



Colchester
City Council



Colchester
COMMERCIAL HOLDINGS

Paternity Leave Policy

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1.0 Introduction

This policy sets out the rights of employees to paternity leave and pay only in relation to children who:

- are expected to be born after 6 April 2024; or
- are expected to be placed for adoption with the adopter (or enter Great Britain for adoptions from overseas) on or after 6 April 2024.

The following definitions are used in this policy:

"Adopter" means the person with whom the child has been or is to be placed for adoption, or where two people have been matched jointly, whoever has elected to be the child's adopter for the purposes of adoption leave.

"Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects them to give birth.

"Matched for adoption" means an adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been "matched for adoption" with a child on the date on which the person receives notification of the adoption agency's decision.

"Official notification" means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue, or has already issued, a certificate to the overseas authority concerned with the adoption of the child, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

"Partner" includes someone, of whatever sex, who lives with the mother, expectant mother or adopter of the child in an enduring family relationship but who is not the mother's or adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Placed for adoption" means placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").

The policy does not form part of your contract of employment and we reserve the right to amend it at any time.

2.0 Scope

This policy applies to employees employed by the organisation. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

3.0 Entitlement to paternity leave (birth of a child/ren)

An employee can take paternity leave for the purpose of caring for the child or supporting the child's mother if:

- they have at least 26 weeks' continuous employment with the organisation at the end of the 15th week before the expected week of childbirth;
- they are the child's biological father and have or expect to have responsibility for the child's upbringing; or
- they are the spouse, civil partner, or partner of the child's mother and have or expect to have the main responsibility (apart from the mother) for the child's upbringing.

To exercise your right to take paternity leave in a birth situation, the employee must comply with the notification procedure.

4.0 Entitlement to paternity leave (adoption within UK/overseas)

The employee can take paternity leave for the purpose of caring for the adopted child or supporting the child's adopter if:

- they have at least 26 weeks' continuous employment with the organisation at the end of the week in which the child's adopter is notified of being matched for adoption (or received the official notification for adoptions from overseas); and
- they are the spouse, civil partner, or partner of the child's adopter, and have or expect to have the main responsibility (apart from the adopter) for the child's upbringing.

If they are one of a couple jointly adopting a child, only one of them will be entitled to take adoption leave and the other parent may elect to take a period of paternity leave, provided that the relevant qualifying conditions are met.

They are not entitled to take paternity leave if they have taken paid time off to attend an adoption appointment in respect of the same child.

Please see the separate Adoption Leave policy for further information.

To exercise the right to take paternity leave in an adoption situation, the employee must comply with the notification procedure.

5.0 Amount of paternity leave you can take

The employee can take up to two weeks' paternity leave. They do not have to take their leave in one single period, but the leave must be booked in blocks of at least one week.

This means that they can take the leave in one single block of one week, one single block of two weeks, or two separate blocks of a week each.

A week of paternity leave is the same duration as the employees normal contractual working week, meaning that if for example they work 37 hours over 5 days, one week is 5 days. If they are contracted to work 32 hours over 4 days, one week is 4 days and so on.

They can take only two weeks' paternity leave per pregnancy or adoption, even if more than one child is born as a result of the pregnancy or more than one child is placed under the same adoption arrangement.

6.0 Timing of paternity leave

The employee can start their paternity leave on any day from the child's birth, but it must end within 52 weeks of the birth (or the expected week of childbirth if the child is born early).

In the case of an adopted child, the 52-week period runs from the date on which the child was placed for adoption with the adopter (or the child's entry into Great Britain for adoptions from overseas).

If they wish to take shared parental leave, they must take their paternity leave first. They cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child.

7.0 Notice to take paternity leave (birth)

Before an employee can take paternity leave, they will need to complete a paternity leave request form, at least 15 weeks before the expected week of childbirth, of:

- the expected week of childbirth; and
- their declaration confirming that they meet the eligibility requirements to take paternity leave.

For each occasion that they wish to take a period of paternity leave, they must give their line manager further notice in writing of:

- when they want to start their leave (they can choose to take this in one single block or two separate blocks);
- whether they wish to take one or two weeks' leave; and
- their declaration that the purpose of the leave is to care for the child or support the child's mother.

