



Paternity Policy

Honiton Town Council

12 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 in the first few weeks following the birth.

13 Paternity Leave (PL) and Maternity Support Leave (MSL)

13.1 Eligibility Criteria

To qualify for Paternity Leave the employee must satisfy the following. They must:

- Be the father of the child, or married to or the partner of the child's mother;
- Have or expect to have responsibility for the upbringing of the child; and
- Have 26 weeks' continuous service with the Council by the end of the fifteenth week before the expected week of childbirth (EWC).

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either adoptive parent may take paternity leave where the other adoptive parent has qualified and elected to take adoption leave.

13.2 Paternity Leave (PL)

An employee who meets the qualifying criteria is entitled to two weeks' Paternity Leave.

An employee can take either one week or two consecutive weeks' Paternity Leave, paid at the current Statutory Paternity Pay (SPP) rate. It must be taken within 56 days after the child is born or adopted. Employees must take this leave in full weeks, i.e. either one or two weeks' leave.

13.3 Maternity Support Leave (MSL)

Paragraph 7.6 of Part Two of the Green Book provides a right to Maternity Support Leave (MSL) 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. There is no qualifying service requirement for this right.

Maternity Support Leave replaces one week of Statutory Paternity Leave; during this time any SPP 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).

13.4 Notification Requirements For Paternity Leave and Maternity Support Leave

Before Paternity Leave starts

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:

- The expected week of childbirth (EWC);
- Whether they intend to take one or two weeks' leave;
- The date the employee wishes to take their leave, as discussed with their manager.

If requested, the employee must also provide a copy of the mothers MATB1 as well as providing the employer with a signed declaration confirming they are:

- The baby's biological father, married to or in a civil partnership with the mother, or living with the mother in an enduring family relationship, but are not an immediate relative; and
- Will be responsible for the child's upbringing and will take time off work to support the mother or care for the child.

After the birth

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

14 Ante-natal Care

Expectant fathers, and partners of pregnant women 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.

15 Pension

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

Employees on any of the following will pay pension contributions based on any pensionable pay that they receive:

- Ordinary Maternity Leave, Paternity Leave or Ordinary Adoption Leave, regardless of whether these are paid or unpaid.
- Paid Additional Maternity Leave or paid Additional Adoption Leave

The **Town** Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP 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 is higher than APP, the **Town** Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave. Further details can be obtained from the **Town** Clerk.

If the employee notifies the **Town** Clerk in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the **Town** Clerk of this decision later than 30 days after returning from their SPL then the whole cost will be borne by the employee, unless the **Town** Council voluntarily agrees to contribute to the APC.

16 Continuous Service

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

16.1 Annual Leave and Bank/Public Holidays

Annual leave will continue to accrue during Paternity Leave and Maternity Support Leave. If a bank/public holiday or extra statutory day falls during this leave, they should be given a substitute day's leave with pay on their return.

Reviewed & approved Full Council 9th May 2022

Honiton Town Council Paternity Policy
Version: January 2017
Checked by South West Councils: September 2016



Adoption Policy

Honiton Town Council

17 To Whom This Policy Applies

This policy applies to all Council employees seeking to adopt a child from approved Adoption Agencies.

The right to adoption leave is available to men and women (whether married or single) who adopt a child through an approved adoption agency. Where a couple jointly adopts a child, only one of them (known as the primary adopter) will be entitled to take adoption leave (the couple can choose which). The other adoptive parent will normally be entitled to take Statutory Paternity Leave, provided that he or she meets the relevant statutory criteria.

18 Eligibility Criteria

To qualify for adoption leave and pay an employee must:

- Have 26 weeks' service by the notification week; and
- Be the child's adopter, i.e. have been matched with the child for adoption. A person is matched with a child when an adoption agency decides that they would be a suitable adoptive parent for the child.

If an employee meets the eligibility criteria, then they are entitled to both Ordinary and Additional Adoption Leave.

The notification week is the week in which the employee is informed by the adoption agency that they have been matched with a child.

The employee needs to have agreed with the adoption agency that the child should be placed with them and the date the placement should occur and provide the Council with the appropriate notice and evidence of entitlement.

19 Notification Requirements

Within 7 days, or as soon as possible after the day the employee receives notification from the adoption agency that they have been matched with a child, an employee must inform the **Town** Clerk in writing of the following:

- the date the child is expected to be placed with them for adoption;
- the date the employee has chosen to start their leave and pay.

