



“An Excellent Authority”

Service Instruction <<POD.>>
<<Paternity>

Document Control

Description and Purpose

This document is intended to give guidance to managers and parents regarding the benefits provided by the Authority

Active date	Review date	Author	Editor	Publisher
July 2010	July 2011	A Cross	N Mernock	Magda Jordan
Permanent		Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by
Old WLB booklet	unknown	Updated because of equality legislation	A cross

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
	X	June 2010	DAG	Public Folders

Civil Contingencies Impact Assessment (if applicable)

Date	Assessed by	Document location

Related Documents

Doc. Type	Ref. No.	Title	Document location
Policy		Work life balance	Committee services
SI		maternity	Committee services
SI		Parental	Committee services
SI		Adoption	Committee services

Contact

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Target audience

All MFS	X	Ops Crews	Fire safety	Community FS
Principal officers		Senior officers	Non uniformed	

Relevant legislation (if any)

Equality Act 2010

Paternity Leave

Introduction

Paternity Leave is a period of one week's leave or two weeks taken together for fathers or partners (including same sex partners) to take following the birth or adoption of a child. It may also be granted to the partner or nominated carer of an expectant mother at or around the time of birth or adoption.

The Additional Paternity Leave Regulations 2010 entitles employees who are fathers or partners of mothers or adopters, to take additional Paternity Leave and Pay of up to 26 weeks in the first year of their child's life or the first year after the child's placement for adoption. This applies to children whose expected week of birth or expected week of adoption is on or after 3 April 2011. The information relating to these changes is detailed in a section below.

Eligibility

Births

An employee will qualify for Paternity Leave on the birth of a baby, regardless of length of service, if they:

- Have or expect to have responsibility for the baby's upbringing.
- Are the biological father of the baby and/or the mother's husband or partner (including same-sex partner or civil partner). A partner is someone who lives with the mother of the baby in a family relationship but is not an immediate relative.
- Have notified the Service of their intention to take Paternity Leave – please see section below

Adoptions

All employees will qualify for Paternity Leave when adopting a child, regardless of length of service, if they:

- Are either one of two parents jointly adopting a child or the partner of someone adopting a child individually
- Have or expect to have responsibility for the child's upbringing with the other joint adoptive parent or the individual adopter
- Continue to work for the Authority up to the date of the child's placement or entry to the UK
- Have given the correct notification as detailed below.

Exigencies of the Service may mean that there may be practical difficulties for operational employees to take this leave at particular times. Each case will be viewed on its particular circumstances and discussed with the individual along with their trade union representative if they so wish.

Notification and Applying for Paternity Leave

An application form is available in the Public Folders via *Public Folders/All Public Folders/Forms/Time & Resource Management*. All employees should send their complete form via e-mail to the "Attendance Management" email address.

Births

An employee must apply as above no later than the end of the 15th week before the expected week of childbirth (EWC), or inform the Service as soon as is reasonably practicable of:

- The expected date of the baby's birth
- Whether they wish to take one or two weeks' leave
- When they intend to take their leave.

Applications should be accompanied by a certificate from a registered medical practitioner or a certified midwife stating the EWC. This is known as a Mat B1 form. If you or your partner is only issued with one copy, you can request two copies from your midwife.

Adoptions

• UK Adoptions

An employee must apply, as above, no more than 7 days after the adopter is notified they have been matched with a child by an adoption agency giving details of:

- their intention to take Paternity Leave
- Whether they wish to take one or two weeks
- When they want their leave to start
- The date the adopter was notified they had been matched with the child
- The date, from the matching certificate, that the child is expected to be placed for adoption

• Overseas Adoptions

Employees adopting from overseas must give the Authority notice in writing three stages

- From the date the child enters the UK
- From a fixed date which is later than the date the child enters the UK
- Leave must be taken within 56 days of the date the child enters the UK.

Nominated Carers

Employees who are applying for Paternity Leave as a nominated carer will be required to follow the procedure to apply for leave following the same process for Births.

