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HUMAN RESOURCES

Paternity Leave Policy



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I Introduction

- 1.1 Royal Greenwich provides paid and unpaid leave for employees who become new fathers (including partners and civil partners of mothers who have a main responsibility for the upbringing of the child.)
- 1.2 Where an employee qualifies for paternity leave, they will have an entitlement to ordinary paternity leave and either additional paternity leave (APL), if the baby was born or placed for adoption before 5th April 2015 or Shared Parental Leave (SPL) if the baby was born or placed for adoption after 5 April 2015.
- 1.3 Fathers and partners have the right to take unpaid time off work to accompany expectant mothers to up to 2 ante-natal appointments. The time off is capped at 6.5 hours for each appointment and there is no qualifying period before employees can take up this right.

2. Eligibility for Paternity Leave

- 2.1 Eligible employees will be taking time off to look after the child and will be one of the following:
 - The husband
 - The husband or partner of the mother (including same sex relationships)
 - The child's adopter
 - The intended parent (in a surrogacy arrangement)
- 2.1 In order to be eligible for Paternity Leave, an employee must have been continuously employed by Royal Greenwich for at least 26 weeks by the 'qualifying week' That is, the end of the 15th week before the expected week of childbirth, or in the case of adoption, the week the adopter is matched with the child.
- 2.2 In order to qualify for Additional Paternity Leave (APL) the following criteria must also be met:
 - a) The child's mother/adopter must be eligible for one of the following benefits:
 - Statutory Maternity Leave or Pay
 - Maternity Allowance
 - Statutory Adoption Leave or Pay
 - b) They must have returned to work and no longer be receiving any of the above.
 - c) Still be employed by the employer the week before the leave starts
- 2.3 An employee can choose to take either adoption leave or paternity leave when a child is placed with them for adoption. Where a couple is adopting jointly, they must decide

which of them is going to take adoption leave and which of them is going to take paternity leave.

- 2.4 The employee must have or expect to have responsibility for the baby's upbringing or, in the case of adoption, responsibility with the adopter for the newly adopted child.

3. Ordinary Paternity leave

- 3.1 Legislation provides that eligible employees have a right to two weeks leave with statutory paternity pay. Royal Greenwich has enhanced this by granting one week with full contractual pay and one week with statutory pay.
- 3.2 The leave may only be taken in one block of either one week's leave or two consecutive weeks leave. It may not be taken as odd days or as two separate weeks. The employee has the right to choose when they wish to take this leave, subject to service requirements. The leave can be taken any time up to eight weeks after the date of birth or adoption placement.
- 3.3 The employee is required to give notice that they intend to take paternity leave. This is a statutory requirement to enable employers to ensure that cover can be provided to maintain service provision while on leave. The table below details the exact notification requirements.

In the case of birth

Notice to take the leave **must** be provided to the manager by the Saturday of the 15th week before the baby is due, unless this is not reasonably practicable. The notice must set out:

- the expected week of the baby's birth (The employee should notify this date in writing)
- whether they wish to take one or two weeks' leave under the statutory provision
- when they want their leave to start.

(Ordinary Paternity Leave form should be used).

- If the birth occurs early the employee must provide the notification as soon as is reasonably practicable.

In the case of adoption

The employee must give notice within seven days of the date the adopter is notified of having been matched with a child or sooner if known have been approved for adoption. The employee must notify, in writing:

- the date on which the adopter was notified of having been matched with the child

- the date on which the child is expected to be placed for adoption
- the length of leave they have chosen to take (a single block of one or two weeks under the statutory provisions)
- the date they have chosen to start their leave

The employee must also provide a signed declaration that

- they are taking leave to care for the child and/or to support the child's adopter;
- that they are married to or the partner of the child's adopter
- that they have, or expect to have, the main responsibility (apart from the adopter's responsibility) for the upbringing of the child

(Ordinary Paternity Leave form should be used)

After the placement the employee must inform their manager of the date on which the child was placed. This should be done as soon as reasonably practicable.

3.4 When notifying the date for starting the leave, the employee should specify one of the following options:

- The date of birth or adoption placement
- A particular date after the first day of the week that the baby is due or the child is expected to be adopted
- The number of days after the birth or expected adoption placement

3.5 If the employee specifies the date of birth as the day they wish to start the leave and they are at work on that day, the leave will begin on the next day.

3.6 If the baby is born late, the employee must change the date or choose to take the leave from the actual date of birth or a specified number of days after the birth. Notice must be given as soon as possible.

3.7 The employee must provide their manager with a declaration as evidence of their entitlement to the leave and pay. The employee must certify as part of the declaration that they meet the eligibility conditions (above) and provide the information specified above as part of the notice requirements.

4. Ordinary Statutory Paternity Pay

4.1 Where an employee qualifies, they may take a total of two weeks leave, paid at full contractual pay for the first week and at the statutory rate (currently £139.58 per week) for the second week. Ordinary Statutory Paternity Pay is treated as normal pay and so tax and national insurance will be deducted as normal.

4.2 In addition to satisfying the eligibility criteria above, average weekly earnings must be at or above the Lower Earnings Limit for National Insurance purposes which applies at the end of the fifteenth week before the week the baby is due (or end of matching week for adoption). Most employees will be eligible but in some cases where only a few hours a week are worked, it is recommended to check with payroll.

