

Paternity Leave Policy

Effective from 6 April 2024

Introduction

This policy sets out the rights of Hastings Borough Council (HBC) employees to paternity leave and pay in relation to children who:

- are expected to be born after 6 April 2024; or
- are expected to be placed for adoption with the adopter (or enter Great Britain for adoptions from overseas) on or after 6 April 2024.

The following definitions are used in this policy:

"Adopter" means the person with whom the child has been or is to be placed for adoption, or where two people have been matched jointly, whoever has elected to be the child's adopter for the purposes of adoption leave.

"Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects them to give birth.

"Matched for adoption" means an adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been "matched for adoption" with a child on the date on which the person receives notification of the adoption agency's decision.

"Official notification" means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue, or has already issued, a certificate to the overseas authority concerned with the adoption of the child, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

"Partner" includes someone, of whatever sex, who lives with the mother, expectant mother, or adopter of the child in an enduring family relationship but who is not the mother's or adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Placed for adoption" means placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").

The policy does not form part of your contract of employment, and we reserve the right to amend it at any time.

Scope

This policy applies to employees employed by HBC. It does not apply to casuals, contractors, consultants, or any self-employed individuals working for the organisation.

Entitlement to paternity leave (birth)

You can take paternity leave for the purpose of caring for the child or supporting the child's mother if:

- you have at least 26 weeks' continuous employment with us at the end of the 15th week before the expected week of childbirth.
- you are the child's biological father and have or expect to have responsibility for the child's upbringing; or
- you are the spouse, civil partner, or partner of the child's mother and have or expect to have the main responsibility (apart from the mother) for the child's upbringing.

To exercise your right to take paternity leave in a birth situation, you must comply with the notification procedure set out below (**see Notice to take paternity leave (birth)**).

Entitlement to paternity leave (adoption)

You can take paternity leave for the purpose of caring for the adopted child or supporting the child's adopter if:

- you have at least 26 weeks' continuous employment with us at the end of the week in which the child's adopter is notified of being matched for adoption (or received the official notification for adoptions from overseas); and
- you are the spouse, civil partner, or partner of the child's adopter, and have or expect to have the main responsibility (apart from the adopter) for the child's upbringing.

If you are one of a couple jointly adopting a child, only one of you will be entitled to take adoption leave and the other parent may elect to take a period of paternity leave, provided that the relevant qualifying conditions are met.

You are not entitled to take paternity leave if you have taken paid time off to attend an adoption appointment in respect of the same child.

To exercise your right to take paternity leave in an adoption situation, you must comply with the notification procedure set out below (**see Notice to take paternity leave (adoption in the UK) or (adoption from overseas)**).

Amount of paternity leave you can take

You can take up to two weeks' paternity leave. You do not have to take your leave in one single period, but the leave must be booked in blocks of at least one week.

This means that you can take the leave in one single block of one week, one single block of two weeks, or two separate blocks of a week each.

A week of paternity leave is the same duration as your normal working week e.g., if you are contracted to work five days per week, one week is five days, if you are contracted to work four days per week, one week is four days and so on.

You can take only two weeks' paternity leave per pregnancy or adoption, even if more than one child is born because of the pregnancy or more than one child is placed under the same adoption arrangement.

Timing of paternity leave

You can start your paternity leave on any day from the child's birth, but it must end within 52 weeks of the birth (or the expected week of childbirth if the child is born early).

In the case of an adopted child, the 52-week period runs from the date on which the child was placed for adoption with the adopter (or the child's entry into Great Britain for adoptions from overseas).

If you wish to take shared parental leave, you must take your paternity leave first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child.

Notice to take paternity leave (birth)

Notice of entitlement (birth)

Before you can take paternity leave, you will need to give your line manager notice in writing, at least 15 weeks before the expected week of childbirth, of:

- the expected week of childbirth; and
- your declaration confirming that you meet the eligibility requirements to take paternity leave.

This form can be found at the end of this policy.

