



# Heybridge Parish Council

## PATERNITY LEAVE POLICY

### **1. Introduction**

1.1 Employees are entitled to paternity leave and pay provided they meet the minimum requirements.

### **2. Ordinary Paternity Leave**

2.1 Ordinary Paternity Leave is for a maximum of two weeks. This can be taken in two consecutive weeks or the employee may choose to take only one week. An employee cannot take individual days or two separate weeks.

2.2 Ordinary Paternity Leave must be taken within 56 days (8 weeks) of the baby being born.

2.3 In order to be able to receive ordinary paternity leave, an employee must meet a number of requirements:-

- i. Have or expect to have responsibility for the child's upbringing;
- ii. Be the child's adopter;
- iii. Be the biological father of the child or the mother's husband or partner;
- iv. Have continuously worked for the employer for at least 26 weeks ending with the 15<sup>th</sup> week before the baby is due.

### **3. Payment**

3.1 An employee is not entitled to receive their normal salary during ordinary paternity leave but, provided they have an average weekly earnings of not less than £109, is entitled to be paid Statutory Paternity Pay which is currently £136.78 or 90% of their average earnings, if that is less than £136.78.

### **4. Notice of taking Ordinary Paternity Leave**

4.1 If an employee wishes to take paternity leave, he must give notice to his employer which includes the expected week of the child's birth, the length of leave he wishes to take (one or two weeks) and the date on which the employee

has chosen to start his leave. This notice needs to be given before the 15<sup>th</sup> week before the expected week of the baby's birth.

4.2 The employee is not required to give the employer medical evidence of the pregnancy but an employer can request a declaration from the employee that the reason for the leave is to take care of a child or support the child's mother.

## **5. Terms and Conditions during Paternity Leave**

5.1 An employee on paternity leave is entitled to the benefit of all terms and conditions of employment that would have applied if he had not been absent (excluding pay.)

5.2 Since the Council abides by the National Agreement of Pay and Conditions of Service (the Green Book), then the child's father or the partner or nominated carer of the expectant mother is entitled to maternity support leave of 5 days with pay.

## **6. Additional Paternity Leave**

6.1 A parent may also be able to take up to 26 weeks' Additional Paternity Leave (APL).

6.2 In order to be able to take APL, an employee must meet a number of requirements:-

- i. Be the father of a child; or
- ii. Have been notified that they are matched with a child for adoption; and
- iii. Have continuously worked for the employer for at least 26 weeks' ending with the 15<sup>th</sup> week before the baby is due or the week they are notified that you are matched with a child, or if the child is being adopted from overseas, by the date the child enters Great Britain for the purposes of adoption;
- iv. Remain in continuous employment until the week before the 1<sup>st</sup> week of APL.

6.3 In addition:-

- i. The child's mother or other adopter must have been entitled to either Statutory Maternity Leave or Statutory Adoption Leave;
- ii. The child's mother or adopter must have returned to work without taking all of her leave.

6.4 The leave can be taken between 20 weeks and 12 months after the child is born or placed for adoption. If an employee takes APL, they may be entitled to Additional Statutory Paternity Pay (ASPP) at the rate of £136.78 provided they have average weekly earnings which are not less than, currently, £109.

- 6.5 The employee will only receive ASPP during the time their partner would have been receiving statutory maternity or adoption pay, or maternity allowance.
- 6.6 Eight weeks before they wish their APL to start, the employee must provide the Council with:-
- i. Notice of when they wish their leave to start;
  - ii. A declaration stating that they are taking the leave to care for the child;
  - iii. A declaration from the mother or other adoptive parent stating her name, address and National Insurance number; that she was entitled to maternity allowance or statutory maternity pay; that she has given her employer notice that she is returning to work; the date of return; that, to her knowledge, the employee is the only applicant for ASPP in respect of the child; and that she consents to the employer processing the information she has provided.

## **7. Status**

This policy will be considered for adoption by Council on 20<sup>th</sup> February 2014.  
Adopted on 20<sup>th</sup> March 2014. Reviewed May 2016.

21 January 2014  
Clerk