



# Paternity Leave Policy

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## Contents

<b>1. Introduction</b>	4
<b>2. Conditions</b>	4
<b>3. Conditions of Paternity Leave</b>	4
<b>4. Application Procedure</b>	6
<b>5. Payment During Paternity Leave</b>	6
<b>6. Time off for ante-natal</b>	7
<b>7. Time off for neo-natal</b>	7
<b>8. Time off for pre-adoption interviews</b>	7
<b>9. Return to Work</b>	7
<b>10. Protection from Detrimental Treatment</b>	7
<b>11. Appeals Procedure</b>	7
<b>12. Start of Paternity Leave</b>	7
<b>13. Early Paternity Leave</b>	7
<b>14. Late Paternity Leave</b>	8
<b>15. Extending Parental Leave</b>	8
<b>16. Paternity Leave for non-biological parents</b>	8
<b>17. Difference between 'Adoption Leave' and 'Paternity Leave' when a child is being adopted</b>	8
<b>18. One period of Paternity Leave at full pay allowed in a 12 month period</b>	8
<b>19. Additional Information</b>	9

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*The purpose of this policy is to inform employees wishing to take Paternity Leave of their statutory rights and entitlements and additional enhancements offered by the Transport for the North (TfN). The policy incorporates the procedure to be followed for each occasion of Paternity Leave.*

## **1. Introduction**

TfN implements the Paternity Leave rights as set out in legislation. Paternity Leave is additional to both parental leave and time off to deal with family emergencies. This policy covers all permanent and fixed term employees, irrespective of gender, employed by TfN and is inclusive of the rights for parental leave in connection with the birth of a child, adoption, pregnancy-related bereavement, or loss.

TfN recognises that in today's society, parents want to provide more support to their partners at the time of a child's birth, adoption, or pregnancy-related bereavement or loss, which includes still birth and Miscarriage.

Paternity Leave will enable partners to be part of this crucial time in their family's life, assisting them in building a relationship with the new child and offering support to the other parent regardless of the circumstance.

Paternity Leave is leave which can be granted to employees at the time a child is born, or a child is placed with them for adoption, or where there is pregnancy-related bereavement or loss.

Employees will be entitled to two weeks leave with full pay, providing certain conditions are met. This equates to ten working days for full-time working employees or a pro-rata entitlement for part-time working employees (e.g. a person who works three days a week is entitled to two of the working weeks as Paternity Leave, so six days in total). Employees can decide whether to take the paternity leave as two consecutive weeks or two separate one week intervals. No additional leave will be granted for multiple births.

## **2. Conditions**

- The employee has or expects to have direct responsibility for the child's upbringing
- Is either the child's biological father, or adopter of the child, or is married to, or is the cohabiting partner of the child's mother or adopter ('nominated carer')
- Will take time off work to support the mother and/or care for the child (or for the purpose of caring for a child newly placed for adoption and supporting adoptive parent).

## **3. Conditions of Paternity Leave**

Paternity Leave will only be granted if an employee has informed TfN before the end of the 'qualifying week' (to work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is due. The qualifying week starts on a Sunday and ends on a Saturday) of the following:

- The intention to take Paternity Leave
- The week in which the child is due
- When the Paternity Leave is to start

In the case of adoption, where the employee is the secondary carer, Paternity Leave will be granted if they have informed TfN in writing at least seven days of:

- The intention to take Paternity Leave
- When the child is expected to be placed
- When the paternity is to start

Notification is to be made by completing a copy of the Paternity Leave Form or 'Ordinary Statutory Paternity Pay/Ordinary Paternity Leave – becoming a parent' – these forms can be located on TfN Intranet.

Where an employee's partner suffers a stillbirth from 24 weeks of pregnancy onwards, or the death of the baby after birth, full rights to Paternity Leave and Pay will be retained, irrespective of the timing of the birth.

In recognition of the need for time off to recover from such a loss after a miscarriage, employees whose partner (including same sex partners) has suffered a miscarriage before 24 weeks of pregnancy will be granted a period of paid leave of up to 10 working days, where a miscarriage is recorded.

