

Worcester City Council

PATERNITY LEAVE & PAY POLICY

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Author	Catherine Simcox
Sponsor	Sian Stroud
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1. Introduction

Paternity Leave and Pay allows an employee to spend time with a new child and to support their partner.

The Council recognises that the birth or adoption of a child is one of the most important events in your life and we are committed to helping new parents balance their family and work commitments.

2. Scope

This policy applies to employees who are either having a baby, adopting a child or having a baby through a surrogacy arrangement.

Workers (such as casual workers) are not entitled to paternity leave, but they can take time off. They might be entitled to statutory paternity pay if they meet the eligibility criteria.

3. Overview

3.1 The Council offers eligible employees enhanced Paternity Leave and Pay. (The Council previously offered Maternity / Adoption Support Leave and Pay in a separate policy which is now incorporated within this policy.)

3.2 **Occupational** Paternity Leave and Pay is one week's leave at basic pay for eligible employees regardless of service and **Enhanced** Paternity Leave and Pay is a second weeks' leave at basic pay for eligible employees with at least 26 weeks service.

3.3 **Statutory** Paternity Pay is paid to eligible workers (such as casual workers).

4. Eligibility for Paternity Leave and Pay

4.1 You must be taking time off to look after the child and be one of the following:

- a) the biological father of the child
- b) married to, the civil partner or partner of the mother or birth parent – this includes same-sex partners
- c) have separated from your partner but have ongoing parental responsibility for your child
- d) the child's adopter

- e) the intended parent (if you're having a baby through a surrogacy arrangement)

Eligibility criteria is different for adoption /surrogacy (see section 9).

4.2 **Paternity Leave eligibility**

In addition to the eligibility requirements in 4.1 to be entitled to Paternity Leave you must:

- Be an employee
- Give the correct notice
- Have been continuously employed by the council for at least 26 weeks up to any day in the 'qualifying week' to be eligible for the second Enhanced Paternity Leave week (The 'qualifying week' is the 15th week before the baby is due. This is different if you adopt.)

There is no length of service requirement for eligible employees' to take the first week of Occupational Paternity Leave.

4.3 **Paternity Pay eligibility**

In addition to the eligibility requirements in 4.1 to be entitled to Paternity Pay you must:

- be employed by your employer up to the date of birth
- earn at least £123 a week (before tax)
- give the correct notice

Occupational Paternity Pay

Employees "Day one" eligibility – one week basic pay

Enhanced Paternity Pay

Employees continuously employed by the council for at least 26 weeks up to any day in the 'qualifying week' are entitled to a second weeks' basic pay.

You must return to work for a minimum of 3 months at the end of your Enhanced Paternity Leave period otherwise the Council reserves the right to reclaim any Enhanced Paternity minus any Statutory Paternity Pay which would otherwise have been due.

Statutory Paternity Pay

Workers (e.g. casual workers) who have been continuously employed by the Council for at least 26 weeks up to any day in the 'qualifying week' are entitled to Statutory Paternity Pay (£184.03

from April 2024 or 90% of the employee's average weekly earnings if this figure is less than the statutory rate).

5. How do I give notice to take Paternity Leave and Pay?

- 5.1 Complete the Council Paternity Leave and Pay Application form
- 5.2 Paternity Leave is taken as one or two full week blocks and can be used consecutively or separately at any time in the 52 weeks after birth or adoption. The required notice period prior to taking Paternity Leave is four weeks' (28 days').
- 5.3 In some cases it will not be possible for you to give the notice required (for example if the baby is born early or late), in which case you must give notice as soon as reasonably practicable.
- 5.4 Any dates specified for leave to be taken can be changed as long as at least 4 weeks' notice is given.
- 5.5 Your manager will liaise with HR and respond in writing within 28 days of your request either confirming your eligibility and dates or confirming if you are not entitled to Paternity leave or pay.

6. Your other Paternity entitlements

- 6.1 You have a statutory right to
 - a) pay increases during Paternity Leave.
 - b) accrual of annual leave during Paternity Leave.
 - c) to return to work in the same role.
 - d) to be informed of any significant changes to your role or team structure during your period of leave.
- 6.2 The right to reasonable unpaid time off to accompany your partner (or a surrogate mother) to 2 x **antenatal appointments** of up to 6½ hours each. Flexitime leave or annual leave could instead be taken.
- 6.3 The right to reasonable unpaid time off to attend 2 x **adoption appointments** of up to 6½ hours each, after you have been matched with a child. Flexitime leave or annual leave could instead be taken.

7. Sometimes difficulties may arise...

The Council will always aim to support you and provide appropriate care and understanding for any upsetting or challenging event.

You can also reach out to our free Employee Assistance Programme on 0808 168 2143 for emotional and confidential support.

