

## Paternity Leave Procedure

### 1. Introduction

Paternity leave is the right to take paid leave to care for a child or provide support to the mother or primary adopter. The Town Council encourages employees to have a balance between work and family commitments and this scheme provides guidance to employees on their entitlements and on the procedures they should follow when requesting paternity leave.

The misuse of leave e.g. for reasons other than to care for the child or support the mother or partner, or failure to follow the correct procedures, may result in disciplinary action.

### 2. Paternity Leave Entitlements

Paternity leave entitlement is a maximum of two weeks. Eligible employees must take either one week or two consecutive weeks' leave. It is not acceptable to take non-consecutive weeks or odd days. Only one period of leave is provided per pregnancy/adoption. Therefore, where more than one child is born as a result of one pregnancy/adoption, e.g. twins, the entitlement will still be two weeks leave. In addition to Statutory Paternity Leave an employee may be entitled to Maternity Support Leave (see Section 5)

### 3. Eligibility & Conditions of Leave

#### Paternity Leave for Births

In order to qualify for statutory, paternity leave in birth situations an employee must:

- a) be the biological father of the child or the mother's husband or partner or civil partner or have, or expect to have responsibility for the child's upbringing
- b) have worked continuously for Trowbridge Town Council without a break for 26 weeks leading into the 15<sup>th</sup> week before the expected week of childbirth (EWC)
- c) must continue to work for Trowbridge Town Council without a break up to the date the child is born
- d) must be earning an average of at least the lower earnings limit for national insurance purposes
- e) be able to provide a copy of the Mat BI form relating to the birth
- f) submit a "Request for Paternity Leave" form at the end of this document to the Head of Resources by the end of the 15<sup>th</sup> week before the EWC

#### Paternity Leave for Adoption

To qualify for statutory paternity leave in adoption situations an employee must: -

- a) be married to, or be the partner of, the primary adopter or have, or expect to have responsibility for the child's upbringing
- b) have worked continuously for Trowbridge Town Council without a break for 26 weeks leading into the week in which they are notified of being matched with a child
- c) must continue to work for Trowbridge Town Council without a break up to the date the child is born
- d) must be earning an average of at least the lower earnings limit for National Insurance purposes
- e) be able to provide a copy of their matching certificate from the adoption agency
- f) submit a "Request for Paternity Leave" form at the end of this document to the Head of Resources no later than seven days after the date on which they are notified of the match date with the child (*If the child is being adopted from abroad the employee must advise of the date they are notified and the date on which the child is expected to enter the UK*)

Completion of the Request for Paternity Leave form will provide the following information:

- the week that the baby is due to be born or matched. If the birth has already occurred, the date of the child's birth
- the amount of leave requested, i.e. one week or two weeks
- the date the leave is expected to start
- confirmation that they meet the eligibility conditions

An employee may change their mind concerning the date of when the leave is to be taken provided that 28 days' notice is given to the Head of Resources.

Leave cannot be taken before the birth of a child. It must be taken within 56 days (i.e. 8 weeks) of the actual birth or adoption of the child. In circumstances where the child is born early, then the leave must be taken within 56 days of when the baby was originally due.

If the employee falls ill before starting their period of paternity leave it may be postponed although the 56-day period in which they must take their leave is not extended.

#### **4. When can Paternity Leave Start?**

The options for when paternity leave starts are:

- a) from the date of the child's birth/adoption (whether this is earlier or later than expected)
- b) from a chosen number of days or weeks after the date of the child's birth i.e. three weeks from the birth (whether the birth/adoption is earlier or later than expected)
- c) from a chosen date

Leave can start on any day of the week on or following the child's birth.

#### **5. Payment Arrangements**

##### **5.1 Statutory Paternity Pay (SPP)**

Paternity leave will be paid at the standard rate of Statutory Paternity Pay which applies in the year in which the leave starts. For the current year's rates, please visit [www.direct.gov.uk](http://www.direct.gov.uk) or speak to the Head of Resources.

##### **5.2 Maternity Support Leave (MSL)**

Maternity Support Leave, with pay, is granted to a child's father or the partner or nominated carer of an expectant mother at or around the time of the birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to be the primary provider of support to the mother at or around the time of the birth. In most cases such care and support would be provided by the father or partner; however, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother and/or child.

The following conditions must be met to be granted maternity support leave:

- a) an employee must produce written confirmation from the mother that they are the nominated carer
- b) proof of the mother's pregnancy must be provided (i.e. copy of form Mat B1)
- c) the employee must give reasonable notice of when they wish to start maternity support leave

For more information on maternity support leave contact the Head of Resources.

**Employees with 26 weeks’ service at the 15<sup>th</sup> week before the baby is due**

Employees with 26 weeks’ continuous service with Trowbridge Town Council at the 15<sup>th</sup> week before the baby is due and who qualify for maternity support leave are entitled to:

- 5 days Maternity Support Leave with normal pay; and
- 1-week Paternity Leave (not odd days) with SPP, following on directly from the period of Maternity Support Leave

**Employees with less than 26 weeks’ service at the 15<sup>th</sup> week before the baby is due**

Employees with less than 26 weeks continuous service with Trowbridge Town Council at the 15<sup>th</sup> week before the baby is due but who qualify for maternity support leave are entitled to: -

- 5 days Maternity Support Leave with normal pay; and
- 1 week of unpaid paternity leave (not odd days) following on directly from the period of Maternity Support Leave

**6. Returning to Work**

The employee will be entitled to return to the same job as before and on the same terms and conditions of employment unless a redundancy situation arises. It is presumed that all employees will return to work after a period of paternity leave.

If an employee cannot return to work at the end of a period of paternity leave because of illness, they should follow the normal procedures for sickness absence.

If they do not wish to return to work at the end of a period of paternity leave, they are required to give notice in accordance with their contract of employment.

**7. Protection from Detriment and Dismissal**

Employees will be protected from suffering unfair treatment or dismissal for taking, or requesting to take paternity leave.

**8. Pension Contributions**

If an employee is a member of the Pension Scheme contributions will continue to be deducted for the whole period of paternity leave, regardless of whether this is paid paternity leave or not.

**Lance Allan – Town Clerk & Proper Officer**

Signed .....

Dated .....

*Approved at the meeting of the Annual Council meeting on 18<sup>th</sup> May 2021.  
Date of next review: May 2025 unless legislation or the size and nature of the Council changes.*

### Request for Paternity Leave

The baby is due / the match date is on

If the baby has been born, please enter the actual date of birth

I would like my paternity leave / maternity support leave to start on

I would like to be away from work for one / two weeks\* (delete as appropriate)

**You must be able to tick all three boxes below to get paternity pay and leave.**

**I declare that:**

- I am the biological father of the child or the mother's husband or partner, or I have, or expect to have, responsibility for the child's upbringing
- I will be taking time off to support the mother and / or care for the child

**Declaration**

Surname:

First name:

Signature..... Date.....

**Completed forms should be returned to the Head of Resources**

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Office use only: copy of MAT BI / Matching Certificate\* obtained \* delete as appropriate

Signed: Date: