



PATERNITY POLICY

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1. Terminology and Abbreviations

EWC – Expected week of childbirth – the week from Sunday to Saturday that the date given on the MAT B1 form falls in

MW – Matching week when a child is matched with adopter(s). A certificate is issued giving expected date of placement

SPP – Statutory paternity pay

MAT B1 – A certificate from a registered medical practitioner or midwife giving the EWC

Week's Pay - The term a “week's pay” is the amount payable by the authority to you under the current contract of employment for working your normal hours in a week. Where there are no normal working hours, a weeks pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

2. Introduction

South Cambridgeshire District Council is committed to equality of opportunity in employment for all its staff and to developing work practices that support work-life balance. This document is a guide to the rights of employees who wish to take paternity leave in line with Working Families Legislation. Further advice is available from the Human Resources Team. As the paternity provisions are complex, employees should clarify the relevant procedures with the HR Team to ensure that they are followed.

SCDC reserves the right to make amendments to this policy to reflect the changes in the statutory provision of relevant legislation.

3. Basic Paternity Provisions

Qualifying for paternity leave

This policy applies to all employees regardless of the number of hours worked per week, whether the contract is permanent or fixed term, or length of service. Length of service may impact on eligibility for payments.

4. Procedure

- Contact the HR team to arrange an appointment with a member of the team. This is an informal meeting to discuss your rights in relation to the policy and clarify anything you are unsure of. The meeting is to ensure you have all the relevant information and gives you the opportunity to ask any questions.
- Advise your manager that you are intending to take paternity leave, and the dates and duration of your leave
- Complete form SC4 (adoption) or SC3 (maternity) and send it to Payroll at least 28 days before you wish to take the leave. Forms SC4 and SC3 are available on the HMRC website www.hmrc.gov.uk and search SC3 or SC4
- The form must state the intended duration of your leave

5. Timing and Duration of Paternity Leave

You qualify for Paternity leave and Statutory Paternity Pay (SPP) if:
you have 26 weeks continuous service at SCDC by the end of the 15th week before EWC or matching week (MW); and

- you are the biological parent of the child;
- or married to or the Civil partner or the partner of a biological parent of the child;
- or married to or the Civil partner or the partner of the other adopter who is taking full adoption leave;
- and you are expect to have responsibility for the upbringing of the child.

If you do not qualify for paternity leave and statutory paternity pay

If you do not qualify because you do not meet the length of service requirement, you can request maternity/adoption support leave, which is one week paid leave. You may also be eligible to request leave under the Parental Leave Policy. Parental leave is unpaid.

Duration of Paternity Leave

You are allowed to take one period of paternity leave per pregnancy or adoption. Paternity leave is either one week or two consecutive weeks. The leave cannot be split.

In the case of paternity leave in relation to a birth, the leave can be taken at any point between the EWC or birth (which ever comes earliest) or up to 56 days after the EWC.

In the case of paternity leave relating to adoption, the paternity leave should be taken at the point of adoption.

Changing the leave date

You can change the start date and duration of your paternity leave by giving 21 days notice of any change or as soon as reasonably practicable where, for example the baby arrives prematurely or late or the placement date is changed.

You should agree the change with your manager, who must email HR and Payroll confirming agreement with the change.

Stillbirth or miscarriage

If your partner has a stillbirth on or after the 25th week of their pregnancy you will still be eligible for SPL and SPP in the usual way if you qualify for this. The leave must be taken within 56 days of the birth.

If your partner miscarries earlier than the 25th week of their pregnancy you will not qualify for SPP and any time off will count as sickness absence. The Councils Attendance Management Policy will be followed and the Council will endeavour to support you as best it can.

Live birth before the 25th week of pregnancy onwards

If your partner gives birth to a live child even if the child later dies, at any point in their pregnancy, you will be entitled to SPL and SPP in the usual way. The leave must be taken within 56 days of the birth.

Premature or sick/unwell newborn

If your baby is born prematurely (at any point before the 37th week), or is unwell when born, you may be entitled to additional paternity pay and leave. Please see the Premature and Neo-Natal Policy for more details.

6. During Paternity Leave

Contact

Your manager should maintain contact with you during your paternity leave, keeping you updated about issues related to your service (such as significant workplace developments and organisational changes).

Your manager may also contact you to discuss return to work arrangements.

Benefits

You will receive your normal employment benefits (apart from salary) during your Statutory Paternity Leave.

