

## 1 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/primary adopter or, in the case of a surrogacy arrangement, the intended parent who is taking adoption leave.

## 2 Paternity Leave

### 2.1 Eligibility Criteria

Employees have a day-one right to Paternity Leave provided they satisfy the following:

- In the case of a birth child, the employee must be:
  - the biological father of the child; or
  - the mother's spouse, civil partner or partner.
- In the case of an adopted child:
  - the employee must be the spouse, civil partner or partner of an individual who has adopted a child.
- In a surrogacy arrangement:
  - the employee must be the spouse, civil partner or partner of the other intended parent.
  - where the employee or their partner have a genetic link to the child, they can apply for a Parental Order.
  - In order to qualify for paternity leave they must intend to apply for a parental order in the 6 months after the baby's birth and expect it to be granted.
- The 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.

In adoption and surrogacy arrangement, if they're eligible, one of the intended parents can take adoption leave and one can take statutory paternity leave. It is up to the parents to decide which each of them uses.

## **2.2 Length of 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.

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.

## **2.3 If the Baby Dies**

Employees still qualify for paternity leave and pay if the baby is either:

- Stillborn from 24 weeks of pregnancy
- Born alive at any point in the pregnancy but later dies

## **3 Paternity 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.

## 4 Notification Requirements for Paternity Leave

### 4.1 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 within 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 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.

In the case of a surrogacy arrangement, 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 intended 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 they and the other intended parent are parental order parents of the child;
- Confirmation that the employee will be responsible for the child's upbringing and will take time off work to support the other intended parent or care for the child;
- If requested, the employee must also provide a copy of the mother's MATB1.

## **4.2 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.

## **4.3 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.

## **4.4 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.

## 5 Attending Pregnancy-Related or Adoption Appointments

An employee who will be taking paternity leave has the right to unpaid time off to attend two pregnancy-related or adoption appointments, with a maximum statutory entitlement of 6 ½ hours' time off for each appointment. These can include attending pregnancy appointments with a surrogate.

The employee must produce evidence of appointments if requested to do so.

## 6 Pension

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

Relevant child-related leave in the Local Government Pension Scheme means:

- ordinary maternity or adoption leave – normally the first 26 weeks
- paid additional maternity or adoption leave – normally week 27 to week 39
- paid shared parental leave
- paternity leave
- paid parental bereavement leave and
- paid neonatal care leave.

During a period of relevant child-related leave, the employee's pension is usually worked out using their Assumed Pensionable Pay. Assumed Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction. They would continue to build up a pension in the LGPS as if they were working normally and receiving normal pay.

Assumed Pensionable Pay does not apply during:

- **unpaid** additional maternity/adoption leave (normally from week 40 – 52)
- **unpaid** shared parental leave
- **unpaid** parental bereavement leave
- **unpaid** neonatal care leave
- **unpaid carers leave**
- parental leave, which is always **unpaid**
- bereaved partner's paternity leave, which is always **unpaid**

These unpaid periods of leave will not count for pension purposes unless the employee pays extra pension contributions to buy the pension they have 'lost'. The extra contributions are known as Additional Pension Contributions or APCs. If an employee elects to pay APCs to buy 'lost' pension, they must notify the Town Clerk of this in writing. If they do so **within 30 days** of returning to work, the cost will be split between the employee and employer.

Employees can use the 'Buy Lost Pension Calculator' on the LGPS Member website to find out more about this option. To do so, they would need some

information about the amount of pay 'lost' in the unpaid period. This can be requested from the Town Clerk.

## **7 Continuous Service**

Paternity leave will count as continuous service for statutory and contractual purposes.

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

Annual leave and Bank/Public holidays will continue to accrue during paternity leave.