

# **FAMILY FRIENDLY POLICIES**

## **6. Paternity Leave (Adoption)**

**HR Service**

**April 2015**



LONDON BOROUGH OF  
**BEXLEY**

## **PATERNITY LEAVE (ADOPTION)**

### **Introduction**

This document summarises paternity leave and pay entitlements under both statutory and national agreements applicable to employees in Bexley employed under 'green book' terms and conditions. (If you are employed under other terms and conditions, please contact the HR Service for advice on how your entitlements may vary).

For further information and advice, please contact the HR Service.

### **Eligibility**

You must satisfy the following conditions in order to qualify for Paternity leave. You must:

- Have or expect to have responsibility for the child's upbringing
- Be the adopter's spouse or partner including same sex partner
- Have worked continuously for Bexley for 26 weeks ending with the week in which the adopter is notified of being matched with a child.

Evidence that you meet these conditions will be required before leave is granted (see Self Certificate below).

### **Paternity Leave**

Eligible employees can choose to take either one week or two consecutive weeks' paid paternity leave (not odd days).

You can choose to start your leave:

- From the date of the child's placement (whether this is earlier or later than expected), or
- From a chosen number of days or week after the date of the child's placement (whether this is earlier or later than expected), or
- From a chosen date which is later than the date on which the child is expected to be placed with the adopter.

Leave can start on any day of the week on or following the child's placement but must be completed within 56 days (8 weeks) of the child's placement.

Only one period of leave is available to employees irrespective of whether more than one child is placed together.

In addition to the paternity leave detailed above you may be entitled to Shared Parental Leave/Pay. Guidance is available under a separate policy.

### **Notice of intention to take paternity leave**

You must inform your manager of your intention to take paternity leave within seven days of the adopter being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable.

You must inform your manager:

- The date on which the adopter was notified of having been matched with the child
- When the child is expected to be placed
- Whether you wish to take one or two weeks' leave
- When you want your leave to start

You should give at least 28 days notice if you want to change the start date of your leave.

### **Paternity Pay**

Paternity pay is comprised of two payments, one statutory and one contractual. Most employees will be entitled to two weeks leave paid at Statutory Paternity Pay (SPP), subject to eligibility. At the same time, one of these weeks may be paid at normal contractual pay under 'green book' terms and conditions of employment. Therefore, the first week of leave will usually be paid at contractual pay (offset against SPP) and the second will be at the current rate of SPP.

To qualify for SPP you must:

- be eligible for Paternity Leave
- notify your manager of your intention to take paternity leave within seven days of being notified of being matched with a child;
- give 28 days notice of when you would like your SPP to start; and
- have average weekly earnings above the lower earnings limit for National Insurance purposes for the 8 weeks before the relevant week (i.e. up to and including the week you were notified of a match)

Contractual Paternity Pay is effectively the provision for Maternity Support Leave under 'green book' terms and conditions. There are no minimum service requirements but you should ideally give your manager 21 days notice of your intention to take paternity leave with pay. You also need to provide:

- a copy of the Matching Certificate;
- a signed letter by the adopter stating that you are the nominated carer;
- dates when the leave is to be taken.

In addition to the paternity leave detailed above, you may be entitled to share your partner's adoption leave under entitlements to Additional Paternity Leave and Pay. This allows you to take the remaining period of your partner's adoption leave where they choose to return to work before their full entitlement to adoption leave has been exhausted. A maximum of 26 weeks leave can be taken, from the 20<sup>th</sup> week after the child is adopted.

**Self certificate**

You must complete a Self Certificate as evidence of your entitlement to paternity leave and pay. A copy is attached as appendix 1.

## Application for Paternity Leave and Pay (Adoption)

*This form should be used to apply for Paternity Leave and Pay. Full details of the Council's Paternity Provisions are available here [Paternity Leave \(Adoption\)](#). The HR Business Centre will confirm your entitlements on receipt of your application*

**Please return this form within 7 days of being notified of having been matched with a child and at least 28 days before you wish your Paternity Leave to start. Any subsequent changes to the information provided must be notified to the HR Service immediately.**

### Personal Details:

Name: \_\_\_\_\_

Post Title: \_\_\_\_\_

Department: \_\_\_\_\_ Employee No. \_\_\_\_\_

### Paternity Details:

Date the Adopter was notified of having been matched with the child: \_\_\_\_\_

Date the child is expected to be placed: \_\_\_\_\_

Date the child was actually placed (if applicable): \_\_\_\_\_

I wish to take one weeks leave  OR two weeks leave

I attach a copy of the Matching Certificate

I would like my leave to start on: \_\_\_\_\_ (within 8 weeks from the child's placement)

If you need to change the dates you have provided you must give us 28 days notice of the new dates.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please sign the declaration on the back of this form and ask the adopter of the child to complete the adopter's declaration.**

**DECLARATION** (to be signed by all applicants)

In making this application I declare that:

- I am adopting the child with my partner and I want to receive paternity leave and pay not adoption leave and pay.
- I am married to or in a civil partnership with the person adopting the child, **OR**
- I am living with the person adopting the child in an enduring family relationship, but am not an immediate relative

**AND**

- I will be responsible for the child's upbringing,

**AND**

- I am taking time off work to support the person adopting the child or to care for the child.

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**ADOPTER'S DECLARATION** (to be signed by the adopter of the child)

**Adopter's Name:** \_\_\_\_\_

**I declare that the applicant:**

- has been nominated by me to assist me in the care of the child and to provide support to the me at or around the time of placement; **AND**
- is taking time off work to support the me or to care for the child.

**Adopter's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Please forward this form to your line manager for operational planning purposes. Your manager should then forward this form without delay to the HR Business Centre, 3<sup>rd</sup> Floor East, Civic Offices. The Business Centre will then write to you and confirm your entitlements to paternity leave and pay.

**ACTIONED BY HR BUSINESS CENTRE (HR USE ONLY):**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

