



Paternity Leave & Pay Policy

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Document Location

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Revision History

Revision Date	Version Control	Summary of changes
Draft for Consultation	01.01.01	
Approved by committee	01.01.02	
Amendment following statutory change	01.01.03	Shared Parental Leave superseding Additional Paternity Leave
September 17	01.01.04	New format, classification, review periods, appeal process, new CIA
July 2022	01.01.05	Updated to include foster to adopt, parental bereavement leave, right to appeal, time off for ante natal appointments.

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
Appts & Staffing	Committee Approval	19/09/12
TULG		September 2022

Approvals Minor Change and Scheduled Review

Name	Title	Approved
Anica Goodwin	Director of Transformation & Corporate Performance	April 15
Anica Goodwin	Director of Transformation & Corporate Performance	May 17

Approval Path

Major Change

Originator
Owner
TULG
CMT
Appts & Staffing Committee

Action

HR
Head of Paid Service
Consultative Group
Corporate Approval
Council Approval

Minor Change

HR
TULG
Director

Submission
Consultative Group
Delegated Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document will be distributed through Astute as a NON MANDATORY policy and will also be available on the Intranet and paper based copies.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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1 Introduction

This policy sets out the statutory rights and responsibilities of employees to paternity leave and pay for the purpose of caring for the child or supporting the child's mother or adopter in the early weeks after the child's birth or placement for adoption.

Tamworth Borough Council (TBC) is committed to supporting a positive work-life balance for all our employees and recognise that time with your children is important.

2 Who can take paternity leave

You can take paternity leave if you:

- Have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth; or
- Have at least 26 weeks' continuous service by the end of the week in which the adoption agency formally notifies that they have been matched with a child.
- Are the biological father of a child, or the spouse, civil partner or partner of the child's mother or main adopter; and
- Have, or expect to have, the main responsibility (apart from the responsibility of the mother or main adopter) for the child's upbringing

This means that paternity leave is available to an eligible female employee who is married to or is the civil partner or partner of the child's mother or main adopter.

Paternity leave is also available to the spouse, civil partner or partner of an individual who has adopted a child. Where a couple adopt a child jointly, one may take adoption leave and the other paternity leave. They are entitled to choose themselves which adoptive parent takes which type of leave.

A child's father is not automatically entitled to paternity leave if they are separated from or have never been the partner of the child's mother, are not living with the mother and play little or no part in the child's upbringing, they will not be entitled to paternity leave.

3 Paternity leave

An eligible employee can take one week's leave or two consecutive weeks. This cannot be taken in part weeks or individual days.

You can take one period of leave per pregnancy or adoption regardless of the number of children born as a result of the pregnancy or number of children placed under the same adoption arrangement.

Paternity Leave must be taken in a single block of one or two weeks within 56 days of the birth. If the child is born early, it must be taken within 56 days of the first day of the expected week of birth.

For an adopted child, it must be taken within 56 days of the child's placement for adoption with you and in the case of a child adopted from overseas, within the 56-day period beginning with the date the child entered the United Kingdom.

Paternity leave in an adoption situation now extends to surrogacy and “foster to adopt” situations. Parents who become legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption and paternity leave. Local authority foster parents who are also prospective adopters are entitled to take adoption leave and paternity leave in relation to the child matched with them.

If you wish to take shared parental leave, you must take your parental leave first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child.

4 Notification of paternity leave

Where an employee wishes to request paternity leave in respect of a birth child, they must give their line manager 15 weeks’ written notice of:

- the date on which their partner's baby is due,
- the length of paternity leave they wish to take (one or two weeks); and
- the date on which they wish the leave to commence.

In the case of an adopted child, the employee must give written notice of their intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify

- the date the child is expected to be placed for adoption,
- the date the employee intends to start paternity leave,
- the length of the intended paternity leave period, and
- the date on which the adopter was notified of having been matched with the child.

If an employee subsequently wishes to change the timing of the paternity leave, they must give 28 days’ written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that they are entitled to paternity leave and statutory paternity pay.

5 Statutory paternity pay

An employee’s normal pay will be replaced during paternity leave by statutory paternity pay. This will be paid at the prevailing standard rate of statutory paternity pay. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for statutory paternity pay.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE, pension and national insurance deductions and it can start from any day of the week in accordance with the date the employee starts their paternity leave.

6 Occupational Paternity Pay

For employees who have worked for the authority for 1 year at the 11th week before the child is due, TBC will make up the difference to 2 weeks paternity leave as if it were paid at their normal contractual rate, provided they comply with all the relevant notifications.

7 Return to work

On resuming work after paternity leave the employee is entitled to return to the same job as they occupied before commencing paternity leave on the same terms and conditions of employment as if they had not been absent.

8 Time off for ante natal care

In addition to your paternity leave, you have the right to accompany a pregnant woman with whom you are having a child at up to two antenatal appointments. This will be paid.

This could be if you are the husband or civil partner of the pregnant woman, or you could be living with the pregnant woman in an enduring family relationship. In addition, you will be eligible for time off if you are the biological father of the expected child.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. We expect that normally no more than half a day is needed for an antenatal appointment, but the leave includes the time needed to travel to the appointment and any waiting time needed for the appointment. You should endeavour to give as much notice as possible for the antenatal appointment and wherever possible arrange them as near to the start or end of the working day.

