



# **PATERNITY GUIDANCE**

This guidance applies to all Aberdeen City Council employees apart from Teachers and other employees covered by the SNCT terms and conditions.

This guidance incorporates relevant national and local conditions of service and legislation.

This guidance applies to employees whose child is due to be born or is matched for adoption on or after 5<sup>th</sup> April 2015.

**Issue 2, July 2017**

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## 1. What do I need to know before my paternity leave?

This guidance applies to employees who are:

- in the case of births, the biological father or civil partner or partner (partner means a person of either sex who lives with the mother in an enduring family relationship but is not her parent, grandparent, sibling, uncle or aunt )or nominated carer of the expectant mother
- in the case of adoptions, the spouse or civil partner or partner (of either sex) of the primary adopter
- in the case of surrogacy arrangements, the spouse or partner of the parental order surrogacy parent.

### 1.1 Time off for ante-natal appointments

You are entitled to **unpaid time off** to attend antenatal appointments regardless of your length of service or hours of work. You can attend up to 2 appointments at a maximum of 6.5 hours for each appointment.

If you exercise your right to take time off to attend antenatal appointments, you have protection against unfair treatment, discrimination or dismissal.

For adoptions and surrogacy (partner of primary adopter or parental order parent), you are entitled to take **unpaid time off** to attend pre-adoption meetings or accompany the birth mother to antenatal appointments. Details of this entitlement can be found within the Adoption Guidance available on the Zone or from your Line Manager.

**Please note, if you exercise your right to take paid time off to attend adoption appointments (as primary adopter) you won't be entitled to elect to take paternity leave rather than adoption leave.**

## 2. What do I need to know about paternity leave and pay?

### 2.1 Am I entitled to paternity leave?

Paternity leave applies to all employees (except casual and relief workers) of the Council, irrespective of hours of work and length of service.

You will be entitled to only one period of paternity leave irrespective of whether the expectant mother is expecting more than one baby or more than one baby through a surrogacy arrangement or more than one child is being placed for adoption.

Paternity leave is available to a baby's father, or the partner or nominated carer of an expectant mother at or around the time of the birth or to the adopter's or surrogacy parent's spouse or partner who must have or expect to have responsibility for the child's upbringing.

The baby's father, or partner or nominated carer of the expectant mother or adoptive or surrogacy parent must be an employee of the Council and only one of the foregoing may be granted paternity leave in relation to any one pregnancy/adoption/surrogacy arrangement.

A partner is someone who lives with the mother/primary adopter/surrogacy parent of the baby in an enduring family relationship but is not an immediate relative.

If you apply for paternity leave on the basis of being a 'nominated carer' (in the case of births) then you require to detail on the request form why you have been chosen by the mother to fulfil this role including details as to why the father/partner is unable to provide such support.

A nominated carer is a person nominated by the mother to assist in the care of the baby and to provide support to the mother at or around the time of the birth (assuming the biological father or mother's partner is unable to undertake the role).

You should submit notification of intention to take paternity leave in writing using the notification for paternity leave form (Appendix 1) to your line manager:

**For births:** by the end of the 15<sup>th</sup> week before the expected week of childbirth (or as soon as reasonably practicable), together with documentary evidence of the expectant mother's pregnancy e.g. photocopy of MAT B1 Certificate of Pregnancy or a letter from the midwife. This is to enable the Service to plan for your period of leave. Your line manager will arrange for the form to be acknowledged by the HR Service Centre in writing (see letter at Appendix 2).

**For adoptions:** within 7 days of the adopter being notified by their adoption agency that they have been matched with a child, or as soon as reasonably practicable, together with documentary evidence of the adoption e.g. copy of Matching Certificate or other appropriate documentary evidence confirming the match. This is to enable the Service to plan for your period of leave. Your line manager will arrange for the

form to be acknowledged by the HR Service Centre in writing (see letter at Appendix 2).

**For surrogacy:** within 7 days of the surrogacy parent being notified of their parental order being granted, unless this is not reasonably practicable, together with documentary evidence of the surrogacy e.g. copy of parental order. If you are applying for a parental order and have not received it then you should submit it to your line manager as soon as you receive it. This is to enable the Service to plan for your period of leave. Your line manager will arrange for the form to be acknowledged by the HR Service Centre in writing (see letter at Appendix 2).