NB For further advice and guidance please see the Service Instruction – Adoption.

How much Paternity Leave am I entitled to?

Currently all eligible employees are entitled to two weeks Paternity Leave and can chose to take a single bock of either one or two weeks leave. It cannot be taken as odd days or as two separate weeks

When can an employee start their leave?

• Births

An employee cannot start their leave until the birth of the baby. Otherwise, an employee can chose to start their leave:

- On the actual date of the baby's birth
- On a date – as the employee has notified– falling a specified number of days after the actual birth date

- On a date – as the employee has notified– falling after the first day of the EWC. If the baby is born later than this date, they must delay their leave until the date of the actual birth.

Leave must be taken within 56 days of the actual birth date

- **Adoptions**

- **UK Adoptions**

An employee who has adopted a child from the UK can chose to start their leave on one of the following:

- The date on which the child is placed with the adopter, even if this is earlier or later than the expected date of placement
- A predetermined date after the expected date of placement.
- A date falling a specified number of days after the expected date of placement.
- Leave must be taken within 56 days of the date that the child is placed with the parent.

- **Overseas Adoptions**

An employee who has adopted a child from overseas can choose to start their leave on one of the following:

- From the date the child enters the UK
- From a fixed date which is later than the date the child enters the UK
- Leave must be taken within 56 days of the date the child enters the UK.

Changing the Start Date for leave

A baby may arrive prematurely or late. If an employee wishes to change the start date for leave to commence, they must give the Authority as much notice as practicably possible.

Definition of a weeks leave for Paternity

For Uniformed operational employees on the Wholetime duty system, one week will be classed as four consecutive duty shifts or equivalent for employees working an agreed flexible duty system.

For uniformed operational employee's working self rostering duty systems one week will equate to 48 hours or 4 duty shifts of work.

For uniformed day staff one week will be 5 consecutive days.

For Non Uniformed employees, one week will be one contracted week of your employment pattern.

For Part time employees one week will be for the number of contracted days.

Paternity Pay

Paternity Leave will be paid as follows:

Week One

All employees are entitled to the first week of leave on full pay.

Week Two

The second week of Paternity Leave will be paid at rate of Statutory Paternity Pay (SPP) rate which mirrors the Statutory Maternity Pay Rate.

Authority employees should contact the Pay and Pensions Team for details of the current SPP rates and also for information on options for repayment of their pension contributions if they choose to take the second weeks' leave.

The second week of Paternity Leave must be taken immediately following the first week of Paternity Leave. For shift-based employees this will be the next tour of duty.

Benefits during Paternity Leave

An employee's contract of employment continues throughout the leave period.

During leave, an employee has a statutory right to continue to benefit from all the terms and conditions of employment which would have applied to them had they been at work. – except for the terms relating to wages or salary during the second week.

Pension Contributions

Employees should contact the Pay and Pensions team for advice on the impact on your pension whilst on the second week of Paternity leave.

Other Information

Multiple births

Paternity Leave is two weeks regardless of the number of children resulting from a single pregnancy.

Death of a baby and stillbirth.

In the unfortunate event that the baby dies or is still born after 24 weeks pregnancy, the scheme will apply and the Authority will offer appropriate additional support. If a miscarriage occurs before 24 weeks, sympathetic consideration will be given to individual circumstances and where necessary, discretionary leave or sick leave will be granted in respect of the individual needs of the employee and medical opinion have been considered.

The Additional Paternity Leave Regulations 2010

Under the Additional Paternity Leave Regulations new mothers and adoptive parents will be able to transfer the last six months of their leave or part of that leave to the child's father or the mother's partner with parental responsibility for the child (including same sex partners).

The Regulation includes partners and civil partners of adopters where there is an entitlement to Statutory Adoption Leave and Pay. Additional Paternity Leave (APL) and Pay will be available, in respect of couples, to the adopter who chooses not to receive Statutory Adoption Pay (SAP).

A minimum of two weeks and a maximum of 26 consecutive weeks can be taken.

