

# **Paternity Leave Handbook**

This handbook has been written for the guidance of employees and for the information of managers.

It sets out entitlements to paternity pay and leave and the procedure an employee should follow.

If you require further information please contact Human Resources on 01442 228568/228485/228606

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## **1.0 - Paternity Leave – Birth**

Eligible employees are entitled to two week's paid leave (The first week will be paid at full pay and the second week will be paid at the same rate as Statutory Maternity Pay). Employees may also be entitled to additional paternity leave and pay (Please see section 3 for additional paternity leave).

### **1.1 Eligibility**

To qualify for the 2 weeks paid leave you must:

- Have 26 weeks continuous service by the end of the 15<sup>th</sup> week before the expected week of childbirth (qualifying week)
- Be the father, or married to or the partner of the child's mother
- Expect to have responsibility for the upbringing of the child

A partner is defined as a person (whether of a different sex or the same sex) who lives with the mother and the child in an enduring family relationship, but is **not** a relative of the mother i.e. a parent, grandparent, sister, uncle.

There is an entitlement to only one period of paternity leave regardless of the number of children born as a result of the pregnancy.

You would still qualify for Paternity Leave in the sad event of a stillbirth after 24 weeks of pregnancy or if the child dies.

It is not necessary for us to have a copy/see a copy of the Mothers MATB1 certificate because this relates specifically to the entitlements of the mother, not the father/partner.

### **1.2 Entitlement**

You are entitled to take a maximum of two weeks Paternity Leave. You are **not** entitled to Maternity Support Leave in addition to Paternity Leave (the DBC Maternity Handbook provides advice regarding Maternity Support Leave). Leave may be taken consecutively or within 56 days of the child being born. However, if the child is born prematurely, the leave must be taken within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

### **1.3 Taking leave**

You may choose to start your leave on:

- The date your child is born (whether this is earlier or later than expected), or
- A chosen number of days or weeks after your child is born, or
- A chosen date later than the first day of the week in which your baby is expected to be born

## 1.4 Notice

You are required to give notice, in writing using the attached paternity leave notification form, of the following:

- The expected week of childbirth
- The length of leave you wish to take
- when you wish your leave to start

Notice should be given before the end of the 15<sup>th</sup> week before the expected week of childbirth, or as soon as reasonably practicable.

If you change your mind about the date you wish Paternity Leave to start you will need to give 28 days notice of any change, unless this is not reasonably practicable.

**You should notify your manager of the date your child is born/the date your paternity leave commences, urgently, in order for HR and Payroll to be informed, and for your leave record to be updated by your manager.**

## 1.5 Start of leave

Your Paternity Leave will start on the date specified in your last notification to your manager.

If you are at work on the day your child is born and you have chosen to start Paternity Leave from this date, the first day of your Paternity Leave will be counted from the following day.

## **2.0 - Paternity Leave – Adoption**

Paternity leave is also available for adopters. It mirrors the above scheme except for the following variations:-

- It applies from the date you receive a letter from an approved adoption agency stating that you have been matched with a child.
- Leave is available for the purpose of caring for your child or supporting your child's adopter.

### 2.1 Eligibility

- You must have 26 week's continuous service by the end of the notification week
- You must be married to or be the partner of the child's adopter
- You must expect to have responsibility for the upbringing of the child

### 2.2 Entitlement

There is an entitlement to only one period of paternity leave regardless of the number of children adopted on any one occasion.

You may take either one week's leave or two consecutive week's leave. Leave must be taken within 56 days of the child being placed.

### **2.3 Taking leave**

You may choose to start your leave on:

- The date the child is placed with you (whether this is earlier or later than expected), or
- A chosen number of days or weeks after the child is placed with you, or
- A chosen date later than the date the child is expected to be placed

### **2.4 Notice**

You will need to notify your manager, no more than 7 days after you have been notified that you have been matched with a child (or as soon as reasonably practicable) of the following:

- The date you were notified that you have been matched with a child
- The date the child is expected to be placed
- The length of leave you would like to take
- The date you would like your leave to begin

If you change your mind about the date you wish Paternity Leave to start you will need to give 28 days notice of any change, unless this is not reasonably practicable.

If you choose to start your leave on a predetermined date and the child has not been placed by that date you will need to give your manager notice as soon as reasonably practicable of another date.

### **2.5 Start of leave**

Your Paternity Leave will start on the date specified in your last notification to your manager.

If you have chosen to start your leave on the date the child is placed with you and you are at work on that day, the first day of your Paternity Leave will be counted from the following day.

