

PATERNITY LEAVE POLICY

Version Number	4.0
Date Revision Complete	November 2016
Policy Owner	Head of HR & OD
Author	Human Resources Officer
Reason for Revision	Standard periodic review and to include changes in legislation
Data Protection	Yes
Proof Read	Yes – HR Team and Law at Work
Date Approved	February 2017
Approved by	People and Resources Committee
Next Review Due	3 years or earlier if required

Audience – Training and Awareness Method	<p>As the policy does not apply to all employees, individuals will be made aware as and when required.</p> <p>However, a briefing note will be provided to managers with a summary of the changes and an overview of the guidance documents which were developed. These provide guidance on best practice and outline expected actions on their behalf. Included in this will be an easy to read flow chart. Paternity leave uptake is currently running at 1 employee every couple of years.</p>
Effective Date	February 2017

Internal References	None
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External References	Gov UK Website, Law at Work, ACAS,
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Comments for SMT	This Version 4 contains significant changes as a result of the introduction of Shared Parental Leave
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PATERNITY LEAVE POLICY

1. POLICY STATEMENT

- 1.1 Blackwood is committed to supporting employees in achieving work life balance. Paternity Leave is provided for employees in order to enable them to provide care after the birth or adoption of a child.
- 1.2 The policy also outlines the procedure that Blackwood will follow in relation to Paternity Leave.

2. PRINCIPLES AND SCOPE OF THE POLICY

- 2.1 Paternity leave and pay may be available to an employee who is the partner of either:
 - a woman who has given birth, or
 - someone who is adopting a child, from the UK or overseas
- 2.2 The policy will apply equally to same sex couples where one partner is designated to take Paternity leave in accordance with the statutory provisions. A partner is someone who lives with the person in an enduring family relationship but is not an immediate relative.
- 2.3 Employees may also be entitled to take Shared Parental Leave in addition to or instead of Paternity Leave. For more details, please see the Shared Parental Leave Policy.

3. TIME OFF FOR ANTENATAL APPOINTMENTS

- 3.1 Partners of pregnant women are entitled to take unpaid time off to accompany the woman to two antenatal appointments.
- 3.2 If an employee is adopting a child alone they are entitled to paid time off to attend up to five adoption appointments. If an employee is adopting a child with their partner, they may elect for one of the two to take paid time off for up to five appointments while the other person may take unpaid time off to attend up to two appointments.
- 3.3 The time taken to attend appointments should be no more than six and a half hours per appointment, including travelling and waiting time. If possible, appointments should be made close to the beginning or end of the working day to minimise disruption, and the employee's line manager should be given as much notice as possible of forthcoming appointments.

3.4 If the employee intends to make a request, he should provide a certificate confirming that his partner is pregnant, or other relevant documentation confirming that his partner is adopting a child, and an appointment card confirming the date and time of the appointment. Requests for time off may be refused if it is reasonable to do so.

4. **KEY OPERATIONAL FRAMEWORK**

4.1 **Paternity Leave**

4.1.1 Employees may take one or two consecutive weeks' Paternity Leave. The leave can start on any day of the week on or following the child's birth/placement but must be completed:

- Within 8 weeks (56 day period) of the actual date of birth or if the child is born early, within the period from the actual date of birth and up to 8 weeks after the expected week of birth
- In the case of adoption, leave must be completed within 8 weeks of the child's placement (whether this is earlier or later than expected).

4.1.2 Paternity Leave can start on any day of the week (but not before the baby is born/placed).

4.2 **Eligibility**

4.2.1 To qualify for Paternity Leave, an employee must:

- Have, or expect to have, the main responsibility for the child's upbringing (apart from the mother).
- Have been employed for at least 26 continuous weeks by either the end of the 15th week before the start of the week when the baby is due (the Qualifying Week) or the end of the week when the employee is notified that they are matched with the child. Be working from the qualifying week up to the date of the birth. If an employee's contract ends before the birth, the employee does not qualify for leave. If the employee's contract ends after the birth the employee retains the right to leave (and pay if the employee meets the qualifying conditions – see below).
- Be taking time off to support the mother and/or care for the baby.

4.2.2 The employee must also be either the:

- biological father of the child
mother's husband or partner (including same-sex partner or civil partner). A partner is someone who lives with the mother of the child in an enduring family relationship but is not an immediate relative.
- child's adopter.
husband or partner (including same-sex partner or civil partner) of the child's adopter.

4.3 **Application Process for Paternity Leave**

4.3.1 Employees must notify Blackwood in writing of their intention to take Paternity Leave and include the following information:

- when the baby is due or when the child is expected to be placed for adoption
- whether they want one or two weeks' Paternity Leave
- when they want the Paternity Leave to start

4.3.2 An employee may choose to start their leave on:

- the day the child is born or placed; or
- a day which falls a certain number of days after the child is born or placed, as specified by the employee to Blackwood before the child is born or placed; or
- a pre-determined date that falls after the first day of the week that the child is due or placed, which the employee specifies to Blackwood.

