

Paternity Leave (PL) is available for the purpose of caring for a child or supporting the mother or primary adopter. Employees who qualify can take one or two weeks Paternity Leave and if eligible, Paternity Pay.

1 Paternity Leave Overview

- 1.1 Paternity Leave is available to eligible employees whose partner/wife has given birth, is adopting a child or having a baby through a surrogacy arrangement, and the employee will share the responsibility for bringing up the child.
- 1.2 A "partner" is defined as "a person (whether of a different sex or the same sex) who lives with the mother or adopter in an enduring family relationship but is not a blood relative".
- 1.3 Eligible employees can choose to take one or two consecutive weeks of PL i.e. the leave must be taken in one go. If the mother or primary adopter has returned to work, eligible employees could also choose to take Shared Parental Leave, however PL must be taken before Shared Parental Leave.
- 1.4 A week is the same amount of days that the employee normally works in a week e.g. an employee who normally works Monday and Tuesdays, their working week will be two days.
- 1.5 Only one period of PL is available per birth/adoption, regardless of the number of children resulting from a single pregnancy/adoption.
- 1.6 Employees are protected from suffering detriment or dismissal for taking PL.
- 1.7 In the case of a stillbirth after 24 weeks or pregnancy or if the baby is born but later dies, an employee is still entitled to PL.

2 Eligibility Criteria for Paternity Leave

- 2.1 An employee qualifies for Paternity Leave (PL) if they:
 - Have or expect to have responsibility for the child's upbringing,
 - Are the biological father of the child, co-adopter of the child or the mother/primary adopter's husband or partner, or the intended parent if you are having a baby through surrogacy;
 - Have worked continuously for the council for 26 weeks by the qualifying week (see below);
 - Are taking the time off to support the mother/adopter and/or to care for the child;
 - For adoptions, not taking Statutory Adoption Leave and/or Pay.
- 2.2 The Qualifying Week is:
 - The end of the 15th week before the expected week of childbirth; or
 - The end of the week in which the adopter was informed that they have been matched with a child for a UK adoption; or
 - The date the child arrives in the UK for overseas adoptions.

3 When Paternity Leave Can Start

- 3.1 Paternity Leave (PL) cannot start until the after the birth of the child, the placement of the child for adoption or after the child has arrived in the UK for overseas adoptions.
- 3.2 It must be taken within 56 days of the actual birth, placement or arrival of the child in the UK for overseas adoptions.

3.3 If an employee has specified the date of birth as the date they wish to start PL and they are at work that day, the leave will begin on the next day.

3.4 PL can start on any day of the week, however the employee will need to confirm the actual date.

4 Notice to Take Paternity Leave and Declaration

4.1 For births, notice must be given of the intention to take PL in or before the **15th week** before the expected week of the child's birth, or as soon as is reasonably practicable.

4.2 For UK adoptions, notice of intention to take PL must be given no more than **seven days** after the date on which the adopter is notified of having been matched with the child for the purposes of adoption, or as soon as is reasonably practicable

4.3 For overseas adoptions, notice must be given in three stages. Please see [Gov.UK](#) for further information.

4.4 In all cases, you need to make a declaration that you meet the conditions as to the relationship with the child and child's mother or adopter. Notice and the declaration should be given using the Application Form for Paternity Leave and Pay.

4.5 Whoever is responsible for the payroll must be notified of the actual date of birth or placement of the child for adoption. A copy of the birth certificate/matching certificate/official notification should be submitted for this purpose.

4.6 You must notify the Town Clerk straight away if you are no longer eligible for PL.

5 Changing the Start Date of Paternity Leave

5.1 If you wish to change the start date of PL, notice must be given at least **8 weeks** before the birth/placement/new date or as soon as is reasonably practicable.

6 Statutory Paternity Pay (SPP)

6.1 Whilst on PL you will receive Statutory Paternity Pay (SPP) so long as:

- Your normal weekly earnings in the eight week period ending in the qualifying week (see 2.2) are not less than the lower earnings limit for National Insurance purposes;
- You continue to work for the council up to the date of the birth, the date of the child's placement for UK adoptions, or the date the child enters the UK for overseas adoptions.

6.2 SPP is paid at the same rate as Statutory Maternity Pay, i.e. the lower rate of:

- 90% of an employee's average weekly earnings; or
- The standard weekly rate set by the government.

6.3 Alternatively, an employee may be eligible for one week **Maternity/Adoption Support Leave** at full pay and one week SPP.

6.4 Payments can only be made for any week in which you do not work for the council or another employer.

6.5 The Council will inform you if you are not entitled to SPP for any reason.

6.6 SSP will be paid on normal pay days and details of the amounts payable will be supplied directly by Payroll Services as soon as possible following receipt of the notification. You will be informed if you are not eligible.

6.7 There will be no effect on Pension.

7. Annual Leave and Continuous Service

7.1 Employees continue to accrue annual leave during Paternity Leave. However, you cannot take annual leave whilst on paternity leave. If a bank holiday or extra statutory day falls during your paternity leave, no substitute day will be given. Service is regarded as continuous.