

# Paternity Guidance



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## SECTION 1: INTRODUCTION

### **Purpose of the Guidance**

This guidance is part of our Family Friendly suite of resources. These are designed to reflect that the demands and responsibilities vary from family to family, and can be applied to differing circumstances.

Employees working in supportive and compassionate environments are more likely to feel able to discuss a wellbeing issue or a challenging life event, to ask for help when needed, and to make an effective return to work. When managers manage well and build trust-based relationships with their team, they help to create an environment that is open, respectful and kind.

The purpose of this guidance is to provide managers and employees with relevant information in order to effectively manage and support partners of / support person for who wishes to take paternity leave.

Core to this guidance is that no employee will be adversely treated in the workplace due to them taking paternity leave.

### **Inclusivity Statement**

This guidance is applicable to any employee considering paternity leave. The gender, sexual orientation or other characteristics are irrelevant in the application of any of our family friendly policies.

### **Application and Scope**

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

This guidance incorporates relevant national and local conditions of service and legislation, and accounts for the Paternity Leave (amendment) Regulations 2024 which came into force on 8 March 2024 and applies to babies born after 7 April 2024. This guidance is applicable from the date of implementation.



## SECTION 2: WHAT DO I NEED TO KNOW BEFORE MY PATERNITY LEAVE?

This guidance applies to employees who are:

- in the case of births, the father or civil partner or partner or nominated carer of the expectant mother
- in the case of adoptions, the spouse or civil partner or partner of the primary adopter
- in the case of surrogacy arrangements, the spouse or partner of the parental order surrogacy parent.

### 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 / birth parent to antenatal appointments. Details of this entitlement can be found within the Adoption Guidance available on People Anytime 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.**



## **SECTION 3: WHAT DO I NEED TO KNOW ABOUT PATERNITY LEAVE AND PAY?**

### **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 allowance of paternity leave irrespective of whether the expectant mother / birth parent 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 / birth parent at or around the time of the birth. For adoption or surrogacy paternity leave is available to the adopter's or surrogacy parent's spouse or partner who must have or expect to have responsibility for the child's upbringing.

For paternity leave for surrogacy the intended parent must intend to apply for a parental order in the 6 months after the baby's birth and expect it to be granted.

The baby's father, or partner or nominated carer of the expectant mother / birth parent 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.

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 / birth parent 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 / birth parent to assist in the care of the baby and to provide support to the mother / birth parent at or around the time of the birth (assuming the father or mother's partner is unable to undertake the role).

### **How do I notify of my intent to take and apply for Paternity Leave?**

The notification requirements for paternity leave for births, UK adoption, overseas adoption and surrogacy vary. You should submit your notification of intention to take paternity leave in writing, to your line manager, using the notification for paternity leave form applicable to your specific situation, and to enable the service to plan for your period of leave:



**For births:** you must complete and submit the notification form (appendix 1) to your line manager by the end of the 15<sup>th</sup> week ('qualifying week') before the expected week of childbirth .

You are required to inform:

- that you are having a baby
- plan to take paternity leave
- the expected week of childbirth

Your line manager will acknowledge receipt of your submitted form.

For each period of leave you wish to take you must provide at least 28 days' notice and can apply using appendix 4.

**For UK adoptions:** you must complete and submit the notification form (appendix 2) to your line manager within 7 days of being notified by the adoption agency that you have been matched with a child, and within 28 days provide documentary evidence of the adoption where requested e.g. copy of Matching Certificate or other appropriate documentary evidence confirming the match such as a letter from the adoption agency.

You are required to inform:

- the date you were notified of being matched with the child
- when you expect the placement to start, or when it started if it's already started
- you have, or expect to have, responsibility for bringing up the child
- you are married to, the civil partner or partner of the child's main adopter

For each period of paternity leave you wish to take, you must confirm:

- the date you want the period of leave to start and how long it will last
- confirmation in writing that the purpose of the leave is to care for the child or the child's main adopter, or both

**For overseas adoptions:** you must complete and submit the notification form (appendix 3) to your line manager within 28 days of either the date of the official notification of adoption or the date you complete 26 weeks of working for the Council – whichever of these dates is later.

