

PATERNITY LEAVE POLICY

1.0 Policy

1.1 The Council endeavours to provide help and assistance to employees who wish to use their right to take paternity leave. This policy outlines paternity leave entitlements and how employees should arrange this period of leave.

1.2 Adoptive parents are also entitled to parental leave. Affected employees should also refer to the Council's Adoption Leave Policy.

2.0 Eligibility

2.1 An expectant partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child born through that arrangement.

2.2 Employees who are adopting a child are entitled to take time off to attend adoption appointments. Please refer to the Council's Adoption Policy.

2.3 Employees should give the Council as much notice as possible of when they need the time off for the antenatal appointment. The Council may ask for a declaration stating the date and time of the appointment and that the employee qualifies for the unpaid time off through their relationship with the mother or child, and that the time off is for the purpose of attending an antenatal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

2.4 Paternity leave following the birth of a child

An employee will meet the eligibility criteria for paternity leave if they:

- are the child's father, the mother's husband or partner (whether of the same or different sex) or one partner in a couple who are both entitled to apply for, and propose to apply for, a parental order for the child
- have been employed and performed work for your employer for a minimum period of 26 weeks by the end of the 15th week before the expected week of childbirth (EWC)
- will be or expect to be responsible for the child's upbringing, where you are the father, or expect to be mainly responsible for the child's upbringing where you are the mother's husband or partner but not the father of the child
- have given the required notice of your intention to take leave
- have not previously taken shared parental leave for the same child.

2.5 Paternity leave following adoption

An employee will be eligible for paternity leave and pay on the adoption of a child if they:

- will be or expect to be mainly responsible for the child's upbringing
- are married to the child's adopter or the partner of the child's adopter (whether of the same or different sex)
- have been employed and performed work for your employer for a minimum period of 26 weeks by the end of the week the matching notification is given to the child's adopter
- have given the required notice of your intention to take leave and, where requested, have provided evidence
- have not previously taken shared parental leave for the same child.

3.0 When does paternity leave start?

3.1 Paternity leave lasts for a fixed period of one week or two consecutive weeks. An employee may not take individual days or separate weeks as paternity leave. Leave can be chosen to start:

- from the birth date or date of adoption (whether this date is sooner or later than anticipated) or
- on a specific day after the birth date or date of adoption (whether this day is sooner or later than anticipated) or
- from a specific date that is after the first day of the EWC (in birth cases and not adoption) or
- on a specific date, arranged in advance, that is after the expected placement date (in adoption cases).

3.2 If the child is born earlier than expected before the EWC, paternity leave must be taken:

- within a period of 56 days from that date or
- within a period of 56 days from the child's actual birth date.

3.3 If the same pregnancy results in more than one child being born, or more than one child is adopted in the same arrangement, the entitlement to paternity leave does not increase and only one period of leave can be taken.

4.0 Notification requirements

4.1 Paternity leave following the birth of a child

Unless not reasonably practicable, an employee's intention to utilise a period of paternity leave must be notified to the Council during or before the 15th week before the EWC. The Clerk must be informed, in writing, of:

- the anticipated week of birth
- whether the employee intends to use one or two weeks' leave
- the date the employee wishes the leave to begin.

4.2 As soon as reasonably practicable after birth, the employee must notify the Council in writing of the actual date of birth.

4.3 A signed declaration stating the employee intends to utilise a period of paternity leave to care for a child, or provide support to the mother of the child, and that the employee meets the eligibility criteria for the leave may be requested. Where requested, this should be provided to the Clerk

4.4 If the employee wishes to change the date of their paternity leave after giving notice, they must provide an additional written notice requesting a variation to the leave. This notice must be provided at least 28 days in advance of the new start date of the leave period.

4.5 Paternity leave following the adoption of a child

Unless not reasonably practicable, an employee's intention to utilise a period of paternity leave must be notified to the Council within seven days of the date the matching notification is given to the child's adopter. Where this is not reasonably practicable, the notification must be provided to the Clerk as soon as possible giving:

- the date the matching notification was given to the child's adopter
- the expected date of placement
- whether you intend to use one or two weeks' leave
- the date you wish the leave to begin.

5.0 Paternity pay

5.1 An employee may be entitled to receive Ordinary Statutory Paternity Pay (OSPP) from the Council for the period of paternity leave. OSPP is paid at a specific rate set by the Government each tax year, or at 90 per cent of their average weekly during the relevant period, whichever is lower. For details of the current OSPP rate, please contact the Clerk.

5.2 In order to meet the eligibility criteria for SPP, average weekly earnings for the relevant period must be equal to or higher than the specific lower earnings limit set by the government each tax year.

The relevant period is:

- the period of eight weeks which ends immediately before the 14th week before the EWC (in birth cases) or
- the period of eight weeks which ends immediately before the week where the matching notification was given to the child's adopter (in adoption cases).

5.3 Dependent on an employee's individual circumstances, they may be entitled to receive additional financial support. They should contact the Department for Work and Pensions to receive further information on this.

6.0 Contractual benefits

6.1 Whilst on paternity leave, employees continue to be entitled to receive their normal terms and conditions of employment, other than wages or salary. Employees may be entitled to receive payment of OSPP for this period, as set out above.

6.2 An employee's contract of employment continues during paternity leave. As such, any contractual obligations continue to apply during their period of leave.

7.0 Returning to work

7.1 Following two weeks' paternity leave, employees have the right to come back to the same job role. The act of requesting or taking paternity leave will not cause an employee to suffer any disadvantage in the workplace.

7.2 If an employee wishes to change their working hours following paternity leave, the Council will consider such a request. The Personnel Committee will fully consider the request and aim, wherever possible, to accommodate the change. The business needs of the Council will be assessed as part of this consideration and requests may be turned down where this as a business or operational reason to do so. Requests should be submitted as far in advance as possible to allow the full consideration process to take place as early as possible.

7.3 Employees should discuss with the Clerk, as early as possible, where they are planning on not returning to work. Resignation should be notified to the Clerk, in writing, as set out in your employment contract. Following notification of resignation, Council agreement is needed to withdraw this. Any payments of statutory paternity pay will not be altered by a resignation.

8.0 Shared Parental Leave

8.1 Following paternity leave, an employee may be entitled to take further periods of leave under the Shared Parental Leave Scheme. Full details can be found in the Shared Parental Leave Policy.

8.2 Once a period of shared parental leave has been taken in respect of a child, paternity leave cannot be taken for the same child.

9.0 Additional Paternity Leave

9.1 Eligible employees may take up to 26 weeks of unpaid additional paternity leave during the first year of a child's life if the mother has returned to work.

10.0 Stillbirth and miscarriage

10.1 If an employee experiences a miscarriage before 24 weeks of pregnancy, they will no longer be entitled to take paternity leave. It is understood that an employee may need leave in such circumstances and this will usually be taken as sick leave, during which the Council's Sickness Absence Policy will apply.

10.2 If an employee suffers a stillbirth after 24 weeks of pregnancy, their entitlement to paternity leave and pay will not be affected if they were otherwise eligible to take it and they will still be able to take the time off, and receive pay, as planned. From 6 April 2020, parental bereavement leave is also available for employees who suffer a stillbirth after 24 weeks of pregnancy. More information on this can be found in the Council's Parental Bereavement Leave Policy.