

# SPENNYMOOR TOWN COUNCIL



## PATERNITY LEAVE POLICY

<b>Author of Policy:</b>	Town Clerk
<b>Date Effective From:</b>	27 October 2020
<b>Policy Review: When &amp; By Whom</b>	7 October 2020 Constitution Working Group
<b>Next Review:</b>	February 2022
<b>Version Control:</b>	V3

In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's Website [www.spennymoor-tc.gov.uk](http://www.spennymoor-tc.gov.uk) and copies of this document will be available for inspection on deposit in the Council Offices, Town Hall, Spennymoor. Costs are as per the model publication scheme.

# 1. Introduction

- 1.1 Spennymoor Town Council recognises that employees may wish to take time off work to support the parent who has given birth to a baby or look after the baby.

# 2 Scope

- 2.1 The scheme applies to all Town Council employees.

# 3 Authority

- 3.1 The Town Clerk is accountable for the proper application of the Paternity Leave Scheme.

# 4 Legal Framework

- 4.1 These provisions take account of the framework of statutory rights as set out in the Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the Employment Act 2002. The details of these rights are set out in supporting regulations: The Paternity and Adoption Leave Regulations 2002, as amended by the Paternity and Adoption Leave (Amendment) Regulations 2006, The Children and Families Act 2014 and The Paternity and Adoption Leave (Amendment) (no 2) Regulations 2014.

# 5 Provisions

- 5.1 The Council provides one type of paternity leave, Ordinary Paternity Leave.

# 6 Ordinary Paternity Leave

- 6.1 To be eligible for Ordinary Paternity Leave an employee must:
  - Have, or expect to have responsibility for the child's upbringing;
  - Be the biological parent of the child or be married to, or the partner of the person who has given birth;
  - Have worked continuously for the Council for 26 weeks leading into the 15<sup>th</sup> week before the baby is due and be employed continuously during the pregnancy up to the actual date the baby is born.

6.2 Employees may choose to take leave (as outlined below) any time up to 8 weeks after the date of birth. The leave is based on the employee's normal working week, pro rata for part time employees.

- **one or two whole weeks**

## 7 Process

7.1 Employees must complete the Application for Ordinary Paternity Leave Form (Appendix 1), arrange for it to be authorised by their line manager and return it to: Finance Section by the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC). The Line Manager will confirm authorisation of leave.

7.2 If the baby is born early the employee can choose to take their leave any time between the actual date of birth and the end of an 8 week period running from the Sunday of the week the baby was originally due.

7.3 Where the employee has chosen to start his/her leave on the date the child is born and he/she is at work on this date, his/her leave will begin on the following day.

7.4 The employee must notify the Line Manager of the date the child was born, as soon as is reasonably practicable.

7.5 The employee may change the proposed date providing he/she gives 28 days' notice.

## 8 Payment

8.1 Employees will receive Statutory Paternity Pay for each week of their Paternity Leave. This will be the lower of 90% of average weekly earnings or the current SPP rate. The employee must have average weekly earnings which are no less than the current National Insurance lower earnings limit in the 8 weeks prior to the qualifying week.

## 9 Shared Parental Leave

9.1 Shared Parental Leave (SPL) is a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year. The amount of leave available is calculated using the entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

9.2 More details on shared parental leave can be obtained by reading the Shared Parental Leave Policy.

## 10 Time Off for Ante-Natal Appointments

10.1 An expectant spouse or partner of a pregnant person is entitled to take unpaid time off work to accompany them to up to 2 of their ante-natal appointments.

10.2 Employees and qualifying Agency Workers (workers are required to have been doing the same kind of job for the Council for at least 12 weeks) are entitled to time off to accompany an expectant person to their ante-natal appointments if they are:

- The baby's parent;
- The expectant person's spouse, their civil partner, or partner (of either sex) in an enduring relationship; or,
- Intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a Parental Order in respect of that child.

