

# Paternity Leave & Pay – Guidelines and Procedures

## Introduction

This procedure is part of Greener Ealing Limited's (GEL) Family Friendly Policy and details the process to be followed to ensure that employees receive the benefits to which they are entitled, both statutorily and contractually in respect of Paternity Leave and Paternity Pay. It also provides information to help employees and their managers understand what benefits are available and how to access them. This procedure does not form any part the employee's contract of employment. It may be amended at any time and the company may depart from it depending on the circumstances of any case. Th

## Definition

Paternity Leave is provided to an employee who is the husband or partner of either a new mother or a main adoptive parent, providing they meet certain qualifying conditions and follow the appropriate application process.

## Information for managers and employees

It is recommended that Managers contact the HR department who can provide guidance as to how to manage paternity procedures.

## Qualifying for paternity leave

To qualify for Paternity Leave an employee must:

- Have been employed by GEL for at least 26 weeks by the end of the 15th week before the week when the baby is due; or by the end of the week in which they are notified of being matched with an adopted child.
- Be the biological father of the child and/or the mother's husband or partner (including same- sex relationships); or they are either one of 2 parents jointly adopting or the partner of someone adopting individually.
- Be fully involved in the child's upbringing and are taking the time off to support the mother or care for the baby.
- Not be taking adoption leave or pay.
- Have applied to take Paternity Leave as set out later in this document.

## Length of Paternity Leave

Paternity Leave can be taken as either 1 or 2 weeks. Employees cannot take odd days off and, if opting for 2 weeks, they must be taken together. The leave can start on any day of the week. In the case of multiple births, employees are only allowed one period of paternity leave i.e. the leave period is the same regardless of the number of children born or adopted at the same time.

## Paternity Leave & Pay – Guidelines and Procedures

### Paternal Pay

Some employees may be covered by a Paternity Policy preserved from TUPE arrangements, or under a collective agreement, in which case they should refer to the terms of their contract for the Paternity Pay provision that will apply.

If an employee meets the qualifying conditions for paternity leave and is employed on GEL's terms and conditions, they will be entitled to up to 1 week's full pay and 1 week's Statutory Paternity Pay or 90% of average weekly earnings, if this is less, provided they:

- Have average weekly earnings at or above the lower earnings limit for National Insurance contributions.
- Have submitted the appropriate HMRC form at least 28 days before they wish their Paternity Leave to begin (or as soon as reasonably practical):

### Timing of Paternity Leave - Births

Paternity leave must be taken within a 56-day period which starts either on the date of birth, or at the beginning of the expected week of childbirth, whichever is the later. Therefore, an employee can start their paternity leave:

- On the actual date of the baby's birth (whether earlier or later than expected)
- On a date falling a specified number of days after the actual birth date (whether earlier or later than expected)
- On a date after the first day of the week in which the baby is expected to be born. If the baby is born later than this date, they must delay their leave until the date of the actual birth.

Where shared parental leave in relation to a child has already been taken, the employee may not then take paternity leave in relation to the same child.

### Applying for Paternity Leave and Pay – Births

An employee must submit an application for paternity leave to their manager no later than 15 weeks before the expected week of childbirth providing the following details:

- The expected date of the baby's birth
- Whether they are applying for 1- or 2-weeks' leave
- When they wish their Paternity Leave to start

To apply for Statutory Paternity Pay (SPP), an employee must complete [HMRC SC3 form](#) and send it to their manager no later than 28 days prior to the date they wish SPP to start.

An employee can change the date that the leave and pay start, as long as they give 28 days' notice and complete a new [HMRC SC3 form](#).

## **Paternity Leave & Pay – Guidelines and Procedures**

### **Time off for antenatal appointments**

The Children & Families Act 2014 extends the right to take unpaid time off to attend antenatal appointments to fathers, spouses and partners. The employee requesting time off to accompany an expectant mother to an antenatal appointment should confirm the following information as part of the request:

- that they have a qualifying relationship with the expectant mother (that they are the father of the child or the woman's spouse or partner);
- that the reason for requesting time off is to attend an antenatal appointment;
- that the appointment has been made on the advice of a medical practitioner, registered midwife or registered nurse; and
- the date and time of the appointment.

