

Paternity Leave and Pay Policy

**Starfish 9 Ltd Paternity Leave & Pay Policy
2023 - Issue 4**

(Last Review 7th Jan 2023 - Next Planned Review 26th Jan 2024)

Paternity Leave and Pay

What this policy covers

This policy applies to employees. However, Statutory Paternity Pay may be available to both employees and workers.

This policy outlines your statutory right to Paternity Leave and the qualifying conditions and the procedure that you need to follow when requesting Paternity Leave. It also provides information relating to your contractual rights and your right to return to work following Paternity Leave.

You may also be eligible to take Shared Parental Leave. Entitlements and procedures that apply to Shared Parental Leave are contained in a separate policy in this Handbook.

The following sections provide only a general guide; further guidance and clarification must be sought from Management.

Your entitlements and responsibilities

Right to accompany a pregnant woman to antenatal appointments

You have the right to take unpaid time off during working hours to accompany a pregnant woman to antenatal appointments where you:

- Are the pregnant woman's husband or civil partner, or
- Live with the woman in an enduring family relationship (whether heterosexual or same-sex relationship) and are not a relative of the woman, or
- Are the expected child's father, or
- Are one of a same-sex couple who is to be treated as the child's other parent under the assisted reproduction provisions, or
- Are the potential applicant for a parental order under surrogacy laws.

This time off is limited to:

- No more than two occasions
- Each lasting no more than six and a half hours

Paternity Leave

You can take Paternity Leave (PL) in relation to the birth or adoption of a child. If you are the partner of an individual who adopts, or you are the other member of a couple who is adopting jointly, you may be entitled to Paternity Leave.

If you have adopted the child, you can choose who will take the Adoption Leave and who will take the Paternity Leave. Only one period of Maternity or Adoption Leave and one period of Paternity Leave may be taken between the couple even if your partner works for a different company.

Further details of Adoption Leave entitlement are set out in the Maternity and Adoption Policy (outlined elsewhere in the Employee Handbook).

Qualifying conditions for Paternity Leave

In order to qualify for Paternity Leave you must:

- Have worked continuously for the company for 26 weeks leading into the 15th week before the child is due; or by the week in which an approved adoption agency matches you with the child (the notification week)
- Be the biological father of the child or the mother's husband or partner (male or female) or have, or expect to have, responsibility for the child's upbringing
- Confirm the requested leave is intended for the purpose of caring for the child, or to support the child's mother or adoptive parent in caring for the child.

If you are eligible you are entitled to take up to two weeks' paid PL. PL must be taken in units of either one whole week or two consecutive whole weeks. Leave may start on any day of the week, on or following the child's birth, but must be completed:

- Within 56 calendar 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 calendar days after the expected week of birth.

You may change your mind about the starting date for PL, providing you tell the Company at least 28 calendar days in advance of the changed start date (or as soon as is reasonably practicable, if not in a position to do so within the prescribed period).

Statutory Paternity Pay

If you are eligible you are entitled to be paid during your PL following the birth or placement of your child in order to care for the child or support its mother or adoptive parent.

During PL, it is likely that you will be entitled to Statutory Paternity Pay (SPP), which will be the same as the standard rate of Statutory Maternity Pay (SMP). In order to qualify for SPP you must:

- Meet the pl qualifying conditions mentioned above and
- Have average weekly earnings equal to or above the lower earnings limit for national insurance purposes over the eight week period leading up to and including, the 15th week before the child is due or, in adoption cases, the Notification Week

In addition to meeting the conditions detailed above, the Company may request you to provide a self certificate as evidence that the mother or adoptive parent meets these conditions. The self certificate must also provide the information required above and include a declaration that you meet the necessary conditions.

Contractual benefits during your Paternity Leave

You are entitled to enjoy your normal terms and conditions of employment, with the exception of pay, whilst on Paternity Leave. You are also entitled to return to the same job following your leave.

If the Company provides you with an enhanced contractual right to Paternity Leave or Paternity Pay you should clearly understand, that when payment of contractual paternity pay is made this is inclusive of any SPP entitlement i.e. you are not entitled to both.

Contact during Paternity Leave

The Company may make reasonable contact with you during your Paternity Leave.

Procedure

Requesting Paternity Leave

If you wish to take PL you must notify the Company by the 15th week before the expected week of childbirth or no more than seven days after you are notified of being matched with the child, stating the week the child is due, or the expected placement date; whether you wish to take one week's or two weeks' continuous leave; and the date you want the leave to start.

The Company will consider all requests for Paternity Leave. However, you must be aware that Paternity Leave can only be authorised to be taken immediately after the birth or the placement of the child or if later at a time to suit the needs of the business.

Taking Paternity Leave

You are permitted to take PL in units of either one whole week or two consecutive whole weeks.

Leave may start on any day of the week on or following the child's birth or the date of adoption placement. Your leave must be completed within 56 calendar days of the actual date of birth of the child, or the date of the adoption placement.

If the child is born early, leave must be taken within the period from the actual date of birth up to 56 calendar days after the expected week of birth.

Changing the start of your Paternity Leave

Where you are to take PL in respect of a child's birth or to coincide with the day a child is placed with you, you can give written notice to vary the start date of your leave from that which you originally specified.

At least 28 days before the Expected Week of Childbirth or the Expected Placement Date, notice should be given where you wish to:

- Vary your leave to start on the day of the child's birth
- Vary your leave to start a specified number of days after the child's birth or after the placement date of the child (minus the specified number of days)
- Vary your leave to start on a specific date (or a different date from that you originally specified).

Returning to work after your Paternity Leave

You are normally entitled to return to work following Paternity Leave to the same position you held before commencing your leave. Your terms of employment will continue to be the same as they would have been had you not been on Paternity Leave.

If your PL has been combined with a period of Shared Parental Leave totalling more than 26 weeks or a period of Parental Leave of more than four consecutive weeks, and it is not reasonably practicable for you to return to the job you held before commencing leave, the Company will offer you a suitable and appropriate alternative position.

If you are unable to return to work following a period of Paternity Leave due to sickness or injury, this will be treated as sickness absence and the normal reporting procedures will apply.

You should be aware if you do not return to work for any other reason, the Company will treat a late return as an unauthorised absence, which may result in disciplinary action up to and including dismissal without notice.

Breach of this policy

If you take a period of Paternity Leave under this policy for any purpose other than to care for the child, you may be subject to disciplinary action up to and including dismissal.

Name: John Jessimer

Signed: 

Position: Managing Director

Date: 7 January 2023

