

# Paternity Provisions Guidance Notes

## 1. Introduction

These notes are for general guidance only and are applicable to all employees, except for Teachers and Associated Professionals, who are covered by the SNCT Conditions of Service.

Paternity leave provides an opportunity for employees, intending to be fully involved in the child's upbringing, to take time off to support the mother, adopter or carer for the child.

There are different types of paternity leave as follows:

- Maternity Support Leave
- Statutory Paternity Leave

Eligibility criteria with regards to leave and pay during leave and the application process are detailed in these guidelines.

Paternity leave is additional to normal annual leave entitlements.

## 2. Maternity Support Leave

### Eligibility and Pay

Employees who are the father of the child or the partner, civil partner or nominated carer of an expectant mother, or who are the spouse, partner or civil partner of the primary adopter of a child, irrespective of their continuous service, are entitled to one week's Maternity Support Leave with full normal pay inclusive of Statutory Paternity Pay (SPP).

### How and when can this leave be taken?

Approval must be sought 28 days before you intend to take this leave, by completing a [Maternity Support and Statutory Paternity Leave Application](#) and submitting this together with a copy of the MATB1 form or the Matching Certificate from an approved adoption agency to the employee's line manager.

The leave must be taken within a 52 week period that will encompass the date of birth or date of placement and can be taken as a block or as individual days.

## 3. Statutory Paternity Leave

### Eligibility and Pay

Employees may be entitled to a second week of Statutory Paternity Leave if their wife, partner or civil partner gives birth or adopts a child.

For employees to qualify for Statutory Paternity Leave they must:

- have worked for the Council for 26 continuous weeks by the start of the 15th week before the baby is due, or by the end of the week their wife, partner or civil partner was notified that they have been matched with a child for adoption
- continue to work for the Council without a break up to the date the child is born or placed for adoption
- be the biological father or adopter of the child or be the mother's (or main adopter's) husband, partner or civil partner and have or expect to have responsibility for the child's upbringing

An employee is only eligible to receive Statutory Paternity Pay (SPP) if he/she also:

- has average earnings of at least the lower earnings limit for National Insurance contribution liability

Payment will be the lesser of SPP or 90% of the employee's earnings. Statutory rates can be found on the [Government](#) website.

If the employee is not entitled to SPP the Council will provide the employee with a form SPP1 to provide reasons.

### **How and when can this leave be taken?**

Approval must be sought in the same way as described for Maternity Support Leave. Please refer to 2. above.

The employee can change their mind when they wish to take their Statutory Paternity Leave, however, must give at least 28 days' notice.

Statutory Paternity Leave must be taken as a block of one week. A week is based on the employee's normal working pattern. So, if the employee normally works Mondays and Tuesdays only, then a week would be two days, while if the employee normally works Mondays to Fridays, a week would be five days.

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 actual date of birth.
- from the date of the child's placement, but must be completed within eight weeks of the date of placement

An employee can start Statutory Paternity Leave after a period of parental leave has ended. Please refer to the Council's Flexible Working Policy for further details on parental leave provisions.

If the employee's partner has a multiple birth, or adopts more than one child he/she is only allowed one period of Statutory Paternity Leave.

[Application for Paternity Leave](#)