

# Paternity– Employee Guide

This new version of the paternity guide applies to employees with babies due or children placed with them for adoption and also for having a baby through a surrogacy arrangement.

This guide is a step-by-step guidance to employees for arranging for paternity leave and pay.

This paternity guide is in compliance with the government policy on paternity. Employee must read and fully understand the policy by visiting <https://www.gov.uk/paternity-pay-leave>

Paternity leave will not count towards Parental Leave.

## Leave for antenatal appointments

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. Your manager may ask for a signed declaration confirming: your relationship to the mother or her expected child and the time and date of the appointment; the purpose of the time off.

You should endeavour to give your line manager as much notice as possible of when you 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.

## Fathers and Partners

Fathers, partners and civil partners of a pregnant woman are entitled to unpaid time off during working hours to accompany her to 2 ante-natal appointments. This also includes the intended parents if they're having a baby through a surrogacy arrangement. Details are available on [this website](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361292/bis-14-1063-time-off-to-accompany-a-pregnant-woman-to-ante-natal-appointments-employer-guide.pdf) ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/361292/bis-14-1063-time-off-to-accompany-a-pregnant-woman-to-ante-natal-appointments-employer-guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361292/bis-14-1063-time-off-to-accompany-a-pregnant-woman-to-ante-natal-appointments-employer-guide.pdf))

The right to time off is capped at a maximum of six-and-a-half hours on each occasion, which can include travelling time, waiting time and attendance.

## Adoptions

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

The main adopter will be able to take paid time off for up to 5 adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to 2 appointments.

The right to 2 unpaid antenatal appointments will also extend to those who will become parents through a surrogacy arrangement, if they expect to satisfy the conditions for, and intend to apply for, a Parental Order for the child.

## Notification of ordinary paternity leave - BIRTH OF A CHILD

Where you wish to request ordinary paternity leave in respect of a birth child, you must make a request in writing by completing the intranet form and submit a copy of the mother's Certificate of Confinement (MATB1 Form), and provide with:

- 28 days' notice of the date on which his/her partner's baby is due,
- the length of ordinary paternity leave he/she wishes to take, and
- the date on which he/she wishes the leave to commence



If you wish to change the timing of the ordinary paternity leave, you must give 28 days' written notice to your line manager of the new dates.

If you have chosen to start paternity leave on a pre-determined date, and the child is not born on or before that date, you must change your choice of date and notify your Manager of the change as soon as possible.

If you have elected to start paternity leave on the date the child is born and you are at work on that date, leave will start the following day.

You will need to take your paternity leave within 365 days of the actual date of birth of the child. Paternity leave can't start until the birth of the baby; you may be able to take some annual leave before. This can be split into two separate weeks, rather than two consecutive weeks.

If you wish to take both ordinary paternity leave and shared parental leave (see [Additional Paternity Leave](#) below) then you must take the period of ordinary paternity leave first.

### **Notification – Ordinary Paternity Leave: ADOPTION**

In the case of an adopted child, you must give written notice using the Intranet process no later than seven days after the date on which notification of the match with the child was given by the adoption agency. More details available on <https://www.gov.uk/paternity-pay-leave/adoption>.

A period of Paternity leave when adopting a child can start:

- On the date of placement.
- An agreed number of days after the date of placement.
- On the date the child arrives in the UK or an agreed number of days after (for overseas adoption).
- The day the child is born or the day after for surrogate parents

The notice must specify the following:

- 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

You may change the date on which you want your paternity leave to start providing you notify your manager of the change at least 28 days before leave was due to start.

### **Adoptions from Overseas**

If you have adopted a child from overseas, you may still be entitled to additional adoption leave. Special rules apply in these circumstances and the form and notice period is different. The process is explained on form SC5. (This form is found on [www.gov.uk](http://www.gov.uk))

## Surrogacy arrangements

If you use a surrogate to have a baby, you will be eligible for Paternity Pay and Leave.

Further you must:

- be in a couple
- be responsible for the child (with your partner)
- have worked for your employer continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week')

At least 15 weeks before the due date, you must inform your manager when the baby is due and when you want to start your leave - they may ask for this in writing.

Your manager may ask for a written statement to confirm you intend to apply for a [parental order](#) in the 6 months after the child's birth. You must sign this in the presence of a legal professional.

## Ordinary Statutory Paternity Pay

Paternity Pay is paid for a maximum of 2 weeks. In accordance to the National agreement on pay and conditions laid out by the NJC for local government services, you will be on full pay for a week (similar to maternity support leave) and the second week is paid at the rate set by the government for the relevant tax year or 90% of your average weekly earnings (whichever is less).

To qualify for paternity pay you must have average earning at or above the lower earnings limit for the payment of National Insurance contributions.

Your average weekly earnings is calculated by taking your average earning over the 8 weeks immediately leading up to the notification week (i.e. 15 weeks before the expected week of childbirth, or the date of placement of the child).

Statutory Paternity Pay will begin at the same time as your paternity leave commences and will be paid on the same date that salary would have been paid and will be subject to deductions for tax, National Insurance and any pension contributions in the usual way.

You can calculate your leave and pay entitlements here - <https://www.gov.uk/pay-leave-for-parents>

## Shared Parental Leave

You and your partner may wish to take shared parental leave. Your partner is able to commit to ending his/her maternity leave early, and to share the untaken balance of leave as Shared parental leave and pay with you.

You can choose to take both ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first. You cannot take ordinary paternity leave if you have already taken a period of shared parental leave in relation to the same child.

## Rights on & after return to work from Paternity leave

On resuming work after ordinary paternity leave, you will be entitled to return to the same job you were employed in before beginning your paternity leave and on the same terms and conditions as if you had not been absent.

## **Maternity Support Leave**

A nominated carer of the expectant mother may also request up to five days maternity support leave (at around the time of birth) on full pay. (A nominated carer is the person chosen by the mother to provide care and support to her and her new baby). Maternity support leave will not be granted to a nominated carer where the father or partner is an employee of the Council. Only one period of maternity support leave will be granted within any one -leave year.

Employees must submit a copy of the Certificate of Confinement (MATB1 Form) along with the notification of intention to take Paternity leave from the intranet before the end of the 15th week before the due date or as soon as reasonably practicable.

They must notify their manager in writing of the following before the end of the 15th week before the due date or as soon as reasonably practicable:

- the due date
- the length of leave they wish to take
- the date on which they want leave to begin

If you change your mind about the date you wish to begin your leave, you must provide at least 28 days' notice in advance to your manager or as soon as reasonably practicable.

## **Parental Bereavement Leave**

If the baby is stillborn after 24 weeks of pregnancy or dies later, Parental Bereavement Leave will apply.

## **Further Information and Advice**

Further help and advice can be obtained through your line manager or a HR Specialist.