



## Paternity Policy

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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

Your line 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.

### 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.

### 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 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.

### 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 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.

### Changing the Dates of OPL

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. 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. 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.

### 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.

OSPP is 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

All the terms and conditions of your employment remain in force during OPL, 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, 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.

### Returning to Work

You are normally entitled to return to work following OPL 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 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.

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.