



PATERNITY LEAVE POLICY

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1. Introduction

- 1.1. Through the provision of Paternity Leave, the City of London is pleased to support employees who will be fathers/adoptive parents.
- 1.2. Paternity Leave is provided to eligible employees for the purpose of supporting the mother or primary adopter and caring for a child.
- 1.3. Employees seeking Paternity Leave must complete the appropriate forms within the timeframes prescribed within this policy. All forms have been provided by HMRC (Her Majesty's Revenue and Customs).
- 1.4. Paternity Leave provisions are provided in line with the *Paternity and Adoption Leave Regulations 2002* and the *Additional Paternity Leave Regulations 2010* as amended from time to time.

2. Scope

- 2.1. The Paternity Leave Policy applies to all City of London employees who meet the eligibility requirements for Paternity Leave.
- 2.2. This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 2.3. This policy does not apply to agency workers, consultants or self-employed contractors.

3. Responsibilities

- 3.1. Employees are responsible for ensuring they adhere to this policy and provide adequate notice in the correct format when requesting Paternity Leave or changes to Paternity Leave dates.
- 3.2. Line Managers are responsible for authorising Paternity Leave in accordance with this policy.

4. Ordinary Paternity Leave

4.1. Ordinary Paternity Leave for Births

For the purpose of caring for a newborn child and supporting the child's mother, eligible employees may choose to take either one week or two consecutive week's Ordinary Paternity Leave.

The Ordinary Paternity Leave must be taken:

- anytime up to 8 weeks after the date of birth, or
- if the baby was born early, up to 8 weeks after the Sunday of the week in which the baby was due.



4.1.1. Eligibility

To be eligible for Ordinary Paternity Leave, an employee must:

- be continuously employed by the City of London for at least 26 weeks at the 15th week before the expected week of childbirth;
- continue to work for the City of London up until the date the baby is born;
- be the child's biological father and have responsibility for the child's upbringing, or is the mother's husband or civil partner or partner (but not the child's biological father) and will have responsibility for the child's upbringing;
- formally notify the City of London of their request for Ordinary Paternity Leave in writing via [HMRC Form SC3](#).

4.1.2. Notification

Employees who wish to take Ordinary Paternity Leave must complete [HMRC Form SC3](#). Employees are to provide the completed form to their line manager by the end of the 15th week before the mother's expected week of childbirth.

Employees are encouraged to provide as much notice as possible as this will assist the City of London with staffing plans.

Human Resources will formally respond in writing to the employee's notification of their Ordinary Paternity Leave plans within 28 days of receipt, confirming the relevant start and end dates for both paternity leave and pay periods.

4.2. Ordinary Paternity Leave for Adoptions

For the purpose of caring for an adopted child or supporting the child's adopter, eligible employees may choose to take either one week or two consecutive week's Ordinary Paternity Leave.

For adoptions within the UK, Ordinary Paternity Leave must be taken within 8 weeks of the date on which the child was placed for adoption. The employee may choose to begin leave from the date of the child is placed for adoption or from a predetermined date or timeframe after the child has been placed (but within the 8 week period).

For adoptions from abroad, Ordinary Paternity Leave must be taken within 8 weeks of the date on which the child entered the UK. The employee may choose to begin leave from the date the child enters the UK or from a predetermined date or timeframe after the child has been placed (but within the 8 week period).

4.2.1. Eligibility

To be eligible for Ordinary Paternity Leave for adoptions, an employee must:

- be continuously employed by the City of London for at least 26 weeks at the end of the week in which the child's adopter is formally notified that he or she has been matched with a child for adoption;
- continue to work for the City of London up until the date the child is placed with the adopter;



- be married to, or is the civil partner of, or the partner of the child's adopter, and have the main responsibility for the child's upbringing;
- formally notify the City of London of their request for Ordinary Paternity Leave in writing via [HMRC Form SC4](#) for adoptions within the UK, or [HMRC Form SC5](#) for adoptions from abroad.

4.2.2. Notification

Employees who wish to take Ordinary Paternity Leave for adoptions must provide a completed HMRC Form [SC4](#) or [SC5](#) to their line manager within 7 days, or as soon as is reasonably practical, after being notified of an adoption match.

Employees are encouraged to provide as much notice as possible as this will assist the City of London with staffing plans.

