



**Paternity Policy and Procedure**

**Updated July 2021**

## Table of Contents

<u>1</u>	<u>POLICY STATEMENT AND INTRODUCTION</u> .....	<u>3</u>
<u>2</u>	<u>ANTENATAL CARE</u> .....	<u>4</u>
	2.1 THE RIGHT TO ATTEND ANTENATAL APPOINTMENTS.....	4
<u>3</u>	<u>PATERNITY LEAVE</u> .....	<u>5</u>
	3.1 ELIGIBILITY FOR PATERNITY LEAVE.....	5
	3.2 NOTIFICATION OF PATERNITY LEAVE .....	5
	3.3 STATUTORY PATERNITY PAY .....	5
	3.4 Discretionary Enhanced Paternity Pay.....	6
	3.5 SHARED PARENTAL LEAVE.....	6
<u>4</u>	<u>RIGHTS FOLLOWING RETURN TO WORK</u> .....	<u>7</u>

# 1 Policy Statement and Introduction

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This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave.

To qualify for paternity leave, the employee must have, or expect to have, responsibility for the child's upbringing and be taking the leave to care for the child..

The entitlement to paternity leave is to take up to two weeks' paternity leave in a single block, within eight weeks of the child's birth or adoption.

This policy and procedure is subject to change in accordance with legislation and conforms to the Equality Act 2010 and other associated legislation.

## 2 Antenatal Care

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### 2.1 The Right to Attend Antenatal Appointments

Under the Children and Families Act 2014 a prospective father, or the spouse, civil partner or partner of a pregnant woman, can take time off to attend up to two antenatal appointments.

You are entitled to take up to six and a half hours off for each appointment, if your appointment is likely to take longer than this you should make your line manager aware at the time of your request.

You should submit your request to your immediate Line Manager giving the Company reasonable notice of the appointment.

## 3 Paternity Leave

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### 3.1 Eligibility for Paternity Leave

An employee whose wife, civil partner or partner gives birth to a child, or an employee who is the biological father of the child, is entitled to two weeks paid paternity leave provided that they have 26 weeks continuous service by the end of the 15<sup>th</sup> week before the week in which the child is expected.

Paternity leave is also available to adoptive parents when a child is matched or newly placed for adoption via an agency. Either the adoptive father or the adoptive mother may take paternity leave when the other adoptive parent has elected to take adoption leave. In respect of an adopted child, the employee must have 26 weeks continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption. A separate policy is available in respect of adoption leave.

To qualify for paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

Paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

### 3.2 Notification of Paternity Leave

When an employee wishes to request paternity leave in respect of a birth child, they must provide the Company with the following:

- 15 weeks written notice of the date on which the partner's baby is due
- the length of paternity leave they wish to take and
- the date on which they wish the leave to commence.

In the case of an adopted child, the employee must give written notice of their intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify:

- the date the child is expected to be placed for adoption
- the date the employee intends to start paternity leave
- the length of the intended paternity leave period, and
- the date on which the adopter was notified of having been matched with the child.

If an employee subsequently wishes to change the timing of their paternity leave, they must give 28 days' written notice of the new dates. The employee must also, when requested, complete and sign a self- certificate declaring that they are entitled to paternity leave and statutory paternity pay.

### 3.3 Statutory Paternity Pay

Paternity leave will be paid at a standard statutory rate per week or at a rate equivalent to 90% of the employee's average weekly earnings, if this figure is less than the standard statutory rate. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for statutory paternity pay.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week, in accordance with the date the employee starts their paternity leave.

### **3.4 Discretionary Enhanced Paternity Pay**

The company may offer discretionary enhanced paternity pay. Any enhanced payment will be inclusive of statutory paternity pay.

Currently, where the employee is eligible, the company pays enhanced paternity pay for two weeks at the employee's basic rate of pay.

### **3.5 Shared Parental Leave**

Shared parental leave is available to parents with babies born after the 5<sup>th</sup> April 2015. It allows for a greater opportunity for parents to share in the initial care of their child. A mother can agree to bring her period of maternity leave and pay to an end, and share the remaining untaken balance with their partner, or return to work early and agree to take the remaining balance of leave and pay at a later date.

Please see our separate policy on shared parental leave for further details.

## **4 Rights Following Return to Work**

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On resuming work after paternity leave, the employee is entitled to return to the same job as was occupied before commencing paternity leave, on the same terms and conditions of employment as if they had not been absent.