### **2.6 Terms and conditions of service during Paternity leave**

You are entitled to the same terms and conditions that would apply if you were at work except in respect of pay. The first week of Paternity Leave will be paid at full pay and the second week will be paid at the same rate as Statutory Maternity Pay.

You are entitled to return to the same job, or if this is not reasonably practicable, a job on the same terms and conditions that are considered both suitable and appropriate in the circumstances.

Service continues to accrue during Paternity Leave.

**You must follow the procedure below to qualify for paternity leave and pay**

1. You must notify your manager, by completing the notification form (Appendix 1), of your intention to take paternity leave before the end of the 15<sup>th</sup> week before the expected week of childbirth or within 7 days of being notified by the adoption agency that your partner has been matched with a child.
2. Your manager may wish to discuss your request with you prior to agreeing it.
3. When your manager has approved your leave s/he will sign the notification form and send a copy to Human Resources and Payroll.
4. If you change your mind about the date you wish to start paternity leave you need to give your manager 28 days notice in writing and s/he will need to notify Human Resources and Payroll accordingly.

### **3.0 – Additional Paternity Leave**

#### **3.1 Qualifying for Additional Paternity Leave and Pay**

In line with the Employment Act if eligible employees are new parents and their partners are returning or has returned to work, you could be entitled to take up to an additional 26 weeks' Paternity Leave.

For you to be able to take Additional Paternity Leave, the child's mother or the adopter who took adoption leave must have returned to work.

The mother's or adopter's return to work must take place no earlier than two weeks after the child was born or placed for adoption.

You are still able to take Additional Paternity Leave if your partner returns part time, so long as their Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay is not payable.

You cannot start your Additional Paternity Leave or get any Statutory Paternity Pay if the mother or adopter is:

- still on a period of annual, sick or parental leave which directly follows maternity or adoption leave

- is getting Statutory Maternity Pay or Maternity Allowance or Statutory Adoption Pay during this time

Once your partner has returned to work your leave and pay entitlement is not affected by any further annual leave or sick leave that your partner takes.

### **3.2 Eligibility**

You may qualify for Additional Paternity Leave and Pay if you are:

- the father of a child due, or married to or the partner of the child's mother
- your wife, partner or civil partner is pregnant and due to give birth to a child
- you and your partner receive notification that you are matched with a child for adoption
- your spouse, civil partner or partner (including same-sex relationships) is adopting a child from overseas and the child enters Great Britain
- Expecting to have responsibility for the upbringing of the child
- You must have 26 weeks continuous service by the end of the 15<sup>th</sup> week before the expected week of childbirth (qualifying week)

### **3.3 Entitlement**

You can take Additional Paternity Leave if you have been employed with DBC for at least 26 weeks' by the qualifying week either:

- At the end of the 15th week before the start of the week when the baby is due
- At the end of the week you are notified you are matched with your child (adopting within the UK)
- At the date your child enters Great Britain for the purposes of adoption (adopting from overseas)

You must also still be employed with DBC the week, which runs Sunday to Saturday, before you want to start your Paternity leave.

In order to qualify for Additional Paternity Leave you must be taking time off in order to care for the child, child's mother or adopter.

Additional Statutory Paternity Pay is only payable to you during the period of your partner's 39 week Maternity Allowance, Statutory Maternity or Statutory Adoption Pay period.

### **3.4 Taking leave**

If you wish to take additional Paternity Leave you must confirm this in writing to your line manager, this should be done at least eight weeks before you wish to start your leave.

This should be done by the employee completing one of the following forms:

- Additional Paternity Leave Form SC7 (for births),
- Additional Paternity Leave Form SC8 (for UK adoptions)
- Additional Paternity Leave Form SC9 (for overseas adoptions).

Forms can be downloaded from the HM Government website at [www.direct.gov.uk](http://www.direct.gov.uk) or follow this [link](#)

### **3.5 Employer's responsibilities after receiving your notice of Additional Paternity Leave**

Within 28 days of requesting additional paternity leave, HR will request copies of the following:

- a copy of the child's birth certificate or adoption matching certificate
- the employment details of the mother or adopter that has taken adoption leave

If you do not provide these documents your request may be refused.

Once all additional leave has been requested and evidence has been provided, your leave will be confirmed to you by HR in writing. This will confirm the start and end of additional Paternity leave and pay.

### **3.6 Changing the dates of your leave**

- You can choose different end dates for your leave and pay - for example if you wish to continue to take a period of unpaid leave after your pay period has ended.
- You must give HR at least six weeks' notice if you wish to change the date of your leave or if you no longer wishing to take your leave.
- If it is not practical for your employer, they do not have to allow you to change any dates within the six weeks notice.

