

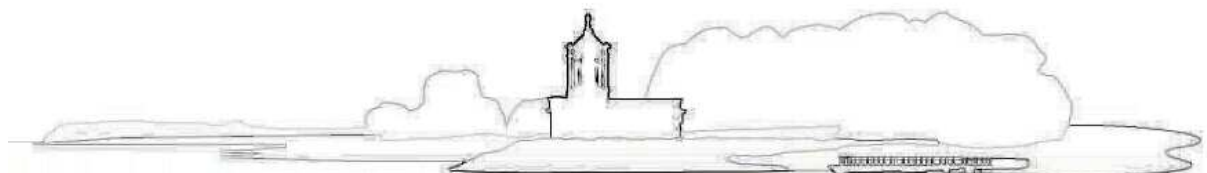


Rutland County Council

POLICY ON PATERNITY LEAVE

Version & Policy Number	Version 1
Guardian	Human Resources Team
Date Produced	1 April 2013
Next Review Date	1 April 2016

Approved by DMT	December 2012
Approved by SMT	December 2012
Approved by LJC	21 February 2013
Approved by EAC	
Approved by Full Council	



Contents

	<i>Page Number</i>
Glossary of Terms	3
1.0 Introduction	4
2.0 Ordinary Paternity Leave	4
2.1 Eligibility	4
2.2 Entitlement	5
2.3 Start date of Leave	5
2.4 Notification Procedures	6
2.5 Changing the date	6
2.6 Annual Leave	7
2.7 Pension contributions	7
2.8 Continuous Service	7
2.9 Returning to work	7
3.0 Ordinary Statutory Paternity Pay	7
3.1 Eligibility	7
3.2 Rates of OSPP	8
3.3 HMRC forms	8
4.0 Maternity Support Leave	8
5.0 Additional Paternity Leave	8
5.1 Eligibility	8
5.2 Notification and Evidential Requirements	9
5.3 Keeping In Touch	10
5.4 Unpaid Additional Paternity Leave	10
5.5 Terms & Conditions	10
5.6 Redundancy	10
5.7 Pension Contributions	10
5.8 Holiday Entitlement	10
5.9 Returning to Work	10
6.0 Additional Statutory Paternity Pay	10
7.0 If you do not qualify for APL or ASPP	11

Glossary of Terms

APL	Additional Paternity Leave
APP	Additional Paternity Pay
ASPP	Additional Statutory Paternity Pay
EWC	Expected Week of Childbirth
KIT	Keeping in Touch days
MAT B1	Certificate issued by a doctor or midwife showing the date on which your baby is due.
MSL	Maternity Support Leave
OPL	Ordinary Paternity Leave
OSPP	Ordinary Statutory Paternity Pay
SAP	Statutory Adoption Pay

1.0 Introduction

This policy applies to direct employees of Rutland County Council and does not apply to individuals employed by schools or colleges.

If an employee is the biological father of the child, or husband or partner to the mother of a baby, they are entitled to either one week's leave at full pay under Maternity Support Leave or 2 consecutive weeks, referred to as Ordinary Paternity Leave. Alternatively, they can substitute 1 of the 2 weeks Ordinary Paternity leave with 1 weeks Maternity Support Leave, making a total of 2 weeks. Additionally, there are new entitlements to Additional Paternity Leave and Pay, where the employee is eligible.

For those who are eligible, the new right is to leave between 2 and 26 weeks which must be taken in complete weeks in one period, after the mother has returned to work. In addition, the mother (or primary adopter in the case of adoption), must have at least two weeks of unexpired Statutory Maternity/Adoption Pay Period remaining.

