

Maternity Support (Paternity) Leave and Pay Policy

Purpose

The aim of this policy is to inform employees of their maternity support (paternity) rights and entitlements and to outline The Royal Borough of Kensington and Chelsea's maternity support leave and pay procedures.

The term 'maternity support' incorporates paternity leave and pay. Any reference to maternity support and paternity within this policy should be read as interchangeable throughout as some statutory rights retain the use of the term paternity i.e. statutory paternity pay.

For information on other types of leave available for parents and carers please see the relevant policy in the A to Z section of the [HR Hub](#) or refer to the combined Family Friendly Policy.

Who does this policy apply to?

The policy applies to all employees of the Council, except those employed in schools under the control of Governing Bodies, for whom procedures adopted by the Governing Body will apply.

Confidentiality

The Royal Borough of Kensington and Chelsea processes personal data collected in accordance with its data protection policy.

Scope

The right to paternity leave arises in relation to birth children and children placed via surrogacy or adoption. RBKC opens this out and calls this maternity support leave (MSL). MSL may be available to people other than a baby's father. If you are the nominated carer i.e. the person nominated by the mother as the primary provider of support at or around the time of the birth, you may apply for maternity support leave of up to 4 weeks paid leave.

The nominated carer is likely to be the child's father, alternatively the role may be undertaken by a partner, a relative or someone who has a caring relationship with the mother and/or the child.

MSL must be taken within 8 weeks of the birth or adoption of the child in blocks of full weeks up to a maximum of 4 weeks.

Eligibility for maternity support Leave and pay

In order to be eligible for MSL and pay you must:

- be employed by the Council up to the date of birth
- have been continuously employed by the Council for at least 26 weeks up to any day in the 'qualifying week'

The 'qualifying week' is the 15th week before the baby is due.

This is different if you adopt, in these circumstances you must have been continuously employed by the Council for at least 26 weeks by the 'matching week'. For adoption this is either:

- the end of the week you're matched with the child (UK adoptions)
- the date the child enters the UK or when you want your pay to start (overseas adoptions)

Maternity support pay

Maternity support pay consists of up to 4 weeks' pay. This is made up of statutory paternity pay which the Council tops up to in the form of occupational paternity pay.

A 'weeks' pay during MSL is the normal amount you receive under your contract of employment.

Maternity support pay is subject to tax and national insurance deductions.

Requesting maternity support leave via the IBC

You should notify your line manager at least 21 days before you intend to take MSL. Once you have informed your line manager of your leave arrangements you will need Complete the e-form in the 'My Family Leave' app in ESS and upload the supporting documents. On receipt of the e-form the IBC will write to you confirming your leave dates and entitlements.

You should give your manager as much notice as possible if you want to change your MSL dates and then update the IBC using the 'my family leave' app in ESS. Alternatively, your line manager can amend the dates via the 'manage family leave' app.

Further guidance on the IBC process can be found here - [family leave](#)