You are required to inform:

- the date the child's main adopter received an official notification of the adoption
- the date the child is expected to enter Great Britain, or if they have already entered Great Britain, the date they entered
- you have, or expect to have, responsibility for bringing up the child
- you are married to, the civil partner or partner of the child's main adopter



- the child's main adopter has received an official notification of the adoption

For each period of paternity leave you wish to take, you must confirm the following and provide at least 28 days' notice (appendix 4):

- the date you want the period of leave to start and how long it will last
- confirmation in writing that the purpose of the leave is to care for the child or child's main adopter, or both

**For surrogacy:** you must complete and submit the notification form (appendix 4) to your line manager by the end of the 15<sup>th</sup> week ('qualifying week') before the expected week of childbirth (or as soon as reasonably practicable). You will be required to provide either a copy of a statutory declaration from a solicitor or a parental order and your application form

You are required to inform:

- they you have, or expect to have, responsibility for bringing up the child
- you are married to, the civil partner or partner of the other intended parent
- you and the other intended parent are parental order parents of the child

For each period of leave you wish to take you must confirm the following and provide at least 28 days' notice (appendix 4):

- the date you want the period of leave to start and how long it will last
- confirmation in writing that the purpose of the leave is to care for the child or the child's other intended parent, or both

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

You will be able to take 2 weeks paternity leave on full pay. This leave can be taken in consecutive weeks or blocks of one week. Please note you cannot take singular days off.

Paternity leave can be taken at any time in the first 52 weeks after the birth or the date the adoption placement starts or the date the child enters Great Britain if an overseas adoption. Paternity leave cannot start before the birth.

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.

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.



If the **baby is born early**, you can take paternity leave from the date the baby is born. The leave must end within 52 weeks of the start of the week the baby was due. Please notify your line manager of the change of date so they can notify the HR Service Centre.

If the **baby is born late**, you must tell your line manager the new date you are starting your paternity leave as soon as you can. Please notify your line manager of the change of date so they can notify the HR Service Centre.

If there is a **stillbirth or the baby only lives for a short time**, it might be difficult for you to notify your line manager. You can arrange for someone else to inform your line manager on your behalf, for example a family member or friend.

Your line manager will offer support to you and your family, and when you are ready, you can talk about what time off you think you will need.

Your paternity rights will still apply if your baby:

- is stillborn after 24 weeks of pregnancy
- is born alive at any stage of the pregnancy but only lives for a short time

You can take paternity leave:

- at the time it was planned for – if you had already booked the leave before the baby died
- within 8 weeks of the baby's death – if you had not already booked paternity leave

If you are eligible for [parental bereavement leave and pay](#), you have the right to take this after you finish your paternity leave (please refer to Special Leave Policy).

If an **adoption is 'disrupted'**, meaning it does not go ahead, perhaps due to the child having to return to the adoption agency or foster care, or has passed away, the Council will continue to pay paternity pay. Experiencing a disrupted adoption can be very upsetting and it may be difficult for you to notify your line manager. You can arrange for someone else to inform your line manager on your behalf, for example a family member or friend. Your line manager will offer support to you and your family, and when you are ready, you can talk about what time off you think you will need.

### **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 / support person after the birth, placement of the child or surrogacy birth. The mother / birth parent (births) or adopting parent (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 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 People Anytime or from your line manager.

### **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.

**Does going on paternity leave affect my contractual conditions?**

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

You will normally return to the same job that you had before going on paternity leave. However, if this is not possible due to exceptional circumstances (e.g. redundancy or reorganisation) you will be offered a suitable alternative post with comparable duties, terms and conditions, pay and location where such a vacancy exists.

**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.



## Appendix 1

### NOTIFICATION OF PATERNITY LEAVE – FOR BIRTHS

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 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.

PERSONAL DETAILS	
Name (in full)	
Employee Reference No.	
Cluster/Service	
Location	
Job Title	
Line Manager	

I wish to notify you that I will be applying for paternity leave and confirm the following:

Date expected week of child birth	
I am the child's father	YES / NO
I am married to, the civil partner or partner of the mother or birth parent	YES / NO

I will inform my line manager of the actual date(s) I wish to start my paternity leave 28 days prior to the expected period of leave by submission of the appropriate 'Application for Paternity Leave' form.

