

RotherFed Paternity Policy

Following the birth of a child, the right to paternity leave and pay will give eligible employees the right to take paid leave to care for the child or support the mother. In addition, the Work and Families Act 2006 includes a provision to extend the paternity rights with the creation of the new right to additional paternity leave (APL).

It should be noted that a qualifying employee will be entitled to paid leave if the baby is stillborn after 24 weeks of pregnancy. If the baby is born alive at any point in the pregnancy but dies later, the employee will be entitled to paid paternity leave in the usual way.

Paternity leave and pay is also available to employees following the placement of a child for adoption.

Eligibility

Employees must satisfy the following conditions in order to qualify for paternity leave. They must:

- have or expect to have responsibility for the child's upbringing
- be the biological father of the child or the mother's/adopter's spouse or partner or civil partner (of either gender)
- have worked continuously for their employer for 26 weeks ending with the 15th week before the expected week of childbirth
- have worked continuously from the 15th week before the baby is due up to the date of birth
- be taking the time off either to support the mother or adopter or to care for the new baby.

If the employee changes jobs before the baby is born the employee probably will not qualify for pay or leave. However if an employee's contract ends after the baby is born, he/she is still entitled to SPP.

Length of Paternity Leave

Eligible employees can choose to take either one week or two consecutive weeks' paternity leave (not odd days).

They can choose to start their leave:

- from the date of the child's birth (whether this is earlier or later than expected), or
- on a date falling such number of days after the date on which the child is born (whether this is earlier or later than expected) as the employee notifies to his/her employer; or
- on a chosen date as notified to his employer which falls after the first day of the expected week of childbirth.

Leave can start on any day of the week on or following the child's birth but must be completed:

- 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 expected week of birth.

Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

Statutory Paternity Pay

During their paternity leave, most employees are entitled to Statutory Paternity Pay (SPP) from their employers. SPP is treated as earnings, so an employer should make any deductions (such as income tax and NI contributions) that are due.

Statutory Paternity Pay is paid by employers for either one or two consecutive weeks as the employee has chosen. The rate of Statutory Paternity Pay is the same as the standard rate of Statutory Maternity Pay, currently £123.06 per week (2009/10 rate increasing each April) or 90% of average weekly earnings if this is less.

Employees who have normal weekly earnings, averaged over the period of eight weeks, ending with the qualifying week which are less than the lower earnings limit for National Insurance purposes (£95.00 a week from 6 April 2009, £97 a week from April 2010-2011) do not qualify for SPP.

If RotherFed decides that the employee is not entitled to SPP for any reason, they must give him a written statement.

Employees who do not qualify for SPP, or who are normally low-paid (below the lower earnings limit for National Insurance contributions, still have the right to unpaid paternity leave if they meet the other conditions and could get Income Support while on paternity leave.

Notice of intention to take paternity leave

Employees must inform RotherFed of their intention to take paternity leave **by the end of the fifteenth week before the baby is expected**, unless this is not reasonably practicable. They must tell their employers:

- the week the baby is due
- whether they wish to take one or two weeks' leave
- when they want their leave to start.

Employees can change their mind about the date on which they want their leave to start providing they tell RotherFed at least 28 days in advance (unless this is not reasonably practicable).

Employees must tell RotherFed the date they expect any payments of Statutory Paternity Pay to start **at least 28 days in advance**, unless this is not reasonably practicable.

The employee must also tell RotherFed when his baby was actually born as soon as is reasonably practicable after the birth.

Self certificate

Employees must give RotherFed a completed self-certificate SC3 as evidence of their entitlement to Statutory Paternity Pay (available to download from HM Revenue and Customs website at www.hmrc.gov.uk/forms/sc3.pdf). This must be provided at least 28 days before the Statutory Paternity Pay (SPP) is due to begin.

RotherFed can also request notification in writing such as a completed self certificate as evidence of entitlement to paternity leave. The self certificate should include a declaration that the employee meets certain eligibility conditions and provide the information specified above as part of the notice requirements.

Return to work after paternity leave

An employee is entitled to return to the same job following paternity leave on the same terms and conditions of employment as if he had not been absent, unless a redundancy situation has arisen. He is also entitled to benefit from any general improvements to the rate of pay or other terms and conditions introduced while he was away.