Human Resources will formally respond in writing to the employee's notification of their Ordinary Paternity Leave plans within 28 days of receipt, confirming the relevant start and end dates for both paternity leave and pay periods.

4.3. Pay during Ordinary Paternity Leave (Births & Adoptions)

During Ordinary Paternity Leave the first week will be paid at normal pay and the following week at Ordinary Statutory Paternity Pay. Employees whose average weekly earnings do not reach the minimum earnings for payment of National Insurance contributions (as determined by HMRC) do not qualify for Ordinary Statutory Paternity Pay, but will receive 90% of their average weekly earnings.

4.4. Changing the dates of Ordinary Paternity Leave (Births & Adoptions)

If an employee has requested Ordinary Paternity Leave and wishes to change the dates requested, they must advise their manager of this in writing with 4 weeks notice of their intended dates. There is flexibility for less notice to be accepted depending on the circumstances.

Employees may take either one week or two continuous weeks Ordinary Paternity Leave. There is no provision for an employee to take less than one week or to interrupt a period of Ordinary Paternity Leave.

5. Additional Paternity Leave

The following Additional Paternity Leave provisions are applicable in relation to children whose expected week of birth begins on or after 3rd April 2011, or adoptive parents who are notified of a match on or after 3rd April 2011.

5.1. Additional Paternity Leave for Births

Employees who qualify for Additional Paternity Leave may take up to 26 week's additional paternity leave provided that the mother has returned to work.

The earliest that an employee may commence Additional Paternity Leave is 20 weeks after the date on which the child is born, and must end no later than 12 months after that date.



Additional Paternity Leave must be taken as a single block of complete weeks. The minimum period is 2 consecutive weeks and the maximum period is 26 weeks.

This provision provides parents with more choice and flexibility in child care responsibilities and a more equitable sharing of leave entitlements.

5.1.1. Eligibility

To be eligible for Additional Paternity Leave, the employee must:

- be continuously employed by the City of London for 26 weeks at the 15th week before the expected week of childbirth;
- be the child's biological father and will have responsibility for the child's upbringing, or is the mother's husband, civil partner or partner (but not the child's biological father) and will have responsibility for the child's upbringing;
- continue to work for the City of London until the week before the first week of Additional Paternity Leave.
- formally notify the City of London of their request for Additional Paternity Leave in writing via [HMRC Form SC7](#) (this form includes a declaration from the mother of the child).

5.1.2. Notification

Employees who wish to take Additional Paternity Leave must provide a completed [HMRC Form SC7](#) with:

- a copy of the child's birth certificate;
- the name and business address of the mother's employer (or if the mother is self-employed, the mother's business address),

to their line manager at least 8 weeks before their intended leave date.

Employees are encouraged to provide as much notice as possible as this will assist the City of London with staffing plans.

Human Resources will formally respond in writing to the employee's notification of their Additional Paternity Leave plans within 28 days of receipt, confirming the relevant start and end dates for both paternity leave and pay periods.

5.2. Additional Paternity Leave for Adoptions

Employees who qualify for Additional Paternity Leave for adoptions may take up to 26 week's additional paternity leave provided that their spouse, civil partner or partner has returned to work.

For adoptions from with the UK, the earliest that an employee may commence Additional Paternity Leave is 20 weeks after the date on which the child was placed and must end no later than 12 months after that date.



For adoptions from abroad, the earliest that an employee may commence Additional Paternity Leave is 20 weeks after the date on which the child entered the UK and must end no later than 12 months after that date.

Additional Paternity Leave must be taken as a single block of complete weeks. The minimum period is 2 consecutive weeks and the maximum period is 26 weeks.

This provision provides adoptive parents with more choice and flexibility in child care responsibilities and a more equitable sharing of leave entitlements.

5.2.1. Eligibility

To be eligible for Additional Paternity Leave for adoptions, the employee must:

- be continuously employed by the City of London for 26 weeks ending with the week in which employees were notified of having been matched with the child (adoption within the UK); or
- be continuously employed by the City of London for 26 weeks ending with the week in which official notification was sent from the relevant domestic authority (adoption from abroad), or commencing with the week in which the employee's employment began (to accommodate the possibility that the official notification may have been received a year or more before the child enters the UK and employees may have changed their employer in this time) (adoption from abroad)

and must:

- be married to, be the civil partner of, or be the partner of the child's adopter and will have responsibility for the child's upbringing. The employee must also have been matched with the child for adoption.
- continue to work for the City of London until the week before the first week of Additional Paternity Leave.
- formally notify the City of London of their request for Additional Paternity Leave in writing via [HMRC Form SC8](#) for adoptions within the UK or [HMRC Form SC9](#) for adoptions from abroad. These forms include a declaration from the joint adopter of the child.