Additional Paternity Leave applies to parents of children expected to be born or placed for adoption on or after 3 April 2011.

The first three months of APL will be paid in the same way as SMP/SAP; the final three months will be unpaid.

The employee will only qualify for the three months maximum additional statutory paternity pay if the mother returns to work before her SMP, maternity allowance (MA) or statutory adoption pay period (SAP) expires.

Leave

The additional paternity leave will be in addition to the current paternity leave entitlement enjoyed by the employee. The mother/adopter must have returned to work before APL can start, although the mother/adopter may take a period of leave before actually returning to work so that both parents may be at home together with the child for a period

The earliest start date for the additional paternity leave is 20 weeks after the child's birth or placement for adoption. The leave must be completed by the child's first birthday or one year after the placement for adoption.

The employee and the child's mother/adopter are required to provide a signed declaration to the Authority to confirm the information they have submitted is correct. This information will include:

- the fact that the father is either the biological father of the child, husband or civil partner or partner of the mother and that the leave is for the purposes of caring for the child.
- the expected week of childbirth,
- the date the parent was notified they were matched with their adoptive child (as evidenced in a copy of the matching certificate)
- the child's date of birth (as evidenced by a copy of the child's birth certificate)
- the date that the child was placed with the parent
- the date the employee wishes to take additional paternity leave and the relevant dates of that leave,
- that to the mother/adopter's knowledge the employee is the only person exercising that entitlement of additional paternity leave in respect of the child
- the employee and mother/adopter's national insurance numbers
- the Name and full address of the mother/adopter
- the date of the mother/adopter's return to work

The Authority reserves the right to check and may request details of the mother/adopter's employer.

In the unfortunate event of the mother/adopter's death the employee will be entitled to start APL immediately, for a maximum of 12 months ending no later than the child's first birthday or one year after the adoption placement began.

The employee should contact Pay and Pensions as soon as practically possible to ensure that the correct entitlements are provided to them.

An employee who intends to work earlier than the end of the additional paternity leave must give the Authority at least 21 days notice and no later than 6 weeks' notice of the date on which they intend to return.

If an employee wishes to return to work after the planned return date, they must give notice of this new date of return at least 21 days and no later than 6 weeks before the original planned return date.

If an employee gives notice that they intend to return to work but subsequently fails to do so, the Authority will operate its normal procedures for unauthorised absence or sickness absence as appropriate.

Employees who do not wish to return to work after their paternity leave must give the Authority notice as required by their contract of employment.

Pay

To be eligible for Statutory Paternity Pay (SPP) during the Additional Paternity Leave period the employee must have 26 weeks service with the Authority prior to the 15th week before the baby is due.

The employee will only qualify for SPP if the mother returns to work before her 39 week maternity or adoption pay period expires. Leave taken after this time will be unpaid.

The start date of the mother's SMP, MA or SAP must be provided to the Authority so that the period in which the employee can claim SPP can be calculated. In addition, the employee will have to notify the Authority of the dates that the SPP is expected to start and finish.

The employee must also produce a copy of the child's birth certificate or matching certificate.

Fraudulent claims will be addressed in line with the Authority's disciplinary code.

Keep in Touch Days (KIT)

The employee will be able to work for 10 days during their APL period without losing statutory payments or bringing their leave to an end.

There is no right or any requirement for the employee to work during the additional paternity leave period. Any days worked are voluntary and need to be agreed by the employee's line manager. KIT days will not have the effect of extending the total duration of the additional paternity leave period.

An employee's contract of employment continues throughout additional paternity leave unless the Authority or the employee expressly ends it or it expires.

During leave, an employee has a statutory right to continue to benefit from all the terms and conditions of employment which would have applied to them had they not been absent – except for the terms relating to wages or salary.

An employee returning from a period of Additional Paternity Leave lasting 26 weeks or less will be entitled to return to the same job as they were employed in before their leave. Where the employee takes a longer period of leave they will be entitled to return to the same job unless this is not practicable, in which case they are entitled to return to a suitable alternative job.

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