



Paternity Leave Policy

September 2021

The Community Council endeavours to provide help and assistance to employees who wish to use their right to take paternity leave. This policy outlines paternity leave entitlements and how employees should arrange this period of leave.

Eligibility

Paternity leave following the birth of a child

You will meet the eligibility criteria for paternity leave if you:

- are the child's father, the mother's husband or partner (whether of the same or different sex) or one partner in a couple who are both entitled to apply for, and propose to apply for, a Parental Order for the child
- have been employed and performed work for your employer for a minimum period of 26 weeks by the end of the 15th week before the expected week of childbirth (EWC)
- will be or expect to be responsible for the child's upbringing, where you are the father, or expect to be mainly responsible for the child's upbringing where you are the mother's husband or partner but not the father of the child
- have given the required notice of your intention to take leave
- have not previously taken shared parental leave for the same child.

Paternity leave following adoption

You will be eligible for paternity leave and pay on the adoption of a child if you:

- will be or expect to be mainly responsible for the child's upbringing
- are married to the child's adopter or the partner of the child's adopter (whether of the same or different sex)
- have been employed and performed work for your employer for a minimum period of 26 weeks by the end of the week the matching notification is given to the child's adopter

- have given the required notice of your intention to take leave and, where requested, have provided evidence
- have not previously taken shared parental leave for the same child.

When does paternity leave start?

Paternity leave lasts for a fixed period of one week or two consecutive weeks. You may not take individual days or separate weeks as paternity leave. Leave can be chosen to start:

- from the birth date or date of adoption (whether this date is sooner or later than anticipated) or
- on a specific day after the birth date or date of adoption (whether this day is sooner or later than anticipated) or
- from a specific date that is after the first day of the EWC (in birth cases and not adoption) or
- on a specific date, arranged in advance, that is after the expected placement date (in adoption cases).

If the child is born earlier than expected before the EWC, paternity leave must be taken:

- within a period of 56 days from that date or
- within a period of 56 days from the child's actual birth date.

If the same pregnancy results in more than one child being born, or more than one child is adopted in the same arrangement, the entitlement to paternity leave does not increase and only one period of leave can be taken.

Notification requirements

Paternity leave following the birth of a child

Unless not reasonably practicable, your intention to utilise a period of paternity leave must be notified to the Community Council during or before the 15th week before the EWC. The Clerk must be informed, in writing, of:

- the anticipated week of birth
- whether you intend to use one or two weeks' leave
- the date you wish the leave to begin.

As soon as reasonably practicable after birth, you must notify us of the actual date of birth in writing.

A signed declaration stating you intend to utilise a period of paternity leave to care for a child or provide support to the mother of the child and that you meet the eligibility criteria for the leave may be requested. Where requested, this should be provided to the Clerk.

If you wish to change the date of your paternity leave after giving notice, you must provide an additional written notice requesting a variation to the leave. This notice must be provided at least 28 days in advance of the new start date of the leave period.

Paternity leave following the adoption of a child

Unless not reasonably practicable, your intention to utilise a period of paternity leave must be notified to the Community Council within seven days of the date the matching notification is given to the child's adopter. Where this is not reasonable practicable, the notification must be provided to the Community Council as soon as possible. The Clerk must be informed, in writing, of:

- the date the matching notification was given to the child's adopter
- the expected date of placement
- whether you intend to use one or two weeks' leave
- the date you wish the leave to begin.

Paternity pay

You may be entitled to receive statutory paternity pay (SPP) from the Community Council for the period of paternity leave. SPP is paid at a specific rate set by the government each tax year, or at 90 per cent of your average weekly during the relevant period, whichever is lower. For details of the current SPP rate, please contact the HR department.

In order to meet the eligibility criteria for SPP, average weekly earnings for the relevant period must be equal to or higher than the specific lower earnings limit set by the government each tax year.

The relevant period is:

- the period of eight weeks which ends immediately before the 14th week before the EWC (in birth cases) or
- the period of eight weeks which ends immediately before the week where the matching notification was given to the child's adopter (in adoption cases).

Dependent on your individual circumstances, you may be entitled to receive additional financial support. You should attend your local social security office (Department for Work and Pensions) to receive further information on this.

Contractual benefits

Whilst on paternity leave, you continue to be entitled to receive your normal terms and conditions of employment, other than wages or salary (unless expressly stated otherwise in your employment contract). You may be entitled to receive payment of statutory paternity pay for this period, as set out above.

Your contract of employment continues during paternity leave. As such, any contractual obligations continue to apply during your leave and you remain bound by these.

Returning to work

Following two weeks' paternity leave, you have the right to come back to the same job role. The act of requesting or taking paternity leave will not cause you to suffer any disadvantage in the workplace.

If you wish to change your working hours following paternity leave, the Community Council will consider each request on its individual facts. Your line manager will fully consider your request and aim, wherever possible, to accommodate the change. The business needs will be assessed as part of this consideration and requests may be turned down where this as a business reason to do so. Requests should be submitted as far in advance as possible to allow the full consideration process to take place as early as possible.

You should discuss with your line manager, as early as possible, where you are planning on not returning to work. Resignation should be notified to your line manager, in writing, as set out in your employment contract. Following notification of your resignation, Community Council agreement is needed to withdraw this. Any payments of statutory paternity pay will not be altered by your resignation.

Shared parental leave

Following paternity leave, you may be entitled to take further periods of leave under the shared parental leave scheme. Full details on shared parental leave, including how to apply, can be requested from the HR department.

Once a period of shared parental leave has been taken in respect of a child, paternity leave cannot be taken for the same child.