave provided that he/she has 26 weeks' continuous service by the end of the 15<sup>th</sup> 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 the adoptive father or the adoptive mother 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.

Ordinary paternity leave is granted in addition to an employee's normal annual holiday entitlement. Ordinary paternity leave must be taken in a single instance of 1-2 weeks within 8 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 8 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, he/she must give his/her line manager 15 weeks' written notice of the date on which his/her partner's baby is due, the length of ordinary paternity leave he/she wishes to take and the date on which he/she wishes the leave to commence.

In the case of an adopted child, the employee must give written notice of his/her intention to take ordinary paternity leave no later than 7 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 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.

If an employee subsequently wishes to change the timing of the ordinary paternity leave, he/she must give 28 days' written notice of the new dates. The employee must also complete and sign a Request for Paternity Leave form declaring that he/she is entitled to ordinary paternity leave and either ordinary contractual or statutory paternity pay.

#### **4. Paternity Pay**

##### **Ordinary Contractual Paternity Pay**

Ordinary Contractual Paternity Pay consisting of up to 2 weeks full pay will be paid to staff who:

- have been continuously employed by the organisation for at least 26 weeks and completed their probationary period; by the end of the 15<sup>th</sup> week before the week in which the child is expected.
- have given the organisation proper notification in accordance with the rules set out above.

##### **Ordinary Statutory Paternity Pay**

Ordinary Statutory Paternity Pay (SPP) consisting of a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings (if this figure is lower than the Government's set weekly rate) will be paid to staff who:

- have been continuously employed by the organisation for at least 26 weeks (and who have not completed a probationary period); by the end of the 15<sup>th</sup> week before the week in which the child is expected.
- have given the organisation proper notification in accordance with the rules set out above.

However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for statutory paternity pay.

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

All paternity pay can start from any day of the week in accordance with the date the employee starts his/her paternity leave.

## **5. 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 has returned to work.

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.

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 his/her Paternity Leave Request form.

During the period of additional paternity leave, the employee's contract of employment continues in force and he/she is entitled to receive all his/her contractual benefits, except for salary. In particular, any benefits in kind (such as laptop, mobile phone etc) will continue and contractual annual leave entitlement will continue to accrue.

If the employee is eligible to receive it, salary may be replaced by statutory paternity pay for some, or all, of the additional paternity leave period, depending on the length and timing of the additional paternity leave. When the statutory pay entitlement expires, the remainder of the leave will be unpaid. Additional paternity pay will be paid in accordance to the entitlement set out within the Maternity pay policy (first 13 weeks at statutory paternity pay if the employee is entitled to receive it, the remaining 13 weeks following this would be 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. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had he/she not gone on 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 his/her outstanding entitlement before starting his/her additional paternity leave.

## **6. Eligibility for Additional Paternity Leave**

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

- He/she must be the father of the child or married to, the civil partner of, or the partner of, the child's mother, or 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 responsibility). In the case of adoption, he/she must have been matched with the child for adoption. In both cases, he/she must be taking the leave to care for the child.

- He/she must have a minimum of 26 weeks' service, as at the end of the 15<sup>th</sup> 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 15<sup>th</sup> week before the week in which he/she was notified of having been matched with the child.
- He/she must remain in continuous employment until the week before the first week of additional paternity leave.
- The mother 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.

## **7. Notification of Additional Paternity Leave**

Where an employee wishes to request additional paternity leave and pay, he/she must give his/her line manager eight weeks' written notice of the date on which he/she wishes to take the leave and, if applicable, additional statutory paternity pay to commence. A Request for Paternity Leave form must be completed 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. In both cases, the form 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 submit the form not less than 8 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 he/she satisfies the relationship eligibility conditions for additional paternity leave and pay.

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

- his/her name, address and national insurance number;
- the date that he/she intends to return to work;
- that he/she has given notice to his/her employer of returning to work;
- that he/she is entitled to statutory maternity pay, maternity allowance or statutory adoption pay;
- the start date of his/her maternity or adoption pay period;
- confirmation that the employee satisfies the relationship eligibility conditions;
- that he/she consents to the organisation processing the information contained in the declaration form; and
- that the employee is to his/her knowledge the sole applicant for additional statutory paternity pay and, in the case of a birth child, also that the employee is to his/her knowledge the only person exercising the entitlement to additional paternity leave in respect of the child.

On request by the organisation, the employee must produce the name and business address of the mother'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 he/she was 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 his/her additional paternity leave start date, provided that he/she advises the organisation in writing at least 6 weeks before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her additional paternity leave start date, or cancel his/her additional paternity leave altogether, provided that he/she advises the organisation in writing at least 6 weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

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

## **8. Additional Statutory Paternity Pay**

Additional statutory paternity pay may be payable during some or all of additional paternity leave, depending on the length and timing of the leave. An employee is entitled to additional statutory paternity pay if:

- he/she is the father of the child or married to, the civil partner of, or the partner of, the child's mother, or 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 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;
- he/she has a minimum of 26 weeks' service, as at the end of the 15<sup>th</sup> 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 15<sup>th</sup> week before the week in which he/she was notified of having been matched with the child (the "relevant week");
- he/she remains in continuous employment until the week before the additional statutory paternity pay period begins;
- his/her 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 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 or primary adopter has returned to work;
- the mother or primary adopter has at least two weeks of his/her maternity or adoption pay period that remains unexpired; and
- he/she gives 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 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

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

## **9. Contact During Additional Paternity Leave**

The organisation reserves the right in any event to maintain reasonable contact with the employee from time to time during his/her 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 his/her return to work or simply to update him/her on developments at work during his/her absence.

## **10. Keeping-in-Touch Days During Additional Paternity Leave**

An employee can agree to work for the organisation (or to attend training) for up to 10 days during additional paternity leave without that work bringing the period of his/her additional paternity leave and pay to an end. 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 organisation has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during his/her 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 organisation 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 any further entitlement to statutory paternity pay for any week in which he/she agrees to work for the organisation. It may also bring the additional paternity leave period to an end.

## **11. Returning to Work After Additional Paternity Leave**

The employee will have been formally advised in writing by the organisation of the end date of his/her additional paternity leave. The employee is expected to return on the next working day after this date, unless he/she notifies the organisation otherwise. If he/she is unable to attend work at the end of additional paternity leave due to sickness or injury, the organisation'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, he/she must give the organisation at least six weeks' notice of his/her date of early return, preferably in writing. If he/she fails to do so, the organisation may postpone his/her return to such a date as will give the organisation 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, he/she must give notice of resignation as soon as possible and in accordance with the terms of his/her contract of employment. If the notice period would expire after additional paternity leave has ended, the organisation may require the employee to return to work for the remainder of the notice period.

## 12. 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 he/she occupied before commencing paternity leave on the same terms and conditions of employment as if he/she had not been absent.

## 13. Adoptions from Overseas

If an employee has adopted a child from overseas, he/she may still be entitled to additional paternity leave provided again that the primary adopter has returned to work. Special rules apply in these circumstances. For further information, please contact HR.

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