10.3 Employees are entitled to unpaid leave for 1 or 2 appointments.

10.4 The employee is not required to provide evidence of such appointments, as they are considered the property of the expectant person attending the appointment. However, the employee should complete the attached declaration (Appendix 2) stating the date and time of the appointment, that they qualify for the unpaid time through their relationship with the pregnant person or child and that the time off is for the purpose of attending the ante-natal appointment.

10.5 There is no qualifying period for employees – they are entitled to receive this entitlement from day one, providing they meet the qualifying criteria in paragraph 10.2.

## 11 Contractual benefits

11.1 You are entitled to the benefit of your normal terms and conditions of employment, except for terms relating to wages or salary throughout your paternity leave. You may however be entitled to SPP for this period.

11.2 You will continue to remain bound by any obligations arising under your contract of employment.

## 12 Return to work after paternity leave

12.1 You are entitled to return to the same job following no more than two weeks' paternity leave. If, however, you take two or more consecutive periods of statutory leave (which could include additional adoption leave or parental leave of more than four weeks), you will be entitled to return to the job in which you were employed before your absence or, if that is not reasonably practicable for the Council, then to return to another job which is both suitable and appropriate in the circumstances.

12.2 You have the right to return:

- with your seniority, and similar rights
- on terms and conditions not less favourable than those which would have applied if you had not been absent.

12.3 You will not be subject to any detriment by the Council because you took or sought to take paternity leave.

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## Application for Ordinary Paternity Leave

**Part A to be completed by the member of staff** - Please complete the form in BLOCK CAPITALS.

Title: Mr / Mrs / Miss / Ms	
First Name	
Surname	
Job Title	
Department/Section	
Home Address	
Tel Number (Work)	
Tel Number (Home)	Mobile:

I wish to inform you that I intend to take Ordinary Paternity Leave as follows:

Expected date paternity leave period to commence\* \_\_\_\_\_

Expected return to work date \*\* \_\_\_\_\_

Partner's Expected Week of Childbirth (EWC) or expected date of placement for adoption:

\*Your paternity leave cannot begin prior to the baby's birth/date of placement for adoption, but you can state that you wish your paternity leave to start on the day your child is born.

\*\*Ordinary paternity leave must be taken in blocks of either one or two weeks

***I declare that I:***

- am the baby's biological parent / married to the expectant person / living with the expectant in an enduring family relationship, but am not an immediate relative  
(please delete as applicable)
- will have responsibility for the child's upbringing
- will take time off work to support the person who has given birth or care for the child.
- have provided a copy of my partner's MAT B1/matching certificate with this form

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

PTO

Please ensure you have discussed this application with your Line Manager and provided them with a copy of this form.

**This form must be returned to the Finance Section 15 weeks before your baby's due date, or within 7 days of receiving a matching certificate for adoption.**

**Section to be completed by Line Manager**

**Approved by: Manager Signature: Date:**

**Employee informed of approval by: Date:**

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## Request for time off to accompany a pregnant person at an antenatal appointment

Title: Mr / Mrs / Miss / Ms	
First Name	
Surname	
Job Title	
Department/Section	
Home Address	
Tel Number (Work)	
Tel Number (Home)	Mobile:

**Date of appointment:** ..... **Time of appointment:** .....

**I have the following relationship with the pregnant person I am accompanying to an antenatal appointment or the expected child (please tick as appropriate)**

- I am the spouse/Civil partner
- I live with the pregnant pregnant in an enduring family relationship
- I am the parent of the expected child
- I am the intended parent in a surrogacy situation

**Section B: I declare the following to be true (please tick each box)**

- My purpose in taking time off is to accompany the above pregnant person at an ante-natal appointment
- The ante-natal appointment has been made on the advice of a medical practitioner, midwife or nurse

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Section to be completed by Line Manager**

**Approved by (name):** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Manager Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Employee informed of approval by:**

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**Date:**

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