Your completed application for paternity leave (Appendix 3) must be submitted to your line manager as early as possible, but at least 28 days prior to the expected date of childbirth, expected date of placement of the child or surrogacy birth unless this is not reasonably practicable. You should bear in mind the operational needs of your Section/Service and give your line manager as much advance notice as is practicable, particularly if you wish to combine this time off with a period of annual leave, to allow for the necessary arrangements to be made to cover your leave period. Your line manager will arrange for the HR Service Centre to write to you to confirm your paternity leave (see letter at Appendix 4).

**Note:** You can change your mind about the date on which you want your leave to start, provided you tell your line manager at least 28 days in advance, or as soon as reasonably practicable.

## 2.2 When can my paternity leave start and how long can I be on paternity leave?

You can either take paternity leave as one week or two consecutive weeks but not odd days.

Paternity leave requires to be taken at or around the time of the birth, placement of the child or surrogacy birth and must be within 56 days of the actual date of birth of the child or if the child is born earlier than expected, between the birth and 56 days from the day of the expected week of birth or within 56 days of the placement of the child.

If you request time off to attend the birth/surrogacy birth, this time off will not be regarded as part of the paternity leave period. Instead, time off to attend the birth will be granted for up to a period of 24 hours and will be classed as special leave.

For births/surrogacy births, your paternity leave will still be available should a child be stillborn after 24 weeks of pregnancy. If the baby is born alive at any point in the pregnancy but dies later, you will be entitled to paid paternity leave in the usual way.

### 2.3 Can I take any other leave after my paternity leave?

In addition to paternity leave, under the Shared Parental Leave provisions, if eligible, you can choose to share a period of leave and pay with your partner after the birth, placement of the child or surrogacy birth. The Mother (births) or Adopter (adoptions and surrogacy) would require to end/curtail their maternity/adoption leave and/or pay at a future date and share the untaken balance of leave and pay with their partner or return to work early from maternity/adoption leave and opt into Shared Parental Leave and pay at a later date.

The statutory 2 week paternity leave and pay should be taken prior to any periods of Shared Parental Leave. **If the father or partner has taken any Shared Parental Leave prior to taking up to 2 weeks paternity leave, they would NOT be entitled to take statutory paternity leave and pay.**

Further information on the Shared Parental Leave can be found in the Council's Shared Parental Leave Guidance, Maternity Guidance and Adoption Guidance which is available on the Zone or from your line manager.

### 2.4 Am I entitled to paternity pay?

Paternity leave is with pay at the normal contractual rate of pay for the job (pro-rata for part-timers) unless the normal rate of pay is below the rate of Statutory Paternity Pay (SPP), in which circumstance the statutory rate will be paid provided that all of the following are met : -

- (i) your average weekly earnings are above the Lower Earnings Limit for National Insurance Contribution purposes; and
- (ii) you have 26 weeks' continuous service with **Aberdeen City Council** or a **public authority** as listed in the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Orders (which covers local authorities and related bodies), ending with the 15<sup>th</sup> week before the baby is due or before the surrogacy birth or in which you were notified of having been matched with the child; and
- (iii) paternity leave commences in accordance with the below : -
  - (a) on the date of the baby's birth or the date of the child's placement or the date of surrogacy birth (whether this is earlier or later than expected); or
  - (b) from a chosen number of days or weeks after the date of the child's birth or placement or surrogacy birth (whether this is earlier or later than expected); or
  - (c) on a chosen date which is later than the first day of the week in which the baby/surrogacy baby is expected to be born.
  - (d) on a chosen date which is later than the date on which the child is expected to be placed with the adopter.

Please note that where you do not meet all of the above mentioned qualifying criteria for SPP, you will be paid your normal contractual pay during your paternity leave period.

**Note:** SPP is not payable to a 'nominated carer' (births) and consequently contractual pay will apply.

You are not entitled to payment in lieu if you only elect to take one week's paternity leave.

