



## Bishopston Community Council

# PATERNITY POLICY

**NB:**

This is a non-contractual procedure which will be reviewed and amended from time to time.

Approving committee	Full Council
Date of committee meeting	<b>July 2024</b>
Policy version reference	<b>V1.0</b>

# Bishopston Community Council

## PATERNITY POLICY

### Contents

<b>SECTION</b>	<b>PAGE</b>
<b>Introduction</b>	<b>3</b>
<b>Eligibility</b>	<b>3</b>
<b>Ante-natal appointments</b>	<b>3</b>
<b>Paternity leave</b>	<b>4</b>
<b>Notification of paternity leave</b>	<b>4</b>
<b>Statutory paternity pay (SPP)</b>	<b>5</b>
<b>Employees in surrogacy arrangements</b>	<b>5</b>
<b>If you lose your baby</b>	<b>5</b>
<b>Shared parental leave</b>	<b>6</b>
<b>Requesting a change to pattern of work</b>	<b>6</b>
<b>Data protection</b>	<b>6</b>

## Introduction

The purpose of this policy and procedure is to provide clear information about paternity provisions. This document sets out the Bishopston community council policy on paternity leave and pay.

Immediately an employee discovers their partner is pregnant, they should make the council aware. Ordinary paternity leave is also available to adoptive parents (either the adoptive father or the adoptive mother) where a child is matched or newly placed with them for adoption.

## Eligibility

To qualify for ordinary paternity leave and pay, an employee will need to have at least 26 weeks service by the end of the 15th week before the expected week of childbirth (EWC) or ending with the week in which they were notified of having been matched with the child. They must also have, or expect to have, responsibility for the upbringing of the child.

To be eligible the individual must:

- be an employee
- give the correct notice (give your employer at least 15 weeks' notice).
- have been continuously employed by the community council for at least 26 weeks up to any day in the 'qualifying week'

For adoptions in the UK, the qualifying week is the week the employee is matched with the child.

For overseas adoptions, this is either:

- the week the child enters the UK
- the week the employee wants their pay or leave to start

They must also meet the other eligibility criteria for paternity leave or pay.

There are special rules for some employee situations, for example if they leave or become sick.

## Ante-natal appointments

An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment.

"Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply for a Parental Order for the child born through that arrangement. Employees who are adopting a child are entitled to take time off to attend adoption appointments (details available upon request).

The employee should endeavour to give the council as much notice as possible of when they need the time off for the antenatal appointment. The community council may ask for a declaration stating the date and time of the appointment and that the employee qualifies for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

Employees who are adopting can take unpaid leave to attend 2 adoption appointments after they've been matched with a child. They can take up to 6 and a half hours per appointment.

## **Paternity Leave**

An employee whose partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' paternity leave.

Paternity leave can be taken either 1 or 2 weeks' leave. If the employee chooses to take 2 weeks, they can be taken together or separately. The same amount of leave applies even if they have more than one child (for example, twins).

A week of leave is the same amount of days that the employee is contracted to work in a week. For example, if they only work on Mondays and Tuesdays, then a week of leave is 2 days.

Paternity leave cannot start before the birth. It must end within 52 weeks of the birth (or due date, if the baby is early). The start and end dates rules are different for adoption.

The employee must give the community council 28 days' notice in writing if they want to change the start date.

A precise date of when they want to take leave does not have to be given. Instead they can give a general time, such as the day of the birth or one week after the birth.

If the employee chooses to start their OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, they must change the date they want to start their leave and notify us in writing as soon as they reasonably can. If they take both OPL and shared parental leave they must take ordinary paternity leave first.

## **Notification of Paternity Leave**

The employee must inform the council in writing of their intention to take paternity leave by the end of the qualifying week, unless this is not reasonably practicable. They must tell us:

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

In the case of an adopted child, they must give notice of their intention to take ordinary 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 ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

Employees can change their mind about the date on which they want the leave to start providing they tell their manager in writing at least 28 days in advance (unless this is not reasonably practicable).

The community council can delay the leave or pay start date if the employee does not have a reasonable excuse for giving the wrong amount of notice. To delay it, we will write to them within 28 days of their leave request.

### **Statutory Paternity Pay (SPP)**

The qualifying criteria for payment are:

- be employed by the community council up to the date of birth
- earn an average of at least a certain amount a week (before tax)
- give the correct notice
- have been continuously employed by the community council for at least 26 weeks up to the end of any day in the 'qualifying week'

Employees will qualify for SPP if their weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions. The QW is 15 weeks before the baby is due or the week during which they are notified of being matched with a child for adoption.

Paternity leave will be paid at the prevailing rate of SPP (or 90% of average weekly earnings if this figure is less than SPP).

### **Employees in surrogacy arrangements**

Parents intending to have a child through a surrogacy arrangement may be eligible for Statutory Paternity Pay and Leave.

If the community council asks, the employee must provide us with a written statement to confirm that they've applied or intend to apply for a parental order in the 6 months after the baby's birth.

### **If you lose your baby**

Employees may still get Paternity Leave or Pay if their baby is:

- stillborn from 24 weeks of pregnancy
- born alive at any point during the pregnancy

They can take any leave they booked before losing the baby. If after losing the baby they have leave left to book, they can still book and take this. They must do this within 8 weeks of the death.

They may also be eligible for Statutory Parental Bereavement Pay and Leave.

### **Shared Parental Leave (SPL)**

The birth mother or primary adopter is entitled to curtail their maternity/adoption leave and pay and instead take SPL and pay in conjunction with the child's father (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. Employees wishing to take SPL should advise their line manager as soon as possible so the relevant eligibility criteria and details can be confirmed.

### **Requesting a change to pattern of work**

Employees have the right to request that the organisation considers changing your pattern of work - see the Flexible Working Policy.

### **Data protection**

When managing paternity leave and pay, the community council will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, staff who need to manage paternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.