



Shrewsbury College

Policy Title	Staff – Paternity Leave Policy
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PATERNITY LEAVE POLICY

1.0 INTRODUCTION

- 1.1** Shrewsbury College of Arts and Technology (the College) recognises the need for effective policies that play a key part in supporting an appropriate home-work balance. Such policies are intended to:
- allow an effective combination of home and work responsibilities
 - enhance equality of opportunity at work
 - and enable the College to achieve its vision by retaining skilled and valued employees.
- 1.2** This agreement describes the right to paternity leave. Employees are also encouraged to refer to other related policies on parental leave, maternity leave, adoptive leave, and special leave.
- 1.3** The College has an obligation to pay statutory paternity pay (SPP) to all employees who are eligible to receive it.

2.0 GUIDING PRINCIPLES

- 2.1** Employees are entitled to apply for paternity leave where they are:
- the biological father
 - a partner/ husband who is not the baby's biological father
 - a female partner in a same sex couple
- 2.2** No employee will be treated less favourably, suffer detriment or be dismissed because they request or take paternity leave. However, the misuse of paternity leave, such as the use of leave for reasons other than to care for the child or support the mother, or failure to follow the correct procedure may result in disciplinary action being taken against them.
- 2.3** In order to qualify for paternity leave in adoptive situations the employee must be married to, or the partner of the adopter, and have, or expect to have, the main responsibility for the child's upbringing. They may not be also in receipt of Statutory Adoption Pay.

3.0 DEFINITIONS

- 3.1** Ordinary paternity leave is leave that can be taken in one block of either one week or two weeks. If the employee chooses to take one week they lose the right to take the second week at a later stage. This must be taken in a 56 day period commencing from the time the baby is born
- 3.2** Additional paternity leave is leave that must be taken in multiples of complete weeks and as one period. The minimum period of APL that may be taken will be two consecutive weeks and the maximum will be 26 weeks. This can be taken any time from when the baby is 20 weeks old, but before their 1st birthday.
- 3.3** "Official notification" is the notification received by the adoptive parents that they have been officially matched with the child.

"Partner" refers to someone who lives with the child (i.e. the mother or an adoptive parent) and is in an enduring family relationship but who is not an immediate ("blood") relative (e.g. an aunt or grandfather). This may include same-sex partners. (Statutory paternity leave and pay is not available to blood relatives of new mothers or primary adopters.)

“Primary adopter” is the adopting partner of the employee planning to take paternity leave on the adoption of the child. Together the employee and the primary adopter are the “adoptive parents”.

“Relevant week” is:

1. for newborns, the 15th week before the expected week of the child's birth
2. for adoptions from within the UK, the week in which the adoptive parents told they have been matched with the child
3. for adoptions from overseas, the week in which the adopter receives official notification or the week at the end of which the employee has been continuously employed for at least 26 weeks, whichever is later).

4.0 ORDINARY PATERNITY LEAVE

- 4.1** The college recognises that more and more employees want to be involved in supporting their partner around the time of their child's birth or, in the case of adoption, the child's placement. Paternity Leave gives employees the opportunity to both spend time with their partner and get to know their new child.

Employees who meet certain qualifying conditions have a statutory right to take two weeks' paid paternity leave on the birth or adoption of a child for which they have or expect to have responsibility.

Therefore the leave must be used to provide care and support to the mother/primary adopter and/or the child and not for any other purpose.

In the case of the birth of a child, the employee's partner may take maternity leave. [See the maternity policy for further details.] In the case of an adoption, the employee's partner may take adoption leave. [See the adoption policy for further details.]

5.0 ELIGIBILITY

- 5.1** To be eligible for ordinary paternity leave the employee must have accrued a minimum of 26 weeks' service by the end of the relevant week.

To be eligible for ordinary paternity pay, the employee's average weekly earnings over a certain eight-week period must not be less than the lower earnings limit for National Insurance contributions. Employees who earn less than this limit may still take ordinary paternity leave, but they are not entitled to receive ordinary paternity pay. They must also meet certain notification requirements (described later in this policy).

6.0 PAY AND BENEFITS DURING OPL

- 6.1** For those who qualify, ordinary paternity pay is paid at the flat rate or 90 per cent of the employee's average weekly earnings, whichever is the lesser amount.

This is enhanced for College employees to full pay per week.

Absence from work due to a period of ordinary paternity pay does not affect the employee's entitlement to annual leave.

The employee's contract of employment with the college continues in full throughout the period of ordinary paternity leave with the exception of normal remuneration.

