



PATERNITY LEAVE POLICY

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Destroy All Previous Issues

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Approval

Version	Name	Position	Signature	Approved Date
V2.0	S Longland	HR Employee Relations manager		13 Jan 2011
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Glossary

Term	Description

1 INTRODUCTION

It is the policy of Badger (“the Company”) to ensure that as far as possible our employees are able to combine their career and family responsibilities. We recognise that it is important for employees to support their partners following the birth of their children.

This policy sets out the statutory rights and responsibilities of employees whose baby is due on or after 5 April 2015 and who wish to take paternity leave. The policy also covers the entitlement of employees who wish to take paternity leave in an adoption situation, in relation to children placed for adoption

Badger recognises that, from time to time, employees may have questions or concerns relating to their paternity rights. It is the organisation'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.

2 ORDINARY 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' ordinary paternity leave provided that he/she has 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

Ordinary 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 ordinary 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 ordinary 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 ordinary 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.

Ordinary paternity leave is granted in addition to an employee's normal annual holiday entitlement. Ordinary 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. Ordinary 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 ordinary paternity leave and shared parental leave (see Badger's

Shared Parental Leave Policy) must take their period of ordinary paternity leave first. An employee cannot take ordinary paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.

3 PROVISION FOR ORDINARY PATERNITY LEAVE IN THE EVENT OF DEATH OF THE BABY

If the employee's wife or partner gives birth to a stillborn baby, the employee is entitled to Ordinary Paternity Leave if the stillbirth happens after 24 weeks of pregnancy. If the stillbirth happens before the end of the 24th week of pregnancy, the employee may take sick or compassionate leave, at the discretion of the Human Resources Manager.

If the baby is born alive but later dies, the employee is still entitled to Ordinary Paternity Leave.

4 ORDINARY STATUTORY PATERNITY PAY (SSP)

Pay during ordinary 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 ordinary SPP.

SPP is treated as earnings and is therefore subject to PAYE and national insurance deductions.

SPP can start from any day of the week in accordance with the date the employee starts his/her paternity leave.

5 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. This time off will be unpaid. Alternatively the employee may wish to take holiday or time off in lieu.

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 organisation 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 their line manager or the HR department.

The employee will be asked to fill in a form, which is available on Adastra or from the HR department.

The employee should endeavour to give his/her line manager as much notice as possible of when he/she needs 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.

6 TIME OFF TO ATTEND ADOPTION APPOINTMENTS

From 5 April 2015, 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 him/her 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 organisation 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).

The organisation will ask the individual to sign a declaration confirming that he/she has elected to exercise his/her right under either s.57ZJ or s.57ZL of the Employment Rights Act 1996 to take time off to attend an adoption appointment. The organisation will ask for the declaration on the first occasion on which the individual asks for time off to attend an adoption appointment.

7 ADDITIONAL PATERNITY LEAVE

Additional paternity leave is available in relation to babies due before 5 April 2015. Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother has returned to work.

In relation to children being placed for adoption before 5 April 2015, additional paternity leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work.

8 PROCEDURE FOR ORDINARY PATERNITY LEAVE

The employee must inform Human Resources of the employee's intention to take Ordinary Paternity Leave by the end of the 15th week before the baby is expected, unless this is not reasonably practical. The employee will be required to supply the following information:

- The week the baby is due; and
- Whether they wish to take one or two weeks leave; and
- When they want their leave to start.

The employee can change their mind about the date on which they want their leave to start providing they inform Human Resources in writing at least 28 days in advance.

The employee must inform Human Resources in writing of the date they expect Ordinary Paternity Leave Payments to start at least 28 days in advance.

Human Resources will, on receiving the above details, write to the employee to confirm the details that have been provided.

The employee does not have to give notice of their return to work unless they wish to return early, in which case they must give notice to Human Resources.

9 ORDINARY PATERNITY PAY

Where the employee is eligible for Ordinary they may also be eligible for Statutory Paternity Pay.

Ordinary Statutory Paternity Pay (OSPP) will be paid for up to 2 weeks for Ordinary Paternity Leave as the employee has chosen and will be paid at the Prescribed Weekly Rate (*current rate available from the HMRC website*) or 90% of the employee's average weekly earnings if they are less than the Prescribed Weekly Rate.

Employees who receive average weekly earnings below the lower earnings limit for National Insurance will not qualify for Statutory Paternity Pay ("SPP"). Employees who do not qualify for SPP, or who are normally low paid may be able to get income support while on Ordinary Paternity Leave. Additional financial support may be available. Further Information is available from your local Jobcentre Plus Office.

