

# A F Blakemore and Son Ltd

## Paternity Procedure

### 1. Introduction

This document defines the policy and procedure to be followed in respect of Ordinary Paternity Leave/Pay.

Eligible employees have the right to take Paternity Leave to care for a child and to support the mother following the birth of a child. Paternity Leave/Pay is also available to eligible employees following the placement of a child for adoption to enable care for the new child or support for the adopter.

The entitlement to Paternity Leave is based on an employee's relationship with the child's mother; therefore paternity leave also applies to same sex partnerships.

### 2. Ordinary Paternity Leave (OPL)

The following conditions must be met in order for employees to be eligible for Ordinary Paternity Leave and Pay:

- a) The employee must have or expect to have responsibility for the child's upbringing.
- b) The employee must be the biological father of the child or the mother's/adopter's spouse or partner.
- c) The employee must have been continuously employed for 26 weeks prior to:
  - The 15<sup>th</sup> week before the baby is due; or
  - The week in which the adopter is notified of being matched with a child.

The employee must notify the Supervisor or Line Manager of their intention to take paternity leave by the end of the 15<sup>th</sup> week before the baby is expected or within 7 days of being notified that they have been matched with a child, unless this is not reasonably practicable.

The employee must provide Supervisor or Line Manager with the following information:

- a) A copy of the MATB1 form (available from the midwife) or proof of adoption from the Adoption Agency.
- b) The week that the baby/new child is expected.
- c) The planned date of commencement of leave, which can start on any day of the week.
- d) Whether one week or two consecutive weeks of leave are to be taken.

The start date of Paternity Leave may be changed, provided that this change is notified to the Supervisor or Line Manager 28 days prior to the new start date (or as soon as reasonably practicable).

OPL can be taken as either one week or two consecutive weeks; it cannot be taken in odd days. Leave may start:

- a) From the date of the child's birth (whether this is earlier or later than expected)
- b) From a chosen date later than the 1<sup>st</sup> day of the week in which the baby is expected to be born.

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

- a) Within 56 days of the actual date of birth of the child; or
- b) 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.

Employees will still be eligible to take the full entitlement of Paternity Leave if the child is stillborn after the 24<sup>th</sup> week of pregnancy, or dies during the paternity leave period.

Only one period of Paternity Leave is available to employees irrespective of whether more than one child is born as a result of the same pregnancy or more than one child is placed together.

Employees may choose to follow OPL immediately by a period of unpaid parental leave. Normal Parental Leave procedures will apply in this case.

### **3. Paternity Pay**

Eligible employees will receive two weeks Company Paternity Pay based on an average of all hours worked within the previous 12 weeks, at the time of birth of a child or the Adoption of a child.

### **4. Additional Paternity Leave (APL)**

Employees will be entitled to take an additional period of up to 26 weeks Paternity Leave if the mother of the child or the other adoptee was entitled to Maternity Allowance, Statutory Maternity Pay or Statutory Adoption Pay and has returned to work.

APL will enable employees to help care for the child during their first year. The earliest date that Additional Paternity Leave can commence is 20 weeks after the birth of the child or the date of the child's adoption. The minimum amount of Additional Paternity Leave that may be taken is 2 weeks, with 26 weeks being the maximum amount that may be taken. Additional Paternity Leave must be taken in multiples of complete weeks and as one period.

Employees must notify the Supervisor or Line Manager in writing of their intention to take APL at least 8 weeks prior to the intended start date.

The following information must be provided:

- a) A notice of leave setting out the child's date of birth and the start and end date of the chosen period of APL
- b) A signed declaration confirming that the purpose of taking APL is to care for the child and that the employee is either the child's father or is married to or is the partner or the civil partner of the mother or adopter.
- c) A signed declaration from the mother or adopter, which sets out their name, address, NI number, the date they intend to return to work, that the employee is proposing to take APL for the reasons listed on their signed declaration and that the employee is the only person taking APL in respect of the child.

