



# **Paternity Leave Policy**

# Introduction

The Company is committed to ensuring that employees can adopt a work/life balance and recognises that there are times when employees require support. This policy complies fully with legal requirements.

The aim of this policy is to inform all employees of their entitlements with regards to Paternity leave and to ensure all employees fully understand these rights so that they can exercise them accordingly.

The policy is non-contractual and without prejudice to your statutory rights.

## 1. PATERNITY

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 two weeks' paternity leave provided that he/she has 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

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 paternity leave where the other adoptive parent has elected to take adoption leave. A separate policy is available in respect of adoption leave and can be obtained from the HR department or on the intranet. To be eligible for paternity leave, the employee must have 26 weeks' continuous service ending with the week in which the child's adopter is notified of having been matched with the child for adoption.

To qualify for 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.

Paternity leave is granted in addition to an employee's normal annual holiday entitlement. Paternity leave must be taken in a single block of one or two weeks within eight 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 eight weeks of the expected date of childbirth. 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.

Employees who wish to take both paternity leave and shared parental leave (see below) must take their period of paternity leave first. An employee cannot take paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.

### 1.1 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 he/she plans to take paternity leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing his/her 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.

## **1.2 PATERNITY LEAVE ENTITLEMENT**

### **Ordinary Paternity Leave (OPL)**

OPL must be taken as a period of either one week or two consecutive weeks. OPL cannot be taken as instalments. Paternity leave can start on any day of the week on or following the child's birth. You will be entitled to OPL if you satisfy certain qualifying conditions surrounding the relationship with the child AND mother of the child.:

**Eligibility to Ordinary Paternity Leave is dependent on you satisfying the following:**

- You must have 26 weeks continuous employment service (irrespective of the number of hours worked per week) by the end of the 15<sup>th</sup> week before the expected week of childbirth. The 15<sup>th</sup> week is known as the Qualifying Week (QW)
- Continue to work for the Company from the start of the 14<sup>th</sup> week before the expected week of childbirth up to the date of the birth.
- You must have or expect to have responsibility for the upbringing/parenting of the child
- You must be the biological father of the child OR be in an enduring family relationship with the mother of the child (i.e. married/partner including same-sex partner or civil partner)
- You wish to take time off to support the mother or care for the new baby
- If you take adoption leave you are not entitled to take paternity leave as well

OPL must be completed:

- Within 8 weeks of the actual date of birth of the child or
- If the child is born early, within 8 weeks of the first day of that week

An employee may not take annual leave during paternity leave but may take it immediately before or after paternity leave subject to the usual authorisation procedures.

Employees who wish to take both ordinary paternity leave and shared parental leave (please see shared parental leave policy) must take their period of ordinary paternity leave first. An employee cannot take ordinary paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.

### **2.1 NOTIFICATION**

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.

For 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 a form SC3 (available from the HR Department) declaring that he/she is entitled to ordinary paternity leave and ordinary statutory paternity pay.

## **2.2 ENTITLEMENT TO PAY**

### **Statutory Paternity Pay**

If you take OPL in accordance with this policy, you will be entitled to ordinary statutory paternity pay (**OSPP**) if your average weekly earnings are above the lower earnings level. OSPP is treated as earnings and is therefore subject to PAYE and national insurance deductions. Statutory paternity pay can start from any day of the week in accordance with the date the employee starts his/her paternity leave.

If you earn less than the current lower earnings level you could have the right to unpaid leave if you meet the other conditions, and you could get income support while on paternity leave.

To claim OSPP you must notify the Company that you intend to take paternity leave 28 days in advance of the date you expect any payments of SPP to start. The amount of OSPP is varied from time to time and the HR Department holds details of current entitlements.

You must provide a completed form SC3 (available from the HR Department) as evidence that you meet the eligibility conditions and confirms that you:

- Are taking leave either to care for the child or to support the mother or both and
- Have or expect to have responsibility for the upbringing of the child or
- Are the father of the child and/or the partner or husband of the mother

### **Company Paternity Pay (“CPP”)**

Providing you qualify to receive OSPP, at the complete discretion of the Company, the Company may pay the first week of paternity leave at full pay (this payment is inclusive of your statutory paternity pay entitlement).

### **Bereavement**

Provided you meet all the other conditions, you can still take paternity leave if the child is stillborn after 24 weeks of pregnancy or is born alive at any point of the pregnancy.

## **2.3 TIME OFF FOR ANTENATAL CARE**

Employees have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments. This time off will be unpaid.

To be eligible to take this form of time off, the employee could be the husband or civil partner of the pregnant woman, or could be living with the pregnant woman in an enduring family relationship. In addition, the employee will be eligible for the time off if he is the biological father of the expected child. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The organisation expects that normally no more than half a day is needed for an antenatal appointment, but the employee's leave includes the time needed to travel to the appointment and any waiting time needed at the appointment.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should in the first instance contact your line manager and the HR department. The time off should be requested via iTrent.

The employee should endeavour to give his/her line manager as much notice as possible of when he/she needs the time off for the antenatal appointment and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

## **2.4 TIME OFF TO ATTEND ADOPTION APPOINTMENTS**

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).

The purpose of the appointment is to enable the employee to have contact with the child (for example, to bond with him/her before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

Proof of the date and time of the appointment should be provided showing that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

The employee will be required to sign a declaration confirming that he/she has elected to exercise his/her right under either s.57ZJ or s.57ZL of the Employment Rights Act 1996 to take time off to attend an adoption appointment. This will be required to be provided on the first occasion on which the individual asks for time off to attend an adoption appointment.

## **2.5 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.

An employee can choose to take both ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first. An employee cannot take ordinary paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.

Shared parental leave must be taken in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block (in which case the Company is required to accept the request as long as the individual meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the individual needs the Company's agreement).

To be able to take shared parental leave, an employee and his/her partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave, or adopter curtailing his/her adoption leave.

Employees can refer to the Company's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the mother's maternity leave can be curtailed. The policy on shared parental leave sets out the statutory shared parental pay and notice periods with which employees must comply and what evidence they must provide.

The mother/adopter and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

## **2.6 RETURNING TO WORK**

You are entitled to return from paternity leave to the same job.

## **2.7 TERMS AND CONDITIONS DURING PATERNITY LEAVE**

All your normal terms and conditions of employment remain in force during OPL except for the terms relating to pay. Any benefits will continue as normal.

### **2.7.1 Holiday Entitlement**

The employee's contractual annual leave entitlement will continue to accrue throughout OPL. An employee may not take annual leave during OPL leave.

Any statutory holidays which fall during your OPL period should be added to and taken as annual leave. Statutory holidays which fall before or after your OPL leave period should be taken as normal.

The Company cannot pay an employee in lieu of any untaken statutory annual leave unless the contract is terminated.

### **2.7.2 Pension**

Pension contributions will continue during OPL

### **2.7.3 Working during Paternity Pay Period**

In no circumstances can an employee work for an employer at the same time as receiving SPP from the same employer. In general, an employee will not be entitled to SPP for any week during which they work.

### **2.7.4 Imprisonment**

If an employee is taken into legal custody then payment of SSP will end.