2.0 Ordinary Paternity Leave

2.1 Eligibility for Ordinary Paternity Leave (OPL)

An employee is entitled to OPL, providing that they meet the following criteria:

Births:

- Are the biological father of the child, the mother's husband or partner, including civil partner
- Have at least 26 weeks local government continuous service by the end of the 15th week before the Expected Week of Confinement (EWC)
- Are taking the time off to support the mother and/or care for the baby and are responsible for the upbringing of the child
- Are working for Rutland County Council from the qualifying week (15th week before EWC) up to the date of birth. If their contract ends before the birth, they do not qualify for leave, unless they start work for an employer covered by the Modification Order (this determines which organisations will allow continuous service in relation to Local Authorities). If their contract ends after the birth they retain their right to leave
- Have notified Rutland County Council of their intention to take paternity leave in line with Rutland County Council's notification guidelines (see 2.4)

UK Adoptions

- Are either one of two parents jointly adopting the child or the partner of someone adopting the child
- Have responsibility for the child's upbringing with the other joint adoptive parent

- Have at least 26 weeks local government continuous service by the end of the week in which the employee is notified of being matched with the child
- Continue to work for Rutland County Council from the qualifying week to the date of the child's placement
- Are taking time off to support the adopter and/or to care for the child

Overseas adoptions

- Are either one of two parents jointly adopting the child or the partner of someone adopting the child individually
- Have responsibility for the child's upbringing with the other joint adoptive parent or the individual adopter
- Have at least 26 weeks local government continuous service into the week that the adopter receives official notification
- Continue to work for Rutland County Council until the point the child enters the UK
- Provide a completed form of declaration (HMRC Form SC6) as evidence that they meet the eligibility criteria.

2.2 Entitlement

An employee is entitled to either one or two consecutive weeks leave. The entitlement cannot be taken as odd days.

2.3 Start date of Leave

The leave can be taken as follows:

Births

- On the day the baby is born
- From a specific date after the first day of the EWC
- From a specific date after the day of the child's birth

UK Adoptions

- On the day the child is placed with the adopter
- From a specific date after the date of the child's placement

Overseas adoptions

- From the date the child enters the UK
- From a specific date after the date of the child entering the UK

Leave can start on any day of the week, but not before the baby is born, placed with the adopter and in relation to overseas adoptions, has not entered the UK.

Leave must finish within 56 days of the baby being born or the expected date of birth, placement with the adopter and, in relation to overseas adoption, within 56 days of the child entering the UK.

Only one period of Ordinary Paternity Leave is available, even if the pregnancy results in more than one child.

Where the baby is born early, the employee can take paternity leave within the period starting from the actual date of birth up to 56 days later. If the baby is born earlier than the 14th week before the EWC the employee will still be eligible, as Rutland County Council will treat them as if they have 26 weeks' service.

An employee can still take Ordinary Paternity Leave if the child is stillborn after 24 weeks of pregnancy.

If the baby dies during or after the date on which it was born, the employee is entitled to OPL.

2.4 Notification procedures for Ordinary Paternity Leave

Births

- Notification of when the employee intends to begin leave to be received by 15th week before the baby is due
- The expected date of the baby's birth
- Whether the employee wish to take one or two weeks leave

UK adoptions

- within seven days of being told by the adoption agency that they've been matched with a child
- whether they wish to take one or two weeks leave

Overseas adoptions

- **Stage 1**
- inform the employee's Line Manager of the date on which the other or main adopter received official notification
and
- the date the child is expected to enter the UK

- **Stage 2**
- give at least 28 days notice of the actual date the employee wants the leave to start

Stage 3

- inform Rutland County Council of the date the child entered the UK
and
- whether the employee wishes to take one or two weeks leave

2.5 Changing the date of Ordinary Paternity Leave

The employee may change the start date of Paternity Leave providing they give at least 28 days notice in writing (or as soon as practicable) of either the new start date or the original start date (whichever is the earliest).

2.6 Annual leave

The employee will continue to accrue statutory and contractual annual leave entitlement through OPL but the employee may not take annual leave during paternity leave, although the employee may take it immediately before or after paternity leave.

2.7 Pension contributions

You will continue to pay pension contributions on the pay **actually received** during any paid period of paternity leave. This period of contribution will be treated as if it were a period throughout which you had normally worked.

