

## Paternity Policy

### 1. Introduction

This policy sets out the entitlement of Statutory Paternity Leave (SPL) and Statutory Paternity Pay (SPP). The policy covers SPL and SPP in relation to the birth of children and the adoption of children from within the UK. Different rules apply where a child from overseas is being adopted and staff should refer to the Adoption Policy.

This document forms part of a contract of employment and will be changed from time to time in line with current best practice and statutory requirements and to ensure business needs are met. Staff will be consulted in advance of any proposed changes with those required by law being implemented with or without staff consent.

### 2. Eligibility

Staff must satisfy the following conditions to qualify for Statutory Paternity Leave (SPL):

- Be the biological father of the child and/or the mother's husband or partner (including same sex partner or civil partner) or one party of a couple jointly adopting a child and who expects to have responsibility for the upbringing of the child. A partner is someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative.
- Have or expect to have responsibility for the child's upbringing.
- Have worked continuously for the organisation for 26 weeks by the qualifying week (the 15<sup>th</sup> week before the expected week of childbirth) or at the week in which the child's adopter was notified of having been matched with the child.
- Be working for the organisation from the qualifying week to the date of birth or adoption. If the contract ends before the birth or adoption, they will not qualify for SPL, if their contract ends after the birth, they retain their right to SPL and pay, if they qualify.
- Be taking time off to support the mother and/or care for the baby or child.

Note the right to take SPL and pay also applies to parents in a surrogacy situation and approved prospective adopters who look after children as part of a "fostering to adopt" arrangement.

### 3. Notification

To qualify for SPL, staff should notify their line manager in writing or by completing the attached form (Appendix A) no later than the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) or as soon as is reasonably practicable. In the case of an adoption, notification should be no later than seven days after the date on which notification of the match with the child was given by the adoption agency.

Staff should inform their line manager of:

- Expected date of childbirth or placement of the child.
- When they want their leave to start.
- Whether they wish to take one or two weeks continuous leave.

#### **4. Statutory Paternity Leave (SPL)**

Any staff who meet the above criteria is entitled to up to two weeks paid SPL. Staff can choose to take a single block of either one or two consecutive weeks'. They cannot take SPL as odd days or as two separate weeks.

Staff cannot start SPL until the birth of the baby or the placement of the child. Otherwise, staff can choose to start SPL:

- On the actual day of the baby's birth or child's placement (whether earlier or later than expected) or
- On a date the staff member has notified falling after the first day of the expected week of childbirth/placement. If the child is born/placed later than this date, they must delay their leave until the date of the actual birth or placement.

SPL can start on any day of the week but must finish:

- Within 56days of the actual birth date/placement date
- If the child is born/placed earlier than expected, between the birth and 56days from the first day of the EWC.

SPL remains at two weeks regardless of the number of children resulting from a single pregnancy or adoption.

#### **Changing the Date of Statutory Paternity Leave (SPL)**

If staffs wish to change the start date of SPL, they must inform their line manager of the amended start date at least 28days before the date in question (or as soon as is reasonably practicable, if it is not possible to give 28days' notice).

#### **5. Statutory Paternity Pay (SPP)**

SPP is the paid at the same rate as the standard rate of Statutory Maternity Pay or at 90% of average weekly earnings if this figure is less than SPP. SPP can be paid for no more than two weeks.

Staffs must satisfy the following conditions in order to qualify for SPP. They must:

- Be eligible for Statutory Paternity Leave.
- Have average weekly earnings at or above the lower earnings limit for National Insurance contributions at the end of the qualifying week.
- In the case of adoption, over the eight-week period ending with the week in which the child's adopter is notified of being matched with the child for adoption, staff must have average weekly earnings which are not less than the lower earnings limit for national insurance contributions purposes.
- Have self-certified their eligibility for SPP by submitting a completed form (Appendix 1) to their line manager at least 28 days before SPP is to start.

#### **6. Rights During Statutory Paternity Leave (SPL)**

Staff retain the rights to the full provisions of the contract of employment with the exception of from remuneration during SPL.

### **7. Returning to Work**

Staff who return to work after SPL is entitled to return to work to the job in which they were employed before the SPL period.

### **8. Shared Parental Leave**

Staff may be eligible to take Shared Parental Leave (ShPL) in addition to SPL. ShPL provides for parents to share leave and statutory pay entitlements for up to 50weeks. Further details are set out in the Shared Parental Leave Policy.

### **9. Data Protection Act 2018**

The organisation will treat all personal data in line with obligations under the current data protection regulations.

## Appendix A – Application Form for Statutory Paternity Leave and Pay

To be completed by staff and submitted no less than 15 weeks before the expected week of childbirth or in the case of adoption, no later than seven days after the matching notification from the adoption agency.

Name of Staff:	
Job Title:	
Date of continuous employment start date	
Date baby is/was due OR date of notification of placement	
If baby born/placed, actual date of birth or placement:	
I would like my SPL and SPP to start on	
I will be away from work for	
One week <input type="checkbox"/>	Two weeks <input type="checkbox"/>
<b>Your declaration</b>	
I declare I am:	
• The baby's biological father, or	<input type="checkbox"/>
• Married to or in a civil partnership with the baby's mother, or	<input type="checkbox"/>
• Living with the mother in an enduring family relationship but not an immediate relative, or	<input type="checkbox"/>
• The sole or joint adopter of a child	<input type="checkbox"/>
<b>and</b> I have responsibility for the child's upbringing	<input type="checkbox"/>
<b>and</b> am taking time off to support the mother or care for the child	<input type="checkbox"/>
<b>Signature</b> .....	
<b>Date</b> .....	