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Paternity & Maternity Support Leave **Policy**



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1. OBJECTIVE

Rhondda Cynon Taf Council is committed to helping working parents. The Council has two schemes, Paternity Leave and Maternity Support Leave. This policy provides guidance on the legislation governing Paternity Leave and Pay, and information on Maternity Support Leave.

2. INTRODUCTION

New statutory regulations regarding Paternity Leave and pay are contained within the Employment Act 2002 and became effective from 6 April 2003. The Employment Act introduced a new right to eligible employees to take two weeks Statutory Paternity Leave and Pay following the birth of a child. Rhondda Cynon Taf employees are however entitled to five days leave at their full rate of pay (under Maternity Support Leave), therefore only the second week (if taken) will be paid at Statutory Paternity Pay rate.

3. MAIN PROVISIONS OF PATERNITY LEAVE

The statutory provisions apply to employees whose children were born on or after 6 April 2003. Eligible employees are entitled to choose to take either one week or two consecutive weeks' Paternity Leave/Maternity Support Leave (N.B. odd days cannot be taken).

Eligible employees may choose to start their leave:

- From the date of the child's birth (whether this is earlier or later than expected) or
- From any day of the week on or following the child's birth but must be completed: -
- Within 56 days of the actual date of birth of the child, or
- If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

4. ELIGIBILITY FOR PATERNITY LEAVE

Employees will need to satisfy the following conditions in order to qualify for paternity leave.

They must:

- Have or expect to have responsibility for the child's upbringing
- Be the biological father of the child or the mother's husband or partner
- Have worked continuously for the council for 26 weeks leading into the fifteenth week before the baby is due.

5. MATERNITY SUPPORT LEAVE

Maternity Support Leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth. There is no qualifying period for Maternity Support Leave.

The first 5 days of Maternity Support Leave will be at full pay. If an individual who meets the eligibility criteria for Paternity Leave wishes to take a second week, it will be paid at Statutory Paternity Pay rate (SPP).

6. NOTIFICATION FOR PATERNITY LEAVE AND MATERNITY SUPPORT LEAVE

Employees will be required to give their line managers 28 days notice of their intention to take Paternity Leave / Maternity Support Leave. They will need to confirm:

- The week the baby is due
- Whether they wish to take one or two weeks' leave
- When they want their leave to start.

7. APPLICATION FOR PATERNITY/MATERNITY SUPPORT LEAVE

The employee will be required to complete an application form entitled 'Application for Paternity/Maternity Support Leave' as evidence of their entitlement to SPP. The application form includes a declaration that the employee meets the eligibility conditions.

8. STATUTORY PATERNITY PAY

Statutory Paternity Pay will be paid at the same rate as the standard rate for Statutory Maternity Pay.

9. PROTECTION FROM DETRIMENT AND DISMISSAL

Employees will be protected from suffering unfair treatment or dismissal for taking, or seeking to take Paternity Leave / Maternity Support Leave. Employees who believe they have been treated unfairly can complain to an employment tribunal.

10. PATERNITY LEAVE: ADOPTION

Paternity Leave is available for adopters who have been notified that they have been matched with a child on or after 6 April 2003, or a child placed for adoption after that date. The employee can take either one-week's leave or two consecutive week's leave.

It must be taken within 56 days of the child being placed.

10.1 Eligibility

The leave is available for the purpose of caring for the child or supporting the child's adopter. To be eligible the employee must:

- Have 26 week's continuous service by the end of the notification week (the week the adopter is notified as being matched with a child)
- Be married to or the partner of the child's adopter; and
- Expect to have responsibility for the upbringing of the child

Employees are only entitled to one period of leave regardless of the number of children adopted.

10.2 Maternity Support Leave: Adoption

Maternity support leave of 5 days with pay shall be granted to the child's adoptive father, or the partner or nominated carer of an adoptive mother at or around the time of adoption. The first five days will be at full pay. If an individual who meets the eligibility criteria for Paternity Leave wishes to take a second week, it will be paid at the Statutory Paternity Pay rate. There is no qualifying period for entitlement to Maternity Support Leave.

10.3 Taking Leave

The employee may choose to begin the leave on:

- The date the child is placed with the adopter
- A certain number of days after the child is placed; or
- On a predetermined date later than the date the child is expected to be placed.

10.4 Notification

Employees will be required to inform their line managers of their intention to take paternity leave within seven days of being informed by their adoption agency that they have been matched with a child, unless this is not reasonably practicable.

They will need to inform their manager:

- When the child is expected to be placed
- Whether they wish to take one or two weeks' leave
- When they want their leave to start

Employees will be able to change their mind about the date on which they want their leave to start providing they tell their employer 28 days in advance (unless this is not reasonably practicable). Employees will have to tell their managers the date they expect any payments of SPP to start at least 28 days in advance, unless this is not reasonably practicable.

10.5 Application For Paternity/Maternity Support Leave For Adoption

The employee will be required to complete an application form entitled 'Application for Paternity/Maternity Support Leave and Pay' (please see application form below) as evidence of their entitlement to SPP. The application form includes a declaration that the employee meets the eligibility conditions.

APPLICATION FOR PATERNITY/MATERNITY SUPPORT LEAVE & PAY

Your dates for pay and leave:

The baby is due on:

If the baby has been born, enter the actual birth date:

I would like my 5 days maternity support leave (at my full pay rate) to start on:

.....

I would like my 1-week Statutory Paternity Pay rate to start on*

*delete if not applicable

Your Declaration:

Surname:

First Name(s):

Division/Department:

Payroll Number:

I Declare that:

I am the child's father/partner/nominated carer of an expectant mother. (A nominated carer is defined as the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth).

I agree that I will notify my Line Manager in writing of the date the child is born.

Signature: Date:

If you wish to apply for the additional week's leave (ie. Paternity Leave), you must comply with the following statements to be entitled to Statutory Paternity Pay (SPP) and Leave.

I declare that I am:

The baby's biological father, married to the mother, living with the mother in an enduring family relationship but am not an immediate relative

I have responsibility for the child's upbringing

I will take time off work to support the mother or care for the child

Signature: Date:

NOTES REGARDING SPP (ie. the second week for Rhondda Cynon Taf employees)

To receive SPP you can take 1 or 2 whole weeks leave any time up to 8 weeks after the date of birth

If the baby is born early you can choose to take your leave any time between the actual date of birth and the end of an 8 week period running from the Sunday of the week the baby was originally due

You cannot take odd days, but the weeks can start on any day, e.g. from Tuesday to Monday.