2.8 Continuous service

Periods of paternity leave will count towards continuous service, pension and redundancy rights

2.9 Returning to work after paternity leave

The employee will be entitled to return to the same job on the same terms and conditions of employment

3.0 Ordinary Statutory Paternity Pay

3.1 Eligibility

Births

- have been employed by Rutland County Council for at least 26 weeks by the end of the 15th week before the start of the EWC
- have an average weekly gross earnings of £107 or over
- self certify eligibility for OSPP by completing form HMRC SC3 at least 28 days before the OSPP is to start

UK adoption

- have been employed by Rutland County Council for at least 26 weeks by the week in which the adopter is notified of having been matched with a child
- have an average weekly gross earnings of £107
- self certify eligibility for OSPP by giving form HMRC SC4 at least 28 days before the OSPP is due to start
- continue to work for Rutland County Council from the matching week to the date of the placement

Overseas adoption

- have been employed by Rutland County Council for at least 26 weeks by the week that the adopter receives official notification or by the time the employee wants OSPP to begin (whichever is later)
- have an average weekly gross earnings of £107 or over
- self certify the employee's eligibility for OSPP by completing form HMRC SC5 at least 28 days before the employee want OSPP to start
- continue to work up until the point the child arrives in the UK

3.2 Rates of OSPP

OSPP is paid for one or two consecutive weeks at £135.45 or 90% of the employee's average weekly earnings, if this is less.

3.3 HMRC forms

Relevant forms for completion can be downloaded from the HM Revenue and Customs website or the Direct Gov website.

<http://search.hmrc.gov.uk/kb5/hmrc/hmrc/results.page?qt=paternity>

<http://www.direct.gov.uk/en/parents/moneyandworkentitlements/workandfamilies/paternityrightsintheworkplace/index.htm>

4.0 Maternity Support Leave

Maternity Support Leave of 5 days with normal pay will be provided to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth.

Employees who qualify for both paternity leave (this includes same sex partners) and maternity support leave will be entitled to one week's leave with normal pay and one week's leave paid at the same standard rate of SMP.

Employees will be required to provide a copy of the mother's MatB1 in order to qualify for Maternity Support Leave.

5.0 Additional Paternity Leave

5.1 Eligibility

For births or adoptions that take place on or after 3 April 2011, there is a new right to between 2 and 26 weeks' additional paternity leave, to be taken between 20 weeks and 1 year after the child is born or placed for adoption. The entitlement is subject to eligibility as follows:

- The employee must have 26 weeks' continuous employment at the "qualifying week". In the case of birth, the qualifying weeks is the fifteenth

week before the week in which the baby is due; in an adoption case, it is the week in which the adoption match takes place.

- In the case of birth, the employee must be either the father of the child (with responsibility for the child's upbringing) or the partner (of either sex) of the mother (with the main responsibility apart from that of the mother, for the child's upbringing).
- In the case of adoption, the employee must be the adopter's partner (with the main responsibility apart from that of the adopter, for the child's upbringing). Where both members of the couple adopt, only the one who has not chosen to take adoption leave may take paternity leave.
- Both the employee and the mother (or primary adopter) must comply with notice and evidential requirements, including an HMRC SC7 from the mother (or primary adopter) confirming their own entitlement to statutory pay or leave and the relationship with the employee seeking additional paternity leave
- The mother (or primary adopter) must have returned to work before exhausting their entitlement to maternity leave (or adopter's leave). The right to additional paternity leave can only begin on the mother's (or primary adopter's) return to work, but the leave need not be taken immediately i.e. a gap is permitted
- The employee may take additional paternity leave only in the period beginning 20 weeks after the birth (or placement for adoption) and ending 12 months after the birth (or placement for adoption). The purpose of the leave must be to care for the child.
- The mother (or primary adopter) must have signed the declaration (Form HMRC SC7).

