

Paternity Leave and Pay

Policy and guidance

Reviewed October 2020



INTRODUCTION

This document provides a guide to employees in relation to paternity leave and pay. The document explains ordinary paternity leave, including eligibility and entitlements.

SCOPE

This Policy covers all employees including centrally employed teachers but excluding staff on the complement of locally managed schools for which a separate policy applies.

ORDINARY PATERNITY LEAVE – Becoming a parent

The Employment Act provides two weeks' paid leave to employees. Eligible employees will have the right to take paid leave to care for the child and/or support the mother/primary adopter in the following circumstances:

Eligibility

An employee is eligible if:

- They have or expect to have responsibility for the child's upbringing and is either the biological father or the mother's husband or partner (partner refers to someone who lives with the mother, regardless of gender, in an enduring family relationship, but who is not a blood relative)
- They have worked continuously for the Authority for 26 weeks at the 15th week before the expected week of childbirth (EWC) and continues in that employment up to the date of birth. In the case of adoption, the employee will need to have worked for the Authority for 26 weeks leading into the week in which the adopter is notified of being matched with a child.
- They wish to take the time off either to care for the new baby or to support the mother/primary adopter.

Amount and timing of leave

- Employees can take up to two weeks' leave, either one week or two consecutive weeks (but not two separate weeks, or odd days). Only one period of leave is provided per pregnancy. Therefore, if the employee's partner gives birth to twins or more than one child is placed the entitlement will still only be to two weeks' leave.
- Leave can start on any day of the week on or following the child's birth or placement but must be completed within 56 days of the actual date of birth of the child or, when the child is born earlier than expected, between the date of birth and 56 days from the first day of the EWC or within 56 days of the child placement

Notice Requirements

Employees must notify the Absence Team by completing the paternity application form of their intention to take paternity leave by the 15th week before the baby is expected or within 7 days of the adopter being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable and must provide the following information:

- The expected date of childbirth or when the child is expected to be placed
- Whether they wish to take one- or two-weeks' leave
- The date they want their leave to commence (for Statutory Paternity Pay purposes 28 days advance notice is required unless good reason is provided for later notification)

An employee may change the commencement date provided they give at least 28 days' notice of the new start date (unless this is not reasonably practicable) (a copy of which should also be sent to the Line Manager).

An employee must inform the Absence Team (a copy of which should also be sent to the Line Manager) of the date of the child's birth as soon as practicable after the birth.

An employee must ensure that they inform the Line Manager regarding the paternity leave arrangements.

Eligibility for ordinary statutory paternity pay (OSPP)

To qualify for Ordinary Statutory Paternity Pay (OSPP) an employee must:

- Have been continuously employed for at least 26 weeks leading into the 15th week before the baby is due or in the case of adoption have been employed for at least 26

weeks ending with the qualifying week. The qualifying week is the week beginning with the Sunday that the adopter received notification of having been matched with the child and ends the following Saturday.

- Have average weekly earnings in the 8 weeks ending with the 15th week before the EWC or in the case of adoption in the 8 weeks at the end of the qualifying week equal to the lower earnings limit i.e. LEL for 2023/24 will be £123 a week.
- give at least 28 days' notice of their intention to claim paternity pay.

The Authority will pay OSPP to the employee for either one or two consecutive weeks as chosen by the employee.

The rate of OSPP will be the same as the standard rate of Statutory Maternity/Adoption Pay. Where the leave commences from the 2nd April 2023, the OSPP will be £172.48 per week or 9/10ths of average weekly earnings if this is less than £172.48 per week.

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes (£123 a week for 2023/24) will not qualify for OSPP. Employees who do not qualify for SPP may be able to receive other benefits while on paternity leave and should contact the Job Centre Plus or Department of Work and Pensions Office.

If an employee leaves the Authority for any reason before the baby is born they will not be entitled to paternity leave or pay. However if they remain in their job up until the baby is born before they leave employment they may still qualify for paternity pay.

Maternity/Adoption Support Leave

Maternity/Adoption Support Leave of 1 week with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth.

To qualify for maternity/adoption support leave the employee requesting this time will be the main support for the mother/ primary adopter and/or carer of the child.

If the authority knows that the father/ partner/ co-adopter intends to take their entitlement to maternity support leave (MSL) and/or statutory paternity leave (SPL) then there will be no need for a 'nominated carer'.

(Nominated Carer – there will be a requirement for a supporting letter from the expectant mother or primary adopter confirming that the employee has been elected as the nominated carer).