Period of leave notice (birth)

For each occasion that you wish to take a period of paternity leave, you must give your line manager/ further notice in writing of:

- when you want to start your leave (you can choose to take this in one single block or two separate blocks).
- whether you wish to take one or two weeks' leave; and
- your declaration that the purpose of the leave is to care for the child or support the child's mother.

You have three options for when to start a period of paternity leave:

- **On the date of your child's birth:** Notice of your period of leave should be received by your line manager at least 28 days before the first day of the expected week of childbirth.
- **A set number of days after your child's birth:** Notice of your period of leave should be received by your line manager at least 28 days before the start date for that set number of days counted from the first day of the expected week of childbirth.
- **On a predetermined date (which must be no earlier than the first day of the expected week of childbirth):** Notice of your period of leave should be received by your line manager at least 28 days before that predetermined date.

Notice to take paternity leave (adoption within the UK)

Notice of entitlement (adoption within the UK)

Before you can take paternity leave, you will need to give your line manager notice in writing, within seven days after the date on which the child's adopter is notified that they have been matched for adoption, providing:

- the date on which the adopter was notified that they have been matched for adoption.
- the date on which the child is expected to be placed for adoption with the adopter (or, if they have already been placed for adoption, the date of the placement); and
- your declaration confirming that you meet the eligibility requirements to take paternity leave.

This form can be found at the end of this policy.

Period of leave notice (adoption within the UK)

For each occasion that you wish to take a period of paternity leave, you must give your line manager further notice in writing within seven days after the date on which the child's adopter is notified of having been matched for adoption, of:

- when you want to start your leave (you can choose to take this in one single block or two separate blocks);
- whether you wish to take one or two weeks' leave; and
- your declaration that the purpose of the leave is to care for the child or support the child's adopter.

You have three options for when to start a period of paternity leave. You can start the leave:

- on the date on which the child is placed for adoption.
- a set number of days after the child is placed for adoption; or
- on a predetermined date, which must be no earlier than the first day of the child's placement for adoption.

Notice to take paternity leave (adoption from overseas)

Notice of entitlement (adoptions from overseas)

Before you can take paternity leave, you will need to give your line manager notice in writing within 28 days after the date on which the child's adopter receives the official notification (or the date on which you complete 26 weeks' continuous employment with HBC if that is later), of:

- the date on which the adopter received the official notification.
- the date on which the child is expected to enter Great Britain (or, if they have already entered Great Britain, the date of entry); and
- your declaration confirming that you meet the eligibility requirements to take paternity leave and that the child's adopter has received the official notification.

This form can be found at the end of this policy.

Period of leave notice (adoption from overseas)

For each occasion that you wish to take a period of paternity leave, you must give your line manager further notice in writing of:

- when you want the leave to start (you can choose to take this in one single block or two separate blocks).
- whether you wish to take one or two weeks' leave; and
- your declaration that the purpose of the leave is to care for the child or support the child's adopter.

You have two options for when to start a period of paternity leave:

- **On the date of your child's entry into Great Britain:** Your period of leave notice should be received by your line manager at least 28 days before the date on which the child is expected to enter Great Britain.
- **On a predetermined date (which has to be no earlier than the date of your child's entry into Great Britain):** Your period of leave notice should be received by your line manager at least 28 days before that predetermined date.

You must also give your line manager written notice of the date when your child entered Great Britain within 28 days of entry, or written notice that the child will not be entering Great Britain until a future date, as soon as possible after you become aware of this fact.

Late notice

If extenuating circumstances mean that it is not possible for you to meet the deadlines for giving notice as set out in this policy, we will accept later notice than this. Examples of extenuating circumstances include if you have been absent from work on sick leave or if a pregnancy is discovered very late.

In these circumstances, you should let us know that you would like to take paternity leave as soon as you reasonably can.

If there are no extenuating circumstances, you will be unable to take paternity leave. However, we will discuss other options with you, including you and your partner switching to shared parental leave, about you taking annual leave, or about you taking unpaid ordinary parental leave.

