

# TENBURY TOWN COUNCIL



## **Paternity Leave and Pay Policy**

## **1. Background**

- 1.1 The Employment Act provides two weeks statutory paid leave for qualifying employees whose partner's expected week of childbirth (EWC) is on or after 6 April 2003.
- 1.2 In addition to their statutory rights under the Employment Act, qualifying employees may also receive additional occupational entitlements provided by Tenbury Town Council.

## **2. Eligibility**

- 2.1 Employees will need to satisfy the following conditions in order to qualify for statutory paternity leave.

They must:

- Have or expect to have responsibility for the child's upbringing;
- Be the biological father of the child or the mother's husband or partner (this includes same sex partners);
- Have worked continuously for the Council for 26 weeks leading into the 15<sup>th</sup> week before the baby is due;
- Be able to provide a copy of the expectant mothers' MAT B1 as evidence of their entitlement to Statutory Paternity Pay (SPP).

## **3. Length of Paternity Leave**

- 3.1 Eligible employees will be entitled to choose to take either one week or two consecutive weeks' paternity leave (not odd days).

## **4. Timing of the Leave**

- 4.1 An employee may choose to start their paternity leave from the date of the child's birth (whether this is earlier or later than expected), or from a chosen number of days or weeks after the date of the child's birth (whether this earlier or later than expected), or from a chosen date.
- 4.2 Leave can start on any day of the week on or following the child's birth but must be completed:
  - Within 56 days of the actual date of birth of the child, or
  - If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.
- 4.3 Only one period of leave will be available to employees irrespective of whether more than one child is born as a result of the same pregnancy.

## **5. Statutory Paternity Pay**

- 5.1 During their paternity leave, most employees will be entitled to Statutory Paternity Pay (SPP) from the Council.
- 5.2 Statutory Paternity Pay will be paid by the Council for either one or two consecutive weeks as the employee has chosen. The rate of SPP will be the same as the standard rate of Statutory Maternity Pay – from April 2019, this will be £151.97 a week or 90% of average weekly earnings if this is less than £151.97.
- 5.3 Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes (£120 as of April 2020) will not qualify for SPP.

Employees who do not qualify for SPP, or are normally low paid, may be able to get Income Support while on paternity leave.

## **6. Occupational Paternity Leave**

6.1 With effect from 6<sup>th</sup> April 2003 the first week of paternity leave will be paid at full contractual pay and the second week at Statutory Paternity Pay. Contractual paternity pay will be paid to all fathers irrespective of length of service and earnings.

## **7. Maternity Support Leave**

7.1 Maternity support leave, provided by part 2, paragraph 7.6 of the Green Book, is a right to one weeks leave paid at normal contractual pay to the nominated carer of an expectant mother at or around the time of birth.

7.2 Employees who qualify for statutory paternity leave will be paid under the paternity leave scheme. Employees who do not qualify for statutory paternity leave, i.e. a nominated carer, will not be entitled to statutory paternity leave but should apply for maternity support leave.

## **8. Notice of Intention to take Paternity Leave**

8.1 Employees will be required to inform the Town Clerk of their intention to take paternity leave by the 15<sup>th</sup> week before the baby is expected, unless this is not reasonably practicable

The employee will need to advise the Town Clerk:

- The week the baby is due;
- Whether they wish to take one or two-week's leave;
- When they want their leave to start. i.e. immediately following the birth of the baby or a number of days after;
- That he or she is in an enduring relationship with the mother, will be responsible for the child's upbringing and will be taking time off to support the child's mother or care for the child.

8.2 An employee should complete a 'Request for Paternity Leave' if they wish to apply for statutory paternity leave or maternity support leave. This must be returned to the Town Clerk, which will then be forwarded to be processed for payroll.

8.3 An employee will be able to change their mind about the date on which they want their leave to start providing they inform the Town Clerk 28 days in advance. However, there will be an element of flexibility as their desired date will depend very much upon when the baby arrives.

8.4 An employee will still qualify for paternity leave if the child is stillborn after 24 weeks of pregnancy or dies.

## **9. Sickness and Paternity Leave**

9.1 In the event of an employee being unwell prior to a period of paternity leave, paternity leave can be postponed and can be booked when the employee is better. However, paternity leave must be taken within 56 days of the birth of the baby.

9.2 If an employee is unable to return to work after a period of paternity leave, due to illness, they should follow the normal procedures for sickness absence and notification.

9.3 Where an employee is certified as sick during paternity leave, there is no right to payment of contractual sick pay, and paternity pay will continue to be paid.

## **10. Review of Policy**

The policy will be reviewed regularly in conjunction with changes to legislation that may impact upon it.