

Family Friendly UK Resource

Sample policy: Paternity and Parental Leave Policy

1. This Policy explains the entitlement to paternity and parental leave and gives employees direction and procedural guidance relevant to their paternity and parental leave rights and applications. This policy takes into account the rights set out in the Additional Paternity Leave Regulations 2010, The Maternity and Parental Leave and Paternity and Adoption Leave (Amendments 2006), Employment Act 2002 and the Work and Families Act 2006. Any employee that is a father or shares the responsibility of bringing up a child has the right to Statutory Paternity Leave, Additional Paternity Leave and Parental Leave. This includes those that are adopting. All the above leave is available for those who have or expect to have responsibility for a child's upbringing, are the biological father of the child or the spouse or partner of the mother (including same sex relationships).
2. Terminology
 - SPP – Statutory Paternity Pay, 90% of weekly earnings or the rate set by Government, paid for up to 2 weeks of eligible
 - From 1st April 2013, SPP is £138.18 per week; for updates check www.gov.uk/paternity-pay-leave
 - SPL – Statutory Paternity Leave, up to 2 weeks leave upon the birth or adoption of the child
 - APL – Additional Paternity Leave, leave transferred from the mother or partner
 - ASPP – Additional Statutory Paternity Leave Pay, any remaining payment transferred from the mother/adopting parent to the employee
3. **Statutory Paternity Leave:**
 - 3.1 Statutory Paternity Leave is available if:
 - the employee is the father of the child or partner or spouse of the mother;
 - the employee receives notification that they are to be matched with a child for adoption;
 - the employee is adopting from overseas and the child has entered Great Britain;
 - 3.2 Statutory Paternity Leave will be paid if the employee has worked continuously for 26 weeks at the 15th week before the child is expected to be born or the end of the week in which they are notified they have been matched with a child for adoption. Those who are eligible can choose to take a block of one or two consecutive weeks (not odd days).
 - 3.3 Statutory Paternity Leave will be paid at 90% of their weekly average earnings or at the SPP rate as set by Government (currently £138.18 per week) whichever is lower. The employee will need to take their paternity leave within 56 days of the actual date of birth of the child, or if the child is born early, within the period from the actual date of birth up to 56 days after the first day of the week in which the birth was expected.
 - 3.4 Notification. Employees will need to notify their manager no later than 15 weeks before the expected due date of the child, when they are expecting their leave to start and whether they plan to take one or two weeks. Employees will also need to submit

the SC3 form which is available on the www.gov.uk website. The employer will send written notification to the employee of the arrangement agreed within 14 days.

4. Additional Paternity Leave.

4.1 Additional Paternity Leave may be available if:

- the employee is the father of the child or partner or spouse of the mother;
- the employee receives notification that they are to be matched with a child for adoption;
- the employee is adopting from overseas and the child has entered Great Britain;
- the child's mother is entitled to statutory maternity/adoption leave, maternity/adoption pay or allowance.

4.2. Additional Paternity Leave is for a maximum period of 26 weeks and can be taken at any time from 20 weeks after the child is born/placed with the employee for adoption but must finish within 12 months.

4.3 For the pay and leave to be taken the mother must have returned to work with at least two weeks of the 39 weeks payment period remaining. ASPP is only available during the 39 week statutory maternity/adoption pay period and cannot continue beyond this point.

4.4 The employee must notify their manager in writing at least 8 weeks before the start of the leave. This must include:

- The requested APL start and end date.
- The expected date of the baby's birth or date of notification of being matched for adoption
- A letter from the mother stating her name, address and NI number, confirmation that notice for her return has been given to her employer, that she is entitled to SMP or MA, the start date of the maternity/adoption leave, confirmation that the employee satisfies the relationship eligibility and that they are the sole applicant for APL.
- The mother's employers name, address
- A copy of the child's birth certificate or adoption matching details must be submitted to the employer within 28 days of APL being requested.

5. Parental Leave

5.1 Parental Leave. All employees who have one years' service with the organisation are entitled to 18 weeks of unpaid parental leave.

- 5.2 Employees can take up to four weeks a year for the purpose of caring for a child. This entitlement extends to any child up to the age of 14 or up to 18 years old for a disabled child. Parental leave should be taken in periods of at least one week.
- 5.3 Parental leave will be unpaid.
- 5.4 Employees should apply to their managers for Parental Leave in the same way as is agreed for annual leave.

6. Ante natal care will not be provided as paid time off for partners or fathers however arrangements can be made to take annual leave for appointments if deemed reasonable.
7. Should an employee wish to raise a grievance regarding a procedural concern they can do so at any time by following the process set out in the Grievance Policy.
8. Review. The organisation will review this policy every 3 years. The next review will therefore be held on **DATE**.