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Having received notification of a request for APL the company may request a copy of the child's birth certificate and the name and address of the mother's employer, which must be provided with 28 days of such a request.

The employee must provide 6 weeks' notice in writing to the Supervisor or Line Manager of any requirement to change the start or finish date of any period of APL.

If the mother dies during the child's first year, APL may transfer immediately and can last up to 52 weeks ending no later than the child's 1<sup>st</sup> birthday.

### **5. Additional Statutory Paternity Pay (ASPP)**

If the mother decides to return to work prior to the end of her paid Maternity Leave (39 weeks) employees will be eligible for the balance of this leave which would attract Additional Paternity pay up to a maximum of 13 weeks, subject to qualification. This will be either statutory Paternity pay or 90% of the employee's average earnings if less than Statutory Paternity Pay.

If the mother decides to return to work after 39 weeks of Maternity Leave employees will not be entitled to any Paternity pay. In this case the employee will be entitled to up to 13 weeks of unpaid Paternity Leave, dependent upon the mother's date of return.

In summary, employees may take a maximum of 26 weeks Additional Paternity Leave, 13 weeks paid and 13 weeks unpaid, dependent on when the mother/partner or in the case of Adoption the other adoptee returns to work.

Both the employee and the mother/partner of the child will be required to complete a signed declaration form to confirm that the information provided is correct.

### **6. Keeping in Touch Days**

The 'Keeping in Touch days' provision enables employees to agree with the Supervisor or Line Manager to work or undertake training activities to keep in touch with the workplace during a period of additional paternity leave. Any work must be agreed between the employee and the Line Manager and there is no right for the Company to demand that work be undertaken.

If agreed, the employee will be able to attend work for up to 10 days without losing the right to statutory additional paternity leave or pay. Any work carried out on a day shall constitute a day's work, payment for which is a matter of agreement between the employee and the Line Manager. Any keeping in touch days worked do not extend the period of additional paternity leave.

The Supervisor or Line Manager reserves the right to maintain reasonable contact with the employee during any period of Additional Paternity Leave, to provide updates of any changes and to discuss return to work arrangements.

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### **7. Continuation of Benefits**

Paternity Leave and APL counts towards the employee's period of continuous employment. Service qualification with respect to Company Sick Pay, Pension, Life Assurance, Holiday and Notice Entitlement will continue to accrue throughout this Leave.

### **8. Returning to Work after Paternity Leave**

Employees have the right to return to work after Paternity Leave and APL whether employment is of a temporary or permanent status, and irrespective of length of service and hours of work.

### **9. Questions & Answers**

#### **a) Am I able to use my holiday entitlement after Additional Paternity Leave?**

Subject to agreement with the Supervisor or Line Manager, employees are able to use any holiday entitlement they have accrued whilst on Additional Paternity Leave.

#### **b) Am I able to add my 2 weeks of paternity leave and any Additional Paternity Leave I take together?**

No, the 2 weeks Paternity Leave should be taken within 56 days (8 weeks) of the child's date of birth. The earliest that employees are able to start Additional Paternity Leave is 20 weeks after the child's date of birth.

#### **c) Am I able to take paid time off to attend antenatal appointments with my partner?**

No, there is no legal right to paid time off. However, employees may request to take annual leave; or it may be possible to swap shifts or make time up or take unpaid leave, subject to agreement with the Supervisor or Line Manager.

#### **d) When do I need to tell my Supervisor or Line Manager when I am going to take Paternity Leave?**

Employees should tell the Supervisor or Line Manager as soon as possible, but no later than the end of the 15th week before the expected week of childbirth. The employee should indicate when the baby is due, if they are going to take one or two weeks off, and when they expect the paternity leave to start (SC3 Form).

#### **e) Can any paternity leave be taken before the baby is born?**

No, paternity leave cannot start until the birth of the baby; however employees may be able to take some annual leave before the birth of the baby, and this should be discussed in advance with the Supervisor or Line Manager.