

Leeds Trinity SU Paternity Policy

Board approval; July 2021

Review; July 2023

1 Policy statement

- 1.1 This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it. The policy does not apply to agency workers or the self-employed.
- 1.2 No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 1.4 In some cases, you may be eligible to opt into the shared parental leave scheme which gives you and your Partner more flexibility to share the leave and pay available in the first year. Details are set out in our Shared Parental Leave Policy.

2 Definitions

The definitions in this paragraph apply in this policy.

"Partner" someone (whether of a different sex or the same sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle.

"Expected Week of Childbirth" the week, beginning on a Sunday, in which their doctor or midwife expects your spouse, civil partner or Partner to give birth.

"Expected Placement Date" the date on which an adoption agency expects that it will place a child into your care with a view to adoption.

3 Personnel responsible for implementing the policy

- 3.1 The General Manager has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.
- 3.2 Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

4 Entitlement to paternity leave

- 4.1 Certain employees can take paternity leave in relation to the birth or adoption of a child. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave. Further details of adoption leave are set out in our Adoption Policy.
- 4.2 You are entitled to paternity leave if you meet all the following conditions:
- 4.2.1 You have been continuously employed by us for at least 26 weeks ending with:
- 4.2.1.1 in birth cases, the 15th week before the Expected Week of Childbirth.
- 4.2.1.2 in adoption cases, the week in which you or your Partner are notified by an adoption agency that you/they have been matched with a child.
- 4.2.2 You:
- 4.2.2.1 are the biological father of the child;
- 4.2.2.2 have been matched with a child by an adoption agency;
- 4.2.2.3 are the spouse, civil partner or Partner of the child's mother; or
- 4.2.2.4 are the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency.
- 4.2.3 You:
- 4.2.3.1 expect to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
- 4.2.3.2 are the child's biological father and you expect to have some responsibility for the child's up-bringing.
- 4.2.4 Your intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.

- 4.3 You cannot take paternity leave if you have already taken shared parental leave in respect of the same child. You may be eligible to take shared parental leave after paternity leave (see the Shared Parental Leave Policy).

5 **Timing and length of paternity leave**

- 5.1 Paternity leave must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.

- 5.2 Paternity leave can be taken from the date of the child's birth or adoption placement, but must end:

5.2.1 In birth cases, within 56 days of the child's birth, or if they were born before the first day of the Expected week of Childbirth, within 56 days of the first day of the Expected Week of Childbirth.

5.2.2 In adoption cases, within 56 days of the child's placement.

6 **Notification (birth)**

- 6.1 If you wish to take paternity leave in relation to a child's birth, you must give us notice in writing of your intention to do so and confirm:

6.1.1 The Expected Week of Childbirth;

6.1.2 Whether you intend to take one week's leave or two consecutive weeks' leave; and

6.1.3 When you would like to start your leave. You can state that your leave will start on:

6.1.3.1 the day of the child's birth;

6.1.3.2 a day which is a specified number of days after the child's birth; or

6.1.3.3 a specific date later than the first date of the Expected Week of Childbirth.

- 6.2 You must give notice under Paragraph 6.1 by the end of the 15th week before the Expected Week of Childbirth (or, if this is not possible, as soon as you can).

- 6.3 We may require a signed declaration from you that you are taking paternity leave for a purpose for which it is intended; namely, to care for the child or to support the child's mother in caring for the child.

7 **Notification (adoption)**

- 7.1 If you wish to take paternity leave in relation to the adoption of a child, you must give us notice in writing of your intention to do so and confirm:

7.1.1 The date on which you and/or your spouse, civil partner or Partner were notified of having been matched with the child, together with the Expected Placement Date;

7.1.2 Whether you intend to take one week's leave or two consecutive weeks' leave; and

7.1.3 When you would like to start your leave. You can state that your leave will start on:

7.1.3.1 the day on which the child is placed with you or the adopter;

7.1.3.2 a day which is a specified number of days after the child's placement; or

7.1.3.3 a specific date later than the Expected Placement Date.

