

Family Friendly Policies - Paternity Leave (Birth)

HR Service (Effective for births on or after 7 April 2024)

1. Introduction

This document summarises paternity leave and pay entitlements under both statutory and national agreements applicable to employees of the Council employed under 'green book' terms and conditions. (If you are employed under other terms and conditions, please contact the HR Service for advice on how your entitlements may vary).

For further information and advice, please contact the HR Service. Further information about statutory rights can also be found at [Paternity leave rights - Paternity leave and pay - Acas](#)

2. Eligibility

You must satisfy the following conditions to qualify for Statutory Paternity Leave. You must:

- Be the biological father of the child and have or expect to have responsibility for the child's upbringing **or**
- Be the spouse, civil partner or partner of the child's mother and expect to have the main responsibility (apart from the mother) for the child's upbringing **and**
- In all cases have worked continuously for Bexley for 26 weeks at the 15th week before the baby is due
- Take the time off to support the mother and/or care for the child.

3. Paternity Leave

Eligible employees can choose to take either one week or two weeks' statutory paternity leave (not odd days). If you choose to take two weeks you can take them together or separately. You get the same amount of leave even if you have more than one child (for example twins). A week of leave is the same amount of days that you normally work in a week. For example if you only work Mondays and Tuesdays, then a week of leave is 2 days.

You can choose to start your leave from:

- the date of the child's birth (whether this is earlier or later than expected)
- a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected)
- a chosen date later than the first day of the week in which the baby is expected to be born

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

- within 52 weeks of the birth (or due date if the baby is early) of the child

4. Notice of Intention to take Paternity Leave

To take paternity leave you must inform us 15 weeks before the end of the qualifying week (this is the week the baby is due which starts on a Sunday and ends on a Saturday) the expected week of childbirth and that you are planning to take paternity leave. You can do this by completing the form at Appendix 1.

You must tell us the dates of your leave at least 28 days before each period of leave.

If you cannot give the information above within the required timescales please discuss with your manager the reasons for this. If you wish to change to start date you will normally have to give 28 days notice of the change unless not reasonably practicable, for example if the baby is born early or late.

5. Paternity Pay

The rates of Statutory Paternity Pay (SPP) can be found at [Paternity pay and leave: Pay - GOV.UK \(www.gov.uk\)](https://www.gov.uk/paternity-pay-and-leave)

To qualify for SPP you must:

- be eligible for Paternity Leave (see Section 3)
- notify your manager of your intention to take paternity leave by the 15th week before the baby is due
- give 28 days' notice of when you would like your SPP to start
- have average weekly earnings above the lower earnings limit for National Insurance purposes for the 8 weeks before the relevant week (i.e. 15th week before the week the baby is due)

Paternity rights apply where a baby is stillborn after 24 weeks of pregnancy or is born alive at any stage of the pregnancy but only lives for a short time. Please contact HR for advice in these circumstances

6. Maternity Support Leave

For employees subject to the Green Book (NJC Conditions of Service) you may be able to take the first week of paternity leave as Maternity Support Leave which is paid at full pay (offset against SPP due). Employees not eligible for SPP are also entitled to claim Maternity Support Leave.

If you wish to apply to take the first week of Paternity Leave as Maternity Support Leave and the second week of Paternity Leave at the SPP rates please complete the form at Appendix 1.

If you only wish to apply for one weeks Maternity Support Leave and not a second week of Paternity Leave or are not eligible for Paternity Leave please refer to [Maternity Support Leave \(bexley.gov.uk\)](https://www.bexley.gov.uk/maternity-support-leave) to claim Maternity Support Leave.

7. Self-Certificate

You must complete a Self-Certificate as evidence of your entitlement to statutory paternity leave and pay. A copy is available at Appendix 1.

Appendix 1 - Application and Certification for Paternity Leave and Pay (Birth)

This form should be used to apply for 2 weeks Paternity Leave and Pay with the first week claimed at full pay (as Maternity Support Leave).

If you are not eligible to claim Statutory Paternity Leave (see section 2 and 3) or only applying for one week then you should apply for Maternity Support Leave only by completing the form linked at [Maternity Support Leave \(bexley.gov.uk\)](https://www.bexley.gov.uk). We will confirm your entitlements on receipt of your application.

Complete this form by the end of the 15th week before the baby is expected (or as soon as reasonably practical). If you are not sure of the dates that you wish to take paternity leave then you should let us know 28 days before each period of leave begins. Any subsequent changes to the information provided must be notified to Payroll..

Personal Details

Name: _____

Post Title: _____

Department: _____ Employee No: _____

Paternity Details

Expected Date of Childbirth: _____

Actual date of birth (if already born): _____

I wish to apply to take:

One weeks leave commencing on _____ to be paid at full pay (Maternity Support Leave)

A second weeks leave commencing on _____ to be paid at Statutory Parental Leave rates

I attach a copy of the MAT B1

If you need to change the dates you have provided you must give us 28 days' notice of the new dates. If you are not yet sure of the dates you wish to take then you can provide that information later but should give 28 days notice.

Employee Signature: _____ Date: _____

Please also sign the declaration form below.

Declaration (to be signed by all applicants)

In making this application I declare that:

- I am the child's biological father **or**
- the mother's spouse, civil partner or a partner (including same sex partners) who lives with the mother and child in an enduring family relationship **and**
- I will have responsibility for caring for the child **and**
- I will take time off to support the mother and/or care for the child.

Employee Signature: _____ Date: _____

Please forward this form to HR Payroll, 3rd Floor East, Civic Offices or by e-mail to payroll@bexley.gov.uk. We will then write to you and confirm your entitlements to paternity leave and pay. You should also notify your manager of your intentions and leave dates

Actioned by HR Business Centre (HR use only)

Signature: _____ Date: _____