Changing your paternity leave plans

If you have submitted a period of leave notice but wish to cancel or vary the timing of your paternity leave, you must inform your line manager at least 28 days before the original date stated in your period of leave notice, or the revised start date, whichever is earlier.

Please speak to your manager and resubmit the form at the end of this policy.

Statutory paternity pay (enhanced)

Statutory paternity pay is payable during your paternity leave period, if you are entitled to it.

The rate of statutory paternity pay is set by the Government for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower). HBC will offset the difference to make up your full normal pay.

You will qualify for statutory paternity pay if:

- you are entitled to take paternity leave.
- your average weekly earnings are not less than the lower earnings limit for national insurance contributions.
- you remain in continuous employment with HBC on the date the child is born (in a birth situation), is placed for adoption (for adoptions within the UK) or entered Great Britain (for adoptions from overseas).
- you have complied with the relevant notice and evidential requirements and are able to provide the declarations as set out in this policy; and
- you confirm when you wish to start receiving statutory paternity pay within the relevant Form to provide period of leave notice to take paternity leave.

Further information

We may ask you to confirm the date of the child's birth, placement for adoption or entry into Great Britain if you have not already provided this information. You must respond to our request within 28 days, or as soon as is reasonably practicable.

Your rights during paternity leave

During paternity leave, all the terms and conditions of your contract except normal pay will continue. Your pay will be replaced with statutory paternity pay which will be offset by HBC's enhanced scheme to make up to your full normal pay. Other benefits such as holiday entitlement will continue to accrue and pension contributions will continue to be paid.

Returning to work after paternity leave

Following your paternity leave, you generally have the right to resume working in the same job as before on the same terms and conditions that are no less favourable than the terms that would have applied had you not been absent. Your continuity of employment is not affected.

Time off for antenatal appointments

If you have a qualifying relationship with a person who is pregnant, you have a statutory right to take unpaid time off to accompany that person at up to two antenatal appointments.

This could be you if you are the spouse or civil partner of the pregnant person, or you could be living with the pregnant person in an enduring family relationship (and you are not their parent, grandparent, sister, brother, aunt, or uncle). In addition, you will be eligible for the time off if you are the biological parent of the expected child.

To make a request for time off to accompany someone to an antenatal appointment, you will need to seek permission from your line manager and enter this request onto Unit4.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife, or nurse. The right to time off work is limited to a maximum of six-and-a-half hours for each appointment.

You should give your line manager as much notice as possible of when you need the time off for the antenatal appointments and, wherever possible, try to arrange them outside of your core hours or as near to the start or end of your working day.

Time off to attend adoption appointments

If you are adopting a child jointly, one of you can elect to take paid time off to attend up to five adoption appointments. The other adoptive parent is entitled to take unpaid time off to attend up to two adoption appointments.

The parent who takes paid time off is not entitled, later on, to take paternity leave in respect of the child.

To make a request for time off to accompany someone to an antenatal appointment, you will need to seek permission from your line manager and enter this request onto Unit4.

The appointment must have been arranged by or at the request of the adoption agency. The right to time off work is limited to a maximum of six-and-a-half hours for each appointment.

You should give your line manager as much notice as possible of when you need the time off for the adoption appointment and, wherever possible, arrange them as near to the start or end of your working day.

Data protection

When dealing with paternity leave and pay, HBC will process any personal data collected in accordance with our data protection policy. HBC will record only the personal information required and keep the information only for as long as necessary.

Paternity Leave Request Form

Name of employee:	
Department:	
Type of paternity leave (i.e.. Adoption etc)	
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):	
<p>I hereby give notice of my intention to take one week's/two weeks' paid ordinary paternity leave</p>	
No of weeks leave requested (one or two)	
Requested Start Date: (This date can be amended if necessary)	
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:	

This form must be completed at least 15 weeks before the requested start date and passed to your manager for approval

Managers signature:	
Date:	

Once authorised please pass to People and Business Support