## 2.5 Does going on paternity leave affect my contractual conditions?

During your paternity leave all of your contractual conditions of employment will continue.

You will be entitled to return to the same job following your paternity leave.

## 2.6 How does being on paternity leave affect my Local Government Pension Scheme (LGPS) pension contributions?

Where applicable, pension contributions will continue to be payable during your period of paternity leave on the actual pay you receive, with pension service counted as normal.

**NOTIFICATION OF PATERNITY LEAVE****INTRODUCTION**

You are required to give notification to your line manager of your intention to take paternity leave by the end of the 15<sup>th</sup> week before the baby is expected or in the case of adoption within 7 days of an adopter being notified that they have been matched with a child (or parental order in the case of a surrogacy arrangement) or as soon as is reasonably practicable, so that the Service can begin to plan for your period of leave.

Please note that this form does not constitute your application for paternity leave, which must be made by completing the appropriate application form, and submitting it to your line manager 28 days before the expected date of childbirth/placement/surrogacy birth.

**PERSONAL DETAILS**

Name (in full): \_\_\_\_\_

Employee Ref. No.: \_\_\_\_\_

Service/Directorate: \_\_\_\_\_

Location: \_\_\_\_\_

Job Title: \_\_\_\_\_

Line Manager: \_\_\_\_\_

**I wish to notify you that I will be applying for paternity leave.**

The expected date of childbirth/commencement of adoption placement/surrogacy birth is ..... and I expect to commence my paternity leave on .....

I will be requesting one/two\* weeks paternity leave (\*delete as appropriate)

I will inform my line manager of the actual date I wish to start my paternity leave 28 days prior to the expected date of childbirth/commencement of adoption placement/surrogacy birth (or as soon as is reasonably practicable), by submission of the appropriate 'Application for Paternity Leave' form.

**SIGNED:** \_\_\_\_\_

**DATE:** \_\_\_\_\_



Your Ref.  
Our Ref.  
Contact  
Email  
Direct Dial  
Direct Fax  
Date

**PERSONAL**

(Employee Name)  
(Job Title)  
(Service)  
(Directorate)  
(Location)

Dear (Employee Name)

**NOTIFICATION OF PATERNITY LEAVE**

I acknowledge receipt of your notification to take paternity leave.

Please ensure you complete the application for paternity leave form and submit this to your line manager at least 28 days before the expected date of childbirth/placement for adoption/surrogacy birth.

If you have any queries, please contact me on the above number.

Yours sincerely

HR Service Centre

c.c. – Personal File  
Payroll Section – for information

## APPLICATION FOR PATERNITY LEAVE

(Please read the Paternity Guidance before completing this application)

### INTRODUCTION

Regardless of the length of an employee's service or hours of work, one or two consecutive weeks' paternity leave with pay will be made available to a baby's father, or the partner or nominated carer \* of an expectant mother at or around the time of the birth/adoption placement/surrogacy birth (whichever applies).

This application should be submitted to your line manager as soon as it is known what dates will be required and no later than 28 days before the expected date of childbirth/adoption placement/surrogacy birth (whichever applies).

NB      \* a nominated carer is a person nominated by the mother to assist in the care of the baby and to provide support to the mother at or around the time of the birth (assuming the biological father or mother's partner is unable to undertake the role).

### 1. APPLICATION

I hereby give notice that I wish my  
paternity leave to start on:- ..... (date)

I want to be away from work for one/two\* weeks (\*delete as appropriate)

### 2. PERSONAL DETAILS

Please indicate by ticking one option whether you are applying for paternity leave as:

The baby's biological father	<input type="checkbox"/>	The partner of the expectant mother	<input type="checkbox"/>
The primary adopter's partner	<input type="checkbox"/>	A surrogacy parent	<input type="checkbox"/>
The nominated carer of the expectant mother *	<input type="checkbox"/>	.....	<input type="checkbox"/>

(\* If you are the nominated carer, provide reasons as to why you have been chosen detailing why the father/partner is unable to provide such support.)

Name (in full): .....

Employee Ref. No. ....

Service/Directorate: .....

