



Paternity Leave Policy

1 Introduction

The Employment Act 2002 set out the basic rights to paternity leave. New paternity leave rights come into force with effect from 6 April 2003 as a consequence of the Paternity and Adoption Leave Regulations 2002 and the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002. They are intended to give partners the opportunity to support the mother during the period immediately following birth or adoption and to assist in building a relationship with a child.

The provisions apply to partners of children either born on or after 6 April 2003, or those whose expected week of birth begins on or after that date, subject to meeting qualifying criteria. Partners of adopted children who meet the qualifying criteria will be eligible for paternity leave for children matched for adoption or after 6 April 2003, or placed for adoption on or after that date.

2 Entitlement

Partners are entitled to:

- one week's paid paternity leave (defined as Maternity Support Leave in the Green Book), or
- 2 week's consecutive paternity leave; the first week paid leave (Maternity Support Leave) and the second week Statutory Paternity Pay (£100 per week)

This leave has to be taken within 8 weeks of the child's birth

3 Who qualifies for these rights?

- An employee must have a minimum of 26 weeks continuous employment with the Council, ending in the fifteenth week before the expected week of confinement, or the week in which the adopter is notified of being matched with the child
- The employee has or expects to have responsibility for the child's upbringing
- The employee is the biological father of the child, the mother's husband or partner#
- The partner who adopts, or the member of a couple adopting jointly who hasn't chosen to take adoption leave

partner may include a partner in a same sex couple

4 Applying to take Paternity Leave

- 4.1 The employee must provide notification in writing* of the planned date of leave before, or in the 15th week before the expected week of confinement or no later than 7 days after the date on which the adopter is notified of being matched with a child.
- 4.2 The date specified may be altered but a minimum of 28 days notice of intention to take leave will normally be required. If the baby arrives early, paternity leave may be taken in the period from the actual date of birth up to 8 weeks after the expected date of birth.

* *Form available from Human Resources Section*

5 Contractual Implications

- 5.1 Employees who take paternity leave will be entitled to return to the same job on the same terms and conditions
- 5.2 Paternity leave does not affect annual leave entitlement
- 5.3 Employees are protected from suffering any detriment as a result of taking leave
- 5.4 Any abuse of the paternity leave policy could result in disciplinary action

6 Records

- 6.1 All records will be kept confidential, and retained in accordance with the Data Protection Act 1998.