

Paternity Leave Policy

Human Resources

Issued by HR Policy Team

Effective from 20 May 2019

**PATERNITY LEAVE**

1. **Introduction**
   1. Paternity leave is partially a statutory entitlement and partially a local agreement that allows an eligible employee to take up to two weeks’ paid leave to care for a new baby or adoptive child and to support the child’s mother.
   2. Applications for paternity leave must be made on the ‘Paternity Form’ available on the Council’s intranet.

**2 Entitlement**

Ordinary and Occupational Paternity Leave

* 1. Under the Council’s Occupational Paternity Leave arrangements, all employees, whose partners have recently given birth to or adopted a child, are entitled to 2 weeks’ ordinary paternity leave (OPL).
  2. To be eligible to take ordinary paternity leave an employee must:-

1. Either be the child’s father or be the spouse, partner[[1]](#footnote-1) or civil partner (male or female) of the child’s mother or be the partner of an individual who is adopting a child, or be a member of a couple adopting jointly where the other member has elected to take adoption leave; and
2. Have, or be expected to have, the main responsibility for the child’s upbringing (apart from any responsibility of the mother); and
3. Have submitted the ‘Paternity Leave Form’ in order to provide formal notification of the date on which they intend to take paternity leave.

## Pay

## For the first week of OPL, all employees, regardless of length of service, will receive Occupational Paternity Pay. This is an amount equal to the employee’s normal salary, offset against any statutory payments, and is paid instead of normal salary.

## Employees who wish to take a second week of OPL may or may not be entitled to further payment depending on their length of service, as set out below:

1. Employees with 26 weeks’ continuous service with Hounslow Council either at the end of the 15th week before their baby is expected to be born or by the end of the week in which they are notified by their adoption agency that they have been matched with a child, will receive Statutory Paternity Pay for the second week. Further information on Statutory Paternity Pay can be found on the DirectGov website at: www.directgov.uk.
2. Employees with less than 26 weeks’ continuous service with Hounslow Council either at the end of the 15th week before their baby is expected to be born or by the end of the week in which they are notified by their adoption agency that they have been matched with a child, are not entitled to receive payment for the second week of paternity leave. Instead the week must be taken as unpaid leave.

**3 Timing of Paternity Leave**

3.1 Paternity leave can start on any day of the week.

3.2 Paternity leave must be taken in multiples of a week and must be taken as one continuous period. These weeks cannot be split and the leave cannot be taken as odd days.

3.3 Only one period of paternity leave can be taken irrespective of whether more than one child is born as the result of the same pregnancy or is adopted at the same time.

3.4 An employee may change the date on which they intend to start their

paternity leave provided they inform their line manager of the amended start date at least 28 days before the original date or as soon as is reasonably practicable.

3.5 With the agreement of their line manager an employee can take a period of annual leave, immediately before or after taking paternity leave.

## 3.6 Paternity leave must be taken between the child’s date of birth / adoption and 56 days after the birth / adoption.

3.7 Employees may also be able to take shared parental or parental leave (providing they are eligible to do so) after a period of paternity leave. For further information employees are referred to the Shared Parental Leave and Parental Leave policies on the intranet.

**4 Notice Requirements**

* 1. An employee must provide their manager with notice of their intention to take ordinary paternity leave no later than the end of the 15th week before the week in which the child is expected to be born. An employee should give notice by submitting a completed ‘Paternity Leave Form’.
  2. The employee must inform their manager of the date on which the child is actually born / placed for adoption as soon as is reasonably practicable afterwards.

1. **Premature Birth**
   1. [The Smallest Things](https://thesmallestthings.org/) is a charity that campaigns for premature babies and their families. The council supports the aims of the Smallest Things campaign and recognises the special needs of premature babies’ parents through the provision of premature baby leave and pay.

**Premature Baby Leave and Pay**

* 1. Parents of babies born at or before 37 weeks will be entitled to receive a day’s Premature Baby Leave and Premature Baby Pay **for each day between the baby’s date of birth and their due date.**
  2. Employees will be eligible for this premature baby leave entitlement if they are the biological father of the child or the mother’s husband or partner.
  3. It is expected that in most cases premature baby leave will be taken at the time of the birth and that this will trigger paternity leave. In this event premature baby pay, full pay will be paid to the employee at the beginning of the paternity leave period. The premature baby leave will be added to the employee’s paternity leave after the occupational / statutory paternity entitlement has been exhausted.
  4. Arrangements for the timing and payment of statutory/occupational paternity leave will, however need to be determined on an individual basis. This is so that the council can try to accommodate individual requests whilst ensuring that the statutory requirement, to take paternity leave within 56 days of the birth, is observed.
  5. It is important that employees notify their line manager of the premature birth so that the necessary discussions and arrangements can be made by Human Resources for implementation.

**Supporting employees dealing with premature birth**

* 1. A premature birth is a stressful experience for a new parent and additional support from managers will be required. It is therefore important that the line manager acknowledges the birth of the baby and approaches all conversations regarding the situation with compassion and sensitivity.
  2. During this difficult time, Managers are asked to:
* Ensure that employees have provided the documents required to commence their maternity leave payments. In the circumstances the employee may have forgotten. If this is the case remind the employee of the requirements to ensure that statutory and occupational maternity payments can commence as quickly as possible after the birth.
* Discuss the best method and regularity of contact with the employee or their nominated representative during this time. It may be that the employee would initially prefer to be left alone, if so this should be respected.
* Agree with the employee what information that they would like to be conveyed to their colleagues about the situation
* Understand that parents of premature babies are likely to experience a range of emotions caused by their babies’ health; these can include anxiety, depression, isolation, stress and fear. Remind the employee of the Employee Assistance Programme which offers free confidential advice and counselling and provide them with the contact details

**6 Shared Parental Leave**

6.1 Shared parental leave gives working parents more flexibility than additional paternity leave over how they share childcare during the first year of the child’s life or placement. Full details of shared parental leave are available in the Shared Parental Leave Policy which can be accessed on the intranet.

6.2 A period of paternity leave must be taken prior to any period of shared parental leave.

**7 Terms and conditions during paternity leave**

7.1 An employee’s contract of employment continues throughout their paternity leave and pension contributions continue to be deducted from paternity payments.

7.2 Annual leave is accrued during paternity leave.

1. "partner" in relation to a child's mother, means a person (whether of the same or the opposite sex) who lives with the mother and the child in an enduring family relationship, but is not the mother's father, mother, grandfather, grandmother, sister, brother, aunt or uncle. [↑](#footnote-ref-1)