7.0 NOTICE REQUIREMENTS FOR ORDINARY PATERNITY LEAVE

- 7.1** To receive ordinary paternity pay and leave, an eligible employee must give written notice to the college of their intention to take leave at least 28 days' before the date on which he wants their pay to begin. This information should be Notification should be made using the **Notification of Paternity Leave Form**

The College appreciates that the actual date of childbirth/adoption placement can be difficult to predict. The employee therefore can choose to specify that the ordinary paternity leave will commence:

1. immediately following the child's birth/placement or a set number of days after the birth/placement (i.e. it is the baby's birth/placement that triggers leave)
2. on a specified date.

As notification to take paternity leave takes place relatively early before the birth/adoption the employee may subsequently change their mind. In such circumstances, provided the initial notification criteria have been met, the employee may amend the date by providing the College with notice 28 days before the new date.

Once the birth or placement has occurred, he should also inform the College of the actual date of birth/placement, as soon as is reasonably practicable.

8.0 LEAVE ARRANGEMENTS

- 8.1** Ordinary Paternity Leave (OPL) cannot be taken before the child has been born or adopted and can only start from or after the actual onset of labour/placement. Where an employee has chosen to start their OPL on the day of birth/placement but is at work on that day, then their leave will begin the next day.

Labour can be somewhat unpredictable and therefore a false start to labour does not trigger paternity leave. Partners can use their statutory right to take (unpaid) family emergency leave to be with the mother during labour if he wishes and then commence their paternity leave immediately after the birth.

Only one period of leave is allowed even in the case of multiple births or adoption placements.

Leave cannot be taken in units of odd days. It must be taken in a single block of either one or two weeks.

The leave must be completed by the end of the 56-day period following the child's birth or placement.

However, if the baby is born prematurely, the employee may elect to take their paternity leave either:

1. immediately, or
2. within 56 days of the first day of the expected week of childbirth (as opposed to the actual date of the delivery)

- 8.2** In the sad event of a child being stillborn the employee is still entitled to ordinary paternity leave and pay provided he meets the eligibility criteria and the mother had reached their 24th week of pregnancy.

- 8.3** In the case of adoptions, if an employee is told that the placement is not going ahead before the start of the leave, he will not be entitled to ordinary paternity leave and ordinary paternity pay. If the child has been placed and a disruption occurs to the placement (e.g. the child, for

some reason, is returned to the adoption agency), the employee will still be entitled to ordinary paternity leave and ordinary paternity pay

- 8.4** If an employee falls ill before starting their period of paternity leave, they will be allowed to postpone it. The 56 day period within which paternity leave can be taken is not extended under these circumstances.

On some occasions it may be necessary for a line manager to defer a request for paternity leave. Where this occurs a line manager will hold a full discussion with the employee and will need to demonstrate that there is a strong business reason for the College to defer the leave. The reasons may include:

- a significant number of employees applying for paternity leave at the same time.
- The employee's role is such that their absence at a particular time may unduly harm the College or its customers.

Every effort to accommodate all requests will be made.

9.0 TIME OFF FOR ANTE-NATAL CARE

- 9.1** A pregnant employee is entitled to take reasonable paid time off for antenatal care appointments. Evidence of appointments must be provided to the line manager upon request. Reasonable requests for time off for parent classes will be considered by the line manager.

- 9.2** An employee whose partner is expecting is entitled to attend to ante-natal appointments, however they are not entitled to receive payment for this time.

10.0 ADDITIONAL PATERNITY LEAVE - ELIGIBILITY

- 10.1** Eligible employees will be entitled to 26 weeks' additional paternity leave (APL).

The eligibility requirements mirror those for ordinary paternity leave — namely 26 weeks' service by the end of the relevant week.

In addition, for a father or partner to take APL, the mother or adopter must have returned to work without exhausting their entitlement to statutory maternity or adoption leave. This means that a mother and father will not be able to take maternity leave and additional paternity leave at the same time.

11.0 TAKING ADDITIONAL PATERNITY LEAVE

- 11.1** The earliest a father or partner will be able to take Additional Paternity Leave is:

- 20 weeks from the date of birth of the child or
- 20 weeks from the date of placement for adoption.

The minimum period of Additional Paternity Leave that may be taken will be two consecutive weeks and the maximum period will be 26 weeks. Additional Paternity Leave must be taken in multiples of complete weeks and as one period.

Gaps between the end of statutory maternity leave or adoption leave and the beginning of APL are permitted.

- 11.2** In the unfortunate situation where a mother dies during or shortly after childbirth (or adoption) the father or partner will be able to take APL earlier and for a longer period of time

12.0 NOTICE REQUIREMENTS

- 12.1** Employees are required to give a minimum of eight weeks' notice of their intention to take Additional Paternity Leave (APL). The employee's entitlement to APL will be confirmed as soon as possible but in any event no later than 28 days after the employee's request has been received.

When giving notice of intention to take APL, employees must provide the following.

