



Paternity Leave

Introduction

This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave. The Charity recognises that, from time to time, employees may have questions or concerns relating to their paternity rights. It is the Charity's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the paternity provisions are complex, employees should clarify the relevant procedures with the HR department to ensure that they are followed.

Paternity leave

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' paternity leave provided that they have 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave. A separate policy is available in respect of adoption leave. To be eligible for paternity leave, the employee must have 26 weeks' continuous service ending with the week in which the child's adopter is notified of having been matched with the child for adoption.

To qualify for paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

Paternity leave is granted in addition to an employee's normal annual holiday entitlement. Paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

Employees who wish to take both paternity leave and shared parental leave (see below) must take their period of paternity leave first. An employee cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child.

Data protection

When managing an employee's paternity leave and pay, the Charity processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs the Charity that they plan to take paternity leave is held

securely and accessed by, and disclosed to, individuals only for the purposes of managing their paternity leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Charity's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Charity's disciplinary procedure.

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 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 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.

Statutory paternity pay

Pay during paternity leave will be at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. 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 and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

Time off for antenatal care

Employees have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments. The Charity's policy is that this time off will be paid.

To be eligible to take this form of time off, the employee could be the husband or civil partner of the pregnant woman, or could be living with the pregnant woman in an enduring family relationship. In addition, the employee will be eligible for the time off if he is the biological father of the expected child. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The Charity expects that normally no more than half a day is needed for an antenatal appointment, but the employee's leave includes the time needed to travel to the appointment and any waiting time needed at the appointment, and can be for a maximum of six-and-a-half hours on each occasion.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should in the first instance contact your Director.

The employee should endeavour to give their line manager as much notice as possible of when they need the time off for the antenatal appointment and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Time off to attend adoption appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).

The purpose of the appointment is to enable the employee to have contact with the child (for example, to bond with them before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

The Charity will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

Shared parental leave

Please refer to Shared Parental Leave Policy.

Key Legislation

- Data Protection Act 2018
- Paternity and Adoption Leave Regulations 2002 (SI 2002/2788)
- Shared Parental Leave Regulations 2014 (SI 2014/3050)
- Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014 (SI 2014/3054)
- Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)
- General Data Protection Regulation (2016/679 EU)

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