

# People Framework

## Paternity Leave Procedure



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## Tracking

<b>Policy Title</b>	Paternity Leave Procedure		
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<b>Service</b>			

## Revision History

Revision Date	Revisor	Previous Version	Description of Revision

## Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date

## **1. Eligibility for Paternity Leave**

Employees are eligible for paid Paternity Leave provided that:

- They have 26 weeks continuous service with the Council by the end of the 15th week before the expected week of childbirth (EWC), or in the case of adoption, notification of having been matched with the child AND
- They are the biological father of the child OR are married to the civil partner or partner of The child's mother / primary adopter AND
- They will be responsible for the child's upbringing AND
- They will be taking time off work to support the mother/primary adopter or to care for the child.

Continuous service with other local authorities and associated public bodies does not count for the purpose of Paternity Leave and pay.

An employee who meets the above criteria for Paternity Leave is eligible to take either one or two weeks' paid leave. The period of Paternity Leave must be continuous, i.e. not two separate weeks.

The amount of Paternity Leave available is the same where the employee's partner has a multiple birth (such as twins) or where more than one child is adopted.

Paternity Leave may start from either the date on which the child is born or placed for adoption or from a chosen date after that time, however, it must be completed within 56 days of the child's birth or placement for adoption.

Where a child is born early, the employee may take paternity leave straight after the birth, or up to 56 days after the child's original due date.

## **2. Notification of Paternity Leave**

Where an employee wishes to request Paternity Leave in respect of a birth child, they must give their 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.

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

Employees who wish to take Paternity Leave must complete and sign the Notification of Paternity Leave form to confirm their entitlement to Paternity Leave and Statutory Paternity Pay and submit it to their manager.

If an employee wishes to change the timing of their Paternity Leave after they have notified their manager, they must give 28 days' written notice of the new dates.

### 3. **Statutory Paternity Pay**

To be eligible for Statutory Paternity Pay, an employee must have average weekly earnings for the 8 weeks up to and including the qualifying week of at least the lower earnings limit for the payment of NI contributions. This figure is reviewed annually and can be found at (LINK to GOV.UK).

Subject to meeting the eligibility criteria, employees will be paid their normal salary for the 1 or 2 week Paternity Pay period. This payment is inclusive of Statutory Paternity Pay (SPP).

Statutory Paternity Pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory Paternity Pay can start on any day of the week in accordance with the date the employee starts their Paternity Leave.

### 4. **Rights during Paternity Leave**

The terms and conditions of the employee's contract will continue during Paternity Leave.

Annual leave will continue to accrue during Paternity Leave. Annual leave cannot be taken during Paternity Leave, however, with the manager's agreement, it may be taken immediately before or after.

Employees who are in the pension scheme will continue to pay their pension contributions in the normal way while they are on Paternity Leave.

Following Paternity Leave, employees are entitled to return to the same role on the same terms and conditions of employment.

### 5. **Additional entitlements**

#### **Time off for antenatal care/ adoption appointments**

Husbands, fathers, civil partners and partners of pregnant women are entitled to **unpaid** time off to attend up to two antenatal appointments.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should discuss this with their manager and complete FORM to declare that they are eligible for this form of time off work. *Unpaid leave to be recorded in iTrent.*

The employee should provide their manager with as much notice as possible of when they need the time off to attend the antenatal appointment and produce an appointment card if asked to do so. Wherever possible, appointments should be arranged at the start or end of the working day.

#### **Shared Parental Leave**

Shared Parental Leave enables mothers or adopters to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as Shared Parental Leave and pay with their partner.

Employees can choose to take both Paternity Leave and Shared Parental Leave, but the period of Paternity Leave must come first. An employee cannot take Paternity Leave if they have already taken a period of Shared Parental Leave in relation to the same child.

For further information, please see the Council's Shared Parental Leave Procedure.

**Data protection**

When managing an employee's Paternity Leave and pay, the organisation processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs the organisation that they plan to take paternity leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their paternity leave and pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.