**SIGNED:**

**DATE:**



## Appendix 2

### NOTIFICATION AND APPLICATION OF PATERNITY LEAVE – UK ADOPTION

You are required to give notification to your line manager of your intention to take paternity leave within 7 days of being notified that you have been matched with a child, or as soon as is reasonably practicable, so that the Service can begin to plan for your period of leave. You are also required to give notification at this time as to when you wish to take paternity leave.

PERSONAL DETAILS	
Name (in full)	
Employee Reference No.	
Cluster/Service	
Location	
Job Title	
Line Manager	

I wish to notify you that I will be applying for paternity leave and confirm the following:

Date notified of being matched to a child	
The expected date for placement to start, or when it has started if its already started	
I have, or expect to have responsibility for bringing up the child	YES / NO
Relationship to the partner of the child's main adopter (married to/civil partner/partner)	
Reason for leave (care for the child or the child's main adopter, or both)	

I wish to take paternity leave on the following dates (please note paternity leave can be taken consecutively or in separate complete 1 week blocks):

Week One	
Week Two	

SIGNED:

DATE:



### Appendix 3

#### NOTIFICATION AND APPLICATION OF PATERNITY LEAVE – OVERSEAS ADOPTION

You are required to give notification to your line manager of your intention to take paternity leave within 28 days of the date of the official notification of the adoption.

PERSONAL DETAILS	
Name (in full)	
Employee Reference No.	
Cluster/Service	
Location	
Job Title	
Line Manager	

I wish to notify you that I will be applying for paternity leave and confirm the following:

Date received official notification of adoption	
Date child is expected to enter Great Britain or the date they entered	
I have, or expect to have responsibility for bringing up the child	YES / NO
Relationship to the partner of the child's main adopter (married to/civil partner/partner)	
The main adopter has received an official notification of the adoption	YES / NO

I will inform my line manager of the actual date(s) I wish to start my paternity leave 28 days prior to the expected period of leave by submission of the appropriate 'Application for Paternity Leave' form.

**SIGNED:**

**DATE:**



## Appendix 4

### NOTIFICATION OF PATERNITY LEAVE – FOR SURROGACY

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, 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.

PERSONAL DETAILS	
Name (in full)	
Employee Reference No.	
Cluster/Service	
Location	
Job Title	
Line Manager	

I wish to notify you that I will be applying for paternity leave and confirm the following:

Date expected week of child birth	
I have or expect to have responsibility for bringing up the child	YES / NO
I am married to, the civil partner or partner of the mother or birth parent	YES / NO
I and the other intended parent are parental order parents of the child	YES / NO

I will inform my line manager of the actual date(s) I wish to start my paternity leave 28 days prior to the expected period of leave by submission of the appropriate 'Application for Paternity Leave' form.

**SIGNED:**

**DATE:**



## Appendix 5

### APPLICATION FOR PATERNITY LEAVE

(Please read the Paternity Guidance before completing this application)

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

This application should be submitted to your line manager for each period of paternity leave you would like to take, providing at least 28 days' notice.

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

#### 1. APPLICATION

PERSONAL DETAILS	
Name (in full)	
Employee Reference No.	
Cluster/Service	
Location	
Job Title	
Line Manager	

I wish to take paternity leave on the following dates (please note paternity leave can be taken consecutively or in separate complete 1 week blocks):

Week One	
Week Two	

#### 2. PERSONAL DETAILS

I am (please select one or both of the following options):



the child's father	
married to, the civil partner or partner of the mother or birth parent – this includes same-sex partners	
the partner of the expectant mother / birth parent	
the primary adopter's partner	
a surrogacy parent	
the nominated carer of the expectant mother / birth parent *	

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

### 3. DECLARATION AND SIGNATURE

#### **If applying as the father or partner of the expectant mother/birth 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 mother/birth parent within 52 weeks of the date of birth and to assist in the care of the baby and will have responsibility for the child's upbringing.

**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/birth parent within 52 weeks of the date of birth and to assist in the care of the baby and I confirm that I will have sole responsibility for paternity care.

**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 within 52 weeks 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 submit either a copy of a letter from the adoption agency or 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 within 52 weeks 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 submit either a copy of a statutory declaration from a solicitor or a parental order

.

**Signed:**

**Date:**



## Appendix 6

### CONFIRMATION OF PATERNITY LEAVE LETTER

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

Date

#### **PERSONAL**

(Employee Name)

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 paternity leave from your post of **(job title)** to be taken as follows:

Week One	
Week Two	

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