

Family Friendly Policies - Paternity Leave (Birth)

HR Service Effective from April 2015

1. Introduction

This document summarises paternity leave and pay entitlements under both statutory and national agreements applicable to employees in Bexley employed under 'green book' terms and conditions. (If you are employed under other terms and conditions, please contact the HR Service for advice on how your entitlements may vary).

For further information and advice, please contact the HR Service.

2. Eligibility

You must satisfy the following conditions to qualify for Paternity Leave. You must:

- have or expect to have responsibility for the child's upbringing
- be the biological father of the child or the mother's husband or partner including same sex partner
- have worked continuously for Bexley for 26 weeks ending with the 15th week before the baby is due

Evidence that you meet these conditions will be required before leave is granted (see Self Certificate below).

3. Paternity Leave

Eligible employees can choose to take either one week or two consecutive weeks' paternity leave (not odd days).

You can choose to start your leave from:

- the date of the child's birth (whether this is earlier or later than expected)
- a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected)
- a chosen date later than the first day of the week in which the baby is expected to be born

Leave can start on any day of the week on or following the child's birth but must be completed:

- within 56 days (8 weeks) of the actual date of birth of the child
- if the child is born early, within the period from the actual date of birth up to 56 days after the first day of the expected week of birth

Only one period of leave is available to employees, irrespective of whether more than one child is born as a result of the same pregnancy.

In addition to the paternity leave detailed above you may be entitled to Shared Parental Leave/Pay. Guidance is available under a separate policy.

4. Notice of Intention to take Paternity Leave

You must inform your manager of your intention to take paternity leave by the end of the 15th week before the baby is expected, unless this is not reasonably practical. You must inform your manager:

- the week the baby is due
- whether you wish to take one or two weeks leave
- when you want your leave to start

You should give at least 28 days' notice if you want to change the start date of your leave.

5. Paternity Pay

Paternity pay is comprised of two payments, one statutory and one contractual. Most employees will be entitled to two weeks leave paid at Statutory Paternity Pay (SPP), subject to eligibility. At the same time, one of these weeks may be paid at normal contractual pay under 'green book' terms and conditions of employment. Therefore, the first week of leave will usually be paid at contractual pay (offset against SPP) and the second will be at the current rate of SPP.

To qualify for the statutory element, i.e. SPP you must:

- be eligible for Paternity Leave
- notify your manager of your intention to take paternity leave by the 15th week before the baby is due
- give 28 days' notice of when you would like your SPP to start
- have average weekly earnings above the lower earnings limit for National Insurance purposes for the 8 weeks before the relevant week (i.e. 15th week before the week the baby is due)

Contractual Paternity Pay is effectively the provision for Maternity Support Leave under 'green book' terms and conditions. There are no minimum service requirements, but you should ideally give your manager 21 days' notice of your intention to take paternity leave with pay. You also need to provide:

- a copy of the signed form MAT B1 which the Doctor/Midwife gives the expectant mother
- a signed letter by the expectant mother stating that you are the nominated carer
- dates when the leave is to be taken.

6. Self-Certificate

You must complete a Self-Certificate as evidence of your entitlement to paternity leave and pay. A copy is available at Appendix 1.

Appendix 1 - Application for Paternity Leave and Pay (Birth)

This form should be used to apply for Paternity Leave and Pay. Full details of the Council's Paternity Provisions are available on the [Bexley website](#). The HR Business Centre will confirm your entitlements on receipt of your application.

Complete this form by the end of the 15th week before the baby is expected (or as soon as reasonably practical). Any subsequent changes to the information provided must be notified to the HR Service immediately.

Personal Details

Name: _____

Post Title: _____

Department: _____ Employee No: _____

Paternity Details

Expected Date of Childbirth: _____

Actual date of birth (if already born): _____

I wish to take:

One week's leave

Two weeks leave

I attach a copy of the MAT B1

I would like my leave to start on: _____ (within 8 weeks from when the baby was born).

If you need to change the dates you have provided you must give us 28 days' notice of the new dates. If you cannot tell us what time off you want in time, or the baby is born sooner or later than expected, please contact the HR Service.

Employee Signature: _____ Date: _____

Please sign the declaration form below and ask the mother of the child to complete the mother's declaration.

Declaration (to be signed by all applicants)

In making this application I declare that:

- I am the baby's biological father or
- I am married to or in a civil partnership with the mother, or
- I am living with the mother in an enduring family relationship, but am not an immediate relative
- I will be responsible for the child's upbringing
- I am taking time off work to support the mother or care for the child

Employee Signature: _____ Date: _____

Mother's Declaration (to be signed by the mother of the child)

Mothers Name: _____

I declare that the applicant:

- has been nominated by me to assist me in the care of my child and to provide support to the me at or around the time of birth
- is taking time off work to support the me or to care for my child.

Mother's Signature: _____ Date: _____

Please forward this form to your line manager for operational planning purposes. Your manager should then forward this form without delay to the HR Business Centre, 3rd Floor East, Civic Offices. The Business Centre will then write to you and confirm your entitlements to paternity leave and pay.

Actioned by HR Business Centre (HR use only)

Signature: _____ Date: _____