



# **PATERNITY LEAVE AND MATERNITY SUPPORT LEAVE POLICY**

## **To whom this policy applies**

An employee has a statutory entitlement to take Paternity Leave for the purpose of caring for a child or supporting the child's mother.

## **Eligibility Criteria**

To qualify for Paternity Leave, an employee must have or expect to have responsibility for the upbringing of the child.

The employee must have complied with the relevant notification requirements and, where requested, have produced evidence to support their claim for paternity leave.

The employee must have 26 weeks' continuous service with their current employer.

For the purposes of this policy, continuous service is calculated as follows:

- In the case of a birth child, the employee must have 26 weeks' continuous service with their current employer by the end of the 15th week before the week in which the child is expected to be born.
- In the case of a child adopted within the UK, the employee must have 26 weeks' continuous service with their current employer by the end of the week in which the adoption agency formally notifies the adopter that they have been matched with the child.
- In the case of a child adopted from overseas, the employee must have 26 weeks' continuous service with their current employer by the end of the week in which the adopter receives the official adoption notification from the relevant domestic authority, or starting with the week in which the employee's employment began. The latter option allows for the possibility that the official notification may be received a year or more before the child enters the UK, and the employee may have changed employer in this time.

## **Paternity Leave**

An employee who meets the qualifying criteria is entitled to two weeks' Paternity Leave. The entitlement is up to two weeks' leave even where more than one child is born.

An employee can take either two separate blocks of one week or two consecutive weeks. An employee cannot choose to take odd days of paternity leave and paternity leave cannot be used before the birth.



An employee is not entitled to take paternity leave if they have already taken any shared parental leave in respect of the child.

Paternity leave must be taken within 52 weeks of the birth or placement with their adoptive parent, or in the case of a child adopted from overseas, within the period of 52 weeks beginning with the date the child entered Great Britain.

If the child is born prematurely, paternity leave must be taken during the period that begins with the birth of the child and ends 52 weeks after the week in which the child was expected to be born.

Where the child is born late, the 52-week period runs from the date of the actual birth. An employee cannot start a period of paternity leave before the child is born.

## **Paternity Leave Pay**

Any periods of Paternity Leave taken will be paid at the current Statutory Paternity Pay (SPP) rate.

Employees may be eligible to receive Statutory Paternity Pay if they:

- have 26 weeks' continuous service with their current employer by the end of the 15th week before the child is due. In the case of adoption, it is at least 26 weeks by the relevant or matching week;
- have average weekly earnings of over the lower limit for National Insurance contributions;
- are still employed at the time of taking paternity leave.

## **Notification Requirements for Paternity Leave**

### **Before Paternity Leave starts**

In the case of a birth child, the employee must provide the following in writing by the end of the fifteenth week before the expected week of childbirth. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child and/or the child's birth parent (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- The expected week of childbirth (EWC);
- Confirmation that the employee is the biological father of the child or the mother's spouse, civil partner or partner;
- Confirmation that the employee will be responsible for the child's upbringing and will take time off work to support the mother or care for the child;
- If requested, the employee must also provide a copy of the mother's MATB1.

In the case of an adopted child from with the UK, the employee must provide the following in writing no more than seven days after the date on which the adopter is notified by an



approved adoption agency. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- they have been matched with a child for adoption;
- the date on which the adopter was notified of having been matched with the child;
- the date when the child is expected to be placed with the adopter (or, if placement has already occurred, the date of the placement);
- a declaration that they are married to or the civil partner or partner of the child's adopter and that they expect to have main responsibility for the child's upbringing apart from any responsibility of the adopter.

In the case of an adopted child from with overseas, the employee must provide the following in writing no more than seven days after the date on which the adopter is notified by an approved adoption agency. If this is not possible, notice must be provided as soon as is reasonably practical:

- Confirmation that they are planning to take paternity leave in order to care for the child (and the date(s) they wish to take their leave, as discussed with their manager, if known);
- the date on which the child's adopter received the "official notification";
- the date on which the child is expected to enter Great Britain (or the date on which the child entered Great Britain where this has already occurred); and
- a declaration that they are married to or the civil partner or partner of the child's adopter and have or expect to have main responsibility for the child's upbringing apart from any responsibility of the child's adopter.

### **Notice to take Paternity Leave**

An employee must give at least 28 days' notice before any period of paternity leave. If this is not possible, notice must be provided as soon as is reasonably practical.

An employee must put their notice to take paternity leave in writing, if requested.

### **After the birth or adoption**

The employee must also inform the employer of the date the child was born or placed for adoption, as soon as is reasonably practical after the child's birth or placement.

### **Varying dates of Paternity Leave**

If an employee wants to cancel a period of paternity leave or they change their mind about the date on which they intend to start a period of paternity leave, then they must inform the employer of the cancellation or revised start date at least 28 days before the earlier of the original or revised date (or as soon as is reasonably practicable, if not in a position to do so within the prescribed period, e.g. if the child is born prematurely).



If an employee wants to start their paternity leave on a predetermined date and the child has not been born or placed with the adopter by then, the employee must give their employer a notice of variation selecting a later date as soon as reasonably practicable.

An employee must put their notice of a cancellation or variation of leave in writing, if requested.

## **Maternity Support Leave**

Paragraph 7.6 of Part Two of the Green Book provides a right to Maternity Support Leave of one week. This is provided for the child's father, or the partner or nominated carer of an expectant mother at or around the time of birth.

Maternity Support Leave is provided, for the child's father or the partner or nominated carer of an expectant mother, to be used at or around the time of the birth.

To be eligible for Maternity Support leave, the employee must therefore be the child's father, or the partner or nominated carer of an expectant mother. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth. There is no qualifying service requirement for this right.

Maternity Support Leave replaces one week of Statutory Paternity Leave; during this time any Statutory Paternity Pay is topped up to full pay. Therefore, an employee who would otherwise have been entitled to two weeks' Statutory Paternity Leave will be entitled to one week's Maternity Support Leave (during which Statutory Paternity Pay will be topped up to full pay) and one week's Statutory Paternity Leave (during which they will receive Statutory Paternity Pay).

An employee who wishes to request or vary a period of Maternity Support Leave must provide the same notification requirements as set out in section 15 above.

## **Ante-natal Care**

Expectant fathers, or spouses, civil partners or the partner of pregnant individual have the right to unpaid time off to attend two antenatal appointments with the expectant mother, with a maximum statutory entitlement of 6 ½ hours' time off for each appointment. They must produce evidence of appointments if requested to do so.

## **Adoption Appointments**

In accordance with the Adoption Policy, the main adopter has the right to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

## **Pension**



The following information relates to employees who are members of the Local Government Pension Scheme.

### **Employees contributions during Paternity Leave**

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

### **Employer contributions during Paternity Leave**

The Parish Council will pay employer contributions on the employee's Assumed Pensionable Pay. Assumed Pensionable Pay is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however the employee's pay during their leave is higher than Assumed Pensionable Pay, the Parish Council will pay contributions on this higher amount.

### **Continuous Service**

Paternity Leave and Maternity Support Leave will count as continuous service for statutory and contractual purposes.

### **Annual Leave and Bank/Public Holidays**

Annual leave and Bank/Public holidays will continue to accrue during Paternity Leave and Maternity Support Leave.

<b>Review Date:</b>	<b>Reviewed By:</b>	<b>Amendments</b>	<b>Minute Number</b>
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