



## Paternity Policy

<b>Date</b>	<b>6<sup>th</sup> April 2017</b>
<b>Reviewed</b>	<b>22<sup>nd</sup> June 2020</b>
<b>Date of next review</b>	<b>July 2021</b>

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## Policy Statement

This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it. The policy does not apply to agency workers or the self-employed.

No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

## Definitions

The definitions in this paragraph apply in this policy.

**Partner:** someone (whether of a different sex or the same sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle.

**Expected Week of Childbirth:** the week, beginning on a Sunday, in which their doctor or midwife expects your spouse, civil partner or Partner to give birth.

**Expected Placement Date:** the date on which an adoption agency expects that it will place a child into your care with a view to adoption.

### Personnel Responsible for Implementing the Policy

The manager has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.

Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

### Entitlement to Paternity Leave

Certain employees can take paternity leave in relation to the birth or adoption of a child. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave. Further details of adoption leave are set out in our Adoption Policy.

You are entitled to ordinary paternity leave (OPL) if you meet all the following conditions:

- You have been continuously employed by us for at least 26 weeks ending with:
- in birth cases, the 15th week before the Expected Week of Childbirth.
- in adoption cases, the week in which you or your Partner are notified by an adoption agency that you/they have been matched with a child.

You:

- are the biological father of the child;
- have been matched with a child by an adoption agency;
- are the spouse, civil partner or Partner of the child's mother; or
- are the spouse, civil partner or partner of someone who has been matched with a child by an adoption agency.

You:

- expect to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
- are the child's biological father and you expect to have some responsibility for the child's upbringing.

Your intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.

You are entitled to additional paternity leave (APL) if, in addition to the conditions in paragraph 0 above:

- You remain employed by us until the week before the first week of your APL;
- The child's mother or your co-adopter, as the case may be, has been entitled to statutory leave:
  - i. in birth cases, the child's mother has been entitled to maternity leave, statutory maternity pay or maternity allowance in respect of her pregnancy, or
  - ii. in adoption cases, the child's adopter has been entitled to one or both of adoption leave or statutory adoption pay in respect of the child's adoption; and

The child's mother or your co-adopter, as the case may be, has returned to work.

### Timing and Length of Paternity Leave

OPL must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.

OPL can be taken from the date of the child's birth or adoption placement, but must end:

- In birth cases, within 56 days of the child's birth, or if they were born before the first day of the Expected week of Childbirth, within 56 days of the first day of the Expected Week of Childbirth.
- In adoption cases, within 56 days of the child's placement.

APL must be taken as multiples of complete weeks and as one period. The minimum amount of APL that can be taken is two weeks and the maximum is 26 weeks.

APL must be taken in the period beginning 20 weeks after the child's date of birth, or adoption placement, and ending 12 months after that date of birth or adoption.

### Notification (birth)

If you wish to take OPL in relation to a child's birth, you must give us notice in writing of your intention to do so and confirm:

- The Expected Week of Childbirth;
- Whether you intend to take one week's leave or two consecutive weeks' leave; and
- When you would like to start your leave. You can state that your leave will start on:
  - the day of the child's birth;

- a day which is a specified number of days after the child's birth; or
- a specific date later than the first date of the Expected Week of Childbirth.

You must give notice under paragraph 0 by the end of the 15th week before the Expected Week of Childbirth (or, if this is not possible, as soon as you can).

We may require a signed declaration from you that you are taking OPL for a purpose for which it is intended; namely, to care for the child or to support the child's mother in caring for the child.

If you wish to take APL in relation to a child's birth, you must provide us with the following at least eight weeks before the date on which you would like to start your leave:

A written "leave notice" stating:

- the Expected Week of Childbirth;
- the child's date of birth; and
- the dates on which you would like your APL to start and finish.

