

Great Aycliffe Town Council



PATERNITY LEAVE AND PAY POLICY

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Paternity Leave and Paternity Pay Policy

Introduction

- 1 Great Aycliffe Town Council recognises that employees may wish to take time off work to support the mother of a baby or look after the baby.

Scope

- 2 The scheme applies to eligible Town Council employees, who must be one of the following, the:
- Father
 - Husband or partner of the mother/father (or adopter)
 - Child's adopter
 - Intended parent (if they're having a baby through a surrogacy arrangement)
- 3 This policy does not cover self-employed contractors and other workers
- 4 This policy does not form part of you're the employment contract, and we the Council may update it at any time.

Authority

- 5 The Town Clerk is accountable for the proper application of the Paternity Leave Policy.

Legal Framework

- 6 These provisions take account of the framework of statutory rights as set out in the Employment Rights Act 1996, amended by the Employment Rights Act 2025, the Employment Relations Act 1999 and the Employment Act 2002. The details of these rights are set out in supporting regulations: The Paternity and Adoption Leave Regulations 2002, as amended by the Paternity and Adoption Leave (Amendment) Regulations 2006, The Children and Families Act 2014, the Paternity and Adoption Leave (Amendment) (no 2) Regulations 2014, the Neonatal Care (Leave and Pay) Act 2023 and the Paternity Leave (Bereavement) Act 2024.

Provisions

- 7 The Council provides one type of paternity leave, Ordinary Paternity Leave.

Paternity Leave

- 8 To be eligible for Paternity Leave an employee must:
- Have, or expect to have, responsibility for the child's upbringing as set out in paragraph 2.

- ~~Have worked continuously for the Council for 26 weeks leading into the 15th week before the baby is due and be employed continuously during the pregnancy up to the actual date the baby is born~~

- 9 Employees may choose to take leave as one or two whole weeks, ~~which must be taken all at one time any time up to 8 weeks after the date of birth.~~ Leave cannot start before the birth. **It must end within 52 weeks of the baby's birth, or the due date if the baby is early.** The leave is based on the employee's normal working week, pro rata for part-time employees.

Process

- 10 Employees must complete the Application for Paternity Leave Form (Appendix 1), arrange for it to be authorised by their line manager and return it to Finance Section by the 15th week before the Expected Week of Childbirth (EWC). The Line Manager will confirm authorisation of leave.
- 11 ~~If the baby is born early, the employee can choose to take their leave any time between the actual date of birth and the end of an 8-week period running from the Sunday of the week the baby was originally due.~~
- 12 Where the employee has chosen to start their leave on the date the child is born and they are at work on this date, their leave will begin on the following day.
- 13 The employee must notify their Line Manager of the date the child was born, as soon as is reasonably practicable.
- 14 The employee may change the proposed date providing they give 28 days' notice.

Eligibility for paternity leave for adoption

- 15 ~~The employee must have worked for the Town Council for at least 26 weeks before the end of the week when:~~ **Employees are eligible to take paternity leave for adoption from the first day of their employment with the Council.**

To be eligible for paternity leave for adoption, the employee must:

- Be married to, the civil partner or partner of the child's main adopter – this includes same-sex partners.
 - Be taking the leave to care for the child or support their partner.
 - ~~They are told they have been matched with a child, for adoption in the UK~~
 - ~~the date the child enters the UK, for overseas adoption~~
- 16 **When adopting a child from the UK**, the employee must tell the Town Council within 7 days of being matched with a child. This would be in writing and include the following:
- The date they have been matched with the child.

- The placement start date.
- Whether the employee intends to take 1 or 2 weeks' leave (pro-rata for part time employees).
- The date the leave is to start.

For an overseas adoption, the employee must also tell the Town Council within 28 days of the official notification:

- The date the child's main adopter received an official notification of the adoption.
- The date the child is expected to enter Great Britain, or if they have already entered Great Britain, the date they entered.
- That they have, or expect to have, responsibility for bringing up the child they are married to, the civil partner or partner of the child's main adopter.
- The child's main adopter has received an official notification of the adoption.

Statutory Paternity Payment

17 To be eligible for statutory paternity pay, the employee must:

- Be the father of the expected baby and/or
- Be married to, the civil partner or partner of the mother or birth parent – this included same-sex partners.
- Have been continuously employed by the Council for at least 26 weeks up to any day in the qualifying week.

18 Eligible employees will receive Statutory Paternity Pay for each week of their Paternity Leave. This will be the lower of 90% of average weekly earnings or the current SPP rate. The employee must have average weekly earnings which are no less than the current National Insurance lower earnings limit in the 8 weeks prior to the qualifying week.

19 Eligible employees must request statutory paternity pay in writing, no later than 15 weeks before the baby is expected to be born.

Shared Parental Leave

20 Shared Parental Leave (SPL) is a legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year. The amount of leave available is calculated using the mother's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave

entitlement, then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

- 21 More details on shared parental leave can be obtained by reading the Shared Parental Leave Policy.