Employees who qualify for both paternity leave and maternity support leave will be entitled to one week's leave with normal pay and one week's leave paid at the standard rate of SPP as detailed below:

Scenario 1

An employee who is the nominated carer and not eligible for paternity leave will be entitled to:

- 1-week Maternity/Adoption Support Leave (1 week with normal pay)

Scenario 2

An employee with at least 26 weeks continuous service at the 15th week before the EWC or leading into the week in which the adopter is notified of being matched with a child and who is eligible for paternity leave will be entitled to the following:

- 1-week Maternity/Adoption Support Leave (1 week with normal pay with OSPP offset)
- 1-week Ordinary Statutory Paternity Pay at £172.48 SPP per week (or 9/10ths of average weekly earnings if this is less)

or

- 1-week Maternity/Adoption Support Leave (1 week with normal pay with OSPP offset)

This will apply when an employee does not elect to take week 2 of the Statutory Paternity Leave/Pay

Please note:

For additional leave please refer to the Shared Parental Leave Policy.

For adoption paternity leave please refer to the Paternity Leave and Pay for adoptive parent policy.

Re-instating lost pension as a result of unpaid paternity leave

As a member of the LGPS, you are able to reinstate any 'lost pension' arising from a period of unpaid paternity leave by paying additional contributions under an Additional Pension Contribution (APC) arrangement on your return to work. In order to do so, you will need to make an election to re-instate your lost pension within 30 days of returning to work. Provided you make your election within this period, and the reason for the period of

absence is authorised unpaid leave the cost will be shared with the Authority (1/3rd to the member and 2/3rds to the Authority).

However, if your election is made after 30 days of the date on the payslip in which the deduction of unpaid leave is taken, the entire cost will fall with you, as the member.

If you wish to reinstate the lost pension during your period of unpaid paternity leave, you will need to complete an online form via the [Dyfed Pension Fund](#) website. Before accessing the online modeller, you will need to have to hand, the lost pensionable pay for your period of unpaid leave/ industrial action (you will be able to request for this information from payroll) and the date you returned to work.

Please note that you will need to complete all of the following details on the online calculator:

Personal Details section – complete all fields 1 – 7 – (information you must have at hand to complete this section are your NI Number and payroll number)

Details for Quote: - complete fields 8, 9, 10, 11 & 12

Field 8 – insert the lost pensionable pay – this will be to amount shown in your payslip for the deduction of the unpaid leave

Field 9 – insert the reason of absence –click on ‘authorised unpaid leave’ from drop down menu

Field 10 – section during absence – click on ‘main section’ from down menu (unless you have made an election to contribute under the 50/50 Section of the Scheme)

Field 11 - Last day of absence – insert the last date of unpaid leave taken during the applicable month. If the reason for absence is “authorised unpaid leave”, and you are making the application within 30 days of the date on the payslip in which the deduction of unpaid leave is taken, please click on the box “30-day override” (employer confirmation must be provided).

Field 12 – Method of payment – click on ‘lump sum deduction’ from drop down menu Finally click on ‘Get Quote’ to calculate the cost of purchasing lost pension – this will show on the results section on the right hand side of the page see below:.

Lump sum Cost to member before tax relief	£ xxx.xx
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Please note that you can also choose to buy the lost pension by spreading payment of the additional pension contributions over a number of complete years, however, you will be required to arrange a medical examination (by a Registered Medical Practitioner) to obtain a certificate at your own expense to certify that you are in ‘reasonably good health’ before your application is accepted.

Having completed the above, if you then wish to proceed with the purchase of your lost pension, please follow the following steps:

Step 1 - you will need to download the online form by ticking the 'Application' box, which confirms that the information entered is correct and that you have read and understood the 'Terms and Conditions' for your additional pension applications;

Step 2 - click on the 'submit' button on the bottom right hand side of the page. This will transfer the details that you have entered onto a pdf document;

Step 3 - please sign the declaration on this form and email or post it directly to:

CR Payroll (CRPayroll@carmarthenshire.gov.uk) mailbox or post to
Payroll Section, Building 4, St David's Park, Jobswell Road, Carmarthen SA31 3HB.

CR Pensions (CRPensions@carmarthenshire.gov.uk) mailbox or post to Dyfed Pension Fund, Building 2, St David's Park, Jobswell Road, Carmarthen, SA31 3HB.

If you do not elect to reinstate your 'lost pension', the pension benefits that you have built up within the Scheme Year (1 April to 31 March), in which your period of unpaid leave falls, will be proportionately less as a result. For further information, please refer to the Dyfed Pension Fund website: www.dyfedpensionfund.org.uk

Ensuring Equality of Treatment

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

If you require this publication in an alternative format please contact People Management on Ext 6184 or email CHR@carmarthenshire.gov.uk