

## **PATERNITY LEAVE POLICY**

### **Introduction**

This section sets out the Company's policy on both paternity leave and pay. The Company implements the paternity rights set out in legislation. This section also covers the statutory right to time off to accompany a pregnant woman to ante-natal appointments.

The Company recognises that, from time to time, employees may have a question or concern relating to their paternity rights. In this respect, it is our policy to encourage open discussion between you and your line manager to ensure that questions and problems can be aired and resolved as quickly as possible.

The paternity regulations are complex and so you should clarify the relevant procedures with *(name)* to ensure that they are followed correctly.

### **Entitlement to paternity leave**

In order to qualify for the right to take paternity leave, you must meet each of the following eligibility criteria:

- You have, or expect to have, responsibility for the upbringing of the child.
- You are either the biological father of the child, or you are married to, the civil partner or the cohabiting partner of the child's mother, or you are married to, the civil partner or the cohabiting partner of the child's adopter, or you are one of a couple jointly adopting a child. A cohabiting partner is a person, whether of a different sex or the same sex, who lives with the mother or adopter and the child in an enduring family relationship but is not an immediate relative of the mother or adopter.
- You are taking the leave to care for the child or to support the child's mother or adopter.
- You have worked continuously for the Company for 26 weeks calculated as at the 15<sup>th</sup> week before the expected week of childbirth, or, in respect of an adopted child, calculated as at the week in which the child's adopter is notified of having been matched with the child.

### **Notification of paternity leave**

You are required to inform the Company of your intention to take paternity leave by the end of the 15<sup>th</sup> week before the expected week of childbirth or, in the case of an adopted child, no later than seven days after the date on which notification of the match with the child was given by the adoption agency, unless this is not reasonably practicable. You are required to provide the following information in writing to the Company:

- The date the child is expected to be born or adopted.
- Whether you wish to take one or two weeks' paternity leave.
- The date on which you want your paternity leave to start.

In the case of an adopted child, your notice should also specify the date on which the adopter was notified of having been matched with the child.

You are permitted to bring forward your paternity leave start date, provided you advise the Company in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your paternity leave start date, provided you advise the Company in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

You are also required to complete and sign a self-certification form as evidence of your entitlement to paternity leave and pay. A Paternity Leave Form can be obtained from *(name)* and once completed it should be returned to your line manager.

## **Paternity leave**

Assuming you are eligible, you are entitled to take either one week or two consecutive weeks of paternity leave. It cannot be taken as odd days.

You can choose to start your paternity leave from:

- The date the child is born or placed for adoption (whether this is earlier or later than expected), or
- A chosen number of days or weeks after the date of childbirth or placement for adoption (whether this is earlier or later than expected), or
- A chosen date later than the first day of the week in which the baby is expected to be born or from a chosen date later than the expected date of placement. If the baby is born later than this date, you must delay your leave until the date of the actual birth.

Paternity leave can start on any day of the week on or following the child's birth or placement for adoption but it must be completed either within 56 days of the actual date of childbirth or adoption or, if the child is born early, within the period from the actual date of childbirth up to 56 days after the first day of the expected week of childbirth.

In the case of multiple births from the same pregnancy, only one period of paternity leave is available.

During the period of paternity leave, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits in kind (such as life assurance, private medical insurance, permanent health insurance, private use of a company car or laptop and gym membership) will continue, contractual annual leave entitlement will continue to accrue and pension contributions will continue to be made. Your contributions will be based on the amount of actual pay you are receiving whilst the Company's contributions will be based on the salary that you would have received had you not gone on paternity leave.

Salary will be replaced by statutory paternity pay (SPP) if you are eligible to receive it.

### **Statutory paternity pay (SPP)**

SPP is payable for up to two weeks during paternity leave. You are entitled to SPP if:

- You have been continuously employed by the Company for at least 26 weeks ending with the 15<sup>th</sup> week before the expected week of childbirth or, in respect of an adopted child, ending with the matching for adoption week and you are still employed during that week (and in the case of adoption, you continue to be employed until the date of the child's placement).
- Your average weekly earnings in the eight weeks up to and including the 15<sup>th</sup> week before the expected week of childbirth, or up to and including the matching week, are not less than the lower earnings limit for National Insurance contributions.
- You have requested SPP by giving the Company a completed self-certification form by the end of the 15<sup>th</sup> week before the expected week of childbirth or, in the case of an adopted child, no later than seven days after the date on which notification of the match with the child was given by the adoption agency – this timescale applies where the expected week of childbirth, or the date of placement of the child for adoption, is on or after 5 April 2015. The Paternity Leave Form can be used for this purpose.

SPP is paid by the Company for either one or two consecutive weeks of paternity leave. The weekly rate of SPP is paid at a rate set by the Government for the relevant tax year, or 90% of your average weekly earnings if this is lower than the Government's set weekly rate.

SPP is treated as earnings and is therefore subject to PAYE and National Insurance deductions. SPP is paid into your bank account in the same way as salary is normally paid.

SPP can start from any day of the week in accordance with the date you start your paternity leave.

It is important for paternity pay purposes that you notify your line manager if, during the paternity pay period, you are taken into legal custody or start to work for another employer.

### **Rights on and after return to work**

On resuming work after paternity leave, you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

### **Time off to accompany a pregnant woman to ante-natal appointments**

From 1 October 2014, if you are the spouse or civil partner of a pregnant woman, or you are the partner of a pregnant woman with whom you live in an enduring family relationship (but you are not her relative), or you are the father of an expected baby, you are entitled to take unpaid time off work in order that you may accompany the pregnant woman to an ante-natal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse. This is limited to a maximum of two appointments, with the maximum time off during working hours for each appointment being no more than 6.5 hours.

You will be required to sign a declaration in this regard which states that you have a qualifying relationship with a pregnant woman or her expected baby, you are taking the time off to accompany her to an ante-natal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse and the date and time of the appointment. However, you will not be required to produce evidence of either the pregnancy or the ante-natal appointment. If the pregnant woman is a surrogate mother, this right also applies to the intended parent if they are the potential applicant for a parental order.

You should endeavour to give your line manager as much notice as possible of time off to accompany a pregnant woman to ante-natal appointments.

Need friendly advice right now or more information? No problem. We'll take care of it. Contact us on 0345 351 0073 or [elxtr@lhs-solicitors.com](mailto:elxtr@lhs-solicitors.com)

From now on, your future could be in the expert hands of our award-winning, experienced legal team. We're ready to help.

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