

## **Paternity/Partner Leave Policy and Procedure**

### **1. Scope**

This policy outlines the statutory rights and responsibilities of employees who wish to take paternity/partner leave, and the responsibilities of Lancaster City Council towards those employees. The Council recognises, via its provision of enhanced Paternity Leave arrangements, that employees want to be involved in supporting their partner around the time of their child's birth or, in the case of adoption, the child's placement.

### **2. Definitions**

The following definitions are used in this policy:

**Paternity/Partner Leave (PL)** – is of either 1 or 2 weeks' duration, dependent upon length of service. All Lancaster City Council employees, regardless of service are entitled to 1 week of paternity/partner leave at normal pay.

**Statutory Paternity/Partner Pay (SPP)** – is the statutory entitlement to pay during paternity/partner leave and is dependent upon length of service and other qualifying conditions.

**Expected week of childbirth (EWC)** – means the week, starting on a Sunday, during which the baby is expected to be born.

**A weeks' pay** – is the amount payable by the Council to the employee in a week; where working hours do not vary. Where there are no normal working hours, a weeks' pay is the average pay in the 8 weeks prior to the qualifying week.

### **3. Paternity/Partner Leave and Pay**

- 3.1 All Lancaster City Council employees whose wife, civil partner or partner gives birth to a child, or who is the biological father of a child, are entitled to 1 week of paternity/partner leave at normal pay regardless of length of service. This is an enhancement above the statutory provision.
- 3.2 Employees with more than 26 weeks' service at the qualifying date may also qualify for a second week of PL, which is payable at the Statutory Paternity Pay rate (subject to certain qualifying conditions outlined in section 4).
- 3.3 PL is also available to adoptive parents where a child is matched or newly placed with them for adoption. Where one adoptive parent has elected to take Adoption Leave, the other adoptive parent may take paternity/partner leave.
- 3.3 To qualify for PL, the employee must also have, or 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.
- 3.4 PL is granted in addition to an employee's normal annual holiday entitlement.

- 3.5 PL must be taken in a single block of 1 or 2 weeks, either from the date the child is born, or placed for adoption, but within 8 weeks of the birth or adoption of the child. If you work part time the 1 or 2 weeks of PL applies to your normal working week. Employees may elect only to take 1 week of PL, if they wish.

#### **4. Statutory Paternity/Partner Pay**

- 4.1 Employees who have at least 26 weeks' continuous service by the end of the 15<sup>th</sup> week before the EWC in respect of a birth child, or by the week in which the child's adopter is notified as having been matched with the child for adoption in respect of an adopted child are entitled to:
- 1 week of Council paternity pay at their normal rate of pay, followed by;
  - 1 week of pay at the standard rate for SPP or 90% of the employee's average weekly earnings (if this figure is less than SPP).
- 4.2 Employees with less than 26 weeks' continuous service are entitled to 1 week of PL at normal pay.
- 4.3 Employees whose average weekly earnings are below the lower earnings limit for National Insurance contributions will not be eligible for SPP.
- 4.4 SPP is treated as earnings and is therefore subject to PAYE and National Insurance deductions.

#### **5. Notification of Paternity/Partner Leave**

- 5.1 To request PL in respect of a birth child, the employee must notify their Service Manager in writing by completing the [Application for Paternity/Partner Leave Form](#), which can be found on ELSIE, by the end of the 15<sup>th</sup> week (the qualifying week) before the EWC.
- 5.2 To request PL in the case of an adopted child, the employee must notify their Service Manager in writing by completing the [Application for Paternity/Partner Leave Form](#), which can be found on ELSIE, no later than 7 days after the date on which notification of the match with the child was given by the adoption agency.
- 5.3 If an employee subsequently wishes to change the timing of the PL, they must give 28 days' written notice of the new dates (or as much notice as is practically possible).
- 5.4 Upon receipt of the Application for Paternity/Partner Leave, the Service Manager should countersign the form and pass to HR who will issue a letter confirming the PL arrangements to the employee and copied to the Service Manager. HR will notify Payroll.
- 5.5 The employee will normally receive a letter confirming their PL details within 28 days of receipt of the initial notification.

#### **6. Annual Leave during Paternity/Partner Leave**

- 6.1 Annual leave continues to accrue as normal throughout the period of PL.
- 6.2 If the annual leave year is due to end during the period of PL, the employee should aim to take their outstanding entitlement before starting their PL. However, up to 5 days' annual leave (pro-rata) will automatically be carried over into the next leave year.
- 6.3 Bank Holidays that fall during any period of PL, either paid or unpaid, will be re-credited to the employee, on a pro-rata basis in line with their existing working commitment and subject to any

Bank Holidays already taken during the relevant leave year. Days in lieu of Bank Holidays will be taken with pay (along with any annual leave) following the end of the PL.

## **7. Pension Contributions**

During periods of paid PL the employee will continue to make pensions contributions based on the amount the employee is actually paid, whilst the Council will make contributions based on Assumed Pensionable Pay.

## **8. Rights On and After Return to Work**

On resuming work following the period of PL an employee is entitled to return to the same job as they occupied before commencing the leave and on the same terms and conditions of employment as if they had not been absent.

## **9. Flexible Working Requests**

Full consideration will be given to requests from employees who, upon their return from PL, wish to change their working commitment. Further information on this can be found in the Council's Flexible Working (Right to Request) Policy and Procedure.

## **10. Childcare Vouchers**

- 10.1 Employees returning from PL may wish to consider joining the Council's Childcare Voucher Scheme run by Fideliti, which provides a tax efficient way of assisting with childcare costs. Further details about the Scheme can be found on the Council's intranet or by contacting HR.
- 10.2 In 2017 the Government is intending to introduce a new scheme called Tax-free Childcare, which will be administered by National Savings and Investments (NS&I). It is likely that after that point employees wishing to access tax efficient childcare support will only be eligible to join the Tax-free Childcare scheme.

## **11. Shared Parental Leave**

If an employee wishes to take an extended period of leave, they may be eligible for Shared Parental Leave. Further information on this can be found in the Council's Shared Parental Leave Policy and Procedure.

## **12. Review**

This policy will be reviewed two years after implementation or earlier in the event of further changes in legislation.

### **Document Control:**

Version No.	Effective Date	Reason	Review Due
1.0	05.02.2013	New policy document	05.02.2013
2.0	21.06.2016	Revised Policy to be agreed by JCC & Personnel Committee	