9 Miscarriage and stillbirth

Where the child is miscarried in the first 24 weeks of pregnancy, the employee will not qualify for paternity leave.

If a stillbirth occurs after the 24th week of pregnancy, Parental Bereavement Leave is granted, with pay, regardless of length of service. Details are in the Leave policy.

10 Contractual terms

The Paternity and Adoption Leave Regulations 2002 provide that the employee is entitled to the benefit of the terms and conditions of employment that would have applied if they had not been absent due to paternity leave. Continuity of service remains unbroken. All contractual benefits continue during the period of leave.

11 Appeal Process

An employee has a statutory right to take paternity leave at their chosen time and not to suffer unfair treatment on the grounds of paternity leave. TBC will approve leave which coincides with the birth of a child or placement of a child.

If it is anticipated that requests for paternity leave will be approved and for managers to arrange the necessary cover. A manager may discuss the requested dates with the employee to explore any flexibility, but the employee's statutory right to take paternity leave at their chosen time remain regardless of business activity.

In the unlikely event and application is declined and the employee needs to appeal, they must submit an appeal within fourteen days of the original decision being

received, to the Head of HR & OD who will arrange for an appropriate member of CMT to hear the appeal.

In this policy the 'up and out' principle will be applied for all appeals, to provide objectivity and consistency in approach i.e. next level of management up and in a different Directorate. There is only one appeal under this policy.

The employee has the right to be accompanied at this meeting by a colleague or Trades Union representative. The outcome of the appeal should be relayed as soon as possible and in writing within fourteen days of the meeting.

The employee should be notified of the outcome and a confirmation letter sent by Human Resources.

12 Abuse of the policy

The HM Revenue and Customs may take action where a person, either fraudulently or negligently, gives incorrect information or makes a false statement or declaration for the purpose of claiming Statutory Paternity Leave.

For statutory paternity pay purposes, HMRC requires employers to keep a record of:

- The declaration that the employee meets the responsibility criteria in relation to the child;
- The payment dates and amount paid (form SPP2)
- The date the pay period began, and
- Any week falling within an employee's paternity pay period when the employer did not pay them paternity pay and the reason why no payment was made

Records will be retained for 3 years from the end of the tax year in which they relate.

The employee may also be subject to disciplinary action under the Council's Disciplinary policy if it is found that they do not meet the eligibility criteria as outlined in this policy.

Appendix 1

Request for ordinary paternity leave in respect of a birth child

Name of employee	
Job Title	
Continuous service date	
Payroll Number	
<p><u>Declaration:</u></p> <p>I confirm that I meet all three of the following criteria:</p> <p>1 I am either:</p> <p style="padding-left: 40px;">the baby's biological father</p> <p style="padding-left: 40px;">married to, or in a civil partnership with the mother</p> <p style="padding-left: 40px;">living with the mother in an enduring family relationship, but am not an immediate relative</p> <p>2 I have responsibility for the child's upbringing</p> <p>3 I will take time off work to support the mother/adoptive parent and care for the child</p> <p><u>Notice:</u></p> <p>I hereby give notice of my intention to take one weeks/two weeks paid paternity leave. (Delete as appropriate)</p>	
I would like my paternity leave to start on:	
I will be returning to work on:	
The leave requested relates to the birth of a baby which is due on/was born on:	
Date:	
<p>To qualify for Paternity Leave you must return this form to your Line Manager at least 15 weeks before the expected week of the child's birth. You must also attach a copy of your partner's MATB1 form and SC3 form (which can be downloaded from www.hmrc.gov.uk/forms). Line Manager – forward a copy to HR</p>	

Appendix 2

Request for ordinary paternity leave in respect of the adoption of a child

Name of employee	
Job Title	
Continuous service date	
Payroll Number	
Notice: I hereby give notice of my intention to take one weeks/two weeks paid paternity leave. (Delete as appropriate)	
I would like my paternity leave to start on:	
I will be returning to work on:	
The date on which my partner and I were notified by the adoption agency of having been matched with the child was:	
The leave requested relates to the adoption of a child who is expected to be placed for adoption on/was placed for adoption on:	
Signed:	
Dates:	
To qualify for Paternity Leave you must return this form to your Line Manager no later than seven days after the date in which notification of the match with the child was given by the adoption agency. You must attach a copy of your Matching Certificate and SC4 form (which can be downloaded from www.hmrc.gov.uk/forms).	
Line Manager – forward copy to HR	

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Paternity Leave Policy	
Date Conducted	July 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To ensure all TBC employees are treated fairly regardless of their protected characteristics in their entitlement to paternity leave.

Who will be affected and how?

All employees who wish to take paternity leave. This policy provides guidance on the process and entitlements for paternity leave and paternity pay.

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?

All employees

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment to all supporting a pregnant partner
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race

Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment to all supporting a pregnant partner
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of whether the employee is a carer
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor, but does support the family
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living & subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Pentana			

Date of Review (If applicable)

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