A signed "employee declaration" confirming that:

- you are either the child's father or that you are the spouse, Partner or civil partner of the child's mother;
- apart from the child's mother, you have or expect to have the main responsibility for the upbringing of the child; and
- you wish to take APL in order to care for the child.

A written "mother declaration" from the child's mother stating:

- her name, address and National Insurance number;
- the date she intends to return to work;
- your relationship with the child;
- that, to her knowledge, you are the only person exercising an entitlement to APL in respect of the child; and
- that she consents to us processing the information she has provided.

[A combined leave notice and employee declaration form and a mother declaration form are available from the manager.]

We will write to you to confirm the start and finish dates of your APL within 28 days of receiving your leave notice, your employee declaration and the child's mother's declaration.

We may require you to provide a copy of the child's birth certificate and the name and address of the mother's employer or, if she is self-employed, her business address.

## Notification (adoption)

If you wish to take OPL in relation to the adoption of a child, you must give us notice in writing of your intention to do so and confirm:

The date on which you and/or your spouse, civil partner or partner were notified of having been matched with the child, together with the Expected Placement Date;

- Whether you intend to take one week's leave or two consecutive weeks' leave; and
- When you would like to start your leave. You can state that your leave will start on:
  - the day on which the child is placed with you or the adopter;
  - a day which is a specified number of days after the child's placement; or
  - a specific date later than the Expected Placement Date.

You must give notice under paragraph 0 no more than seven days after you and/or your spouse, civil partner or partner were notified of having been matched with the child (or, if this is not possible, as soon as you can).

We may require a signed declaration from you that you are taking OPL for a purpose for which it is intended; namely, to care for the child or to support your spouse, civil partner or partner in caring for the child.

If you wish to take APL following a child's adoption, you must provide us with the following at least eight weeks before the date on which you would like to start your leave:

- A written "leave notice" stating:
  - the date on which you were notified that you had been matched with the child;
  - the date on which the child was placed with you; and
  - the dates on which you would like your APL to start and finish.
- A signed "employee declaration" confirming that:
  - you have been matched for adoption with the child;
  - you are either the spouse, Partner or civil partner of the child's co-adopter; and
  - you wish to take APL in order to care for the child.
- A written "adopter declaration" from the child's adopter stating:
  - their name, address and National Insurance number;
  - the date they intend to return to work;
  - that you are their spouse, partner or civil partner; and
  - that they consent to us processing the information they have provided.

We will write to you to confirm the start and finish dates of your APL within 28 days of receiving your leave notice, your employee declaration and the adopter's declaration.

We may require you to provide the following:

- The name and address of the adopter's employer or, if they are self-employed, their business address.

- Documentary evidence issued by the adoption agency that matched you with the child which confirms:
  - the name and address of the adoption agency;
  - the date on which you were notified that you had been matched with the child; and
  - the date on which the agency expected to place the child with you.

### Changing the Dates of OPL or APL

Where you are to take OPL in respect of a child's birth, you can give us written notice to vary the start date of your leave from that which you originally specified in the notice given under paragraph 0. This notice should be given:

- Where you wish to vary your leave to start on the day of the child's birth, at least 28 days before the first day of the Expected Week of Childbirth.
- Where you wish to vary your leave to start a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth.
- Where you wish to vary your leave to start on a specific date (or a different date from that you originally specified), at least 28 days before that date.

Where you are to take OPL in respect of a child's adoption, you can give us written notice to vary the start date of your leave from that which you originally specified in the notice given under paragraph 0. This notice should be given:

- Where you wish to vary your leave to start on the day that the child is placed with you or the adopter, at least 28 days before the Expected Placement Date.
- Where you wish to vary your leave to start a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the Expected Placement Date.
- Where you wish to vary your leave to start on a specific date (or a different date from that you originally specified), at least 28 days before that date.

If you are unable to give us 28 days' written notice of the wish to vary the start of your leave as set out above, you should give us written notice of the change as soon as you can.

Where you are to take APL, following either the birth or adoption of a child, you are entitled to give us written notice to cancel or vary the start and/or finish dates that you previously notified to us in accordance with paragraph 0 or paragraph 0. You need to do this:

- At least six weeks before the date you originally told us was the date on which you wanted to start your APL; or
- If you want to start your APL earlier than that original start date, at least six weeks before the date on which you now wish your APL to start.

If you are unable to give six weeks' notice you should give us written notice of your wishes as soon as possible. However, in these circumstances, if we are unable to accommodate your request we may require you to take a period of APL of up to six weeks starting on either your original or revised start date. If you wish to discuss varying or cancelling your APL in these circumstances you should speak to your line manager.

### Statutory Paternity Pay

In this paragraph, Relevant Period means:

- In birth cases, the eight-week period ending with the 15th week before the Expected Week of Childbirth.
- In adoption cases, the eight-week period ending with the week in which you or your spouse, civil partner or partner were notified of being matched with the child.

If you take OPL in accordance with this policy, you will be entitled to ordinary statutory paternity pay (OSPP) if, during the Relevant Period, your average weekly earnings are not less than the lower earnings limit set by the government.

If you take APL in accordance with this policy, you may be entitled to additional statutory paternity pay (ASPP). Whether and, if so, for how long you may be entitled to ASPP will depend on:

- Your average weekly earnings being not less than the lower earnings limit set by the government during the Relevant Period; and
- The child's mother or your co-adopter, as the case may be, having returned to work with at least two weeks of their maternity allowance, maternity pay or adoption pay period remaining. Your entitlement to ASPP will equate to the number of weeks of unexpired maternity allowance, maternity pay or adoption pay that remained when the child's mother or your co-adopter returned to work.

OSPP and ASPP are paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact your line manager.

### Terms and Conditions During OPL and APL

All the terms and conditions of your employment remain in force during OPL and APL, except for the terms relating to pay. In particular:

- Benefits in kind shall continue; and
- Annual leave entitlement under your contract shall continue to accrue.



## Annual Leave

During OPL and APL, annual leave will accrue at the rate provided under your contract.

Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during your absence on paternity leave, you should ensure that you have taken your full year's entitlement before your paternity leave starts.

Our holiday year runs from 1st January to 31st December.

## Redundancies During APL

In the event that your post is affected by a redundancy situation occurring during paternity leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment. Employees on APL will be among those given priority with regard to suitable alternative vacancies that are appropriate to their skills.

## Keeping in Touch During APL

We may make reasonable contact with you from time to time during your APL.

You may work (including attending training) for up to ten days during APL without bringing your paternity leave or your ASPP to an end. You are not obliged to undertake any such work during paternity leave.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements on your return. This may cover:

- Updating you on any changes that have occurred during your absence;
- Any training needs you might have; and
- Any changes to working arrangements (for example, that you may have requested come into effect on your return).

## Returning to Work

You are normally entitled to return to work following either OPL or APL to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.

However, if you have combined your OPL or APL with a period of:

- additional maternity leave;
- additional adoption leave; or
- parental leave of more than four weeks,
- and it is not reasonably practicable for you to return to the same job, we will offer you a suitable and appropriate alternative position.

If you wish to return early from APL, you must give us at least six weeks' prior notice. Your ability to do so is subject to the matters set out in paragraph 0.

If you wish to postpone your return from APL, you should either:

- Request unpaid parental leave in accordance with our Parental Leave Policy, giving us as much notice as possible but not less than 21 days; or
- Request paid annual leave in accordance with your contract, which will be at our discretion.

If you are unable to return to work from APL as expected due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

In any other case, a late return will be treated as unauthorised absence.

We will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis, in accordance with our Flexible Working Policy. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should submit your resignation in accordance with your contract. Once you have done so you will be unable to change your mind without our agreement. This does not affect your right to receive SPP.

### **Monitoring and Review of the Policy**

This policy is reviewed by the management committee.

We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.