7.1 Premature births

- a. If your child is born prematurely, we will change Paternity Leave dates following the expected week of childbirth.
- b. You would still qualify for Enhanced Paternity Leave and Pay or Statutory Paternity Pay even if you have not been continuously employed by Worcester City Council for 26 weeks when the child is born, provided that this is before the Qualifying Week.
- c. You would have been continuously employed for such a period if this employment had continued until the Qualifying Week.

7.2 Miscarriage, stillbirths or loss

- a. You will be entitled to Paternity Leave and Pay if a child was miscarried or stillborn after 24 weeks of pregnancy, or born at any point in the pregnancy but later died.
- b. If a miscarriage or stillbirth occurs before the end of the 24 weeks of pregnancy, you will not be entitled to Paternity Leave or leave. Please refer to our **Parental Bereavement Leave** policy for full entitlements, or please speak with HR.

7.4 Multiple Births or adoptions

Your entitlement does not change if there is a multiple birth or more than one placement – eg. you are not entitled to double Paternity Leave and SPP for twins or multiple adoptions placed at the same time.

8. What if I terminate my employment?

- 8.1 If your employment ends before the child is born or placed for adoption or enters the UK, you are not entitled to Paternity Leave or Pay.
- 8.2 If your employment ends after the date of birth or placement or entry into the UK, you remain entitled to Paternity Leave and Pay.
- 8.3 Should you, however, start working for another employer, you will lose your entitlement to Paternity Leave and Pay from that date.

9. Adoption and Surrogacy

9.1 Eligibility for Paternity leave and pay

Enhanced Paternity Leave and Pay and Statutory Paternity Pay requires continuous employment of at least 26 weeks by the 'matching week'. For adoption this is either:

- the end of the week you're matched with the child (UK adoptions)
- the date the child enters the UK or when you want your pay to start (overseas adoptions)

You must also meet the eligibility conditions for paternity leave or pay in section 4.

9.2 Start and end dates - Paternity Leave

Your period of Paternity Leave can start:

- on the date of placement
- an agreed number of days after the date of placement
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only)
- the day the child's born or the day after if you're working that day (surrogate parents)

Leave must be taken within 52 weeks of the date of placement or the child's arrival in the UK (overseas adoptions).

You must give the Council 28 days' notice if you want to change your start date.

9.3 Notice required for Paternity Leave or Pay

You must complete the Paternity Leave and Pay Application form for:

- leave - within 7 days of your co-adopter or partner being matched with a child
- pay - 28 days before you want your pay to start

9.4 Proof of adoption

You must give the Council proof of adoption to qualify for Paternity Pay. Proof is not needed for Paternity Leave unless the Council asks for it.

Proof can be a letter from your adoption agency or the matching certificate.

You'll need to provide this information within 28 days.

9.5 Surrogacy arrangements

To be eligible for Paternity Pay and Leave if you use a surrogate to have a baby, you must:

- be in a couple
- be responsible for the child (with your partner)
- have worked for your employer continuously for at least 26 weeks by the end of the 'qualifying week' (the 15th week before the baby is due) – for **Enhanced** Paternity Leave and Pay and **Statutory** Paternity Pay.

At least 15 weeks before the due date, tell the Council when the baby is due and when you want to start your leave.

The Council may ask for a written statement to confirm you intend to apply for a parental order in the 6 months after the child's birth. You must sign this in the presence of a legal professional.

10. Other types of leave

10.1. **Shared Parental Leave** – enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption (see Shared Parental Leave Policy for details.)

10.2 **Unpaid Parental Leave** – up to 4 weeks unpaid leave per year for qualifying employees who have parental responsibility for a child under the age of 18 (see Parental Leave Policy for details.)

11. Is my pension affected?

11.1 Whilst on Paternity Leave, the amount of LGPS pension you build up will not be affected. This means that if you have a period of reduced contractual pay during Paternity Leave, your pension is still worked out based on assumed pensionable pay using an average of your usual pensionable pay (before the reduction in pay took place).

12. What if I am unhappy with a decision on Paternity?

If you are dissatisfied with any decision made in respect of Paternity rights, you should firstly highlight it to your manager, or speak to HR. You are also able to raise your concern via the Council's **Grievance Procedure.**

13. Keeping in Touch

13.1 Before you start Paternity Leave, your manager should agree how to keep in touch, cover work and arrange for your return to work (on same terms).

13.2 You are entitled to be told about any new job opportunities, as well as any redundancy or restructure that could affect your role.

14. Our other Family Friendly Policies and Procedures.

- Unpaid Parental Leave
- Flexible Working Policy
- Adoption Leave and Pay
- Maternity Leave and Pay
- Shared Parental Leave and Pay
- Hybrid Working Policy
- Parental Bereavement Leave