

# Paternity Leave Policy

## Contents

1. Introduction .....	2
2. Length of paternity leave .....	2
3. Additional Paternity Leave.....	3
4. Paternity Pay.....	3
5. Additional Statutory Paternity Pay .....	3
6. Notice .....	4
7. Responsibility .....	4
8. Contractual benefits .....	4
9. Return to work after paternity leave .....	4
10. Giving notice of your return to work.....	5

## Document History

Adopted by Council – 2 October 2019

Reviewed & Adopted -

## 1. Introduction

1.1 Gainsborough Town Council recognises the need to balance family responsibilities with paid work. This policy is supported by a raft of similar policies to assist the work/life balance, such as:

- a) Maternity Leave Policy
- b) Shared Parental Leave Policy and
- c) Adoption Leave Policy

1.2 You will be eligible for paternity leave if you:

- a) are the father of the child or the mother's husband or partner (including same sex partner)
- b) have worked for the Council for a minimum of 26 weeks by the 'notification week' (i.e. the end of the 15th week before the expected week of childbirth (EWC) or, for adoption paternity leave, by the end of the week in which the child's adopter is notified of matching
- c) have or expect to have responsibility for the upbringing of the child if you are the father or expect to have the main responsibility for the upbringing of the child if you are the mother's husband or partner but not the child's father
- d) have given the correct notice.

1.3 Paternity leave is also available to the partner of an adopter, whether male or female.

## 2. Length of paternity leave

2.1 You can choose to take either one week or two consecutive weeks' paternity leave (not occasional days) and you can choose to start your leave:

- a) from the date of the child's birth (whether this is earlier or later than expected) or
- b) on a chosen day after the date of the child's birth (whether this is earlier or later than expected) or
- c) from a chosen date which is later than the first day of the EWC.

2.2 Paternity leave must be taken:

- a) if the child is born before the EWC
- b) within 56 days of that date; or
- c) within 56 days of the actual date of birth of the child.

2.3 Only one period of leave will be available to you even if more than one child is born as the result of the same pregnancy.

2.4 If you meet all the other conditions paternity leave is available if:

- a) the baby is stillborn after 24 weeks of pregnancy
- b) the baby is born alive at any point of the pregnancy.

2.5 If you do not qualify for paid paternity leave you may still be eligible for unpaid leave of up to two weeks.

### **3. Additional Paternity Leave**

3.1 Additional Paternity Leave (up to 26 weeks) can be taken from 20 weeks after the child is born and must end by the child's first birthday. However, the child's mother must have returned to work. (Holiday, sick leave or parental leave which immediately follows maternity leave does not count as a return to work).

3.2 You can take Additional Paternity Leave if you are an employee with an employment contract. To qualify for leave, you must have been with your employer for at least 26 weeks by the qualifying week either:

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

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

3.4 For you to qualify for Additional Paternity Leave you must be taking the time off to care for the child and child's mother or adopter must:

- a) have been entitled to one or more of the following - Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Leave or Pay
- b) have returned to work and ceased claiming any relevant pay.

### **4. Paternity Pay**

4.1 During your paternity leave you may be entitled to statutory paternity pay (SPP) from the Town Council. SPP will be at the rate which is in force from time to time.

4.2 To qualify for paternity pay you:

- a) Must be an employee with Gainsborough Town Council with a contract of employment
- b) You must have been employed by the Town Council continuously for at least 26 weeks up to and into the 15th week before the week the baby is due
- c) Earn enough to pay National Insurance contributions.

4.3 Paternity pay is paid for one of two consecutive weeks at statutory rate or 90% of your average weekly earnings if this is less.

### **5. Additional Statutory Paternity Pay**

5.1 For you to qualify for Additional Statutory Paternity Pay you must be an employed earner. That is you must work for someone who is liable to pay the employer's share of your class one National Insurance contributions. You must also earn at least the lower earnings limit (LEL) for National Insurance contributions in force at the end of the qualifying week.

5.2 The mother or adopter must have:

- a) returned to work
- b) stopped claiming any relevant pay, with at least two weeks of unexpired Statutory Pay period remaining.

5.3 You must intend to care for the child during your Additional Statutory Paternity Pay Period.

5.4 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.

## **6. Notice**

6.1 You are required to inform us of your intention to take paternity leave in or before the 15th week before the EWC, unless this is not reasonably practicable. You will need to tell the Town Clerk in writing:

- a) the week the baby is expected
- b) whether you wish to take one or two weeks' leave
- c) when you want the leave to start.

6.2 You must inform us, in writing, as soon as is reasonably practicable after the child's birth, of the date on which the child was born.

6.3 You may be required to give the Town Clerk a signed declaration that you wish to take paternity leave to care for a child or support the child's mother and that you satisfy the eligibility criteria as set out at the beginning of this policy.

6.4 If you have given notice of your intentions to take paternity leave and wish to change the date on which you wish to begin your paternity leave, you must give us written notice 28 days before the new period of leave is due to start.

6.5 If you wish to take additional paternity leave you must notify the Council in writing at least 8 weeks before you wish to start your leave.

## **7. Responsibility**

7.1 It is everyone's responsibility to ensure the best possible option for all is agreed to ensure the smooth running of the service whilst respecting the wishes of the parent to take paternity leave.

## **8. Contractual benefits**

8.1 You are entitled to the benefit of your normal terms and conditions of employment, except for terms relating to wages or salary throughout your paternity leave. You may however be entitled to SPP for this period.

8.2 You will continue to remain bound by any obligations arising under your contract of employment.

## **9. Return to work after paternity leave**

9.1 When you return to work after 26 weeks or less of Additional Paternity Leave, you have a right to the same job and the same terms and conditions as if you had not been away. This protection also applies where you take up to four weeks' parental leave in addition to your Additional Paternity Leave.

9.2 If, however, you take two or more consecutive periods of statutory leave (which could include additional adoption leave or parental leave of more than four weeks), you will be entitled to return to the job in which you were employed before your absence or, if that is not reasonably practicable for the Council, then to return to another job which is both suitable and appropriate in the circumstances.

9.3 You have the right to return:

- a) with your seniority, and similar rights
- b) on terms and conditions not less favourable than those which would have applied if you had not been absent.

9.4 You will not be subject to any detriment by the Council because you took or sought to take paternity leave.

## **10. Giving notice of your return to work**

10.1 You must tell your employer the date you expect to return to work when you give notice that you wish to take Additional Paternity Leave. If you wish to return at an earlier date you must give at least six weeks' notice before the new date.

10.2 If you do not give correct notice, your employer can insist you don't return until the earlier of:

- a) a six week notice period
- b) your original return date.