Right to return to work

At the end of your Statutory Paternity Leave, you have the right to return to the same job as before on the same terms and conditions of employment as if you had not been absent, unless a redundancy situation has arisen. An employee on Statutory Paternity Leave should be treated in the same way as any other employee during any workplace changes.

Holiday entitlement

You will continue to accrue your entitlement to paid holiday during Statutory Paternity Leave. You cannot take annual leave during Statutory Paternity Leave but you may be able to extend your time off by taking a period of annual leave immediately before or after Statutory Paternity Leave.

7. Payments

Payments

One week of paternity pay will be paid by SCDC at the equivalent of full pay followed by one week's leave at standard rate statutory paternity pay (SPP) at the time the leave starts.

Deductions from SPP

SPP is treated as earnings, so the Council will make any deductions (such as income tax and NI contributions) that are due. The Council will also make other deductions from your SPP, for example pension contributions.

Pay rises

If SCDC awards a pay rise that is effective at any time from the start of the period used to calculate your SPP (the relevant period) and the end of your paternity leave, SPP will be recalculated to take into account the pay rise. SPP will also be re-calculated if you are awarded a pay rise with an effective date before the start of the set period but the earnings used in the SPP calculation did not reflect that pay rise. The HR Team will advise you if this arises.

More than one employer

If you have more than one employer, you may be entitled to more than one lot of SPP. Although you may want to stop work in each job at the same time, you can still go on working longer with one of

them if you wish. Your paternity leave and payments with each employer would then start at different times.

More than one contract with SCDC

You may also be entitled to more than one SPP payment if you have separate contracts with the same employer. You can start your SPP at different times in relation to each contract.

Pension payments

If you are in the occupational pension scheme the Council will carry on making their usual contributions for the whole time you are on paid paternity leave.

Your contribution to your pension will continue based on the amount of paternity pay that you are getting.

If you wish to make additional pension payments during paternity leave you will need to speak to the payroll department who can advise you.

Deductions

If you have any deductions made from your salary these will continue as normal during your leave. Examples you need to consider are cycle schemes, childcare vouchers, trade union subscriptions, training loans, pensions etc.

Not returning from paternity leave

If you decide not to return to work after your paternity leave you must give the appropriate written notice of your resignation in accordance with your contract of employment. You do not have to pay back Statutory Paternity Pay (SPP) if you do not return to work and do not take up employment with another employer during the SPP payment period.

8. Related Issues

Shared Parental Leave

Shared parental leave is designed to enable working parents to share leave and to take time off in a more flexible way. It will allow both parents to be at home together if this is what they choose.

SPL gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 50 weeks' leave. Shared parental leave may be taken in a single continuous block, or may be taken in smaller blocks of leave (a minimum of a week at a time), interspersed with time at work (in contrast to maternity/paternity/adoption leave which has to be taken in a single continuous block).

Please refer to the Shared Parental Leave Policy for more details.

Parental leave after Statutory Paternity leave

If you need more time off to look after your child you may be able to take parental leave.

You can take a certain amount of parental leave without impacting your right to return to work. If you take more than that amount you will be able to return to the same job unless this is not reasonably practical. If this is the case you must be offered alternative work that is suitable to you and with terms and conditions as if you hadn't been absent.

Please refer to the Parental Leave Policy for more details.

Flexible working

If you have been employed by the Council for at least 26 weeks you are eligible to make a Flexible Working Request. This can help you balance caring for your child and work. Please refer to the Flexible Working Policy for more details.

If you have any questions you can discuss this confidentially with HR before making an application.

Antenatal appointments

Employees have the right to take unpaid time off work to accompany expectant partners to up to 2 antenatal appointments. Employees can also take the same unpaid time off to accompany an individual who is not their partner, but is carrying their biological child or a child that they intend to adopt. "Partner" includes the spouse, civil partner, or person in a long term relationship with the pregnant individual. The right applies whether the child is conceived naturally or through donor insemination.

There is no qualifying period before employees can exercise their right to unpaid time off to attend antenatal appointments.

SCDC is entitled to ask the employee for a declaration stating the date and time of the appointment, that the employee qualifies for the unpaid time off through their relationship with the pregnant individual or child, and that the time off is for the purpose of attending an antenatal appointment that has been made on the advice of a registered medical practitioner, nurse or midwife.

Reasonable notice must be given to line managers who will notify Payroll to ensure appropriate deductions are made.

9. Useful Websites

Below is a list of useful websites which provide further information on paternity leave:

www.direct.gov.uk/dadsatwork

www.nct.org.uk/dads

www.bemyparent.org.uk

www.hmrc.gov.uk