- A leave notice setting out the child's date of birth and the start and end date of the employee's chosen period of APL.
- An employee declaration confirming that the purpose of the APL is to care for the child, that the employee is either the child's father or is married to or is the partner or the civil partner of the child's mother or adopter and that, beside the mother or adopter, they will have the main responsibility for bringing up the child. The employee declaration must be signed.
- A mother declaration — a written declaration by the child's mother or adopter which sets out their name and address and National Insurance number and the date on which the mother intends to return to work. It must also confirm that the employee proposing to take APL has the status set out in the employee declaration and is the only person exercising the right to APL in respect of the child.

The college has the right to request a copy of the child's birth certificate and the name and address of the mother's employer. The employee has 28 days in which to respond.

13.0 KIT DAYS

- 13.1** An employee on Additional Paternity Leave (APL) may work for up to 10 keeping in touch (or KIT) days without bringing the APL period to an end or losing the entitlement to ASPP.

14.0 ADDITIONAL STATUTORY PATERNITY PAY (ASPP)

- 14.1** For a father or partner to receive Additional Statutory Paternity Pay (A) SPP, the mother or adopter must have been entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA) **and** must have returned to work. It is intended that the payment of ASPP will be conditional on the mother or adopter having some of the entitlement to SMP, SAP or MA remaining. The number of weeks for which ASPP is payable will then depend on the number of weeks the mother or partner had left of their entitlement.

College employees will also receive 50% pay throughout this period, providing this does not equate to more than their usual weekly pay.

15.0 RETURNING TO WORK

- 15.1** Employees are entitled to return to the same job as before, on the same terms and conditions of employment, unless a redundancy situation arises. It is presumed that employees will return to work after a period of paternity leave. If employees do not wish to return to work they are required to give their line manager notice in accordance with their contractual notice period.
- 15.2** If employees cannot return to work at the end of their paternity leave because of illness, they should follow the normal procedures for sickness absence.

16.0 EQUALITY AND DIVERSITY POLICY OF THE COLLEGE

- 16.1** This Policy has been subject to an Equality and Diversity Impact Assessment. All individuals will be treated equally and fairly in the application of this Policy. All reasonable requests to accommodate requirements in terms race, age and disability will be accommodated, as long as it is practicable to do so.

Notification of Paternity Leave Form

Name:

National Insurance Number:

Employee Number

Address:

Date the baby is due

If the baby has already been born give the date the baby was due and the actual date of birth

Actual date of birth

Ordinary Paternity Leave

I would like paternity leave to start on:
Must be within 56 days of the date baby is born

I want to be away from work for

One week

Two week

Additional Paternity Leave

The birth mother is commencing maternity leave on

The birth mother is returning to work on
Please note that additional paternity leave is unable to commence until the birth mother has returned to work

I will commence paternity leave on

I will return to work on

Additional Paternity Pay

I wish to receive my Occupational Paternity Pay at half rate and agree to repay the sum should I not return to work

I wish my Occupational Paternity Pay at half rate to be withheld on the agreement that if I do return to work this will be paid on my return

Declaration

You must be able to tick all three boxes below to get paternity pay and paternity leave.

I declare that

I am

- The baby's biological father, or
- Married to or in a civil partnership with the mother, or
- Living with the mother in an enduring family relationship, but am not an immediate family relative, and

I will have responsibility for the child's upbringing, and

I use this leave to support the mother or care for the child.

Signature:

Date

To be signed by the birth mother

I confirm all the above information to be true and I understand that additional paternity leave cannot be commenced until I have returned to work

Signed

Date

Notification of Paternity Leave (adoption of child)

Name:

National Insurance Number:

Employee Number

Address:

The date the adoption agency told the person adopting that they had been matched with the child.

The date the child is expected to be placed on

And, if the child has been placed, please enter the date they were placed on

I would like paternity leave to start on:

I want to be away from work for

One week

Two week

Additional Paternity Leave

The adopter is commencing adoption leave on

The adopter is returning to work on
Please note that additional paternity leave is unable to commence until the adopter has returned to work

I will commence paternity leave on

I will return to work on

Additional Paternity Pay

I wish to receive my Occupational Paternity Pay at half rate and agree to repay the sum should I not return to work

I wish my Occupational Paternity Pay at half rate to be withheld on the agreement that if I do return to work this will be paid on my return

Declaration

I declare that I am adopting a child with my partner and I want to receive Statutory Paternity Pay and paternity leave not Statutory Adoption pay and adoption leave.

You must be able to tick all three boxes below to get Statutory Paternity Pay and paternity leave.

I am

- Married to or in a civil partnership with the person adopting the child, or
- Living with the person adopting the child in an enduring family relationship, but am not an immediate family relative, and

I will have responsibility for the child's upbringing, and

I will use this leave to support the person adopting the child or care for the child.

Signature:

Date

To be signed by the adopter

I confirm all the above information to be true and I understand that additional paternity leave cannot be commenced until I have returned to work

Signed

Date
