



Paternity Benefits and Procedures – Policy and Statutory Provisions

effective from May 2007

1.0 SCOPE AND ELIGIBILITY

This policy applies to all, irrespective of length of service, grade, role or hours worked.

2.0 POLICY STATEMENT

As part of the LDCVS commitment to attracting, retaining and motivating its workforce, it has established a comprehensive paternity benefits package. In this way, the Company is emphasising the value it places on its employees by providing extended support during one of the most critical phases in their lives.

3.0 SUMMARY OF RIGHTS AND BENEFITS

In summary, once an employee has officially declared the pregnancy or adoption to LDCVS, subject to qualifying criteria, he will be entitled to: -

- take paternity leave;
- receive statutory paternity pay (or a paternity allowance);
- maintain his contractual benefits (with the exception of pay) and continuous service whilst on paternity leave; and
- return to work following the birth of the child.

In addition, the employee cannot be dismissed from the organisation by sole reason of paternity leave, nor be treated in any detrimental way due to taking such leave.

This is a simplistic summary and there are many complexities surrounding the above rights and benefits, therefore each of these are documented in greater detail below.

It is also important to note that when a couple adopt a child, the Paternity and Adoption Leave Regulations 2002 (subject to qualifying criteria) allow for one parent to take adoption leave and the remaining parent to take paternity leave.

To provide greater clarification regarding Paternity Benefits, Section 6 of this policy relates to Paternity benefits in the case of the birth of a baby, and Section 7 relates to Paternity benefits in the case of adoption of a child.

4.0 PATERNITY LEAVE

The criteria below helps to summarise paternity leave entitlements: -

- Is the employee going to be responsible for the child's upbringing?
- Is he the biological father of the child or the mother's/adopter's husband or partner?



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Has he worked continuously for his employer for 26 weeks up to the 15th week before the baby is due and will he work for the same employer continuously up to the birth?

Is he taking leave to care for the child or support the child's mother/adopter?

If so

Employee is entitled to one or two consecutive weeks' paternity leave, starting on a chosen date.

Leave must be completed within 56 days of birth (or between birth and 56 days after due date if baby born early)

In the case of adoption, leave must be completed within 56 days of the date the child is placed with the adopter

Are average weekly earnings at or above Lower Earnings Limit?

If so

Entitled to one or two weeks' Statutory Paternity Pay. Employee claiming pay must give his employer a self certificate. Self certificate must be presented at least 28 days before he wants pay to start

If not

May be entitled to other benefits. Employee must tell employer of intention to take leave by 15th week before the baby is expected. Employee must give 28 days notice of any change of date

5.0 ANTE-NATAL CARE

Paid time off work for ante-natal care is an automatic right given to all pregnant women by statute; however, this right does not apply to employees eligible for Paternity Leave, or Statutory Paternity Pay.

6.0 PATERNITY LEAVE AND STATUTORY PATERNITY PAY (SPP) (BIRTH)

This section applies to employees taking Paternity Leave for the birth of a baby. In case of adoption, please refer to Section 7.0.

Paternity Leave can be for one or two consecutive weeks starting on a chosen date. Any Paternity Leave must be completed within 56 days of the birth of the baby (or between birth and 56 days after due date if the baby is born early). Employees can only take one period of leave even if more than one baby is born as the result of the same pregnancy.

Statutory Paternity Pay (SPP) is payable up to a maximum of 2 consecutive weeks. It cannot be taken as odd days or two separate weeks.



6.1 Eligibility for Statutory Paternity Leave (Birth)

In order to qualify for Statutory Paternity Leave, employees must satisfy all of the following conditions: -

- The employee has or expects to have responsibility for the baby's/child's upbringing and is either:
 - the biological father of his baby
 - the mother's husband or partner*

* "Partner" may include a female partner in a same sex couple. Where this policy refers to employees as "father", "he", "him" or "his", this should be taken to include those female same sex partners who qualify.