5.2.2. Notification

Employees who wish to take Additional Paternity Leave must provide a completed HMRC Form [SC8/SC9](#) and:

- the name and address of the approved adoption agency;
- the date on which the employee was notified that they had been matched with the child;
- the date on which child is expected to be placed with the adopter;
- the name and address of the joint adopter's employer, or if the joint adopter is self-employed, their business address,

to their line manager at least 8 weeks before their intended leave date.



Employees are encouraged to provide as much notice as possible as this will assist the City of London with staffing plans.

Human Resources will formally respond in writing to the employee's notification of their Additional Paternity Leave plans within 28 days of receipt, confirming the relevant start and end dates for both paternity leave and pay periods.

5.3. Pay during Additional Paternity Leave (Births & Adoptions)

5.3.1. Additional Statutory Paternity Pay is only payable in the period during which the spouse, civil partner or partner would have received Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay had they not returned to work (including self-employed work).

5.3.2. Additional Statutory Paternity Pay will only be payable where the following conditions are met:

- The employee's average weekly earnings are not less than the lower earnings limit for national insurance contributions (as determined by HMRC);
- The employee's spouse, civil partner or partner is entitled to Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay;
- At least two weeks of the Statutory Maternity Pay/Statutory Adoption Pay period remains unexpired at the point the spouse, civil partner or partner returned to work.

Where the above conditions are met, employees are paid the lower of either the current standard rate or 90% of the employee's average weekly earnings.

5.3.3. Statutory Paternity Pay is payable whether or not the employee intends to return to work after the Additional Paternity Leave.

5.4. Changing the dates of Additional Paternity Leave (Births & Adoptions)

5.4.1. If an employee has requested Additional Paternity Leave and wishes to change the dates requested (e.g. to start the leave at a later date or to return from their leave at an earlier date), they must advise their manager of this in writing at least six weeks before the new date, or the existing date where this is earlier. There is flexibility for less notice to be accepted depending on the circumstances.

5.5. Death of a Mother/Adopter

5.5.1. If an employee wishes to take time off work to look after a recently born baby, or recently adopted child where the mother or adopter of the child has died, the employee may be entitled to Additional Paternity Leave and Pay.

5.5.2. To qualify, the employee must meet the eligibility requirements as set out in paragraph 5.1.1 or 5.2.1 of this document and provide a completed [HMRC Form SC10](#) to the line manager within 6 weeks of the mother's/adopter's death or as soon as reasonably practical.

5.5.3. The start date of the Additional Paternity Leave should be within 6 weeks of the mother's/adopter's death. The leave must end no later than 12 months after the



date of birth, date of placement (for adoptions within the UK), or date of entry to the UK (for adoptions from abroad).

6. Multiple Children per Birth/Adoption

6.1. An employee may take just one period of ordinary and additional paternity leave per pregnancy or adoption, regardless of the number of children born as a result of the pregnancy or the number of children placed under the same adoption arrangement.

7. Rights During Leave

7.1. Pay & Benefits

During Ordinary and Additional Paternity Leave, employees have no statutory right to be paid their normal wages or salary during their leave period, but may qualify for Statutory Paternity Pay as described at paragraph 4.3.

During Ordinary and Additional Paternity Leave, the employee's contract of employment continues in force for the remaining terms and conditions and the employee will remain entitled to receive all contractual benefits.

7.2. Keeping In Touch

During Additional Paternity leave, the City of London and the employee may make reasonable contact with each other (e.g. to discuss plans for returning to work, or to provide information on important workplace developments).

By mutual consent, employees on Additional Paternity Leave may work up to 10 days for the City of London (e.g. for training, team meetings, phased introduction back to work) without affecting their Additional Paternity Leave entitlements or arrangements. These days are referred to as "Keeping in Touch" days.

