



## Paternity and Neonatal Care Leave Policy and Procedure

### Introduction

West Oxfordshire District Council ('the Council') prides itself on being an employer of choice. With an incredibly varied role in delivering the very best for our residents, communities and businesses, our employees are committed and really make a difference. In return we seek to support and empower our employees, to give their best.

This policy sets out the rights of employees to paternity leave and pay.

We are committed to supporting a positive work-life balance for all our employees and recognise that time with your children is important. No employee will suffer any detriment, disadvantage or discrimination for requesting or taking paternity leave.

The Policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

### Scope

This Policy applies to employees employed by the Council. It does not apply to workers, contractors, consultants or any self-employed individuals working for the Council.

### Who can take Paternity Leave?

You can take paternity leave if you:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth (or by the week you are notified of being matched with a child for adoption).
- are the biological father of a child, or the spouse, civil partner or partner of the child's mother (or adopter)

have, or expect to have, responsibility for the child's upbringing, apart from the mother's/adopter's primary responsibility. Paternity Leave is available to an eligible employee regardless of gender if they are married to, the civil partner of, or the partner of the child's mother or parent. The employee must also have, or expect to have, responsibility for the child's upbringing.

Paternity Leave is also available to the spouse, civil partner or partner of an individual who has adopted a child, including same-sex partners. Where a couple adopt a child jointly, one may take Adoption Leave and the other may take Paternity Leave, and they may decide between themselves which partner takes which type of leave.

To be eligible for paternity leave for a child adopted within the UK, you must have you: have at least 26 weeks' continuous employment by the end of the week in which the adoption agency formally notifies the adopter that they have been matched with the child.

Paternity leave is also available in cases of surrogacy and fostering for adoption. If you are an intended parent under a surrogacy arrangement and apply for, or expect to obtain, a Parental Order, you are entitled to paternity leave and pay (if eligible). Where a child is placed under a "foster-to-adopt" arrangement by an adoption agency, you will be entitled to paternity leave and pay on the same basis as adoption leave rights.

### Length and timing of Paternity Leave

An eligible employee can take either one week's leave or two consecutive weeks' leave to be taken within 52 weeks after the child is born. You can take this leave in a single block of one or two weeks, or in two separate blocks of a week each. You do not have to take your leave in one consecutive period, but the leave must be booked in blocks of at least one week. You cannot take paternity leave in individual days.

A week of paternity leave is the same duration as your normal working week, meaning that if you are a full-time employee, one week is 5 days. If you are contracted to work 4 days per week, one week is 4 days, and so on.

You can take only 2 weeks' paternity leave per pregnancy or adoption, regardless of the number of children born as a result of the pregnancy or the number of children placed under the same adoption arrangement.

You can start your paternity leave on any day from the child's birth, but it must end within 52 weeks of the birth (or the expected week of childbirth if the child is born early).

In the case of an adopted child, the 52-week period runs from the date the child was placed for adoption with the adopter (or the child's entry into Great Britain for adoptions from overseas).

If you wish to take shared parental leave, you must take your paternity leave first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child.

### Notice to take Paternity Leave

To take paternity leave for a birth child, you need to give your line manager and Human Resources 28 days' notice before each week of leave and written notice of:

- the date on which your partner's baby is due
- the length of paternity leave you wish to take (and whether in one single or two separate blocks)
- the date on which you wish your paternity leave to start.
- Your declaration that the purpose of the leave is to care for the child or support your partner in relation to the child.

Your notice to take leave will depend on when you would like your leave to start. You can choose to begin your leave on either:

- The date the child is born: Notice to be given at least 28 days before the first day of the expected week of childbirth.
- A certain number of days after the child is born: Notice to be given at least 28 days before the date falling that number of days from the first day of the expected week of childbirth.
- A predetermined date (no earlier than the first day of the expected week of childbirth): Notice to be given at least 28 days before the specified date.

To notify us of your intention to take statutory paternity pay and leave, you should complete the following form available from the GOV.UK website - [Statutory Paternity Pay and Leave: becoming a birth parent \(SC3\)](#). Send the completed form to your manager and [hr@westoxon.gov.uk](mailto:hr@westoxon.gov.uk).