- 7.2 You must give notice under Paragraph 7.1 no more than seven days after you and/or your spouse, civil partner or Partner were notified of having been matched with the child (or, if this is not possible, as soon as you can).

- 7.3 We may require a signed declaration from you that you are taking paternity leave for a purpose for which it is intended; namely, to care for the child or to support your spouse, civil partner or Partner in caring for the child.

8 **Changing the dates of paternity leave**

- 8.1 Where you are to take paternity leave in respect of a child's birth, you can give us written notice to vary the start date of your leave from that which you originally specified in the notice given under Paragraph 6.1. This notice should be given:

8.1.1 Where you wish to vary your leave to start on the day of the child's birth, at least 28 days before the first day of the Expected Week of Childbirth.

- 8.1.2 Where you wish to vary your leave to start a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth.
- 8.1.3 Where you wish to vary your leave to start on a specific date (or a different date from that you originally specified), at least 28 days before that date.
- 8.2 Where you are to take paternity leave in respect of a child's adoption, you can give us written notice to vary the start date of your leave from that which you originally specified in the notice given under Paragraph 7.1. This notice should be given:
 - 8.2.1 Where you wish to vary your leave to start on the day that the child is placed with you or the adopter, at least 28 days before the Expected Placement Date.
 - 8.2.2 Where you wish to vary your leave to start a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the Expected Placement Date.
 - 8.2.3 Where you wish to vary your leave to start on a specific date (or a different date from that you originally specified), at least 28 days before that date.
- 8.3 If you are unable to give us 28 days' written notice of the wish to vary the start of your leave as set out above, you should give us written notice of the change as soon as you can.

9 Statutory paternity pay

- 9.1 In this paragraph, "**Relevant Period**" means:
 - 9.1.1 In birth cases, the eight-week period ending with the 15th week before the Expected Week of Childbirth.
 - 9.1.2 In adoption cases, the eight-week period ending with the week in which you or your spouse, civil partner or Partner were notified of being matched with the child.
- 9.2 If you take paternity leave in accordance with this policy, you will be entitled to statutory paternity pay ("**SPP**") if, during the Relevant Period, your average weekly earnings are not less than the lower earnings limit set by the government.

9.2.1

9.3 SPP is paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact the Finance Administrator.

10 **Terms and conditions during paternity leave**

10.1 All the terms and conditions of your employment remain in force during paternity leave, except for the terms relating to pay. In particular:

10.1.1 Benefits in kind [such as a complimentary NUS Extra Card] shall continue;

10.1.2 Annual leave entitlement under your contract shall continue to accrue;
and

10.1.3 Pension benefits shall continue (see Paragraph 11.3).

11 **Annual leave**

11.1 During paternity leave, annual leave will accrue at the rate provided under your contract.

11.2 If you are taking a period of paternity leave that will finish very close to the end of the year or continue into the next holiday year, any holiday entitlement for the year that cannot reasonably be taken before starting your paternity leave can be carried over to the next holiday year and must be taken immediately before returning to work unless your manager agrees otherwise. You should discuss your holiday plans with your manager in good time before starting your paternity leave. All holiday dates are subject to approval by your manager.

11.3 Our holiday year is outlined in the Annual and Special Leave Policy.

12 **Pensions**

12.1 During paternity leave we shall continue to make any employer contributions that we usually make into a money-purchase pension scheme, based on what your earnings would have been if you had not been on paternity leave provided that you continue to make contributions based on the paternity pay you are receiving. If you wish to increase your contributions to make up any shortfall from those based on your normal salary you should contact the Finance Administrator.

13 **Returning to work**

- 13.1 You are entitled to return to work following paternity leave to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.
- 13.2 However, if you have taken paternity leave straight after or straight before a period of parental leave of **more than four weeks**, and it is not reasonably practicable for us to allow you to return to the same job, we may give you another suitable and appropriate job on terms and conditions that are not less favourable,
- 13.3 We will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis, in accordance with our Flexible Working Policy. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

14 **Monitoring and review of the policy**

- 14.1 This policy is reviewed every two years by the General Manager with the opportunity to input for all staff colleagues. Recommendations for any amendments are put forward to the board.
- 14.2 We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.