5.2 Notification and evidential requirements

The following information must be provided eight weeks before the date chosen for additional paternity leave to begin:

- Details of the expected week of the child's birth (or date the adopter was matched with the child), the actual date of the child's birth (or date when the child was placed with the adopter) and the dates chosen for the leave to commence and end
- Confirmation of responsibility for the upbringing of the child ie is either:
 - the father
 - or married to the mother
 - partner or civil partner of the child's mother or adopter
 - will be taking leave for the purpose of caring for the child
- A declaration (Form HMRC SC7) from the mother confirming her name and address, the date she intends to return to work and her National Insurance number. She must also confirm that the employee applying for the APL is the only person taking paternity leave and that the information can be processed by the applicant's employer

5.3 Keeping in touch during Additional Paternity Leave

During APL the employee's Line Manager may wish to keep in touch with them to update them of any significant changes in the workplace, including any opportunities for promotion or job vacancies.

An employee on APL can work up to ten days during APL without ending the entitlement to leave or pay. These can only be worked if both parties agree. These can be used for training, team events or any other form of work. To receive payment for any KIT days worked, a claim form is submitted to Payroll as authorised by the Line Manager.

5.4 Unpaid Additional Paternity Leave

Employees have the right to take unpaid Additional Paternity Leave if they meet the eligibility criteria for leave but not pay. All APL taken after the end of the Statutory Maternity Pay, Maternity Allowance or Statutory Adoption pay period is unpaid.

5.5 Terms & Conditions

While on APL the employee's terms and conditions are protected, including benefits but with the exception of salary and they will be entitled to return to the same job.

5.6 Redundancy

Where a redundancy situation arises during APL the employee will be entitled to protection and will have an automatic right to be offered a suitable alternative position.

5.7 Pension contributions

Rutland County Council will continue making their usual contributions based on the pay the employee actually receives. This is for any time that the employee is receiving Additional or Ordinary Statutory Paternity Pay and the employee will carry on making contributions to their pension.

5.8 Holiday entitlement

Throughout APL the employee will continue to accrue paid holiday, which can be added to the beginning or end of the APL.

5.9 Returning to work after additional paternity leave

When you return to work after 26 weeks or less of Additional Paternity Leave, you have a right to the same job and the same terms and conditions as if you hadn't been away.

6.0 Additional Statutory Paternity Pay (ASPP)

a Births

In order to qualify for Additional Statutory Paternity Pay, the employee must comply with the following

- Must have main responsibility (along side the responsibility of the mother or adopter taking adoption leave) for the upbringing of the child.
- the employee must be an employed earner and must earn at least the lower earnings limit for National Insurance contributions that is in force at the end of the qualifying week.
- The mother or adopter must have returned to work and stopped claiming any relevant pay, with at least two weeks of unexpired Statutory Pay period remaining.
- The employee must intend to care for the child during the Additional Statutory Paternity Pay Period. ASPP will only be payable during the period of the mother's 39 week Maternity Allowance, Statutory Maternity or Statutory Adoption Pay period.
- ASPP will be paid at the same rate as OPP.

b UK Adoptions

In order to qualify for Additional Statutory Paternity pay in the case of UK adoptions, the employee must have been matched with the child for adoption. Also, the mother or civil partner must have main responsibility (together with the responsibility of the mother or adopter taking adoption leave) for the upbringing of the child.

c Overseas Adoption

In order to qualify for Additional Statutory Paternity pay in the case of overseas adoptions, the qualifying week is the later of either:

- The week official notification was received
or
- The week that employee has 26 weeks' continuous employment with Rutland County Council

7.0 If you do not qualify for APL or ASPP

If Rutland County Council decides that you are not entitled to ASPP you will receive form ASPP1 informing you of this decision within 28 days of your request and the reason for this decision.

A large print version of this document is available on request



Rutland
County Council

Rutland County Council
Catmose, Oakham, Rutland LE15 6HP

01572 722 577
enquiries@rutland.gov.uk
www.rutland.gov.uk