The employee has three options for when to start a period of paternity leave:

- **On the date of their child's birth:** Their period of leave notice should be received by us at least 28 days before the first day of the expected week of childbirth.
- **A set number of days after their child's birth:** Their period of leave notice should be received by us at least 28 days before the date falling that set number of days counted from the first day of the expected week of childbirth.
- On a predetermined date (which has to be no earlier than the first day of the expected week of childbirth): Their period of leave notice should be received by us at least 28 days before that predetermined date.

The employee should submit their request using form 'Form to request paternity leave for a child born after 6 April' available from COLIN>MyHR.

8.0 Notice to take paternity leave (adoption within the UK)

Before an employee can take paternity leave, they will need to give their line manager notice in writing, within seven days after the date on which the child's adopter is notified that they have been matched for adoption, of:

- the date on which the adopter was notified that they have been matched for adoption;
- the date on which the child is expected to be placed for adoption with the adopter (or, if they have already been placed for adoption, the date of the placement); and
- their declaration confirming that you meet the eligibility requirements to take paternity leave.

They should submit their notice of leave using form 'Form to request paternity leave for adoption within the UK on or after 6 April' available from COLIN>MyHR.

For each occasion that they wish to take a period of paternity leave, they must give their line manager further notice in writing, of:

- when they want to start their leave (they can choose to take this in one single block or two separate blocks);
- whether they wish to take one or two weeks' leave; and
- their declaration that the purpose of the leave is to care for the child or support the child's adopter.

They have three options for when to start a period of paternity leave. They can start the leave:

- on the date on which the child is placed for adoption;
- a set number of days after the child is placed for adoption; or
- on a predetermined date, which has to be no earlier than the first day of the child's placement for adoption.

They should submit their request using form 'Form to request paternity leave for adoption within the UK on or after 6 April' available from COLIN>MyHR.

9.0 Notice to take paternity leave (adoption from overseas)

Before the employee can take paternity leave, they will need to give their line manager notice in writing within 28 days after the date on which the child's adopter receives the official notification (or the date on which you complete 26 weeks' continuous employment with us if that is later), of:

- the date on which the adopter received the official notification;
- the date on which the child is expected to enter Great Britain (or, if they have already entered Great Britain, the date of entry); and
- their declaration confirming that you meet the eligibility requirements to take paternity leave and that the child's adopter has received the official notification.

They should submit their request using form 'Form to request paternity leave for adoption from overseas on or after 6 April' available from COLIN>MyHR.

For each occasion that they wish to take a period of paternity leave, they must give their line manager further notice in writing of:

- when they want the leave to start (you can choose to take this in one single block or two separate blocks);
- whether they wish to take one or two weeks' leave; and
- their declaration that the purpose of the leave is to care for the child or support the child's adopter.

They have two options for when to start a period of paternity leave:

- **On the date of their child's entry into Great Britain:** Their period of leave notice should be received by us at least 28 days before the date on which the child is expected to enter Great Britain.
- On a predetermined date (which has to be no earlier than the date of their child's entry into Great Britain): Their period of leave notice should be received by us at least 28 days before that predetermined date.

They should submit their notice of leave using form 'Form to request paternity leave for adoption from overseas on or after 6 April' available from COLIN>MyHR.

They must also give their line manager written notice of the date their child entered Great Britain within 28 days of entry, or written notice that the child will not be entering Great Britain as soon as possible after they become aware of this fact.

10. Late notice

If extenuating circumstances mean that it is not possible for the employee to meet the deadlines for giving notice as set out in this policy, we will accept later notice than this. Examples of extenuating circumstances include if you have been absent from work on sick leave or if a pregnancy is discovered very late.

In these circumstances, the employee should let us know that they would like to take paternity leave as soon as they reasonably can.

11.0 Changing paternity leave plans

If they have submitted a request but wish to cancel or vary the timing of their paternity leave, the employee must inform their line manager at least 28 days before the original date stated in their period of leave notice, or the revised start date, whichever is earlier.

12.0 Paternity pay

The employee will continue to be paid their normal rate of pay while taking paternity leave provided:

- they are entitled to take paternity leave;
- they remain in continuous employment with the organisation on the date the child is born (in a birth situation), is placed for adoption (for adoptions within the UK) or entered Great Britain (for adoptions from overseas); and
- they have complied with the notice and evidential requirements and are able to provide the declarations as set out in this policy.

Please note the enhanced pay includes any entitlement to Statutory Paternity Pay.