Time Off for Ante-Natal Appointments

- 22 An expectant father or partner of a pregnant woman is entitled to take unpaid time off work to accompany the woman to 2 of her ante-natal appointments for up to 6.5 hours for each appointment.
- 23 Employees and qualifying Agency Workers (workers are required to have been doing the same kind of job for the Council for at least 12 weeks) are entitled to time off to accompany an expectant mother to her ante-natal appointments if they are:
- The baby's father
 - The expectant mother's spouse, her civil partner, or partner (of either sex) in an enduring relationship; or
 - Intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child.
- 24 The employee is not required to provide evidence of such appointments, as they are considered the property of the expectant mother attending the appointment. However, the employee should complete the attached declaration (Appendix 2) stating the date and time of the appointment, that they qualify for the unpaid time through their relationship with the mother or child and that the time off is for the purpose of attending the ante-natal appointment.
- 25 There is no qualifying period for employees – they are entitled to receive this entitlement from day one, providing they meet the criteria in paragraph 23.

Neonatal Care

- 26 Neonatal care leave is a day one right for eligible employees.
- 27 To receive pay for neonatal care leave, employees must have 26 weeks of continuous service.
- 28 Neonatal care leave allows parents to have additional time off to be with a baby who is receiving neonatal care. A baby may receive neonatal care if they:
- Are born early.
 - Are ill or injured when they are born.
 - Have a low birth weight.
- 29 Neonatal care could include:
- Medical care received in a hospital.

- Care or monitoring given to the baby after leaving hospital, under the direction of a consultant.
- Palliative care.

- 30 Neonatal care leave may be used when the baby is no longer receiving neonatal care, for example at the end of maternity leave.
- 31 Neonatal care leave may be taken from the first day of employment.
- 32 Eligible parents may take neonatal care leave once their child has been in neonatal care for at least 7 consecutive days.
- 33 Neonatal care might not take place in a neonatal unit. If a baby under 28 days starts receiving neonatal care, parents are eligible to take neonatal care leave.
- 34 Parents will be eligible to take a minimum of 1 week and maximum of 12 weeks' leave – 1 week of leave for each week the baby is in care, up to a maximum of 12 weeks.

Contractual benefits

- 35 The employee is entitled to the benefit of their normal terms and conditions of employment, except for terms relating to wages or salary throughout their paternity leave. The employee may however be entitled to SPP for this period.
- 36 The employee will continue to remain bound by any obligations arising under their contract of employment.

Return to work after paternity leave

- 37 The employee is entitled to return to the same job following no more than two weeks' paternity leave. If, however, they take two or more consecutive periods of statutory leave (which could include additional adoption leave or parental leave of more than four weeks), they will be entitled to return to the job in which they were employed before their absence or, if that is not reasonably practicable for the Council, then to return to another job which is both suitable and appropriate in the circumstances.
- 38 They have the right to return:
- With their seniority, and similar rights.
 - On terms and conditions not less favourable than those which would have applied if they had not been absent.
- 39 The employee will not be subject to any detriment by the Council because they took or sought to take paternity leave.

GREAT AYCLIFFE TOWN COUNCIL
Application for Paternity Leave

Part A to be completed by the member of staff - Please complete the form in BLOCK CAPITALS.

Title: Mr / Mrs / Miss / Ms	
First Name	
Surname	
Job Title	
Department/Section	
Home Address	
Tel Number (Work)	
Tel Number (Home)	Mobile:
E-mail	

I wish to inform you that I intend to take Ordinary Paternity Leave as follows:

Expected date paternity leave period to commence* _____

Expected return to work date ** _____

Partner's Expected Week of Childbirth (EWC) or expected date of placement for adoption:

*Your paternity leave cannot begin prior to the baby's birth/date of placement for adoption, but you can state that you wish your paternity leave to start on the day your child is born.

**Paternity leave must be taken in one block.

I declare that I:

- ☐ am the baby's biological father / married to/partner of the mother / living with the mother/father in an enduring family relationship, but am not an immediate relative *(please delete as applicable)*
- ☐ will have responsibility for the child's upbringing
- ☐ will take time off work to support the mother/father or care for the child.
- ☐ have provided a copy of my partner's MAT B1/matching certificate with this form

Signed:		Date:	
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PTO

Please ensure you have discussed this application with your Line Manager and provided them with a copy of this form.

This form must be returned to the Finance Section 15 weeks before your baby's due date, or within 7 days of receiving a matching certificate for adoption.

Section to be completed by Line Manager

Approved by: Manager Signature:

Date:

Employee informed of approval by:

Date:

GREAT AYCLIFFE TOWN COUNCIL

Request for time off to accompany a pregnant woman at an antenatal appointment

Title: Mr / Mrs / Miss / Ms	
First Name	
Surname	
Job Title	
Department/Section	
Home Address	
Tel Number (Work)	
Tel Number (Home)	Mobile:
E-mail	

Date of appointment: **Time of appointment:**

I have the following relationship with the pregnant woman I am accompanying to an antenatal appointment or her expected child (please tick as appropriate)

- ☐ I am the husband/Civil partner
☐ I live with the pregnant woman in an enduring family relationship
☐ I am the father of the expected child
☐ I am the intended parent in a surrogacy situation

Section B: I declare the following to be true (please tick each box)

- ☐ My purpose in taking time off is to accompany the above pregnant woman at an ante-natal appointment
☐ The ante-natal appointment has been made on the advice of a medical practitioner, midwife or nurse

Employee Signature:

Date:

Section to be completed by Line Manager

Approved by:

Manager Signature:

Date:

Employee informed of approval by:

Date: