

Paternity Leave

1. Introduction

This procedure explains:

- eligibility for ordinary and additional paternity leave and pay;
- notification requirements for taking additional paternity leave;
- arrangements for before the start of your paternity leave;
- arrangements for keeping in touch and the effect on your terms and conditions of employment; and
- arrangements for returning to work following paternity leave.

2. Ordinary Paternity Leave

If you wish to take ordinary paternity leave (OPL), you should discuss your intentions with your line manager giving as much notice as possible. Details of OPL are in the paternity policy.

You should then confirm your request in writing to both your line manager and the [Payroll Team, HR Services](#) either:

- 15 weeks before the expected week of childbirth (EWC), or as soon as practical afterwards. The EWC starts on a Sunday and is the week which the doctor or midwife expects the child to be born; or
- no later than 7 days after the date on which notification of the match with the child was given by the adoption agency.

You are entitled to only one period of Paternity Leave regardless of the number of children resulting from a single pregnancy or adoption.

You should provide this written request using the [Paternity Leave Form](#).

3. Additional Paternity Leave and Pay

If you wish to take additional paternity leave (APL), you must comply with the notification requirements (see 3.3) in order to qualify for paternity leave and pay.

3.1 Eligibility for Additional Paternity Leave

To be eligible for APL:

- you must expect to have responsibility for the upbringing of the child and be taking leave to care for the child;
- you must have 26 weeks' continuous employment with the FC 15 weeks before the expected week of childbirth (EWC) or, in the case of adoption, by the week in which the primary adopter is notified of being matched with the child;
- you must remain in continuous employment until the week before your APL starts;
- the mother or primary adopter of the child must be entitled to either: statutory maternity leave and/or pay; maternity allowance; or statutory adoption leave and/or pay; and
- the mother or primary adopter of the child must have returned to work before their entitlement to maternity or adoption leave has been exhausted.

During the statutory maternity or adoption pay period you cannot start your APL if the mother or primary adopter is still on a period of annual leave, sick leave or parental leave (if it has directly followed their maternity or adoption leave).

3.2 Additional Statutory Paternity Pay

Additional statutory paternity pay (SPP) may be payable during part or all of the APL period. You are entitled to additional statutory paternity pay if you satisfy the eligibility requirements for APL and in addition:

- your average weekly earnings are not less than the lower earnings limit for national insurance contributions;
- the mother or primary adopter has returned to work before their full entitlement to statutory maternity pay, statutory adoption pay or maternity allowance has been exhausted;
- the mother or primary adopter has at least two weeks of their maternity or adoption pay period that remains unexpired; and
- you give proper notification in accordance with the rules set out in this procedure.

Additional statutory paternity pay will be paid at the SPP rate, or 90% of the employee's average weekly earnings over the calculation period (see 3.2.1) if this is lower. Visit www.direct.gov.uk to find out details of current rates or contact HR Services.

If you take APL after the 39 weeks' Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period has expired your leave will be unpaid.

3.2.1 Average weekly earnings

We review the amount you earn each week (including all allowances and overtime that make up gross pay) over a set period of time to calculate your average weekly earnings.

Gross pay is the amount you earn before your income tax and other deductions are subtracted from your pay.

The HMRC specify the set period of time that must be used and it is the 8 weeks up to and including your qualifying week.

Where you are employed but are not undertaking work for the FC in the 8 weeks up to and including your qualifying week, for example if you have a part year contract, you may not be eligible for SPP. For further information, please contact the [Payroll Team, HR Services](#).

3.3 Notification of Additional Paternity Leave

If you wish to take additional paternity leave (APL), you should notify both your line manager and the [Payroll Team, HR Services](#), using the [Paternity Leave Form](#), at least 8 weeks before you intend to take your leave.

At the same time, the mother or primary adopter must submit the [Additional Paternity Leave – Partner Declaration](#).

Within 28 days of receiving your Application for Paternity Leave and Pay and Application for Additional Paternity Leave – Partner's Declaration HR will write to you to confirm the start and end dates of APL and pay.

The FC will ask you to provide the name and business address of the mother's or primary adopter's employer and a copy of the child's birth certificate or, in the case of an adopted child, evidence of the name and address of the adoption agency, the date on which you were notified of you match with the child and the date on which the agency expects to place the child for adoption. You must supply this information within 28 days

If you want to change the start date of your APL you need to provide written notification 6 weeks before either the original or new start date, whichever is the sooner.

If that is not possible, you should provide written notification as soon as practical.

4. Before Paternity Leave

4.1 Performance Reporting

Depending on the dates of your leave, you will find it useful to have an extra interim performance meeting with your line manager before your leave begins. This can also provide the opportunity to discuss hand-over arrangements for your work.

4.2 Annual Leave and Flexi Leave

You are encouraged to take any outstanding annual leave before starting APL. Normal carry over rules will apply unless you have not had an opportunity to take the leave. You will continue to accrue annual leave whilst on paternity leave – for more information, please refer to Section 6.3.

If you work flexi-time, you should also ensure that you clear any credit or deficit before you go on APL.

5. Contact and Keep in Touch Days

Your line manager will maintain a reasonable level of contact with you during your paternity leave in order to keep you up-to-date with any changes or developments and to discuss your plans for returning to work. Before your paternity leave starts you should discuss arrangements for keeping in touch with your line manager. You should agree how you want to be kept up-to-date, for example if you want to be sent details of training and development opportunities, staff meetings, vacancies, social events, etc.

Before you go on paternity leave you should ensure that your line manager and HR have your current address and telephone number. If possible, you should give your line manager your home email address as this will make it easier for them to forward you information. You must let your line manager know immediately if your contact details change.

As well as keeping in touch with the FC you should try to keep up-to-date with developments in your particular area of expertise, for example continuing with any professional membership, reading relevant publications, etc. This will help you to keep abreast of developments during your paternity leave and ensure your return to work is as smooth as possible.

5.1 Keep in Touch Days

You can choose to work for up to 10 days during your APL. Keep in touch days can be used for normal work, work-related training or attending conferences or seminars. Keep

in touch days are working days and will be paid at your normal rate of pay, however they will not extend or bring to an end the APL period.

If more than 10 keep in touch days are worked then your additional paternity leave will come to an end.

Your line manager will notify the [Payroll Team, HR Services](#) if you work a keep in touch day while you are in receipt of SPP or are on unpaid APL, so that you are paid for that day.

6. Effect on Terms and Conditions of Employment

During your paternity leave, your contract of employment continues and you are entitled to all the benefits which would have accrued had you not been absent, except pay.

6.1 Pay Progression

If pay progression or a pay award takes place and falls between the start of the SPP calculation period and the end of your period of paternity leave, any remaining statutory paternity pay you receive will be adjusted accordingly, as will your salary when you return to work.

6.2 Pension

Paid periods of paternity leave, including SPP and keep in touch days, count as reckonable service for pension purposes. During paid periods of paternity leave, your employer's pension contributions will continue to be based on your full pay. Your employee contributions, as deducted from your salary, will be calculated based on the level of SPP you actually receive.

Unpaid periods of paternity leave count as qualifying, but not reckonable, service for pension purposes. Therefore, for unpaid periods of paternity leave, neither you nor the FC are required to pay contributions towards your pension.

6.3 Annual Leave and Public/Privilege Holidays

Your entitlement to annual leave is not affected by paternity leave and you will continue to accrue your contractual annual leave entitlement for the duration of your paternity leave. You are not permitted to take annual leave within the paternity leave period. When you return to work, normal carry over rules will apply unless you have not had the opportunity to take the leave. There is no entitlement to accrue public/privilege holidays that fall during periods of paternity leave.

6.4 Non-pay Benefits

Whilst on paternity leave, you will continue to receive all of your non-pay benefits. Where there is an associated employee contribution, for example a salary advance, financial contract or salary sacrifice arrangement, your contributions **may** be adjusted to take account of your actual pay during the period of paternity leave. You should refer to the terms and conditions or contact the [Payroll Team, HR Services](#) for more information.

6.5 Promotion and Career Development

You can apply for vacancies while you are on paternity leave. If your application is successful whilst you are on APL you will be able to take up the new post when you return to work.

If you want to be notified of vacancies while you are on paternity leave you need to discuss this with your line manager (see section 5). You may be able to claim travel and subsistence costs when attending interviews, including childcare costs if appropriate. These costs will be covered by the cost centre you are attached to before going on paternity leave.

6.6 Sickness and APL

If you are sick during paternity leave, you are not eligible sick leave or pay. However, if you cannot return to work because you are sick when your paternity leave comes to an end, you are eligible for sick leave and pay and normal absence reporting procedures will apply.

6.7 Resignation during APL

If you decide not to return to work following paternity leave, you must provide the required period of notice for resignation as detailed in your contract of employment. If the notice period expires after your APL ends, the FC may require you to return to work for the remainder of the notice period, although you can choose to cover some or all of this period with accrued untaken annual leave.

6.8 Redundancy during APL

You have a right not to be selected for redundancy, in preference to other employees, solely or mainly because you are, or have been, on paternity leave. In circumstances where you are declared surplus whilst on APL you are entitled to priority in relation to suitable alternative employment.

7. Returning to work

For APL your expected return date is either 26 weeks after you started your APL or 52 weeks after the child is born or placed for adoption. If you wish to return before this date you must give your line manager and the [Payroll Team, HR Services](#), 6 weeks written notice of the date you would like to return. If you are unable to provide the required notice your line manager may postpone your return to work in order to provide the FC with 6 weeks notice, providing this is not later than your maximum APL entitlement.

Please note, there is no automatic right to return to work at the FC where your fixed term appointment has come to an end during your paternity leave.

7.2 Right to Return to the same Job

You are entitled to return to the same job that you held before starting paternity leave, on the same terms and conditions of employment as if you had not been absent. Where this is not possible, for example through restructure or redundancy, this will be managed in line with the [Redundancy Policy and Procedure](#).

7.3 Requests for Flexible Working

Requests for flexible working will be considered in line with the provisions of [Staff Handbook Chapter 11 – Hours, Overtime and Travelling Time](#). You should allow adequate time for your application to be considered, which may require you to apply before the end of your paternity leave. You should note that there is no automatic right to work part-time or make any other changes to your working pattern and approval of a flexible working request will only be given following consideration of operational needs.

7.4 Request for Unpaid Parental Leave

If you wish to extend your period of leave, you may request up to 4 weeks' unpaid parental leave. For more information, please refer to [Staff Handbook Chapter 10 – Leave](#).

8. Cancelling Leave

If you no longer want to take paternity leave, or you are no longer eligible, you should provide at least 6 weeks written notice.

If you do not provide 6 weeks notice and it is not practical for your line manager to accommodate the cancellation you may be required to take a period of unpaid leave. The unpaid leave would start on the date your paternity leave was due to start and end

no later than 6 weeks after you gave notice or the date the leave was due to end, whichever is earlier.

9. Flowchart: Arranging Paternity Leave