- The employee must have worked continuously for the same employer for:
 - Twenty-six weeks ending with the fifteenth week before the baby is due (the "qualifying week"),
 - From the fifteenth week before the baby is due up to the date of the birth.
- The employee must be taking the time off either to support the mother or care for the new baby.

6.2 Eligibility for Statutory Paternity Pay (Birth)

In order to qualify for Statutory Paternity Pay, employees must satisfy all of the above qualifying conditions for paternity leave as well as the following condition: -

- Have average weekly earnings of not less than £84 a week (before tax) (Jan 2007).

Paternity pay should cease if, during the paternity pay period, the employee commences work for another employer after the birth of the baby, or is taken into legal custody.

6.3 Rates of Statutory Paternity Pay (Birth)

The rate of SPP is the same as the standard rate of Statutory Maternity Pay – (Jan 2007), this is £108.85 a week or 90% of average weekly earnings if this is less than £100.

6.4 Notification and Evidence required for Paternity Leave and SPP (Birth)

To qualify for paternity leave, an employee must tell LDCVS that he intends to take paternity leave by the end of the fifteenth week before his baby is due or, if this isn't possible, as soon as is reasonably practicable.

To qualify for SPP, an employee must tell LDCVS that he intends to take SPP at least 28 days beforehand. If an employee informs LDCVS of his intention to take SPP less than 28 days beforehand, LDCVS will consider each case individually, but if the reason provided is not satisfactory, LDCVS can refuse to pay SPP. In the case of refusal to pay SPP, the employee will receive a written statement outlining the reason(s) for the refusal.



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To claim either paternity leave or Statutory Paternity Pay (SPP), the employee must tell LDCVS:

- The expected week of the baby's birth
- Whether he wishes to take one or two weeks' leave
- When he wants to start his leave

6.5 Changes to dates submitted for Paternity Leave (Birth)

In some cases it may be necessary to amend the dates given by the employee for when he would like to take his Paternity Leave. Please find below a list and the correct course of action to be taken:

- If the baby is born early - employee must give notice as soon as is reasonably practicable to the employer.
- If the baby is born late - employee will have to delay taking Paternity Leave, as an employee cannot take paternity leave or be paid SPP before the birth of his baby. Employee must give notice as soon as is reasonably practicable.
- If the employee is sick before taking Paternity Leave – employee will have to delay taking Paternity Leave, as an employee cannot receive Statutory Sick Pay and Statutory Paternity Pay at the same time.

If an employee cannot return to work at the end of his Paternity Leave because of illness, he should follow the normal procedures for reporting sickness absence.

6.6 Deductions (Birth)

All levels of paternity pay are regarded as "earnings" for the social security purposes, therefore PAYE income tax and National Insurance contributions are deducted.

6.7 Exclusion (Birth)

SPP only becomes payable when the employee is absent from work on paternity leave. If the employee performs any duties for the Company while in receipt of SPP, then he will be automatically disqualified from receiving SPP for that entire week. (Please note, the money will be permanently lost and cannot subsequently be reclaimed). SPP will be restated the following week, unless the employee has already reached their two week entitlement.

7.0 PATERNITY LEAVE & STATUTORY PATERNITY PAY (SPP) (FOR ADOPTION)

Paternity Leave can be for one or two consecutive weeks starting on a chosen date. Any Paternity Leave must be completed within 56 days of the date the child is placed for adoption.

Employees can only take one period of paternity leave even if more than one child is adopted at the same time.



Statutory Paternity Pay (SPP) is payable up to a maximum of 2 consecutive weeks. It cannot be taken as odd days or two separate weeks.

7.1 Eligibility for Statutory Paternity Leave (Adoption)

In order to qualify for Statutory Paternity Leave in the case of adoption, employees must satisfy all of the following conditions: -

- The employee has or expects to have responsibility for the child's upbringing and is:
 - the adopter's husband or partner*

* "Partner" may include a female partner in a same sex couple. Where this policy refers to employees as "father", "he", "him" or "his", this should be taken to include those same sex partners who qualify.