You can choose to take up to 26 weeks' leave, ending no later than:

- the child's first birthday
- one year after the child was placed for adoption, or entered Great Britain in the case of overseas adoptions

### **3.7 Additional Pay**

Additional Statutory Paternity Pay is only payable during either:

- the mother's Statutory Maternity Pay or Maternity Allowance pay period
- the adopter's Statutory Adoption Pay period

It lasts 39 continuous weeks from the date the pay period starts. Any leave taken after the end of the 39 weeks is unpaid.

### **3.8 Qualifying for Additional Statutory Paternity Pay when adopting from overseas**

Statutory Paternity Pay in the case of overseas adoptions, the qualifying week is the later of either:

- the week official notification was received
- the week you have 26 weeks' continuous employment with the employer paying Additional Statutory Paternity Pay

You must have the main responsibility (along side the responsibility of the mother or adopter taking adoption leave) for the upbringing of the child. If you are adopting from a UK adoption agency, you must be matched with the child for adoption.

### **3.9 No Longer Eligible for Additional Paternity Leave**

If you are no longer eligible for Additional Paternity Leave you must tell HR and Payroll as soon as possible. If you fail to inform DBC that you are no longer eligible for leave, the conduct procedure may be instigated. You may discuss the option of taking a period of unpaid leave.

The unpaid leave would start on the date which leave was due to start. It would end no later than six weeks after you gave notice that you were no longer eligible (or the date the leave was due to end if that is earlier).

### **3.10 Unpaid Additional Paternity Leave**

You have the right to take unpaid Additional Paternity Leave if you meet the eligibility criteria for leave but not pay. All Additional Paternity Leave taken after the end of the Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period is unpaid.

You must also continue to be an employee with DBC throughout your Additional Paternity Leave.

#### **4.0 Unpaid Time Off to Attend Appointments**

There are no qualifying periods in relation to this right.

#### **4.1 Unpaid Time off for Ante – natal appointments**

From 1<sup>st</sup> October 2014 eligible employees have the right to take unpaid leave to attend ante-natal appointments. The right is to unpaid time off of up to six and a half hours on no more than two occasions.

The appointments should be recorded on EIS by your manager and Payroll must be informed.

You are eligible if you have a qualifying relationship with the pregnant woman or the expected child. The following people are covered:

- ☐☐ the husband or civil partner of the pregnant woman;
- ☐☐ the partner, including same sex partners, who live with the woman;
- ☐☐ the father of the expected child;
- ☐☐ a parent of the expected child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008 (HFEA) (same sex partner treated as parent in case of assisted reproduction); or
- ☐☐ a potential applicant for a parental order under section 54 of HFEA in respect of the expected child (surrogacy cases).

You need to put your request in writing stating:

- ☐☐ that the you have a qualifying relationship with a pregnant woman or her expected child;
- ☐☐ the purpose of taking time off is to accompany a woman to an ante-natal appointment;

- the appointment has been made on the advice of a registered medical practitioner, registered midwife or registered nurse; and
- the date and time of the appointment.

## Appendix 1

<p><b>Dacorum Borough Council</b></p> <p><b>Paternity Leave Notification Form</b></p>
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*Please complete this form and pass to your manager to sign. Your manager may wish to discuss your request for leave with you prior to agreeing it. If you have any queries, please contact Human Resources. Please answer the following questions **carefully** (refer to handbook if necessary)*

**N.B. Continuous service means service without a break. (A break is defined as 1 complete week including 2 weekends)**

1. Full name:
2. Job Title and Grade:
3. Correspondence address (usually your home) and telephone number:
4. Department, manager's name and extension number:
5. **You must tick all 4 boxes below to get Paternity Pay and Leave.**

I have at least 26 weeks continuous service as at the qualifying week/notification week.

**I declare that**

- I am
  - the baby's biological father, or
  - married to the mother, or
  - living with the mother in an enduring family relationship, but I am not an immediate relative
- I have responsibility for the child's upbringing
- I will take time off work to support the mother/care for the child

6. Date continuous employment commenced with Dacorum Borough Council.....
7. Please complete a) if your partner is expecting a baby or b) if your partner is adopting a child:-
  - a) Date of qualifying week.....
  - b) Date notified that matched with a child.....
8. Please complete a) if your partner is expecting a baby or b) if your partner is adopting a child:-
  - a) Expected week of childbirth.....
  - b) Expected date of placement of the child (if known).....
9. Date would like to start Paternity Leave .....  
 I would like to be away from work for one/two\* weeks  
 \*Please delete as appropriate

I understand that all the above information is correct:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

I approve the above Paternity Leave

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Manager.....

**Copies of this completed form should now be sent to Payroll and Human Resources.**