## **Adoption within the UK**

For adoption within the UK, an employee must have 26 weeks' continuous service by the week they are notified of being matched with a child. To take paternity leave for an adopted child you need to give your manager and HR written notice of your intention to take paternity leave no later than 7 days after the date notification of the match with the child was given by the adoption agency. The notice must specify:

- The date the adopter was notified of having been matched with the child
- The date the child is expected to be placed for adoption
- The date you wish your paternity leave to start
- The length of paternity leave you wish to take (and in one single or two separate blocks)
- Your declaration confirming that you meet the eligibility requirements to take paternity leave and that the purpose of the leave is to care for the child or support the child's adopter

To notify us of your intention to take statutory paternity pay and leave, you should complete the following form available from the GOV.UK website - [Statutory Paternity Pay and Leave: becoming an adoptive or parental order parent](#). Send the completed form to your manager and [hr@westoxon.gov.uk](mailto:hr@westoxon.gov.uk)

You can choose to begin your leave on either:

- The date on which the child is placed for adoption
- A set number of days after the child is placed for adoption
- On a predetermined date, which has to be no earlier than the first day of the child's placement for adoption

## **Overseas adoption**

An employee must have 26 weeks' continuous service by the week they receive the official notification that they have been matched with a child (or, in overseas cases, the "official notification" confirming the adoption process). To take paternity leave for a child adopted from overseas, you need to give your manager and HR written notice of your intention to take paternity leave no later than 28 days after the date notification of the match with the child was given by the adoption agency (or the date you complete 26 weeks' continuous employment, if that is later, for pay eligibility). The notice must specify:

- The date the adopter was notified of having been matched with the child
- The date on which the child is expected to enter Great Britain (or, if they have already entered, the date of entry)
- Your declaration confirming that you meet the eligibility requirements to take paternity leave

You must give your line manager and Human Resources further notice in writing of:

- When you want to start your leave
- The length of paternity leave you wish to take (and in one single or two separate blocks)
- Your declaration that the purpose of the leave is to care for the child or support the child's adopter

Your notice to take leave will depend on when you would like your leave to start. You can choose to begin your leave on either:

- The date of your child's entry into Great Britain: Notice to be given at least 28 days before the date the child is expected to enter Great Britain
- A predetermined date (no earlier than the date of your child's entry into Great Britain): Notice to be given at least 28 days before that predetermined date

To notify us of your intention to take statutory paternity pay and leave, you should complete the following form available from the GOV.UK website - [Statutory Paternity Pay and leave: adopting a child from abroad](#). Send the completed form to your manager and [hr@westoxon.gov.uk](mailto:hr@westoxon.gov.uk).

If it is not reasonably practicable to give notice within the timeframes set out in the above sections, notice must be provided as soon as reasonably possible.

## Maternity Support Leave

This is a benefit that applies to employees of the Council who will be providing support to a pregnant woman around the time that they are giving birth.

Such employees are defined as being expectant fathers; partners or nominated carers. As an expectant father, you will be able to take five days' maternity support leave, paid at normal pay.

This must be combined with Paternity Leave. Therefore, you can take one week of Maternity Support Leave at full pay and one further week of Paternity Leave (if you qualify), paid at the statutory paternity pay rate. There is no required qualifying period for Maternity Support Leave.

## Time off for Antenatal Care

In addition to your paternity leave, you have the right to take time off to accompany a pregnant woman with whom you are having a child at up to two antenatal appointments. You are eligible if you're the pregnant woman's husband, civil partner, or if you're living together in a long-term relationship, if you are the biological father of the expected child you are also eligible. You may be asked to make up some or all of the time taken off.

To make a request for time off to accompany someone at an antenatal appointment, you should contact your line manager.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife, or nurse. We expect that normally no more than half a day is needed for an antenatal appointment, but the leave includes the time needed to travel to the appointment and any waiting time needed at the appointment and can be for a maximum of six-and-a-half hours on each occasion.

You should endeavour to give as much notice as possible of time off required for the antenatal appointment and, wherever possible, arrange for them to be as near to the start or end of the working day as possible.