20 Evidence

In order to receive adoption pay and leave, the employee must provide the **Town** Clerk with either a matching certificate and/or a letter from the adoption agency which shows the following:

- the name and address of the adoption agency;
- the employee's name and address;
- the date the child is expected to be placed for adoption, or where the child has already been placed, the date of placement, and;
- the date the employee was informed that the child would be placed with them.

Where an employee is entitled to Statutory Adoption Pay (SAP) they must provide a signed declaration that they have elected to receive SAP and not statutory paternity pay (SPP).

21 Time Off Before a Child is Placed

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.

22 Adoption Leave

All employees who meet the eligibility criteria are entitled to take up to 52 weeks Statutory Adoption Leave. The first 26 weeks is known as 'Ordinary Adoption Leave', the last 26 weeks as 'Additional Adoption Leave'.

Leave can start:

- up to 14 days before the child starts living with the employee (UK adoptions);
- when the child arrives in the UK or within 28 days of this date (overseas adoptions).

An employee can change their mind about when they start their leave, provided they give sufficient notice. They must inform their manager of the new date 28 days before the date they now wish their leave to start, or as soon as is reasonably practical.

23 Adoption Pay

Payments for employees shall be the employee's entitlement to Statutory Adoption Pay (SAP), where eligible.

The payment of SAP is for 39 weeks.

Note: This provision is the statutory entitlement and in line with the current 'Green Book' terms. Councils may wish to consider enhancing this entitlement to mirror the Maternity pay scheme. If this is the case, SW Councils can provide the appropriate wording.

24 Leave During Adoption Leave

24.1 Annual Leave

Annual leave continues to accrue during ordinary adoption leave and additional adoption leave.

24.2 Bank/Public Holidays

Bank/public holidays accrue during ordinary adoption leave and additional adoption leave. Substitute days must therefore be given in addition to the annual leave accrued.

24.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to maternity leave being taken. Where taking maternity leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

25 Pension

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

Employees on any of the following will pay pension contributions based on any pensionable pay that they receive:

- Ordinary Maternity Leave, Paternity Leave or Ordinary Adoption Leave, regardless of whether these are paid or unpaid.
- Paid Additional Maternity Leave or paid Additional Adoption Leave

The **Town** Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP 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 is higher than APP, the **Town** Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave. Further details can be obtained from the **Town** Clerk.

If the employee notifies the **Town** Clerk in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the **Town** Clerk of this decision later than 30 days after returning from their SPL then the whole cost will be borne by the employee, unless the **Town** Council voluntarily agrees to contribute to the APC.

26 Returning to Work

26.1 Notification Requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of the adoption leave. Otherwise, the employee simply returns at the end of the adoption leave. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

26.2 Early Return

If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

26.3 Keeping in Touch

An employee can do 10 days' work during their adoption leave, in agreement with their manager, without bringing their adoption leave to an end. Working for part of a day will count as one day. An employee will not lose any SAP (Statutory Adoption Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employee whilst they are on adoption leave. If you do not wish to be contacted please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on adoption leave.

Reviewed & approved Full Council 9th May 2022

Appendix A

Example:

A woman working full-time (37 hours per week) and entitled to 24 days' annual leave per year takes maternity leave. She requests to reduce her hours to 20 hours per week on her return to work and her employer agrees. The employer's annual leave year runs from 1 April to 31 March. Although she had used all the previous annual leave year's entitlement before taking maternity leave, she had not taken any of the current annual leave year's entitlement.*

Her maternity leave ends on 30 June. If her hours are changed with effect from 1 July, her accrued annual leave will be calculated as follows:

1 April to 30 June (when her working day was 7.4 hours)

24 days' annual leave per year = 2 days per month
Leave accrued 1 April to 30 June (3 months) = 6 days @ 7.4 hours = 44.4 hours

Plus

1 July to 31 March (when her average working day will be 4 hours)

24 days' annual leave per year = 2 days per month
Leave accrued 1 July to 31 March (9 months) = 18 days @ 4 hours = 72 hours

The employee's total annual leave for the current year will be 116.4 hours. Because she will be reducing the length of her working day to 4 hours, this will equate to 29.1 days on her return to work.

* For simplicity, this example does not take account of bank/public holidays, although these accrue during maternity leave and would also need to be factored into any calculations.