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## PATERNITY LEAVE & PAY

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### **Position Statement**

The Council recognises the statutory entitlements to paternity leave and pay that apply to employees becoming parents who meet the qualifying criteria. All processes and time scales set out in this document must be adhered to.

### **This Applies to**

All employees directly employed by the Council (other than school based employees), who are new fathers and/or the spouse/partner or civil partner of a new mother and expect to have responsibility for the child's upbringing.

### **Responsibility and Accountability**

#### Managers must:

- Ensure that employees have access to the Council's guide on paternity leave and pay entitlements, and the necessary forms that must be completed.
- Follow the processes and adhere to the time scales set out in the procedures outlined in this document.

#### Employees must:

- Adhere to the required time scales to request a period of paternity leave
- Submit the relevant forms and information to their line manager in the time scales stipulated.

#### HR Pay must:

- Record and action paternity leave/pay requests submitted by employees.
- Provide information and guidance to employees and managers as required

### **Review and Amendment**

This Policy does not form part of the employee's contract of employment and the Council/School retains the right to review and change the Policy at any time, ensuring that it complies with current employment legislation and the requirements of the Council/School. The recognised Trade Unions will be consulted with a view to reaching an agreement on any changes prior to publication.

### **ANTENATAL APPOINTMENTS**

- The husband, civil partner or partner of the pregnant woman is allowed the right to unpaid time off to accompany the pregnant woman to attend up to two antenatal appointments.

- Employees who will become parents through a surrogacy arrangement if they intend to apply for a Parental Order for the child born through that arrangement, are allowed to right to attend up to 2 antenatal appointments with the mother of the child.
- The joint adopter in an adoption can ask for 2 periods of unpaid time to attend adoption interviews.

The employee cannot be asked for any evidence of the antenatal appointment, such as an appointment card, as this is the property of the expectant mother. (Please ask the employee to complete the Form AN1 to show the required information relating to the appointment. If the employee is not using TOIL or leave to cover this, please inform HR Pay so they can use the appropriate code for unpaid time off.

Paid time off may be granted in exceptional circumstances at the discretion of senior managers and in conjunction with HR Pay.

## **PATERNITY LEAVE & PAY - ENTITLEMENTS**

### **Paternity Leave (PL)**

A statutory entitlement to take two weeks Paternity Leave to care for a child, at or around the time a child is born, is available to an employee who:

- has at least 26 weeks' continuous service with SCC, by the end of the 15th week before the expected week of childbirth (EWC), previous service with other local authority organisations or those under the Modification Order does not count towards this, and
- is the child's biological father and has, or expects to have, responsibility for the child's upbringing, or
- is the spouse, partner or civil partner of the mother and has, or expects to have, the main responsibility for the child's upbringing, apart from the responsibility of the mother.
- is the intended parent in a surrogacy arrangement and is not planning to take adoption leave
- is the joint adopter and is not planning to take adoption leave.

The maximum entitlement of two weeks must be taken in complete and consecutive weeks. Employees can opt to take only one weeks' leave in which case they will forfeit the second week.

The leave can begin on any day of the week, which may include the day on which the child is born and must be taken within 8 weeks of the birth. Only one period of leave is permitted, even if more than one child is born as a result of a pregnancy.

### **Paternity Pay**

Statutory paternity pay is paid at a standard rate (see the gov.uk website for the current rate. This is the same as the statutory maternity pay weekly rate. The employee receives the lower of either the standard rate or 90% of their average gross weekly pay.

### **Maternity Support Leave (contractual)**

Under NJC terms and conditions, a Council employee who is the father, partner or nominated carer of an expectant mother at or around the time of the birth is entitled to 5 days leave with pay. There is no length-of-service qualification attached to this entitlement.

HR Pay will automatically pay normal pay for the first five days of any ordinary paternity leave that an employee takes. If the employee requests a second week of PL, this will be paid at the SPP rate (where eligible).

If the employee only qualifies for Maternity Support Leave, they will be required to make a written request for leave to their line manager, no later than 15 weeks before the mother's expected week of childbirth (EWC), detailing the EWC, the length of leave required and the requested start date. If the employee has sufficient continuous service to qualify for Maternity Support Leave and Ordinary Paternity Leave, the notification requirements set out below should be followed. The employee should give 28 days' notice if they wish to change the start of their Maternity Support Leave.

## **PATERNITY LEAVE & PAY – PROCEDURE**

### **Notification Requirements**

The employee must notify their manager of his/her intention to take paternity leave by no later than the 15th week before the mother's EWC, (or as soon as is practicable thereafter). This is also the case for an intended parent through a surrogacy arrangement.

1. The employee can make a verbal request to their line manager, to take paternity leave within the time scale required above.
2. Once the employee has determined the details of their request they should complete the "Statutory Paternity Pay/Paternity Leave" form (SC3), which can be accessed via the HR Pay forms library on the intranet, and submit it to their line manager (retaining a copy). As long as the employee has advised their manager of the details, the form can be submitted any time in the month prior to the leave.
3. The manager must send the SC3 to HR Pay.
4. The employee must inform their manager in writing of the actual date of birth of the child, following the birth (if not detailed on the SC3 form), and this information should be forwarded to HR Pay.

Employees can change the start date of their paternity leave by completing and submitting a new SC3 form, giving at least 28 days notice of the amended date (where practicable).

## **PATERNITY LEAVE & PAY – GUIDANCE**

### **Timing of paternity leave**

If the baby is born prematurely the employee may take paternity leave at any time from the actual date of birth up to the end of a period of eight weeks after the week the birth was expected.

Paternity leave must be taken after the baby is born. Where the baby is born after the date the employee notified the employer that he or she wanted the paternity leave to commence, the employee must delay the start of the leave until the baby is actually born.

### **ADDITIONAL PATERNITY LEAVE & PAY**

Additional Paternity Leave & Pay has been abolished for any babies due on or born on or after 5 April 2015 as the new legislation on **Shared Parental Leave & Pay** replaces it. See the separate policy on the SCC website.

### **SHARED PARENTAL LEAVE & PAY**

See the separate **Shared Parental Leave & Pay** policy on the SCC intranet.

### **Links to Other Relevant Topics**

Maternity Policy & Procedure

Adoption (& Paternity) Leave & Pay – Statutory & Contractual Provision

The Right to Request Flexible Working

Shared Parental Leave and Pay

Unpaid Parental Leave

Conditions of Service – Hours and Leave