

CHR009 Paternity Leave Policy

Paternity Leave Policy

Introduction

This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave. Please read the whole policy carefully. You should note that paternity leave, and paternity pay, have different eligibility requirements.

You cannot take paternity leave or pay if you have taken paid time off to attend adoption appointments.

Paternity leave

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, or who is the intended parent in the case of surrogacy, is entitled to two weeks' paternity leave.

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

- a single block of one week
- a single block of two weeks
- two non-consecutive blocks of one week

The amount of paternity leave is per pregnancy, not per child, so you are entitled to the same leave above regardless of how many children are born from a pregnancy.

In all cases paternity leave must be taken within 12 months of the birth of a child or adoption (or, if your baby is born prematurely, within 12 months of the expected due date).

Paternity leave can start either from the date the child is born or placed for adoption or at any time up to 12 months after birth.

Employees who wish to take both paternity leave and shared parental leave may choose which type of leave to take first.

Notification of paternity leave

Where an employee wishes to request paternity leave in respect of a birth child, they must give the IMS Manager 28 days (4 weeks) written notice of:

- the date on which their 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 to the IMS Manager, 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 the paternity leave, they must give 28 days' written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that they are entitled to paternity leave and statutory paternity pay.

If you wish to take your paternity leave in two separate one-week blocks, you need to give 28 days' notice for each block.

Statutory paternity pay

To be eligible for statutory paternity pay, you must:

- be employed by us up to the date of birth,
- have 26 weeks' continuous service by the 15th week before the date your baby is due
- tell us by the end of the 15th week before the date your baby is due that you intend to take paternity leave. You do not have to give us the exact dates of your paternity leave at this point (see Notification of paternity leave section above).

If you are adopting a child, you must:

- be employed on the date of adoption
- have at least 26 weeks continuous service by the week you are matched with a child
- tell us in the week you are matched with a child that you intend to take adoption leave (you do not have to give us the exact dates of your paternity leave at this point).

Pay during paternity leave will be at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly 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.

Time off for antenatal care

Employees have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments. This time off will be unpaid.

To be eligible to take this form of time off, the employee could be the husband or civil partner of the pregnant woman, or could be living with the pregnant woman in an enduring family relationship. In addition, the employee will be eligible for the time off if they are the biological father of the expected child. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The organisation expects that normally no more than half a day is needed for an antenatal appointment, but the employee's leave includes the time needed to travel to the appointment and any waiting time needed at the appointment, and can be for a maximum of six-and-a-half hours on each occasion.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should apply in writing by completing a leave of absence request form, to the IMS Manager. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card.

The employee should endeavour to give as much notice as possible of when they need the time off for the antenatal appointment and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Time off to attend adoption appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

The purpose of the appointment is to enable the employee to have contact with the child (for example, to bond with them before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

The employee should make a request, in writing to the IMS Manager, using the leave of absence request form, and is required to provide proof of the date and time of the appointment, for example, by providing a letter or email from the adoption agency.

Shared parental leave

Shared parental leave enables mothers or adopters to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.

An employee can choose to take both paternity leave and shared parental leave, and can choose which type of leave to take first.

Individuals can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the individual meets the eligibility and notice requirements), or as a number of separate blocks of at least one week (in which case the individual needs the organisation's agreement).

To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave, or adopter curtailing their adoption leave.

Employees can refer to the organisation's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the mother's maternity leave can be curtailed. The organisation's policy on shared parental leave sets out the notice periods with which employees must comply and what evidence they must provide to the organisation. The policy also contains more details on employees' entitlement to statutory shared parental pay.

Both partners/parents should ensure that they are each liaising with their own employer when making requests for shared parental leave.

Review

This procedure will be periodically reviewed and made available to all staff (on the Works Canteen Noticeboard and via the QR code link displayed in the Canteen). Any amendment to it will be notified to employees by memo / noticeboards.