

Paternity Leave Policy & Procedure

1. Introduction

- 1.1 The London Borough of Havering is committed to helping working parents. The paternity leave policy has been produced to enable employees to have a clear understanding of how to apply for paternity leave and what their entitlements are.
- 1.2 The aim of this policy is to provide a scheme that meets both statutory requirements, 'Paternity Leave' and the Council's scheme, 'Maternity Support Leave'.
- 1.3 This policy covers all council employee with the exception of those employees based in schools (schools based employees have different occupational provisions)
- 1.4 Paternity Leave is separate from Parental Leave, which is covered in a different policy.

2. Maternity Support Scheme (Council's Scheme)

- 2.1 Maternity support leave of 5 days with full pay shall be granted to the child's father or the nominated carer of an expectant mother at or around the time of birth. An application form is attached.
- 2.2 The nominated carer is the person nominated by the mother as the primary provider of support at or around the time of the birth.

3 Paternity Leave – Rights following birth

- 3.1 The rights to paternity leave and Statutory Paternity Pay allow an eligible employee to take paid leave to care for the baby or to support the mother following birth. They can take either one week's or two consecutive week's paternity leave and during this time may be entitled to SPP.
- 3.2 To qualify for this right, employees must have 26 weeks continuous service with the council, 15 weeks before the baby is due. They must also be taking the time off to support the mother or care for the new baby.

4 Paternity Leave – Rights following adoption

- 4.1 Following the placement of a child for adoption, the rights to paternity leave and pay give eligible employees the right to take paid leave to care for their new child or support the adopter

5 Paternity Leave – Eligibility (following birth)

- 5.1 An employee is eligible for paternity leave if they have or expects to have responsibility for the baby's upbringing and is either or both

- The biological father of his baby
- The mother's husband or partner (N.B. The partner may include a female partner in a same sex couple)

- 5.2 A qualifying employee will be entitled to paid leave if the baby is stillborn after 24 weeks of pregnancy. If the baby is born alive at any point in the pregnancy but later dies, the employee will still be entitled to paternity leave.

6 Paternity Leave – Eligibility (following adoption)

- 6.1 An employee must satisfy the following conditions in order to qualify for paternity leave following adoption:

- Have or expect to have responsibility for the child's upbringing
- Be the adopter's spouse or partner
- Have worked continuously for their employer for 26 weeks ending with the week in which the adopter is being matched with a child.

7 Paternity Leave – the Period of Leave (following birth)

- 7.1 Eligible employees can choose to take either one week's or two consecutive weeks' paternity leave. It cannot be taken as odd days or two separate weeks.

- 7.2 Leave cannot start until the birth of the baby. An employee can choose to start their leave

- On the date of the baby's birth (whether this is earlier or later than expected) ; or
- On a date falling such number of days after the date on which the child is born (whether this is earlier or later than expected) as the employee notifies to their employer; or
- On a chosen date as notified to their employer which falls after the first day of the expected week of childbirth

- 7.3 Paternity leave can start on any day of the week, as long as the employee has given the required notice. It must be completed:

- Within 56 days of the actual date of birth; or
- If the child is born earlier than expected, between the birth and 56 days from the expected week of birth.

8 Paternity Leave – the Period of Leave (following adoption)

8.1 Eligible employees can choose to take either one week's or two consecutive weeks' paternity leave. It cannot be taken as odd days or two separate weeks.

8.2 An employee can choose to start their leave:

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

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

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

9. Paternity Leave – Notification (birth of child)

9.1 The employee must tell their Manager that they intend to take paternity leave by the end of the fifteenth week before the baby is due or, if this isn't possible, as soon as is reasonably practicable.

9.2 The employee will need to inform their Manager:

- The week the baby is due
- Whether they wish to take one or two week's leave
- When they want their leave to start

9.3 To qualify for SPP, the employee must advise their Manager at least 28 days beforehand.

9.4 Employees will be able to change their mind about the date on which they want their leave to start providing they advise at least 28 days in advance (unless this is not reasonably practicable)

10 Paternity Leave – Notification (adoption)

10.1 The employee must tell their Manager they intend to take paternity leave within seven days of the adopter being notified by the adoption agency

that they have been matched with a child, unless this is not reasonably practicable.

- 10.2 The employee will need to inform their Manager:
- The date the adopter was notified of having been matched with a child
 - When the child is expected to be placed
 - Whether they wish to take one or two weeks leave
 - When they want the leave to start
- 10.3 Employees will be able to change their mind about the date on which they want their leave to start providing they advise at least 28 days in advance (unless this is not reasonably practicable)

11 Corresponding Rights

- 11.1 Some employees will qualify for both Maternity Support Leave (MSL) and Statutory Paternity Leave. These two entitlements are called corresponding rights.
- 11.2 This means that an employee is not entitled to both, but can take advantage of the best parts of each.
- 11.3 MSL payments can be offset against Statutory Paternity Pay (SPP) and vice versa.
- 11.4 In practice this will mean that an employee who is entitled to MSL and SPP will be entitled to one week's SPP topped up to full pay and one week's SPP.