

Paternity Leave Policy

HR14

Date Written	
Author(s)	
Version	
Date Signed Off	
Reviewed by	

Date: []

Review Data

Initial Production

Name	Role/Department	RACI	Date

R = Responsible for writing the policy; **A** = Accountable; **C** = Consulted; **I** = Informed

Change History

Version	Date	Details of Change	Author

Emergency Contact Details

Name	Email	Mobile

CQC Fundamental Standards

Regulation Number	Regulation Details
Regulation 17: Good governance	Systems or processes must be established and operated effectively to ensure compliance.

Key Lines of Enquiry

KLOE	How this applies to Access to Files and Records
Well-Led	By ensuring that employees have the relevant information about and access to paternity leave we help ensure that the service is well led.

Related Documents

This policy should be read in conjunction with our:

- HR10 - Equality and Diversity Policy
- HS01 - Health and Safety Policy
- HS08 - Risk Assessment Policy

Policy Statement



Policy Aims

Paternity leave allows for biological and adoptive parents or nominated carers (including same sex partners) to a period of paid leave directly following the birth or adoption of a child. The purpose of the leave is to give support to mother/partner following the birth/adoption.

To qualify for paternity leave, the employee must have or expect to have responsibility for the child's upbringing. Thus, paternity leave is not available to biological fathers who are not likely to have any parental responsibility for their child

The purpose of this policy is to ensure that employees have all of the relevant information to allow them to make an informed decision about their paternity entitlement.

Eligibility

Members of staff should have completed 26 weeks' continuous service with Careville Ltd prior to the week before the birth or adoption.

Members of staff should be the biological father, adoptive parent or nominated carer of the child.



Key Question: How much leave am I entitled to?

- Employees are entitled to 10 days paid paternity leave on the birth or adoption of a child.
- Part-time Employees are entitled to paternity leave on a pro rata basis.
- Leave may be taken at the time of the birth/adoption or in the weeks following. In any event leave should be taken and completed within eight weeks (56 days) of the birth/adoption. The leave must be taken in a block of either one or two whole weeks, but not two separate weeks or odd days.

Applying for Paternity Leave

Staff should apply for paternity leave to their line manager by the 15th week before the EWC or 7 days after being notified of a match, stating approximately when the leave will be taken.

Terms of Employment During Paternity Leave

- All terms and conditions including accruing annual leave will continue apply as though the staff member had not been absent.
- Employees have the right to return to the same job.
- Employees will continue their pension contributions as normal.

Additional Paternity Leave

Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother has returned to work before using her full entitlement to maternity leave.

Additional paternity leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work before using his/her full entitlement to adoption leave.

The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.

Additional paternity leave will generally commence on the employee's chosen start date specified in his/her leave notice, or in any subsequent variation notice.

During the period of additional paternity leave, the employee's contract of employment continues in force and he/she is entitled to receive all his/her contractual benefits, except for salary. In particular, any benefits in kind (such as private use of laptop, mobile phone etc) will continue and contractual annual leave entitlement will continue to accrue.

Salary may be replaced by statutory paternity pay for some of the additional paternity leave period if the employee is eligible to receive it. The remaining period of additional paternity leave is unpaid.

Pension contributions will continue to be made during any period when the employee is receiving statutory paternity pay but not during any period of unpaid additional paternity leave. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had he/she not gone on additional paternity leave.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of additional paternity leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during additional paternity leave, the employee should take his/her outstanding entitlement before starting his/her additional paternity leave.



Key Question: How do I know if I'm entitled to additional paternity leave?

In order to be eligible for additional paternity leave, an employee must satisfy each of the following criteria:

- He/she must be the father of the child or married to, the civil partner of, or the partner of, the child's mother, married to, the civil partner of, or the partner of, the primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility). In the case of adoption, he/she must have been matched with the child for adoption. In both cases, he/she must be taking the leave to care for the child.
- He/she must have a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which he/she was notified of having been matched with the child.
- He/she must remain in continuous employment until the week before the first week of additional paternity leave.
- The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or Statutory Adoption Pay. The mother or primary adopter must have returned to work and forfeited a portion of his/her maternity or adoption leave.

Notification of Additional Paternity Leave

Where an employee wishes to request additional paternity leave and pay, he/she must give his/her line manager eight weeks' written notice of the date on which he/she wishes to take the leave and, if applicable, additional statutory paternity pay to commence. The request form must be in writing and specify, in the case of a birth child, the date on which the child was expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption. In both cases, the notice must also specify the employee's name and intended start date and end date of additional paternity leave and statutory paternity pay.

The employee must also submit a written and signed self-certification form not less than eight weeks before the proposed start date of additional paternity leave and pay stating

that the purpose of the additional paternity leave/statutory paternity pay period is to care for the child and that he/she satisfies the relationship eligibility conditions for additional paternity leave and pay.