- The employee must have worked continuously for the same employer for:
 - Twenty-six weeks ending with the week that the child's adopter is notified of having been matched with a child
- The employee must be taking the time off either to support the adopter or care for the newly adopted child.

NB. The week in which the adopter is notified of being matched with a child for the purposes of adoption is known as the Matching Week.

7.2 Eligibility for Statutory Paternity Pay (Adoption)

In order to qualify for Statutory Paternity Pay, employees must satisfy all of the conditions set out in Section 6.2: -

7.3 Rates of Paternity Pay (Adoption)

All rates of Paternity Pay are the same whether the employee is taking Paternity Leave by means of birth of a baby or placement of a child for adoption. See Section 6.3.

7.4 Notification and Evidence required for Paternity Leave and SPP (Adoption)

To qualify for paternity leave or pay when the employee's partner is adopting, an employee must inform LDCVS of the following details:

- The date on which the adopter was notified of having been matched with the child
- The date on which the child is expected to be placed with the adopter
- Whether they wish to take one or two weeks' leave
- When they want to start the period of paternity leave

To qualify for SPP, an employee must tell LDCVS that he intends to take SPP at least 28 days beforehand. If an employee informs LDCVS of his intention to take SPP less



than 28 days beforehand, LDCVS will consider each case individually, but if the reason provided is not satisfactory, LDCVS can refuse to pay SPP. In the case of refusal to pay SPP, the employee will receive a written statement outlining the reason(s) for the refusal.

7.5 Changes to dates submitted for Paternity Leave (Adoption)

In some cases it may be necessary to amend the dates given by the employee for when he would like to take his Paternity Leave. All changes must be communicated in writing to LDCVS. The following reasons can be accepted as changes:

- Where the employees period of leave is to begin on the date on which the child will be placed with the adopter, and this date subsequently changes.
- Where the employees period of leave is to begin on a date that is a specified number of days after the date on which the child is to be placed with the adopter.
- If the employee is sick before taking Paternity Leave – employee will have to delay taking Paternity Leave, as an employee cannot receive Statutory Sick Pay and Statutory Paternity Pay at the same time.

If an employee cannot return to work at the end of his Paternity Leave because of illness, he should follow the normal procedures for reporting sickness absence.

7.7 Deductions (Adoption)

All levels of paternity pay are regarded as "earnings" for the social security purposes, therefore PAYE income tax and National Insurance contributions are deducted.

7.8 Exclusion (Adoption)

SPP only becomes payable when the employee is absent from work on paternity leave. If the employee performs any duties for the Company while in receipt of SPP, then they will be automatically disqualified from receiving SPP for that entire week. (Please note, the money will be permanently lost and cannot subsequently be reclaimed). SPP will be restated the following week, unless the employee has already reached their two week entitlement.

8.0 TREATMENT OF BENEFITS AND CONTINUOUS SERVICE

Employment benefits are maintained during the paternity leave period, with the exception of salary/wages. In this way, the employee will be able to:-

- accrue annual leave at the standard monthly accrual rate;
- maintain continuous pensionable service.

Should the employee be absent on paternity leave at the time of his normal annual review date, he will remain eligible to receive a salary review in line with his peer group or department, i.e. no different than if he were present in work.

Full continuous service is given for employees taking paternity leave.



9.0 RIGHT TO RETURN TO WORK

At the end of paternity leave, an employee is guaranteed the right to return to the same job as before on the same terms and conditions of employment as if he had not been absent, unless a redundancy situation had occurred.

He is also entitled to benefit from any general improvements to the rate of pay or other terms and conditions introduced while he was away.

10.0 DISMISSAL

All employees regardless of length of service, or hours of work are protected from dismissal if the principal reason for their dismissal is that:

- They took paternity leave OR
- They sought to take paternity leave.

