

PATERNITY LEAVE POLICY

INTRODUCTION

This document is designed to assist you in understanding what the basic statutory and occupational entitlements to Paternity leave and pay are. If you have any queries after reading this document please refer them to HR.

ELIGIBILITY

An employee qualifies for Paternity Leave on the birth of a baby if he/she:

- Has or expects to have responsibility for the child's upbringing;
- Is the biological father of the baby and/or the mother's husband or partner (including same-sex partner or civil partner);
- Has at least 26 weeks' continuous service with Arun DC ending with the 15th week before the expected week of confinement (EWC).

An employee is also entitled to take paternity leave when adopting a child, please see section 'Paternity Leave and Adoption' for further details.

LENGTH OF PATERNITY LEAVE

An employee can take either one week's leave or two consecutive weeks but not two separate weeks and not individual days.

Leave must be taken within 56 days of the child's birth or if the child is born prematurely, of the EWC.

Paternity leave remains at two weeks regardless of the number of children resulting from a single pregnancy.

NOTIFICATION OF ORDINARY PATERNITY LEAVE

In or before the 15th week before EWC (or as soon as reasonably practicable), an employee must give the Line Manager notification of his/her intention to take paternity leave, specifying the EWC, the length of time he/she wishes to take and the start date.

This date can be varied providing notice is given 28 days in advance of the new date or as soon as reasonably practicable.

STATUTORY PATERNITY PAY (SPP) ELIGIBILITY

SPP is paid at a standard rate of Statutory Maternity Pay (SMP) or a rate equal to 90% of average weekly earnings, whichever is the lower, subject to meeting the eligibility criteria below.

- An employee has at least 26 week's continuous service with Arun DC ending with the 15th week before the expected week of confinement (EWC).
- An employee has completed a form SC3 at least 28 days before payment of SPP is due to start.

Please speak to Payroll for information on current SPP rates.

In all instances an employee who earns less than the lower limit for the National Insurance Contributions (NIC) will not qualify for SPP but may be able to claim Income Support whilst on Paternity leave. Further information is available from Payroll or the local benefit office.

OCCUPATIONAL PATERNITY PAY

An employee who qualifies for Paternity Leave is entitled to 1 week's leave at full pay and 1 week's leave paid at SPP.

ORDINARY PATERNITY LEAVE, PAY AND ADOPTION

The provisions of the Paternity Policy apply to all staff wishing to take paternity leave, with the exception of the sections below which relate specifically to adoption.

ELIGIBILITY

An employee is entitled to take paternity leave when adopting a child and where the employee:

- Is married to or the partner of the child's adopter.
- Is not taking statutory adoption leave and pay.
- Has at least 26 weeks' continuous service at Arun DC ending with the week in which an employee is notified of having been matched with the child (in the case of overseas adoption, receipt of official notification or by the time an employee wants OPL to begin, whichever is later). The qualifying week starts on a Sunday and ends on a Saturday.
- Continues in employment from the qualifying week to the date of the child's placement (in the case of overseas adoption, until the point the child enters the UK).
- Is taking time off to support the adopter and/or to care for the child.

An employee can take either one week's leave or two consecutive weeks but not two separate weeks and not individual days.

Leave must be taken within 56 days of the child's placement with the adopter or the date the child enters the UK.

NOTIFICATION

UK ADOPTION

An employee must notify the Council of his/her intention to take paternity leave no more than 7 days after the adopter is notified of having been matched with a child specifying the length of time he/she wishes to take and the start date. In addition, an employee must advise the date the adopter was notified of the match and the date on which the child is expected to be placed.

OVERSEAS ADOPTIONS

An employee is required to give notice in 3 stages:

First Stage

The date on which the other or main adopter received official notification of the date the child is

expected to enter the UK.

Second Stage

An employee is required to give 28 days' notice of the date OPL is to start. This date can be varied providing notice is given 28 days in advance of the new date or as soon as reasonably practicable.

Third Stage

An employee must notify the Council of the date the child entered the UK. This must be done within 28 days of the child's date of entry.

ORDINARY STATUTORY PATERNITY PAY (OSPP) ELIGIBILITY – ADOPTION

OSPP is paid at a standard rate of Statutory Maternity Pay (SMP) or a rate equal to 90% of average weekly earnings, whichever is the lower (if this is less), subject to meeting the eligibility criteria below.

Please speak to Payroll for information on current SMP rates.

In all instances an employee who earns less than the lower limit for the National Insurance Contributions (NIC) will not qualify for OSPP but may be able to claim Income Support whilst on Paternity leave. Further information is available from Payroll or the local benefit office.

Qualification for OSPP is as follows:-

UK Adoption

- An employee has at least 26 weeks' continuous service with Arun DC ending with the week in which an employee is notified of having been matched with the child.
- An employee continues in employment from the qualifying week to the date of the child's placement.
- An employee has completed a form SC4 at least 28 days before payment of OSPP is due to start.

Overseas Adoptions

- An employee has provided official notification.
- An employee has at least 26 weeks' continuous service with Arun DC ending with the week in which official notification has been received or the time OSPP is to begin.
- An employee continues to work up to the point the child enters the UK.
- An employee has completed a form SC5 at least 28 days before OSPP is due to start.

TIME OFF TO ATTEND ANTENATAL APPOINTMENTS

An expectant father or the partner (including same sex) of a pregnant woman will be entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her.

Employees accompanying the expectant mother to her ante-natal appointments are entitled to unpaid leave for up to 2 appointments. The time off is capped at six and a half hours for each appointment.

The Line Manager is not entitled to ask for any evidence of the ante-natal appointments, such as an appointment card, as this is the property of the expectant mother attending the appointment. However, a Manager is entitled to ask the employee for a declaration stating the date and time of the appointment, that the employee qualifies for the unpaid time off through his or her relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

ANNUAL LEAVE ENTITLEMENT

An employee continues to accrue annual leave whilst on paternity leave. This includes Bank Holidays. An employee may not take annual leave during paternity leave but can take any untaken annual leave before and/or after paternity leave.

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

SHARED PARENTAL LEAVE

The father or partner of the mother may be eligible for Shared Parental Leave. Please see the Shared Parental Leave policy for more information.

Whilst the partner of the mother may be entitled to both shared parental leave and ordinary paternity leave, if the partner does not take their ordinary paternity leave before they start their shared parental leave, they will lose entitlement to any untaken ordinary paternity leave.