

Paternity Leave and Pay Policy

Key to Abbreviations

EWC	Expected Week of Childbirth – the week, beginning on a Sunday, in which the baby is due to be born, as shown on the MAT B1.
MAT B1	A certificate issued by the mother's Doctor/Midwife illustrating the expected date of childbirth.
QW	Qualifying Week – this is the 15 th week before the EWC or before the expected week of placement in adoption cases
SPP	Statutory Paternity Pay

Introduction

This Section sets out our current Paternity Leave and Pay Policy which is intended to reflect the statutory paternity provisions and provides guidelines only. If there is any conflict between this Policy and the statutory provisions, the latter will prevail. This policy applies to employees only and does not apply to agency workers or self-employed contractors. This policy does not form part of any employee's contract of employment and may be amended at any time.

Arrangements for time off to accompany a pregnant person to ante-natal appointments or to attend adoption appointments are set out in the Time Off to Attend Ante-Natal or Adoption Appointments Policy.

Current Government advice and guidance is available at: <https://www.gov.uk/paternity-pay-leave/overview>

You are entitled to paternity leave and pay in accordance with the current statutory provisions. Please note that references to a 'week' are references to a seven-day period beginning with a Sunday (unless the context requires otherwise).

These notes are for guidance purposes only. They include a summary of complex law which may change from time to time. The notes deal with issues which commonly affect employees but may not be applicable to all personal circumstances.

If you have any queries concerning your paternity benefits, please contact your Supervisor/Manager.

Paternity Leave

Provided the conditions under Eligibility and Notification Requirements (see below) are satisfied, employees are entitled to take paternity leave on the birth of a child or the placement of a child for adoption (unless the employee is planning to take adoption leave instead).

Paternity leave can be taken as a 1 week or 2 week block or 2 x 1 week blocks. The earliest that paternity leave can start is the date of birth or the date of placement in adoption cases and it must be taken within 52 weeks of those dates.

Eligibility

Employees are entitled to take paternity leave if they:

- have been continuously employed by us for 26 weeks ending with the QW;
- are the biological father of the child, or are married to, the civil partner of or living in an enduring family relationship with the mother or the adopter;
- expect to have the main responsibility (with the mother or adopter) for the child's upbringing, or are the biological father and expect to have some responsibility for the child's upbringing;
- on the birth of a child to a surrogate mother, they are, or their Partner is, one of the child's biological parents, and expects to obtain a parental order giving them or their Partner responsibility for the child.

- have not already taken shared parental leave, adoption leave or paid time off to attend adoption appointments in respect of the same child; and
- intend to take the leave for the purposes of caring for the child or supporting the mother or adopter.

Notification Requirements

In order to qualify for paternity leave, you should give your Manager/Supervisor 28 days' written notice or no more than seven days after you have been notified of being matched with a child for adoption, that you intend to take paternity leave. Your notice must state:

- the EWC or expected week of placement;
- the date you would like your paternity leave to start (this can be the date of birth or placement, a chosen date after the birth or placement or a date a specific number of days following the birth or placement) and;
- whether you wish to take a 1 week or 2 week block or 2 x 1 week blocks paternity leave.

A completed SC3 form will give us all of the information required above. This can be completed online, printed and passed to your Supervisor/Manager. The form can be found here: <https://www.gov.uk/paternity-pay-leave/how-to-claim>. Alternatively you can complete HRF1 Paternity Leave Form which is on the Company Intranet or available from your Supervisor/Manager.

If you need to change the date on which you intend your paternity leave to start, you must also give 28 days' notice.

Your manager will be able to help with any queries you may have about your paternity entitlement.

If you do not comply with the notification requirements listed above, you may lose your entitlement to paternity leave.

Paternity Pay (SPP)

If you have been employed by us for at least 26 weeks at the Qualifying Week (QW), your average earnings during the eight weeks preceding the QW exceed the lower earnings limit and you comply with the SPP notification requirements you will be entitled to be paid SPP. SPP is paid at 90% of your average weekly earnings or the current statutory rate, whichever is lower.

SPP is subject to deductions of Income Tax and National Insurance deductions in the same way as your normal pay.

Annual Leave Entitlement

Annual leave entitlement will accrue during paternity leave.

For the avoidance of doubt, please note that you will not be able to take annual leave whilst on paternity leave.

Pension Scheme

Your pension contributions will be paid into the scheme during paternity leave. Employee contributions will be based on SPP received. Employer contributions will be based on the salary you would have received had you not gone on paternity leave.

Alternatively, you can request that your employee contributions are maintained at the existing level of contribution paid prior to your paternity leave commencing, subject to your complying with the relevant Pension Scheme and HMRC rules relating to maximum contributions allowed under such arrangements.

Other Benefits

All contractual benefits (except salary) will continue to be provided during paternity leave.

Rights After Return to Work

If you resume work after paternity leave you are entitled to return to the same job on the same terms and conditions as if you had not been absent. However, if you have taken paternity leave after a period of parental leave of more than four weeks, and it is not reasonably practicable for you to return to the same job, we will offer you a suitable and appropriate alternative.

Failure to Return to Work

Except where you are ill and have followed the normal procedures in relation to sickness absence, should you fail to return to work at the end of your paternity leave, you will be treated in the same way as any other employee who has failed to return to work after a period of authorised absence and consequently may be subject to disciplinary proceedings which could result in your summary dismissal.

Request for Flexible Working

It may be possible to return to work from paternity leave to either a part time position or a full time position that is shared with someone else, or some other flexible working arrangement. Please refer to the Flexible Working Policy on how to apply for a flexible working arrangement.

Should we agree to you returning to a flexible working arrangement, we will set out the terms in a letter to you.

Termination of Employment

If you do not wish to return to work following the end of your paternity leave, please note that you are still required to give us notice of your intention to resign from your position, in line with your contractual notice period.

Shared Parental Leave (SPL)

If the mother or adopter proposes to return to work early without using their full 52 week entitlement to maternity or adoption leave, they may be eligible to transfer the remainder of the untaken entitlement (and any outstanding SMP or SAP) to a shared pot that can be used by you as shared parental leave (and shared parental pay) once they have brought their maternity or adoption leave to an end.

If you wish to exercise your right to shared parental leave then you will need to meet the eligibility requirements for doing so and follow the notification requirements in place. Please refer to our Shared Parental Leave Policy.