Dismissal for any of the above reasons will automatically be unfair, and therefore liable to challenge at an Employment Tribunal. However, this does not mean that an employee who is taking paternity leave is completely immune from the LDCVS disciplinary policy or from termination of employment due to redundancy for genuine reasons. In any case where this action is necessary, the Line Manager must provide the employee with a written statement of the reason for the decision.

APPENDIX A.

GLOSSARY OF TERMS

Ante Natal Care	Medical examinations and parent-craft classes, as approved by registered medical practitioners, midwives or health visitors.
EWC	<u>Expected Week of Childbirth</u> The week in which the baby is expected to be born, as detailed in a MATB1 Certificate.
MATB1	<u>Maternity Certificate</u> This Certificate is issued by either a registered midwife, medical practitioner or health visitor. It is written confirmation of pregnancy, and details the expected date of childbirth. To be valid for SMP purposes, it cannot be issued before the 27 th week of pregnancy.
Matching Week	The week in which the employee is notified of being matched with a child for adoption.
SPP	<u>Statutory Paternity Pay</u> The rate of pay that the employer provides to employees.
Week	For the purposes of SPP, a week runs from Sunday to Saturday.



APPENDIX B. PATERNITY LEAVE FORM - BIRTH

PERSONAL DETAILS

Name: _____ Job Title: _____
Location & Contact: _____ Employee No: _____
Line Manager (Name and Job Title): _____

YOUR DATES FOR PAY AND LEAVE

The baby is due on: (dd/mm/yy) _____
And, if the baby has been born, please enter the actual date of birth: (dd/mm/yy) _____
I would like my SPP and/or paternity leave to start on : (dd/mm/yy) _____
I would like to be away from work for one / two * weeks (*delete as appropriate)

YOUR DECLARATION

Surname: _____
First name (s): _____
National Insurance Number: _____

You must be able to tick all three boxes below to get Statutory Paternity Pay and Paternity Leave.

I declare that

- I am
- the baby's biological father, or
- married to the mother, or
- living with the mother in an enduring family relationship, but am not an immediate relative
- I have responsibility for the child's upbringing
- I will take time off work to support the mother or care for the child.

I certify that the information given above is, to the best of my knowledge, complete and correct and I understand that any false statement may disqualify me from Statutory Paternity Pay and Company paternity benefit and may be regarded as a serious disciplinary offence and with regard to Statutory Paternity Pay, may result in prosecution.

Signed: _____ Date: _____

Once completed, please forward this form to your Line Manager – its contents will remain confidential.



APPENDIX C. PATERNITY LEAVE FORM - ADOPTION

PERSONAL DETAILS

Name: _____ Job Title: _____
 Location & Contact: _____ Employee No: _____
 Line Manager (Name and Job Title): _____

YOUR DATES FOR PAY AND LEAVE

The adopter was notified of being matched by the adoption agency on: (dd/mm/yy) _____

The child is due to be placed on or was placed on: (dd/mm/yy) _____

I would like my SPP and/or paternity leave to start on : (dd/mm/yy) _____

I would like to be away from work for one / two * weeks (*delete as appropriate)

YOUR DECLARATION

Surname: _____

First name (s): _____

National Insurance Number: _____

You must be able to tick all three boxes below to get Statutory Paternity Pay and Paternity Leave.

I declare that

- I am
- the adopter's husband or partner
- I have responsibility for the child's upbringing
- I will take time off work to support the adopter or care for the newly matched child

I certify that the information given above is, to the best of my knowledge, complete and correct and I understand that any false statement may disqualify me from Statutory Paternity Pay and Company paternity benefit and may be regarded as a serious disciplinary offence and with regard to Statutory Paternity Pay, may result in prosecution.

Signed: _____

Date: _____

Once completed, please forward this form to your Line Manager – its contents will remain confidential.