- 4.3 Employees must tell their manager at least 28 calendar days beforehand, in writing, the date they wish their pay to start. In the case of adoption, provide written details of:
- a) the date on which the child is expected to be placed for adoption (or, if it has already occurred, the actual date of placement)
 - b) the date the adopter was notified of having been matched with the child
 - c) that they have chosen to receive *Paternity Pay* and not *Adoption Pay*
- 4.4 The employee must declare the leave is being taken either to care for the baby or to support the mother or both; or in the case of adoption, to care for the newly adopted child or to support the adopter and that the employee expects to have responsibility for the upbringing of the child, or, in the case of adoption, to have main responsibility for the upbringing of the child with the adopter.
- 4.5 Evidence and declaration can be given with the notice to take the leave on the self certification forms or separately).
- 4.6 If the employee's contract ends after the baby is born or adoption placement occurs they remain entitled to Statutory Paternity Pay providing they do not start working for a new employer.
- 4.7 Employee not entitled to pay
- The employee will not be entitled to pay if their contract ends before the date of birth or adoption placement.
 - Royal Greenwich cannot pay Statutory Paternity Pay for any week or part week that the employee works or for any week the employee is sick and entitled to receive Statutory Sick Pay.

5. Additional Paternity Leave (APL)

- 5.1 APL is only applicable to staff whose child was born or placed prior to 5th April 2015. For parents of children born or placed after 5th April 2015 please refer to the Shared Parental Leave Policy.
- 5.2 APL is the right to a maximum of 26 weeks leave. This is on top of the two weeks of ordinary paternity leave. APL must be taken as one continuous period, in multiples of complete weeks not days, with a minimum of two weeks taken.
- 5.3 In a birth situation, an employee can take between 2 and 26 weeks' additional leave in the period that begins 20 weeks after the child is born and ends one year after the birth. The mother's/adopter's period of maternity leave must have come to an end. A gap is permitted between the mother ending maternity leave and the father taking up APL.
- 5.4 In an adoption situation, leave can take between two and 26 weeks' leave in the period that begins 20 weeks after the child's placement for adoption and ends one year after the placement. APL in relation to adoption from overseas must be taken in the period that begins 20 weeks after the child enters Great Britain and ends one year after that date. The employee's partner's statutory adoption leave must have come to an end.

- 5.5 The father must give Royal Greenwich at least eight weeks' notice of their start and finish dates for the additional paternity leave.
- 5.6 In a birth situation, the employee must give Royal Greenwich at least eight weeks' notice of their additional paternity leave, and at the same time must give Royal Greenwich two written declarations, one by the employee and one by the child's mother.
- 5.7 In an adoption situation, the employee must give Royal Greenwich at least eight weeks' notice of his or her additional paternity leave, and at the same time must give Royal Greenwich two written declarations, one by the employee and one by the child's adopter.
- 5.8 The table below provides a summary of the notification requirements:

<p>Declaration in birth situation – Complete the Additional Paternity leave form</p> <p>The employee's declaration must state that:</p> <ul style="list-style-type: none"> • the purpose of the leave is to care for the child; • the employee is the child's father, or is married to, or the partner or civil partner of, the child's mother; and • the employee has, or expects to have, the main responsibility (apart from any responsibility of the child's mother) for the upbringing of the child. <p>The mother's declaration must state:</p> <ul style="list-style-type: none"> • her name and address; • the date that she intends to return to work; • her national insurance number; • that the employee is the child's father, or is the mother's spouse, partner or civil partner; • that the employee has, or expects to have, the main responsibility (apart from any responsibility the mother has) for the upbringing of the child; • that the employee is, to the mother's knowledge, the only person exercising the right to take additional paternity leave in respect of the child; and • that she consents to the employer processing this data.
<p>Declaration in adoption situation</p> <p>The employee's declaration must state that:</p> <ul style="list-style-type: none"> • the purpose of the leave is to care for the child; • he or she is married to, or the partner or civil partner of, the adopter; and • he or she has been matched with the child for adoption. <p>The adopter declaration must state:</p>

- the adopter's name and address;
- the date that the adopter intends to return to work;
- the adopter's national insurance number;
- that the employee is married to, or the partner or civil partner of, the adopter; and

that the adopter consents to the employer processing this data.

- 5.9 In birth situation, the employee should provide a copy of the child's birth certificate and the name and address of the mother's employer (or her business address if she is self-employed).
- 5.10 In adoption situation, the employee should provide evidence in the form of documents issued by the adoption agency showing: the name and address of the adoption agency; the date that the employee was matched with the child; and the expected date of placement. For the employee should also provide the name and address of the adopter's employer (or the adopter's business address if he or she is self-employed).
- 5.11 In relation to an adoption from overseas, the employee should provide a copy of the official notification document and evidence of the date on which the child entered Great Britain. The employee should also provide the name and address of the adopter's employer (or the adopter's business address if he or she is self-employed).

6. APL Pay

- 6.1 If the child's mother, or the main adopter in an adoption situation, ends his or her period of maternity or adoption leave before using the maximum entitlement to 39 weeks' statutory maternity pay, statutory maternity allowance or statutory adoption pay, the employee taking APL is entitled to be paid for the remainder of the 39-week period, assuming that they have average earnings of at least the lower earnings limit for national insurance purposes.
- 6.2 APL pay is calculated on a couple's having 39 weeks paid leave between them not as separate entitlements. APL pay is paid at the standard statutory maternity pay rate, or 90% of the employee's earnings, if this is less than the statutory rate.

7. Returning to work

- 7.1 After ordinary or additional paternity leave, an employee has the right to return to the same job on the same terms and conditions of employment as if they had not been absent unless a redundancy situation has arisen.
- 7.2 To assist the return to work, normally where a longer period of paternity leave is taken, employees can carry out up to ten days' work for Royal Greenwich during the additional paternity leave period without bringing the additional paternity leave period to an end. This can help the employee stay in touch with work changes.

8. Further information

8.1 For further information please contact HR Professional Services.

HR Professional Services

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