The purpose of this provision is to allow an employee to "keep in touch" with the workplace. Work includes any work done under the contract of employment and may include training or any activity aimed at keeping in touch. Such work will be paid at their normal hourly rate (where contractual pay varies, this will be calculated as an average over the 12 week period immediately prior to their Paternity Leave).

Employees may carry out up to 10 days' work for their employer during their additional paternity leave period without bringing it to an end.

An employee on Additional Paternity Leave is not obliged to work "keeping in touch" days, nor is an employer obliged to provide them.

7.3. Redundancy

If organisational change occurs whilst employees are on Additional Paternity Leave, their line manager will inform and consult them on how the change will impact on their job.

An employee who is made redundant during their Additional Paternity Leave has the right, where there is a suitable alternative vacancy, to be offered a suitable alternative post.



7.4. Annual Leave

Accrued annual leave may be taken at any time up to the start of the period of Ordinary or Additional Paternity Leave at a mutually acceptable time.

Annual Leave continues to accrue during Ordinary and Additional Paternity Leave and employees are encouraged to use their Annual Leave before returning to work. The balance can only be carried into the next leave year with the consent of the Chief Officer and in accordance with the [Annual Leave Policy](#).

7.5. Dismissal and Victimisation

Employees can not be dismissed, selected for redundancy, victimised or subjected to any other detriment, for asserting their rights to Ordinary / Additional Paternity Leave. Where an employee believes this has occurred, they should raise the matter with their line manager, or the department's HR Business Partner for discussion and resolution.

8. Returning to Work

8.1. Employees returning from Ordinary/Additional Paternity Leave after a period that was an isolated period of leave or the last of two or more consecutive periods of statutory leave, not including a period of Additional Maternity Leave or Additional Adoption Leave or a period of parental leave of more than four weeks, is entitled to return to work to the job in which they were employed immediately before the leave. Where the period of Ordinary/Additional Paternity Leave does not fall into this description, the employee is entitled to return to the job they held immediately before the period of leave began or, if this is not reasonably practicable, to another job that is both suitable and appropriate for them to do.

8.2. Employees will be expected to return to work on the working day following the last day of their Ordinary/Additional Paternity Leave unless another form of leave has been requested and approved.

8.3. Where an employee does not wish to return to work following Ordinary/Additional Paternity Leave, they must serve out their contractual notice prior to the end of their Additional Paternity Leave.

9. Application Forms

9.1. Application Forms for Ordinary & Additional Paternity Leave:

- [SC3 – Ordinary Paternity Leave](#)
Use form SC3 to request Ordinary Paternity Leave and/or Ordinary Statutory Paternity Pay (OSPP) if you're a baby's biological father or the mother's husband or partner - including female partner in a same-sex couple.
- [SC4 - Ordinary Paternity - becoming an adoptive parent \(adopting within the UK\)](#)
Use form SC4 to request Ordinary Paternity Leave and/or Ordinary Statutory Paternity Pay if you are becoming an adoptive parent and the child is being adopted from within the UK



- [SC5 - Ordinary Paternity Leave - becoming an adoptive parent \(adopting from abroad\)](#)
Use form SC5 to request Ordinary Paternity Leave and/or Ordinary Statutory Paternity Pay if you're becoming an adoptive parent and the child is being adopted from abroad
- [SC7 - Additional Statutory Paternity Pay/Paternity Leave - becoming a parent](#)
Use this form to apply for Additional Statutory Paternity Pay and/or additional paternity leave.
- [SC8 - Additional Statutory Paternity Pay/additional paternity leave - becoming an adoptive parent](#)
Use this form to apply for Additional Statutory Paternity Pay and/or additional paternity leave when you're adopting a child in the United Kingdom.
- [SC9 - Additional Statutory Paternity Pay and additional paternity leave - adopting a child from abroad](#)
Use this form to apply for Additional Statutory Paternity Pay and/or additional paternity leave when you're adopting a child from abroad.
- [SC10 - Additional Statutory Paternity Pay and additional paternity leave - in the event of the death of the mother/adopter](#)
Use this form if the mother or adopter of the child has died and you want to apply for Additional Paternity Leave.

10. Further Information

- 10.1. For further information regarding Ordinary and Additional Paternity Leave, employees are advised to contact their line manager or Human Resources.
- 10.2. Relevant legislation referred to within this policy can be located at <http://www.legislation.gov.uk/>