13.0 Further information

The employee will need to confirm the date of the child's birth, placement for adoption or entry into Great Britain if they have not already provided this information. They must respond to our request within 28 days, or as soon as is reasonably practicable.

13.1 Rights during shared paternity leave

During paternity leave, all the terms and conditions of their contract except normal pay will continue. Their pay will be replaced with enhanced paternity pay if they are eligible for it. However, other benefits such as holiday entitlement will continue to accrue and pension contributions will continue to be paid.

13.2 Returning to work after paternity leave

Following their paternity leave, the employee generally has the right to resume working in the same job as before on terms and conditions that are no less favourable than the terms that would have applied had they not been absent. Their continuity of employment is not affected.

13.3 Time off for antenatal appointments

If they have a qualifying relationship with a person who is pregnant, they have a statutory right to take unpaid time off to accompany that person at up to two antenatal appointments. As a family friendly employer, the organisation has agreed for the two, up to six-and-a-half hour appointments to be paid.

This could be them if they are the spouse or civil partner of the pregnant person, or they could be living with the pregnant person in an enduring family relationship (and they are not their parent, grandparent, sister, brother, aunt or uncle). In addition, they will be eligible for the time off if they are the biological parent of the expected child.

To make a request for time off to accompany someone to an antenatal appointment, they will need to complete form – Request for time off to accompany a pregnant woman at an antenatal appointment which can be found on COLIN>MyHR and give this to their line manager.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The right to time off work is limited to a maximum of six-and-a-half hours for each appointment.

The employee should give their line manager as much notice as possible of when they need the time off for the antenatal appointments and, wherever possible, try to arrange them outside their core hours/as near to the start or end of the working day.

13.4 Time off to attend adoption appointments

If they are adopting a child jointly, one of them can elect to take paid time off to attend up to five adoption appointments. The other adoptive parent is entitled to take unpaid time off to attend up to two adoption appointments. As a family friendly employer, the organisation has agreed for the two appointments to be paid.

The parent who takes paid time off for the five adoption appointments is not entitled, later on, to take paternity leave in respect of the child.

To make a request for time off to attend an adoption appointment, the employee will need to complete a form to request time off to attend an adoption appointment and give this to their line manager.

The appointment must have been arranged by or at the request of the adoption agency. The right to time off work is limited to a maximum of six-and-a-half hours for each appointment.

They should give their line manager as much notice as possible of when they need the time off for the adoption appointment and, wherever possible, arrange them as near to the start or end of the working day as possible.

13.5 Shared parental leave

An employee who wishes to take both paternity leave and shared parental leave must ensure that they take their paternity leave first. This is because an employee cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child.

14.0 Links to other policies/procedures

14.1 Maternity and Adoption Leave

Employees should refer to the Maternity Leave policy and Adoption Leave policy for further information.

14.2 Parental Leave

Eligible employees may postpone their return to work after the end of the paternity leave period by taking unpaid parental leave which has previously been notified to their line manager. Please refer to the Parental Leave policy for further information.

14.3 “Right to Request” Flexible Working

Employees have the legal right to request to work in a flexible way, providing them with the opportunity to balance work and family life/personal responsibilities whilst being compatible with and beneficial to the efficiency of Council services. For further details please refer to the Flexible Working - Right to Request Flexible Working policy.

14.4 Sickness Absence

If an employee is absent due to sickness at the end of their paternity leave entitlement, the usual sickness reporting procedures and certification procedures should be followed.

Appendix and Document Information

Appendix

The following policies and forms should also be read alongside this document:

Policies	Forms
Adoption Leave Policy	Form to request paternity leave for a child born after 6 April
Flexible Working – right to request flexible working policy	Form to request paternity leave for adoption within the UK on or after 6 April
Maternity Leave Policy	Form to request paternity leave for adoption from overseas on or after 6 April
Parental Leave Policy	Form to request time off to accompany a pregnant woman at an antenatal appointment
Sickness Absence Policy	Form to request time off to attend an adoption appointment
Special Leave Policy	Form to provide notice of entitlement to paternity leave
Employee Terms and Conditions	
Shared Paternal Leave Policy	

The policies and forms are shown on COLIN:

- [A-Z](#) – this link will take you to the "all in one place" page which has a short summary of the HR subject, what you need to do first, useful documents and links, and related items.
- [Staff Handbook](#).

Document Information

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For more information or advice about this policy please contact the HR Service Centre on 01206 282112 or email hrservicecentre@colchester.gov.uk.

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