

Paternity Policy

Policy owner	Head of People
Policy version number	2020.06
Date	June 2021
Next review date	June 2024
Approval required from	COO

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Section 1: Regulation

This policy has been written to comply with the following regulations and/or legislation. Any changes to the flagged clauses must be measured against the regulatory requirement. Details of the regulations are given at the relevant point in the policy.

Policy clause/section	Regulation
Whole policy	Equality Act 2010
3.1	Employment Rights Act 1996 part VIII chapter 3
3.3	SSCBA 1992 Part XII ZA

Section 2: Overview

2.1 Purpose

- 2.1.1 This policy sets out the statutory and occupational rights and responsibilities of employees who plan to take paternity leave.
- 2.1.2 This policy is here to help you and us plan ahead when you're starting and looking after your family. We want to make sure everything is as clear as possible for you, so you can plan your finances, time off and any support you may need.

2.2 Scope

- 2.2.1 This policy applies to all permanent and fixed term employees.

2.3 Responsibilities

- 2.3.1 The Head of People is accountable for ensuring that this policy is applied correctly.
- 2.3.2 The People team are involved in delivering the policy.
- 2.3.3 Line managers are responsible for liaising with the employee in relation to their period of leave, and where necessary arranging cover for the role.
- 2.3.4 Employees who are applying for paternity leave are responsible for following the process outlined in this policy.

2.4 Definitions

- 2.4.1 The following definitions are used in this policy

Expected week of childbirth (EWC)	The week, starting on a Sunday, during which your partner's doctor or midwife expects them to give birth.
Placement date	The date on which an adopted child is expected to be placed with you
Qualifying week	The 15 th week before the expected week of childbirth (EWC)
Occupational paternity pay (OPP)	Payment made over and above the statutory requirement
Statutory Paternity Pay (SPP)	SPP refers to the statutory pay requirement for paternity leave.

Section 3: Policy and procedures

3.1 Paternity leave



Legislation alert **clause 3.1**

Employment Rights Act 1996 part VIII chapter 3: Rights regarding paternity leave.

Eligibility for leave

3.1.1 If you are the secondary caregiver to a child (this applies to biological parents, adoptive parents, parents through surrogacy) you are entitled to two weeks' paternity leave provided you;

- have 26 weeks' continuous service by the end of the 15th week before the EWC date (qualifying period)
- have not have handed in your notice
- have, or expect to have, responsibility for the upbringing of the child.
- have provided the correct notice

When paternity you can take paternity leave

3.1.4 Your paternity leave cannot start before the birth or placement date. Paternity leave must be taken in no more than two single blocks of leave.

You can choose whether you want to start your Paternity leave from the date the child is born/placement date, or from a chosen number of days or weeks after that date. If you are eligible for Occupational Paternity leave (see [Section 3.4](#)) you can take your leave at any time in the first 52 weeks (before the baby's first birthday). Statutory paternity leave however must have been taken within 8 weeks of the birth/placement date.

3.2 Notification of paternity leave

3.2.1 Making a request

When you know that your partner is due to have a baby or you are planning to adopt, you should let your manager know as soon as possible so you can both plan ahead. When making a request you should let your manager and the People team know the following;

- The EWC or placement date
- Notification date (in case of adoption)
- The length of time you plan to take (including any holiday you may wish to use either side)
- the date you want the leave to start (this can't be before the baby is born)

- Complete and sign the one of the below SC forms declaring your eligibility
 - o Birth parent: [SC3](#) form
 - o Adoptive parent (UK): [SC4](#) form
 - o Adoptive parent (from abroad): [SC5 form](#)

You must give at least 15 weeks' notice of the date your baby is due (EWC) to be eligible for statutory leave.

3.2.2 Adoptive parents

We know that you won't necessarily be able to give 15 weeks' notice of the placement date if you are planning to adopt. In this case, you must provide as much notice as practically possible, and let your manager and the people team know at least seven days before the placement date given by the adoption agency, that you plan to take paternity leave. You should provide all the relevant information in Section 3.2.1

3.2.3 Changing the timing of paternity leave

If your plans change, and you'd like to make a change to your start date you would just need to let your manager and the People team know by whichever is the earlier of either 28 days before the original start or 28 days before the new date you want to start your leave. If you are unable to advise of the change within 28 days your request to change may be denied.

3.3 Statutory Paternity Pay



Legislation alert **clause 3.3**

Social Security Contributions and Benefits Act 1992 Part XII ZA: Entitlement, liability to pay and rates of payment.

3.3.1 The table below provides a summary of the eligibility for paternity leave and pay based on length of service.

Length of service	Statutory paternity leave
Less than 26 weeks continuous service by the 15 th week before the EWC (qualifying period)	<ul style="list-style-type: none"> • Not eligible for statutory paternity leave
More than 26 weeks continuous service, up to 1 year by the 15 th week before the EWC (qualifying period)	<ul style="list-style-type: none"> • You will be paid £151.97 (statutory) or 90% of your AWE (whichever is lower) for up to two weeks
1 year or more years of continuous service at the 15 th week before the EWC (qualifying period)	<ul style="list-style-type: none"> • Entitled to occupational pay and leave (inclusive of SPP) for up to six weeks. See rates in section

Eligibility for Statutory Paternity Pay

3.3.2 If you meet the eligibility criteria for Statutory Paternity leave (outlined in [Section 3.1.1](#)) and have provided the relevant notice, you will also be eligible for statutory paternity pay.

3.3.3 Paternity Pay will be paid into your bank account on the same date as your normal pay date and is treated as earnings and is therefore subject to PAYE and national insurance deductions.

3.3.4 Statutory paternity leave and pay

You must take your leave within the first 8 weeks from the day your baby is born, or from the placement date to be eligible for statutory pay. You can take this in either a single two-week block or two blocks of a week each.

3.4 Occupational paternity leave and pay

Eligibility

3.4.1 To qualify for occupational leave and pay you must have 26 weeks or more service at the 15th week before the EWC or placement date.

For example; if your partner's EWC date is 30th August 2021, the qualifying period is week commencing 17th May 2021 and therefore your employment start date would need to be on or before 17th May 2020 to qualify for OPP. If you started after 17th May 2020 you would not be eligible for OPP but may be eligible for statutory leave and pay (see table 3.3.1)

You must also meet the following criteria

- have not have handed in your notice
- have, or expect to have, responsibility for the upbringing of the child
- provided the correct notice

Occupational leave

3.4.2 If you meet the eligibility criteria you will be able to take up to **six weeks leave, fully paid**. This can be taken in up to two blocks. These can be split however you like for example, evenly across two blocks of three weeks, or one week, followed by a block of five.

3.4.3 You can take your leave (or blocks of leave if you choose to split it) at any time from the date of birth/placement date up to the baby's 1st birthday or within 52 weeks of the placement date. These blocks should be given in advance when notifying your manager

and the People team you plan to take paternity leave. You can change these but would need to give up to 28 day's notice (see 3.2.3).

3.4.4 You cannot start paternity leave before the placement/EWC date, if you want to take leave before then you would need to use annual leave.

3.5 Annual leave

3.5.1 Accruing public holidays and non-contractual holidays

You will continue to accrue contractual annual leave while on paternity leave. Depending when your paternity leave falls, you may also accrue public holidays and any non-contractual holidays given to all employees (such as the Christmas Closure) as annual leave. If your paternity leave falls over a bank holiday or the Christmas Closure these days will be automatically added to your annual entitlement.

2.10.2 If you are planning to extend your paternity leave by using some annual leave you should include this in your notice to take leave.

2.10.4 Buying or selling annual leave

While on paternity leave you are not eligible to receive any additional leave pay. This means that if you want to sell any annual leave while on paternity leave (this can only happen during either of the windows), the payment would be delayed and made when you return to work. You would only be eligible to sell up to the maximum of 5 days in a rolling year (see [Leave and Absence policy](#)).

2.10.5 Carrying over annual leave after returning to work

Once you have returned to work, the usual carry over rules apply (see [Leave and Absence policy](#)), and annual leave may be carried over to the following leave year but no more than 5 days.

3.6 Shared parental leave

3.6.1 Shared parental leave enables you to share some of your partner's maternity or adoption leave (and pay), provided they end their leave early (to "share" what they have left).

To be able to take shared parental leave, you and your partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. You and your partner should ensure that you're both liaising with your

employers if you want to use Shared Parental Leave. See [Shared Parental Leave](#) policy for full details

- 3.6.2** If you are eligible to take Shared Parental Leave any Paternity leave (and pay) taken will count toward your entitlement for leave and pay under Shared Parental leave.

For example (if you meet the eligibility criteria for both Occupational Paternity and Shared Parental leave); *if you took 6 weeks Paternity leave following the birth of your baby and then later decided to take Shared Parental Leave, you would have already used 6 of the 24 weeks of paid leave available. This means the maximum (fully paid) shared parental leave you could take is 18 weeks.*

3.7 Premature birth, Neonatal care and Pregnancy loss

- 3.7.1** We recognise this is a stressful and difficult experience that any parent can face so we want to take proactive measures to support you.

Eligibility

This is a particularly challenging time for parents, therefore any employee that has been on paternity leave at Frontline is eligible for premature birth and neonatal leave and pay, or additional leave and pay for pregnancy loss. This means that regardless of your length of service before going on paternity leave you would be eligible for additional leave and pay in the event of pregnancy loss, premature birth or your baby requiring neonatal care. Full details of the leave and pay are outlined in the [Maternity Policy](#) (Section 2.13 and Section 2.14)

3.8 Contact during paternity leave

- 3.5.1** We have a responsibility to remain in reasonable contact with you during paternity leave and will agree how to best contact you during this time.

3.9 Rights on and after returning to work

- 3.9.1** On resuming work after paternity leave the employee is entitled to return to the same job as they occupied before commencing paternity leave on the same terms and conditions of employment as if they have not been absent.

Section 4: Relevant references

4.1 Frontline policies and documents

4.1.1 Refer to other Frontline policies for further information on:

- Maternity leave
- Shared Parental leave
- Adoption and surrogacy policy
- Leave and Absence