

# Totton & Eling Town Council

## Paternity Leave Policy

### 1. Introduction

It is the policy of Totton & Eling Town Council 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. A separate policy is available in respect of paternity leave for adoptive parents.

### 2. Aims of the Policy

- 2.1 To provide employees with the time they need to care for their new-born child and support their partner.
- 2.2 To comply with the obligations imposed on the Council by law.

### 3. Antenatal Appointments

Employees have the right to time off to accompany a pregnant woman to up to two antenatal care appointments, if the employee is the father of the baby, or the partner of the pregnant woman. There is no right to be paid for this time off and the employee can take a maximum of six and a half hours for each appointment.

### 4. Paternity Leave

- 4.1 The employee is entitled to a maximum of 2 consecutive weeks (you can elect to take one) Paternity Leave if they:
  - 4.1.1 Have or expect to have responsibility for the child's upbringing; and
  - 4.1.2 Are the biological father of the child or the mother's husband or partner; and
  - 4.1.3 Have worked continuously for the Council for at least 26 weeks ending with the 15<sup>th</sup> week before the baby is due; and
  - 4.1.4 Can provide a self-certificate as evidence that the above criteria have been met.
- 4.2 Paternity Leave should commence from the date of the baby's birth whether earlier or later than expected, or
- 4.3 Paternity Leave can start on any day of the week on or following the birth but must be completed:
  - 4.3.1 within 56 days of the actual date of the baby's birth; or
  - 4.3.2 if the baby is born early, within the period from the actual date of the birth up to 56 days after the first day of the expected week of birth.
- 4.4 Only one Paternity Leave period is available to the employee irrespective of whether more than one child is born as a result of the same pregnancy.
- 4.5 Employees who wish to take both Paternity Leave and Shared Parental Leave (see below) must take their Paternity Leave first.

## **5. Provision for Paternity Leave in the Event of Death of the Baby**

- 5.1 If the employee's wife or partner gives birth to a stillborn baby, the employee is entitled to Paternity Leave if the stillbirth happens after 24 weeks of pregnancy. If the stillbirth happens before the end of the 24<sup>th</sup> week of pregnancy, the employee may take sick or compassionate leave, at the discretion of their Line Manager.
- 5.2 If the baby is born alive but later dies, the employee is still entitled to Paternity Leave.

## **6. Procedure for Paternity Leave**

- 6.1 The employee must inform the HR Officer of the employee's intention to take Paternity Leave by the end of the 15<sup>th</sup> week before the baby is expected, unless this is not reasonably practical. The employee will be required to supply the following information:
  - 6.1.1 The week the baby is due; and
  - 6.1.2 Whether they wish to take one or two weeks leave; and
  - 6.1.3 When they want their leave to start.
- 6.2 The employee can change their mind about the date on which they want their leave to start providing they inform the HR Officer in writing at least 28 days in advance.
- 6.3 The employee must inform HR Officer in writing of the date they expect Paternity Leave Payments to start at least 28 days in advance.
- 6.4 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 the HR Officer.

## **7. Statutory Paternity Pay**

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

## **8. Rights During Paternity Leave Period**

- 8.1 All employees have the following rights whilst absent on Paternity Leave:
  - 8.1.1 The employee's contract of employment subsists throughout their absence for Paternity Leave and they will continue to benefit from their terms and conditions of employment, except for the right to remuneration.
  - 8.1.2 Before the commencement of Paternity Leave the employee will be informed of the arrangements for covering their work and for remaining in contact with the Council 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.

- 8.1.3 All employees on Paternity 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.
- 8.1.4 The employee will be entitled to return to the same job on the same terms and conditions following Paternity Leave.

## **9. Shared Parental Leave**

- 9.1 Shared Parental Leave enables mothers and their partners to choose how they share time off work after the child has been born. An employee can take both Paternity Leave and Shared Parental Leave, provided that the Paternity Leave comes first.
- 9.2 Shared Parental Leave must be taken in a block of at least one week.
- 9.3 Parents who wish to take Shared Parental Leave must comply with the relevant eligibility and notice requirements. The mother's maternity leave must be brought to an end and the employee must, at least eight weeks before the start date of the first period of Shared Parental Leave, provide a written notice showing that he or she is entitled to Shared Parental Leave and giving an initial, non-binding indication of each period of Shared Parental Leave that he or she is requesting.

## **10. Post-Paternity Leave**

- 10.1 On the employee's return to work from Paternity Leave, they will be provided with the opportunity of indicating whether they wish to be considered for flexible working.
- 10.2 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 Paternity 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.

**This policy has been approved & authorised by:**

**Name:** Susan Cutler

**Position:** Town Clerk

**Date:** 21<sup>st</sup> June 2023

**Signature:**