Paternity leave can only be taken in single blocks of either one week or two weeks and must be taken within 56 days of the baby's birth/adoption. In the case of adoption, from the date of the child's placement or chosen date which is later than which the child is expected to be placed by the adopter.

With regards to stillbirth or Miscarriage, leave must be taken within one calendar month of the bereavement.

It is not possible to take individual days as Paternity Leave, nor is it possible to take two blocks of one week each (other than in succession).

Leave can be started on any day of the week.

An employee may alter the date when their leave starts by giving 28 days' notice, in writing, where this is reasonably practicable.

#### **Note**

- For the purposes of Paternity Leave, a 'week' means any period of seven calendar day
- In the case of multiple births, employees are only entitled to a single period of Paternity Leave
- Subject to Line Management approval, annual leave may be taken immediately before or after Paternity Leave. Paternity Leave does not affect annual leave entitlement
- Entitlement to unpaid parental leave is not affected by entitlement to Paternity Leave. Full details of parental leave can be found in the Parental Leave Policy

- Where employees are receiving adoption leave and pay, they cannot receive Paternity Leave and pay

Employees may take Shared Parental Leave and Paternity Leave in either order.

#### **4. Application Procedure**

Employees must inform their Line Manager and HR & Skills Team in writing of the request to take Paternity Leave, no later than 28 days before planned leave. It is recognised that under certain circumstances it is not always feasible to give such notice, but the Line Manager should be made aware of a potential request for leave as early as possible.

They must complete 'Ordinary Statutory Paternity Pay/Ordinary Paternity Leave – becoming a parent' form or Paternity Leave Form and submit to HR & Skills Representative and their Line Manager.

In the case of an adopted child, they must give written notice of intention to take Paternity Leave no later than seven days after the date on which notification of the match with the child is given by the adoption agency. The notice must specify the date on which the adopter was notified of having been matched with the child, the date the child is expected to be placed for adoption, whether they wish to take one or two weeks Paternity Leave and when they want the Paternity Leave to start.

Employees may change the date on which they wish to take Paternity Leave. If they wish to change this date, they should give written notice to their Line Manager and HR & Skills Representative as soon as is reasonably practicable.

TfN reserves the right to request reasonable supporting evidence of an employee's entitlement to take Paternity Leave (e.g. copy of the birth certificate, MAT B1, adoption matching certificate).

#### **5. Payment During Paternity Leave**

During Paternity Leave, most employees will be entitled to two weeks' full pay if taken within 52 weeks after the child's birth or adoption of their child.

Paternity pay is treated as earnings and is therefore subject to PAYE and National Insurance deductions.

Employees are entitled to Paternity Leave from their first day of employment at TfN.

The right to Paternity Leave is regardless of hours worked. An employee still qualifies for Paternity Leave and pay if the baby is stillborn after 24 weeks of pregnancy.

Employees are only entitled to one period of Paternity Leave at full pay for babies expected within 12 months of each other or for children who are placed for adoption within 12 months of each other. If the expected date of childbirth of a new child is within 12 months of the birth of a previous child, Paternity Leave will be paid at the rate of Statutory Paternity Pay (SPP).

## **6. Time off for ante-natal**

An employee, who is the child's father or the partner or nominated carer of the expectant, will be granted reasonable paid leave to accompany the pregnant woman to up to two ante-natal appointments.

Leave is subject to evidence and sufficient notice of appointments being provided and dependent upon the needs of TfN.

## **7. Time off for neo-natal**

An employee, who is the child's father or the partner or nominated carer, who has a baby in neo-natal care within their first 28 days of their life (for seven continuous days or more) are allowed to take neo-natal leave and pay for up to 12 weeks.

## **8. Time off for pre-adoption interviews**

Reasonable time off with pay will be granted for pre-adoption interviews, on production of appropriate confirmation of such appointments.

## **9. Return to Work**

After Paternity Leave employees will be entitled to return to the same job following Paternity Leave.

## **10. Protection from Detrimental Treatment**

Employees will be protected from suffering unfair treatment or dismissal for taking, or seeking to take, Paternity Leave. Employees who believe they have been treated unfairly should, in the first instance, refer to the TfN's Grievance Policy.

