



## **PATERNITY LEAVE & POLICY AND PROCEDURES**

### **1. About this policy**

- 1.1 This policy outlines when an employee may be entitled to paternity leave and paternity pay, and sets out the arrangements for taking it.
- 1.2 This policy does not form part of any employee's contract of employment and we may amend it at any time.

### **2. Entitlement to paternity leave**

- 2.1 Paternity leave is available on the birth of a child if you have been continuously employed by us for at least 26 weeks ending with the 15th week before the expected week of childbirth and:
  - (a) you are the biological father and will have some responsibility for the child's upbringing;
  - (b) you are the partner (that is, spouse, civil partner or cohabiting partner) of the mother, and will have the main responsibility (with the mother) for the child's upbringing; or
  - (c) the child is born to a surrogate mother where you are, or your partner is, one of the child's biological parents, and you expect to obtain a parental order giving you and your partner legal responsibility for the child.
- 2.2 Paternity leave is available where a child is placed with you for adoption by an adoption agency, if you have been continuously employed by us for at least 26 weeks ending with the week in which the agency notifies you that you have been matched with a child.

### **3. Stillbirth and neonatal loss**

- 3.1 If eligible, you are entitled to paternity leave and pay if your child is stillborn after 24 weeks of pregnancy or is born alive at any stage of pregnancy but does not survive (neonatal loss). However, you may have less time in which to take your leave under paragraph 4.8.

#### **4. Taking paternity leave**

- 4.1 Paternity leave is a period of up to two weeks' leave taken when a child is born or placed with you for adoption. You may choose to take:
- (a) a single period of leave of either one week or two weeks; or
  - (b) two separate periods of leave of one week each.
- 4.2 You can start your leave on the date of birth or placement, or a later date of your choosing. Leave can be taken within 52 weeks of the birth or placement. (If the baby is premature, the period ends 52 weeks after the start of the expected week of childbirth.)
- 4.3 If you wish to take paternity leave, you must give us written evidence of your entitlement by the end of the 15th week before the expected week of childbirth (or no more than seven days after the adoption agency notified you of being matched with a child), or as soon as you reasonably can. This notice should state:
- (a) Either:
    - (i) the expected week of childbirth (and, in surrogacy cases, that you and your partner are parental order parents of the child); or
    - (ii) the date on which the adopter was notified of having been matched with the child, the date on which the child is expected to be placed with the adopter and that you wish to receive paternity pay rather than adoption pay in respect of the child; and
  - (b) that you are the father of the child, or that you are not the child's father but are either the spouse, civil partner or partner of the child's mother or adopter (or, in surrogacy cases, of the other parental order parent); and
  - (c) that you expect to have the main responsibility (apart from your spouse, civil partner or partner) for the child's upbringing.
- 4.4 To choose a period of paternity leave, you must give us written notice at least 28 days before the chosen start date (or no more than seven days after the adoption agency notifies you of being matched with a child), or as soon as you reasonably can, stating:
- (a) the start date of the leave (which may be a specified date after the start of the expected week of childbirth or the expected adoption placement date, the actual date of the birth or adoption placement, or a specified number of days after the birth or adoption placement); and
  - (b) the duration of the leave; and
  - (c) that the purpose of the leave will be to care for the child or to support the child's mother or adopter (or, in surrogacy cases, the other parental order parent).

- 4.5 You can change the intended start date by giving us written notice at least 28 days before the earlier of the original start date or the new start date (or as soon as you reasonably can). Your notice of variation must confirm that the purpose of the new period of leave is to care for the child or to support the child's mother or adopter (or, in surrogacy cases, the other parental order parent).
- 4.6 You can cancel a period of leave by giving us written notice at least 28 days before the start date, or as soon as you reasonably can.
- 4.7 You must give us written notice of the child's date of birth or placement for adoption as soon as you reasonably can afterwards.
- 4.8 You will still be able to take paternity leave on your chosen dates if your child dies or is stillborn, if an adoption placement is ended, or (in surrogacy cases) if a parental order is not sought within six months of birth or an application for a parental order is refused. If you have not already notified us of your chosen dates before one of these events occurs, you may still choose to take paternity leave, but it must be taken within the next eight weeks. You may also be entitled to take parental bereavement leave.

## **5. Paternity pay**

- 5.1 Statutory paternity pay (**SPP**) is payable during paternity leave, provided you have at least 26 weeks' continuous employment ending with the **Qualifying Week** (the 15th week before the expected week of childbirth or the week in which the adoption agency notified you of a match) and your average earnings are not less than the lower earnings limit set by the government each tax year. The rate of SPP is set by the government each tax year.

## **6. During paternity leave**

- 6.1 All the usual terms and conditions of your employment remain in force during paternity leave, except for the terms relating to pay.
- 6.2 Holiday entitlement will continue to accrue during paternity leave. If your paternity leave continues into the next holiday year, any remaining holiday that is not taken or cannot reasonably be taken before your paternity leave can be carried over to the next holiday year and must be taken within three months of returning to work, unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry over of more than one week is at your manager's discretion.
- 6.3 If you are a member of our pension scheme, we will make employer pension contributions during paternity leave, based on your normal salary, in accordance with the scheme rules. Any employee contributions you make will be based on the amount of any paternity pay you are receiving, unless you inform us that you wish to make up any shortfall.