### **What happens in the event something goes wrong?**

In the unfortunate event that something goes wrong with a pregnancy such as stillbirth or loss of baby after birth, provided an employee meets all the other conditions, they can still take paternity leave if the child is stillborn after 24 weeks of pregnancy or is born alive at any point of the pregnancy but then dies.

### **Timing of Paternity Leave – UK Adoptions**

Paternity leave must be taken within a 56-day period which starts from the date of the child's placement with the adopter. Therefore, an employee can start their paternity leave:

- On the actual date the child is placed with the adopter, even if this is earlier or later than the expected date of placement. If the employee is at work on that date, their leave begins on the day after.
- On a date falling a specified number of days after the expected date of placement
- On a predetermined date after the expected date of placement

If the date of placement changes, the employee must discuss with their manager and give appropriate notice of the change.

### **Applying for Paternity Leave and Pay – UK Adoptions**

An employee must apply to their manager for Paternity Leave no later than 7 days after the adopter is notified, they have been matched with a child, providing the following details:

- That they intend to take paternity leave.
- The date the adopter was notified that they had been matched with a child.
- The expected date of the placement as given on the matching certificate from the adoption agency.

## Paternity Leave & Pay – Guidelines and Procedures

- Whether they are applying for 1- or 2-weeks' leave.
- When they wish their paternity leave to start.

If it is not reasonably practical for an employee to meet this deadline, they should provide the notification to their manager as soon as possible.

If the employee wishes to apply for statutory paternity pay at the same time they may do so by including a completed [HMRC SC4 form](#).

An employee can change the date that the leave and pay start, as long as they give 28 days' notice and complete a new [HMRC SC4 form](#).

### Timing of Paternity Leave – overseas adoptions

Paternity leave must be taken within a 56-day period which starts from the date of the child's arrival in the UK. Therefore, an employee can start their paternity leave:

- On the actual date the child enters the UK.
- From a fixed date which is later than the date the child enters the UK.

### Applying for Paternity Leave and pay – overseas adoptions

There are three stages in the notification process for overseas adoptions.

In the first stage, the employee must send their manager a completed [HMRC SC5 form](#) providing the following details:

- The date on which the other or main adopter received official notification that they are eligible to adopt and have been approved as a suitable adoptive parent.
- The date the child is expected to enter the UK.

The employee must provide this information within:

- 28 days of the adopter receiving official notification;
- Or, if later, 28 days of completing the necessary 26 weeks' qualifying service to be eligible for paternity leave.

In the second stage, the employee must send their manager an updated [HMRC SC5 form](#) giving at least 28 days' notice of the actual date they wish the paternity leave (and statutory paternity pay if they qualify) to begin. If they know the actual date the child will enter the UK they can give this notice at the first stage.

The third stage is after the child has entered the UK at which point the employee must confirm to their manager the actual date the child entered the UK, within 28 days of the child's date of entry. An employee can change the date that the leave and pay start, as long as they give 28 days'

## Paternity Leave & Pay – Guidelines and Procedures

notice and complete a new [HMRC SC5 form](#).

### Taking Parental Leave after Paternity Leave

If an employee requires more time off to look after the child, they may be able to take parental leave of up to 4 weeks without impacting on their right to return.

To qualify for parental leave, the employee must have completed one years' continuous employment with GEL. Full details can be found in Parental Leave – Guidelines & Procedures

### Taking Shared parental leave after paternity leave

Entitlements and arrangements are as per maternity leave & pay/shared parental leave & pay guidelines

Managers should contact the HR department for guidance on employee paternity leave.

### Flexible Working

Employees have a right to request flexible working, and flexible working requests will be considered in a sympathetic and supportive way. Managers should try and accommodate all requests taking into account the role undertaken and the operational requirements of the business.

However, neither the legislation nor GEL's Flexible Working Policy give individuals the right for their request to work flexibly to be approved and therefore there may be legitimate business reasons when a request cannot be accommodated.

For more information please refer to the Flexible Working Policy.

### Revision Status

Revision	Date	Amendment	Content Owner	Mandated By
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