## **11. Appeals Procedure**

Individuals should be advised that decisions regarding Paternity Leave will be applied as consistently as possible. Any employee who believes that this policy is not being fairly applied may seek redress initially in writing to the HR & Skills Team and thereafter through the Grievance Policy.

## **12. Start of Paternity Leave**

Paternity Leave can start on any day of the week on or following the day the child was born or placed for adoption.

## **13. Early Paternity Leave**

If the child was born early, employees must contact either a member of the HR & Skills Representative or their Line Manager as soon as reasonably practicable to

inform them of the birth. TfN will try to be as flexible as possible with regard to the date on which the Paternity Leave starts.

#### **14. Late Paternity Leave**

If the child is not born on the date of planned Paternity Leave, an employee should contact either a member of the HR & Skills Representative or their Line Manager to let them know the situation. TfN will try to be as flexible as possible with regard to the date on which Paternity Leave starts to take account of the baby's late arrival.

#### **15. Extending Parental Leave**

Employees may have a longer period of time off using annual leave and/or flexi time, providing it is agreed with their Line Manager.

In addition, they may apply to take a period of 'parental leave' which is unpaid.

#### **16. Paternity Leave for non-biological parents**

Providing an employee fulfils the requirements with respect to length of service in TfN, they will be eligible for Paternity Leave if they expect to have parental responsibility for the child's upbringing.

This means, for example, that it is possible for a woman of the same sex partner to take Paternity Leave if her partner is pregnant, just as it is for a man whose partner is pregnant, but he is not the biological father of the child.

#### **17. Difference between 'Adoption Leave' and 'Paternity Leave' when a child is being adopted**

Adoption leave can last up to 52 weeks and in many ways the statutory provisions mirror those of statutory maternity leave. If an employee is adopting as a couple, only one person will be entitled to take adoption leave.

If a partner/spouse of the employee is taking adoption leave, they will only be able to take Paternity Leave.

#### **18. One period of Paternity Leave at full pay allowed in a 12 month period**

There is no such limitation on Maternity Leave. There are no limits to the number of occasions someone can take Paternity Leave in a 12 month period, or indeed the number of occasions that statutory paternity pay can be claimed, providing they fulfil the criteria, however only one period of Paternity Leave with full pay will be allowed in a 12 month period.

There are obvious biological reasons which provide for a certain period of time between episodes of maternity leave. However, there are no such restrictions which may provide a gap between periods of Paternity Leave. The policy is therefore

designed to close the loophole which could have TfN funding employees to take many periods of time off at full pay in a short space of time.

## **19. Additional Information**

### *Continuity of Employment*

During the period of Paternity Leave, employees will continue to accrue continuous service.

### *Job Opportunities*

TfN does not wish employees to miss out on opportunities for promotion or progression. All internal job advertisements can be sent to a home email account or posted to their home addresses.

### *Staying in Touch*

During the period of leave, TfN wishes to respect employee's special time with their child, so we will not contact them if we can avoid it. However, if there are any significant changes in the business area in which they work or if training opportunities arise their Line Manager will contact them to make sure that they are kept up to date with our current business position.

### *Pensions/Health Care Contributions*

This absence will be treated as pensionable service and therefore we will continue to make contributions, if applicable, on employee's behalf into the Local Government Pension Scheme throughout the paid Paternity Leave period. Their personal contributions (if any) will be deducted from their pay, unless otherwise informed. The company will continue to make regular contributions to their pension scheme at their current rate of pay. Their own contributions will be based on the amount of paternity pay they receive.

### *Still Birth*

The definition of childbirth is either the live birth of a child or a still birth after 24 weeks of pregnancy. An employee who suffers a still birth after this time, automatically has the right to the Ordinary Maternity Leave period.

### *Miscarriage (also called pregnancy loss)*

The definition of miscarriage is the natural loss of a baby before 24 weeks of pregnancy. An employee who suffers a miscarriage (up to 24 weeks) will be entitled to up to 10 days paid leave.



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