## Time off to attend Adoption Appointments

If you are adopting a child, you are entitled to take time off to attend adoption appointments, which enable contact with the child (for example, to bond with them before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

Where you are part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

To make a request for time off for an adoption appointment, you should contact your line manager.

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

You should endeavour to give as much notice as possible of when you need the time off for the adoption appointment and, wherever possible, arrange them for them to be as near to the start or end of the working day as possible.

## Changing your Paternity Leave Plans

If you wish to change the timing of your paternity leave, you must give your line manager at least 28 days' written notice of the revised start date.

## Rights During Paternity Leave

During your leave, all the terms and conditions of your contract except normal pay will continue. Your salary will be replaced by statutory paternity pay if you are eligible for it.

This means that all other benefits will remain in place. For example, holiday entitlement continues to accrue and pension contributions will continue to be paid.

## Statutory Paternity Pay

If you are eligible for paternity leave, and have 26 weeks' continuous employment, you will be paid statutory paternity pay (SPP). That is two weeks at the current [statutory amount](#) set by the Government for the relevant tax year, or 90% of average weekly earnings, whichever is the lower.

In order to qualify for SPP, you must;

- Have average weekly earnings in the 8 weeks up to the end of the qualifying week of no less than the [lower earnings limit](#) set by HMRC
- Remain in continuous employment with us on the date the child is born (in a birth situation), is placed for adoption (for adoptions within the UK) or entered Great Britain (for adoptions from overseas).
- Have complied with the relevant notice and evidential requirements and are able to provide the declarations as set out in this Policy.
- Confirm when you wish to start receiving SPP within the relevant form to provide period of leave notice to take paternity leave.

## Returning to work after Paternity Leave

Following your leave, you have the right to resume working in the same job as before on terms and conditions that are no less favourable to you than the terms that would have applied had you not been absent.

Your continuity of employment is not affected.

## Neonatal Care Leave

If your baby requires admission to hospital or receives consultant-led care within the first 28 days of life, and this care lasts for at least seven continuous days, you will be entitled to take Neonatal Care Leave. This allows you the time and space you may need during what can be a very difficult and emotional period.

## Eligibility

You can qualify for neonatal care leave from the first day of your employment with the Council, if you are:

- a parent (biological)
- a partner of the child's parent if they will have main responsibility for the child
- an adoptive parent, prospective adopter
- adopting from overseas, if qualifying periods occur once the child has entered Great Britain.
- a child's intended parents (i.e. surrogacy)

## Length and Timing of Leave

You will receive one week of leave for every seven continuous days your baby is in neonatal care, up to a maximum of 12 weeks. This entitlement is available to you from your very first day of employment with us, so there is no minimum service requirement. The leave can be taken any time within the first 68 weeks after your child's birth, so you have flexibility to use it when it is most needed.

## Pay

If you have at least 26 weeks' continuous service by the 15th week before your baby was due, and you meet the statutory earnings threshold, you may also qualify for Statutory Neonatal Care Pay (SNCP). The rate of SNCP is currently the same as Statutory Maternity Pay after the first six weeks, or 90% of your average weekly earnings if this is lower.

If you do not qualify for SNCP, you are still entitled to take Neonatal Care Leave, however the leave will be unpaid.

## Interaction with other leave

Neonatal Care Leave is in addition to your statutory maternity, paternity, adoption or shared parental leave, meaning that it extends your entitlement rather than replacing it. Where both parents are eligible, each can take their own period of Neonatal Care Leave.

## Evidence required

At the Council, we want to ensure you feel supported at every step. You will need to provide confirmation of your child's neonatal admission, such as a hospital admission letter or care note from a neonatal consultant. We will never ask you to share medical details beyond this.

## Experiencing Loss

If the mother/adopter dies, the surviving parent can take paternity leave even if not meeting usual service requirements.

If you experience a miscarriage or sadly the loss of a child after 24 weeks or at birth, we also have separate policies to cover parental bereavement leave, supporting employees experiencing pregnancy loss and the statutory right to take time off for dependants.

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