Location: .....

Job Title: .....

Line Manager: .....

Name of expectant  
mother/adoptive  
parent/surrogacy parent: .....

Expected date of  
childbirth/adoption  
placement/surrogacy birth: .....

### **3. DECLARATION AND SIGNATURE**

#### **If applying as the biological father or partner of the expectant mother:-**

With reference to the Paternity Guidance, I declare that I am applying for paternity leave in accordance with the Guidance, to provide support to the above mentioned mother at or around the time of the birth and to assist in the care of the baby and will have responsibility for the child's upbringing. I have previously submitted a copy of the MAT B1 Certificate or a letter from the midwife.

**Signed:** ..... **Date:** .....

#### **If applying as the nominated carer:-**

With reference to the Paternity Guidance, I declare that I am applying for paternity leave in accordance with the Guidance, to provide support to the above mentioned mother at or around the time of the birth and to assist in the care of the baby and I confirm that I will have sole responsibility for paternity care. I have previously submitted a copy of the MAT B1 Certificate or a letter from the midwife.

**Signed:** ..... **Date:** .....

#### **If applying as the primary adopter's partner:-**

With reference to the Paternity Guidance, I declare that I am applying for paternity leave in accordance with the Guidance, to provide support to the above mentioned adoptive parent at or around the time of the child's placement to assist in the care of the child and I confirm that I will have sole responsibility for paternity care. I have previously submitted a copy of the matching Certificate.

**Signed:** ..... **Date:** .....

#### **If applying as a surrogacy parent:-**

With reference to the Paternity Guidance, I declare that I am applying for paternity leave in accordance with the Guidance, to provide support to the above mentioned surrogacy parent at or around the time of the surrogacy birth to assist in the care of the baby and I confirm that I will have sole responsibility for paternity care. I have previously submitted a copy of the parental order.

**Signed:** ..... **Date:** .....

#### 4. FOR HR SERVICE CENTRE USE

Eligibility for paternity leave verified Initials \_\_\_\_\_ Date \_\_\_\_\_

EWOC \_\_\_\_\_

EW of adoption placement \_\_\_\_\_

EW of surrogacy birth \_\_\_\_\_

Above LEL for NI YES / NO

Council Start Date \* \_\_\_\_\_ Weekly rate of pay \_\_\_\_\_

Public Authority Start Date \* .....

\* Continuous service means continuous service with Aberdeen City Council or a public authority as listed in the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Orders (which covers local authorities and related bodies).

Tick box below that applies (**for payroll purposes**)

- a) Employee qualifies for normal contractual pay which includes SPP i.e. See Guidance for details of qualifying criteria for SPP. ☐
- b) Employee does not qualify for SPP and hence is paid normal contractual pay i.e. does not meet qualifying criteria as detailed in the Guidance or is applying for paternity leave as a nominated carer. ☐
- c) Employee qualifies only for SPP i.e. weekly pay less than SPP rate but meets qualification criteria for SPP as detailed in the Guidance. ☐

Appropriate letter sent to employee Initials \_\_\_\_\_ Date \_\_\_\_\_

## Appendix 4

Our Ref:  
Your Ref:  
Contact:  
Direct Dial:  
Direct Fax:  
E-Mail:

Date

### **PERSONAL**

(Employee Name)  
(Job Title)  
(Service)  
(Directorate)  
(Location)

Dear (Employee Name)

### **PATERNITY LEAVE (FOR BIRTH/ADOPTION/SURROGACY ARRANGEMENT PURPOSES)\* (\*delete as appropriate)**

I acknowledge receipt of your application for paternity leave in accordance with the Council's Paternity Guidance.

I confirm that you are granted one/two consecutive weeks' (delete as appropriate) paternity leave from your post of **(job title)** at **(place)** from **(date)**.

You will receive your salary and other conditions of service as normal whilst you are on paternity leave / You will receive Statutory Paternity Pay as well as your other conditions of service during the period of your paternity leave. **(delete as appropriate, see the Paternity Guidance)**.

Yours sincerely

**HR Service Centre**

c.c. – Personal File

Payroll Section – for information