10 SHARED PARENTAL LEAVE

Shared parental leave is available in relation to babies due on or after 5 April 2015 (or, in the case of adoption leave, children placed for adoption on or after 5 April 2015). Shared parental leave enables mothers or adopters to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner. (See Badger's Shared Parental Leave policy)

An employee can choose to take both ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first. An employee cannot take ordinary paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.

11 RIGHTS DURING ORDINARY PATERNITY LEAVE PERIOD

All employees have the following rights whilst absent on Ordinary Paternity and/or Shared Parental Leave:

- a. The employee's contract of employment subsists throughout their absence for Ordinary Paternity and/or Shared Parental Leave and they will continue to benefit from their terms and conditions of employment, except for the right to remuneration.
- b. Before the commencement of Ordinary Paternity and/or Shared Parental Leave the employee will be informed of the arrangements for covering their work and for remaining in contact with the Company whilst they are on leave. As far as possible such arrangements will be finalised in consultation with the employee, who will be reasonably involved in decisions relating to the temporary reporting arrangements to cover their Paternity Leave.

Employees on Ordinary Paternity Leave and/or Shared Parental leave will remain on circulation lists for internal memoranda and other documents and will be included in invitations to work-related social events as if they were still at work. Where appropriate, if the employee has executive/managerial/supervisory responsibilities we will try to ensure that the employee is given the opportunity for consultation about key decisions taken in their absence.

- c. As far as reasonably possible we will seek to defer key decisions until the employee's return from Ordinary Paternity and/or Shared Parental Leave.
- d. The employee will be entitled to return to the same job on the same terms and conditions following Ordinary Paternity and/or Shared Parental Leave.

12 POST PATERNITY LEAVE

On the employee's return to work from Ordinary and/or Shared Parental Leave, they will be provided with the opportunity of indicating whether they wish to be considered for flexible working.

The opportunities for flexible working will depend on the needs of the business but we recognise that some working parents will be interested in reducing their working hours for a while after their return from Ordinary and/or Shared Parental Leave. We will make reasonable efforts to accommodate requests for part-time working and other forms of flexible work arrangements, provided that the employee's duties can still be effectively carried out on such a basis.

Where the demands of the post require full-time cover, for example because of its managerial content or because of a heavy workload, then it may still be possible for two suitably matched and qualified people to carry out the duties on a job-share basis. We will review all requests for flexible working in accordance with statutory guidance and requirements and consider whether arrangements can be made to accommodate them. Employees who change to working on a part-time or job-share basis will be offered appropriately adjusted contracts of employment containing their new terms and conditions. Their continuity of employment and all related rights will be preserved.

13 APPENDIX 1

HR-F-091 – Paternity Leave Request Form



PATERNITY LEAVE REQUEST	
Name of employee:	
Department:	
Expected week of child's birth (the Sunday at the beginning of the week in which the child is expected to be born):	
Actual date of child's birth (if applicable):	
I hereby give notice of my intention to take one week's/two consecutive weeks' paid/unpaid ordinary paternity leave starting:	Please tick as appropriate:
on the date on which the child is born OR	
..... days after the child is born OR	
on(a date later than the first day of the child's expected week of birth)	
I declare that:	Please tick as appropriate:
I am the child's biological father OR	
I am married to the child's mother OR	
I am the civil partner of the child's mother OR	
I am the cohabiting partner of the child's mother	
AND	
I will have responsibility for the child's upbringing	
AND	
I will be absent from work for the purpose of caring for the child or supporting the child's mother	
Signed:	Date:

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14 APPENDIX 2

HR-F-092 – Request for Paternity Leave (for adoptive child)



REQUEST FOR PATERNITY LEAVE (FOR ADOPTIVE CHILD)	
Name of employee:	
Department:	
Date on which adopter was notified of match with child:	
Date on which child is expected to be placed with adopter:	
Actual date of placement for adoption (if applicable):	
I hereby give notice of my intention to take one week's/two consecutive weeks' paid/unpaid ordinary paternity leave starting:	Please tick as appropriate:
on the date on which the child is placed for adoption OR	
days after the child is placed for adoption OR	
On (a date later than the date the child is expected to be placed for adoption)	
I declare that:	Please tick as appropriate:
I am jointly adopting the child with my partner/spouse/civil partner OR	
I am married to the child's adopter OR	
I am the civil partner of the child's adopter OR	
I am the cohabiting partner of the child's adopter	
AND	
I will have responsibility for the child's upbringing	
AND	

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