



October 2021

Paternity Leave Policy

Policy Statement

This policy sets out the statutory minimum requirements for paternity leave and pay and the procedure for employees to request paternity leave and pay.

Introduction to Paternity Leave

The organisation 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 both to spend time with their partner and get to know their new child.

Employees who meet certain qualifying conditions have a statutory right to take one or two weeks' paid paternity leave on the birth or adoption of a child for whom they have or expect to have responsibility. Both opposite sex and same-sex partners may be eligible.

To be eligible for paternity leave, the employee must have a minimum of 26 weeks' continuous service by the end of the relevant week.

The "relevant week" is:

- for newborns: the 15th week before the expected week of the child's birth
- for adoptions from within the UK: the week in which the adoptive parents are told they have been matched with the child
- 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.

To be eligible for statutory paternity pay (SPP), the employee's average weekly earnings over a defined eight-week period must not be less than the lower earnings limit for National Insurance contributions in force at the time. Employees who earn less than this limit may still take paternity leave, but they will not be entitled to receive SPP.

In the case of the birth of a child, the mother's partner may be eligible for paternity leave. In the case of an adoption, the principal adopter's partner may be eligible. In both cases, the partner may be male or female.

Pay and Benefits During Paternity Leave

For those who qualify, statutory paternity pay (SPP) is paid at a flat weekly rate or 90% of the employee's average weekly earnings in a defined reference period, whichever is lower.

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

Notice Requirements for Paternity Leave (and SPP)

Before taking paternity leave, an eligible employee must give written notice to the organisation of their intention to take either one or two weeks' paternity leave by the end of the relevant week (for a newborn child) or within seven days of receiving notification of the child being matched with the adoptive parents. They must also state the date the baby is due and the date they want the paternity leave (and SPP period) to begin. In the case of an adoption, the employee must state the date the child is expected to be placed.

To receive SPP, the employee must give at least 28 days' notice of the date on which they want their SPP to begin. Once the birth or placement has occurred, the employee should also inform the organisation of the actual date of birth/placement, as soon as reasonably practicable.

If it is not practicable to give notice by the required date (eg because the baby arrived early or the adoption placement took place earlier than expected), the employee should inform the organisation as soon as it is reasonably practicable to do so.

Timing of Paternity Leave

The employee can choose to specify that the paternity leave will commence:

- immediately following the child's birth/placement, or a set number of days after the birth/placement (ie the baby's birth/placement triggers leave)
- a set number of days after the birth/placement (ie the baby's birth/placement triggers leave)
- on a specified date.

Provided the initial notification criteria have been met, the employee may amend the date by providing the organisation with notice at least 28 days before the new date.

Antenatal Appointments

Employees are entitled to take unpaid time off to accompany their partner at up to two antenatal appointments for a maximum of six and a half hours for each appointment.

The right applies to agency workers who have completed the 12-week qualifying period as well as to employees who are:

- the husband, civil partner or partner of a pregnant woman
- the father or parent of an expected child
- an intended parent in a surrogacy situation.

Leave Arrangements

Paternity leave 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 paternity leave on the day of birth/placement but is at work on that day, then paternity leave will begin the next day.

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 within 56 days of the child's birth or placement.

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

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

In the sad event of a child being stillborn, the employee is still entitled to paternity leave (and SPP) provided they meet the eligibility criteria and the mother had reached her 24th week of pregnancy.

In the case of adoptions, if an employee is told before their paternity leave starts that the placement is not going ahead, they will not be entitled to paternity leave. If the child has been placed and a disruption occurs to the placement (eg the child, for some reason, is returned to the adoption agency), the employee will still be entitled to paternity leave (and SPP).

In the event that an employee's partner suffers a miscarriage before 24 weeks of pregnancy, there will no longer be a right to take paternity leave. It may be that an employee needs some time off work in these circumstances and this will usually be taken as sick leave, during which the organisation's sickness absence policy will apply. If the employee's partner suffers a stillbirth after 24 weeks of pregnancy, the employee will still be able to take the paternity leave, and receive pay, as planned provided the employee was otherwise entitled to them. From 6 April 2020, parental bereavement leave is also available for employees who suffer a stillbirth after 24 weeks of pregnancy. More information on this entitlement is available in our separate policy on Parental Bereavement Leave.