4.3.3 The following standard form from the HMRC can be utilised for this purpose:

- Becoming a birth parent - <http://www.hmrc.gov.uk/forms/sc3.pdf>
- Becoming an adoptive parent – <http://hmrc.gov.uk/forms/sc4.pdf>

This notice should be provided in writing:

- in or before the 15th week before the expected week of the child's birth or if that is not reasonably practicable, as soon as is reasonably practicable.
- within seven days of being told by the adoption agency that they have been matched with a child.

4.3.4 A copy of your partner's Maternity Certificate (MATB1) or evidence that the child has been matched must be provided at least 3 weeks in advance of taking paternity leave.

4.3.5 After the child is born/placed, the employee must give Blackwood notice in writing of the child's actual date of birth/placement. This should be done as soon as is reasonably practicable.

4.4 **Not Giving the Correct Notice**

4.4.1 If the employee cannot give the full notice period for a valid reason they should still provide Blackwood with as much notice as possible. A valid reason for this might be, for example, if the baby arrives early or the adoption agency does not provide sufficient notice.

4.4.2 The employee may still qualify if they meet the other conditions or would have if the baby had not been born early/placed earlier than expected. If there is no valid reason (e.g. the employee simply forgot) then the entitlement may be withdrawn.

4.5 **Statutory Paternity Pay**

4.5.1 Full normal pay is paid for the first week if greater than Statutory Paternity Pay and for the second week the payment is as follows:

- The current standard Statutory Paternity Pay rate (SPP) or
- 90% of the employee's normal weekly earnings, whichever is the lesser.

4.6 **Confirmation of Leave**

4.6.1 Once the employee has submitted a request to take Paternity Leave and Pay (including any additional evidence requested), Blackwood will write to the employee confirming the date when the leave and pay will start and end within 28 days.

4.7 **Changing the Start Date of Paternity Leave**

4.7.1 If the employee wants to change the start date of their Paternity Leave, they must give Blackwood the following notice:

- to change the leave so it starts on the date of birth or placement, at least 28 days before the first day of the week the baby is due or the child is due to be placed,
- to change the leave so it starts on a particular date, 28 days before that date,
- to change the leave so it starts a specified number of days after the birth or placement, at least 28 days before the date on which leave is to commence.

4.7.2 If the employee cannot give the notice in time, they should tell Blackwood as soon as is reasonably practicable.

4.8 **Multiple Births/Adopting More Than One Child**

4.8.1 An employee can only get one period of Paternity Leave regardless of the number of children resulting from a single pregnancy or being adopted at one time.

4.9 **Still Birth**

4.9.1 An employee can still take paternity leave and pay if the child is stillborn after 24 weeks of pregnancy or born alive at any point of the pregnancy but later dies.

4.10 **Terms and Conditions during Paternity Leave**

4.10.1 An employee who takes Paternity Leave:

- Is bound, during that period, by any obligations arising under the terms and conditions of their employment.
- Is entitled to the benefits of their normal terms and conditions (other than remuneration). In particular, employees will continue to accrue annual

holiday entitlement, will retain any right to the Essential Car User's Allowance allocated to them and pension contributions will be made based upon the employee's normal salary. Arrangements for the employee's contributions will be agreed on an individual basis.

4.11 Contact during Paternity Leave

4.11.1 Blackwood and the employee are entitled to have a reasonable amount of contact with each other during Paternity Leave to discuss aspects such as plans to return to work, important developments at work, promotional opportunities or job vacancies.

4.12 Returning to work after Paternity Leave

4.12.1 Employees who return to work after a period of Paternity Leave are entitled to return to the job in which they were employed before the period of leave.

4.13 Equality and Diversity

4.13.1 Blackwood will not discriminate in the operation of this policy on the basis of age, gender, race, colour, ethnic or national origin, religion or belief, marital status, family circumstances, political or sexual orientation, medical condition or disability. Blackwood aims to promote equality of opportunity for all and complies with the current legal requirements in relation to equality and diversity issues.

4.13.2 Employees are protected from suffering unfair treatment or dismissal for taking, or seeking to take, paternity leave. Employees who believe they have been treated unfairly should raise the matter through Blackwood's Grievance process.

5. OTHER RELEVANT POLICIES

5.1 Other policies which may be useful while an employee's expecting a child and once their child is born include:

- Maternity Policy
- Shared Parental Leave Policy
- Adoption Leave Policy
- Flexible Working Policy
- Parental Leave Policy
- Time Off for Dependents Policy
- Home Working Policy
- Holidays and other leave policy

6. REVIEW

6.1 This policy will be reviewed every 3 years unless required sooner by legal or best practice developments.