At the same time, the mother or primary adopter must submit a written and signed declaration form stating:

- his/her name, address and national insurance number;
- the date that he/she intends to return to work;
- that he/she has given notice to his/her employer of returning to work;
- that he/she is entitled to statutory maternity pay, maternity allowance or statutory adoption pay;
- the start date of his/her maternity or adoption pay period;
- confirmation that the employee satisfies the relationship eligibility conditions;
- that he/she consents to Careville Ltd processing the information contained in the declaration form;
- that the employee is to his/her knowledge the sole applicant for additional statutory paternity pay and, in the case of a birth child, also that the employee is to his/her knowledge the only person exercising the entitlement to additional paternity leave in respect of the child.

On request by Careville Ltd, the employee must produce 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 he/she was notified of having been matched with the child and the date on which the agency expects to place the child for adoption. The employee must supply this information within 28 days of it being requested.

The employee is permitted to bring forward his/her additional paternity leave start date, provided that he/she advises Careville Ltd in writing at least six weeks before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her additional paternity leave start date, or cancel his/her additional paternity leave altogether, provided that he/she advises Careville Ltd in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Careville Ltd will formally respond in writing to the employee's notification of his/her additional paternity leave plans within 28 days, confirming the relevant start and end dates of additional paternity leave and pay.

Additional Statutory Paternity Pay

Additional statutory paternity pay may be payable during some of additional paternity leave. An employee is entitled to additional statutory paternity pay if:

- he/she is the father of the child or married to, the civil partner of, or the partner of, the child's mother, married to, the civil partner of, or the partner of, the child's primary adopter, and, in the case of a birth child, expects to have the main responsibility for the upbringing of the child (apart from the mother's responsibility) or, in the case of adoption, has been matched with the child for adoption, and in either case intends to care for the child during the additional statutory paternity pay period;

- he/she has a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which he/she was notified of having been matched with the child (the "relevant week");
- he/she remains in continuous employment until the week before the additional statutory paternity pay period begins;
- his/her average weekly earnings for the period of eight weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions;
- the mother is entitled to statutory maternity pay or maternity allowance or, in the case of adoption, the primary adopter is entitled to statutory adoption pay, and the mother or primary adopter has returned to work before his/her full entitlement to statutory maternity pay/maternity allowance/statutory adoption pay has been exhausted;
- the mother or primary adopter has at least two weeks of his/her maternity or adoption pay period that remains unexpired;
- he/she gives proper notification in accordance with the rules set out above.

Any statutory paternity pay due during additional paternity leave will be paid at a standard rate set by the Government, or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less.

Statutory paternity pay is payable whether or not the employee intends to return to work after his/her additional paternity leave.

Contact During Additional Paternity Leave

Shortly before an employee's additional paternity leave starts, Careville Ltd will discuss the arrangements for him/her to keep in touch during his/her leave, should he/she wish to do so. Careville Ltd reserves the right in any event to maintain reasonable contact with the employee from time to time during his/her additional paternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease his/her return to work or simply to update him/her on developments at work during his/her absence.



Key Question: What is a keeping in touch day?

An employee can agree to work for Careville Ltd (or to attend training) for up to 10 days during additional paternity leave without that work bringing the period of his/her additional paternity leave and pay to an end. These are known as "keeping in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

Careville Ltd has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during his/her additional paternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between Careville Ltd and the employee. Any keeping in touch days worked do not extend the period of additional paternity leave. Once the keeping-in-touch days have been used up, the employee will lose any further entitlement to statutory paternity pay for any week in which he/she agrees to work for Careville Ltd. It may also bring the additional paternity leave period to an end.

Returning to Work After Additional Paternity Leave

The employee will have been formally advised in writing by Careville Ltd of the end date of his/her additional paternity leave. The employee is expected to return on the next working day after this date, unless he/she notifies Careville Ltd otherwise. If he/she is unable to attend work at the end of additional paternity leave due to sickness or injury, Careville Ltd's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, he/she must give Careville Ltd at least six weeks' notice of his/her date of early return, preferably in writing. If he/she fails to do so, Careville Ltd may postpone his/her return to such a date as will give Careville Ltd six weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after additional paternity leave, he/she must give notice of resignation as soon as possible and in accordance with the terms of his/her contract of employment. If the notice period would expire after additional paternity leave has ended, Careville Ltd may require the employee to return to work for the remainder of the notice period.

Monitoring and Review

The Company Directors will check this policy is working properly and they will review it at least once a year. We will make improvements to the policy wherever we can. We will also regularly check our procedures for avoiding bribery and corruption.

We are all responsible for the success of this policy and we must all disclose any suspected danger or wrongdoing.

Employees are invited to suggest any ways the policy can be improved.

This policy does not form part of any employee's contract of employment, and it may be amended at any time.



Key Points to Take Away

Employees are entitled to 10 days paid paternity leave on the birth or adoption of a child.

Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother has returned to work before using her full entitlement to maternity leave.

During ordinary paternity leave and additional paternity leave, all terms and conditions of the employee's contract except normal pay will continue.

The employee may return to work at any time during ordinary paternity leave or additional paternity leave, provided that she gives the appropriate notification.

Policy Review

A Director will review this policy at least once a year to make any updates needed.

Authorisation and Signature

This Policy is the authorised version agreed by the Directors of Careville Ltd. All employees are expected to follow this policy and failure to do so could result in disciplinary action.

Director's Signature

Director