

# BRACEBRIDGE HEATH PARISH COUNCIL

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## Paternity policy

Contents	Page
1. Purpose	1
2. Scope	1
3. Related legislation, policies and guidance	1
4. Responsibilities & review	1
5. Paternity leave	1
6. Length of Paternity leave	2
7. Additional Paternity Leave	2
8. Paternity Pay	3
9. Additional Statutory Paternity Pay	3
10. Parental Bereavement Leave and Pay	4
11. Notice	4
12. Contractual benefits	5
13. Return to work after paternity leave	5
14. Giving notice of your return to work	5
15. Version control and amendment history	6

## **1 Purpose**

- 1.1 Bracebridge Heath Parish Council recognises that parents have joint responsibility for the care and upbringing of their children and aims to support employees where possible and appropriate in balancing the needs of home and work life.
- 1.2 Bracebridge Heath Parish Council provides maternity, paternity, adoption and other family related leave arrangements to support employees.
- 1.3 This policy and procedure aims to outline
  - the procedures to be followed for taking paternity leave
  - the expectations, benefits and entitlements to ensure that employees have a clear understanding of and comply with the relevant procedures.

## **2 Scope**

- 2.1 This policy applies to all employees provided they meet the service requirements for eligibility.

## **3 Related legislation, policies and guidance**

- 3.1 This policy should be read in conjunction with the following related legislation, policies and guidance:
  - Maternity and parental leave etc regulations 1999 (amended 2014)
  - Paternity and Adoption Leave Regulations 2002
  - Parental Bereavement Leave and Pay Act 2018

Bracebridge Heath Parish Council internal documents:

- Maternity leave policy
- Adoption leave policy
- Shared parental leave policy

## **4 Responsibilities and review**

- 4.1 The Finance and Policy committee is responsible for the review of this policy.
- 4.2 The policy will be reviewed every three years or earlier in response to changes in relevant legislation.

## **5 Paternity Leave**

### **5.1 Eligibility**

- 4.1.1 You are eligible to take paternity leave if you:

- are the father of the child or the mother's husband or partner (including same-sex partner);
- 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;
- 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;
- have given the correct notice.

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

## **6 Length of paternity leave**

6.1 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:

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

6.2 Paternity leave must be taken:

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

6.3 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.

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

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

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

## **7 Additional Paternity Leave**

7.1 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.

- 7.2 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:
- the end of the 15th week before the start of the week when the baby is due
  - the end of the week you are notified you are matched with your child (adopting within the UK)
  - the date your child enters Great Britain for the purposes of adoption (adopting from overseas).
- 7.3 You must also still be employed with that employer the week, which runs Sunday to Saturday, before you want to start your leave.
- 7.4 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:
- have been entitled to one or more of the following - Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Leave or Pay;
  - have returned to work and ceased claiming any relevant pay.

## **8 Paternity Pay**

- 8.1 During your paternity leave you may be entitled to Statutory Paternity Pay (SPP) from the Parish Council. SPP will be the current flat weekly rate or 90% of your average weekly earnings (whichever is lower).
- 8.2 To qualify for paternity pay you:
- a) Must be an employee with Bracebridge Heath Parish Council with a contract of employment;
  - b) You must have been employed by the Parish 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.
- 8.3 Paternity pay is paid for one of two consecutive weeks at £138.18 or 90% of your average weekly earnings if this is less.

## **9 Additional Statutory Paternity Pay**

- 9.1 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.

9.2 The mother or adopter must have:

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

9.3 You must intend to care for the child during your Additional Statutory Paternity Pay period.

9.4 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.

## **10 Parental Bereavement Leave and Pay**

10.1 There is a statutory right to parental bereavement leave and statutory parental bereavement pay, which were introduced with effect on 6 April 2020.

10.2 Employees are entitled to parental bereavement leave in addition to paternity leave following the death of a child under the age of 18, or stillbirth (after 24 weeks of pregnancy) and, the employee or their partner:

- is the child's parent or foster parent;
- has had the child placed with them for adoption (whether by a UK adoption agency or from overseas);
- is their intended parent under a surrogacy arrangement;
- is the natural parent of a child who has since been adopted by someone else, and there is a court order allowing them or their partner to have contact with the child;
- looks after the child in their own home, other than as a paid carer, and have done so for at least four weeks (a parent "in fact").

10.3 Any period of parental bereavement leave will be paid at full pay, regardless of any entitlement to statutory parental bereavement pay. Full pay will include any entitlement to statutory parental bereavement pay for that week.

10.4 If an employee is taking another type of parental leave (for example, maternity or paternity leave) when the child dies or stillbirth happens, any parental bereavement leave must start after the other period of leave has ended but does not have to be taken immediately after. This applies even if the leave is for another child.

10.5 If the parental bereavement leave is interrupted by the start of another type of parental leave, the remaining parental bereavement leave may be taken after the other leave has ended, provided this is within 56 weeks of the date of death or stillbirth.

## **11 Notice**

11.1 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 Parish Clerk in writing:

- the week the baby is expected;
- whether you wish to take one or two weeks' leave;

- when you want the leave to start.
- 11.2 You must confirm, in writing, as soon as is reasonably practicable after the child's birth, of the date on which the child was born.
- 11.3 You may be required to give the Parish 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.
- 11.4 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.
- 11.5 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.

## **12 Contractual benefits**

- 12.1 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.
- 12.2 You will continue to remain bound by any obligations arising under your contract of employment.

## **13 Return to work after paternity leave**

- 13.1 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.
- 13.2 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.
- 13.3 You have the right to return:
- with your seniority, and similar rights;
  - on terms and conditions not less favourable than those which would have applied if you had not been absent.
- 13.4 You will not be subject to any detriment by the Council because you took or sought to take paternity leave.

## **14 Giving notice of your return to work**

- 14.1 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.

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

- a six week notice period;
- your original return date.

## 15 Version control and amendment history

Date approved	Version Number	Revision / amendments made	Review date
August 2016	1.0	New policy	July 2017
August 2018	2.0	New format	August 2021
August 2021	2.1	Updated references to Finance and Policy committee. New section included for parental bereavement leave which became statutory entitlement in April 2020.	August 2024