**The Canddo Project CIC** 

**Paternity Policy**

**Introduction**

This policy sets out the statutory rights and responsibilities of employees whose wife, civil partner or partner gives birth to a child and gives details of the arrangements for paternity leave and pay.

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave.

Paternity leave will not count towards Shared Parental Leave.

**Ordinary Paternity Leave**

In order to be eligible for paternity leave an employee must satisfy the following criteria:

* The employee must be the father of the child or married to: the civil partner or the partner of the child's mother; married to: the civil partner or the partner of the child's adopter, or one of a couple jointly adopting a child; and expect to have responsibility for the upbringing of the child and be making the request to help care for the child or to support the child’s mother
* Have 26 weeks' service at the 15th week before the baby is due to be born, or in respect of an adopted child, the week in which the child's adopter was notified of having been matched with a child
* The employee may be asked to produce evidence of entitlement to paternity leave by signing a self-certification form declaring that he or she meets the statutory eligibility criteria

Paternity leave is granted in addition to an employee's normal holiday entitlement. Paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it may be taken from the time of birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date. In addition, employees who are the father or partner have the right to take unpaid time off work to accompany expectant mothers on up to 2 antenatal appointments.

To qualify for paternity leave, the employee must have, or expect to have, responsibility for the child's upbringing. Thus paternity leave is not available to biological fathers who are not likely to have parental responsibility for their child.

**Notification – Ordinary Paternity Leave: Birth Of A Child**

Where an employee wishes to request paternity leave in respect of the birth of a child, he or she must give the following information in writing no later than 15 weeks before the expected week of childbirth:

* the expected week of the child's birth
* whether they intend to take one or two weeks' leave; and
* the date on which they want paternity leave to start.

The employee may change the date on which they want their paternity leave to start providing they notify the company of the change at least 28 days before leave was due to start.

If an employee has chosen to start paternity leave on a pre-determined date, and the child is not born on or before that date, the employee must change their choice of date and notify the company of the change as soon as possible.

In all cases, the employee must notify the company as soon as possible after the child's birth, of the date on which the child was born.

If the employee has elected to start paternity leave on the date the child is born and they are at work on that date, leave will start the following day.

**Notification – Ordinary Paternity Leave: Adoption**

In the case of an adopted child, the employee must give written notice of their intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency.

The notice must specify the following:

* the date the child is expected to be placed for adoption
* the date the employee intends to start paternity leave
* the length of the intended paternity leave period; and
* the date on which the adopter was notified of having been matched with the child

The employee may change the date on which they want their paternity leave to start providing they notify the company of the change at least 28 days before leave was due to start.

**Ordinary Statutory Paternity Pay**

Statutory Paternity Pay is paid for a maximum of 2 weeks. It is paid at a flat rate laid down by statute or 90% of average weekly earnings if this is less.

To qualify for paternity pay employees must have average earning at or above the lower earnings limit for the payment of National Insurance contributions.

An employee's average weekly earnings are calculated by taking his average earning over the 8 weeks immediately leading up to the notification week (i.e. 15 weeks before the expected week of childbirth, or the date of placement of the child).

Statutory Paternity Pay will begin at the same time as an employee's paternity leave commences and will be paid on the same date that salary would have been paid and will be subject to deductions for tax, National Insurance and any pension contributions in the usual way.

**Shared Parental Leave**

There is an option of sharing maternity leave and pay between parents. To determine your eligibility and for further details of these rights please see our policy on Shared Parental Leave