# Paternity Policy

## Policy statement

The Office of the Police and Crime Commissioner (OPCC) is committed to ensuring that all paternity benefits are applied fairly and consistently. This policy outlines the framework for managing paternity and related absences and the steps that managers and employees must take to ensure that the employee’s statutory and occupational benefits are applied appropriately. This policy applies regardless of the gender of the employee’s partner.

## Scope

All employees of the OPCC

## Policy outcome

The aims of this policy are to:

- ensure statutory leave and pay entitlements are met
- ensure occupational leave and pay entitlements are met
- define the process for managing paternity leave and pay

## Check which policy to use

Details of maternity support leave where an employee is not eligible for paternity leave can be found in Other Family Friendly Policy.

Additional Paternity Leave and Pay no longer applies – see the Shared Parental Leave Policy.

Annual leave arrangements must be managed under the Annual Leave and Time Off Policy.

Flexible working requests following return from paternity leave should be managed under the Managing Requests for Flexible Working Policy.

Fixed term contracts that are due to end during the paternity leave period must be managed under the Ending Fixed Term or Temporary Contracts Policy.
**Equality and Dignity at work**

The OPCC is committed to developing a work place in which all employees are treated with dignity. Discrimination based on age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation is not acceptable. Equally, bullying and harassment related to any of these characteristics is not acceptable. The OPCC will take robust action against any unacceptable behaviour.

**Paternity Leave and Pay**

Employees retain the same rights under their contract of employment as if they were still at work. The only exception is that they will not get their normal contractual pay during ordinary paternity leave.

Employees will only be able to take one period of ordinary paternity leave and pay, irrespective of the number of children being born or adopted as part of the same pregnancy or adoption placement. Employees may be eligible for further paternity leave and pay if they have or adopt more children at a later date.

Statutory paternity pay entitlements are defined by Her Majesty’s Revenue and Customs service (HMRC).

Occupational paternity pay entitlements are defined by the employee’s relevant terms and conditions of employment.

**Exceptions**

None apply.

**Policy Detail**

There are four main stages to this policy.

1. notification of paternity leave
2. starting paternity leave
3. during paternity leave
4. returning to work

The actual steps in the policy may vary dependent on the employee and employer needs.

**Stage 1 – Notification of ordinary paternity leave**

Ordinary paternity leave is for the express purpose of post-natal, or post-adoption, care and support and must be taken within 56 days of childbirth or placement.
To qualify for ordinary paternity leave the employee must:

- have a contract of employment with the employer (regardless of hours worked or terms and conditions of employment); and
- have 26 weeks continuous local government service at the end of the 15th week before the expected week of childbirth; or
- have 26 weeks continuous local government service at the end of 15th week before the matching week; and
- be the biological father of the child; or
- be married to the mother/primary adopter; or
- be the partner of the mother/primary adopter; and
- expect to have responsibility for the upbringing of the child
- remain in continuous employment with their employer up to the expected date of childbirth or placement of the child

Ordinary paternity leave must be taken as a single block. The minimum period is one week. The maximum period is 2 consecutive weeks.

Once the employee has decided when they are going to take ordinary paternity leave, they must discuss this with their line manager and provide the appropriate documentary evidence and information (see Appendix 2).

### Start date of paternity - In cases of childbirth

The employee can choose to start their ordinary paternity leave from any date following the child’s actual date of birth.

The full duration of ordinary paternity leave must not exceed 56 days from the date of birth.

### Start date of paternity - In cases of adoption

The employee can choose to start their ordinary paternity leave from any date from the child’s actual placement with the adopter.

The full duration of ordinary paternity leave must not exceed 56 days from the date of the child’s placement with the primary adopter.

### Annual leave

The line manager and employee must ensure annual leave is planned around their ordinary paternity leave to ensure that minimal annual leave is carried forward into the next leave year.

### Reasonable contact

Before the employee starts ordinary paternity leave the line manager and employee will agree appropriate and reasonable contact arrangements for the ordinary paternity leave period.
These arrangements should be used to keep each other up-to-date on vacancies, workplace developments, training opportunities, any changes which would affect the employee’s return to work, or other circumstances which are relevant to the paternity leave and help ensure correct payment of paternity benefits.

**Ante-natal or pre-adoption meetings**

The employee does not have a statutory right to paid time off to attend ante-natal care, or any pre-adoption meetings. There is an entitlement for the employed father/mother’s partner to take unpaid time off to attend two antenatal appointments with the expectant mother.

If the employee wishes to attend these meetings, they can request to use annual leave, flexi leave, unpaid leave or some other arrangement, subject to the agreement of their line manager.

The employee must provide their appointment card or other evidence of the appointment if their manager asks to see it.

**If the employee resigns before ordinary paternity leave**

If an employee intends to resign, rather than take ordinary paternity leave they will normally be required to give their contractual notice period.

Where the employee cannot meet the requirements of their contractual notice period, they should give their line manager at least 21 calendar days’ written notice of their intention to resign.

The employee may be entitled to receive statutory paternity pay, even after their last date of employment.

The employee would not be entitled to receive occupational paternity pay.

Once the IBC has been notified of the intended ordinary paternity leave or resignation date they will confirm the employee’s leave and pay entitlements within 21 calendar days.

**Stage 2 – Starting ordinary paternity leave**

**Statutory paternity pay during ordinary paternity leave**

Statutory paternity pay may be payable to the employee during their ordinary paternity leave, subject to meeting the qualifying criteria.
To qualify for statutory paternity pay, the employee must:

- have a minimum of 26 weeks continuous service with their employer at the qualifying week, regardless of numbers of hours worked

Payment of statutory paternity pay starts when the employee starts their ordinary paternity leave.

The statutory paternity pay period always starts the same day as the ordinary paternity leave.

Statutory paternity pay payments stop if the employee returns to work before the end of the statutory paternity pay period.

Statutory paternity pay will not be paid if the employee is taken into legal custody.

Occupational paternity pay may be payable to the employee during their first week of ordinary paternity leave, subject to meeting the qualifying criteria.

To qualify for occupational paternity pay, employees must:

- have at least one year’s continuous local government service at the beginning of the 11th week before the expected week of childbirth, regardless of the number of hours worked

Payment of occupational paternity pay always starts the same day as the ordinary paternity leave period.

Occupational paternity pay payments stop if the employee returns to work before the end of the occupational paternity pay period.

If the employee is a member of the Local Government Pension Scheme they will have pension deductions made from their occupational and statutory paternity pay.

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<thead>
<tr>
<th>In cases of childbirth</th>
<th>Occupational paternity pay during ordinary paternity leave</th>
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<tr>
<th>Pensions</th>
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Local Government Pension Scheme
For the period of ordinary paternity leave they will pay contributions on all contractual or statutory paternity pay.

For unpaid paternity leave in excess of 26 weeks, the employee can choose to pay contributions in order for the period to count in full for pension purposes.

The contributions (payable by the employee and their employer) are based on contractual pay immediately before the unpaid period started.

If an employee wishes to pay contributions they must confirm this in writing to Pensions Services within 30 days of returning to work, or leaving the OPCC’s employment if sooner.

If they do not pay contributions, this period of unpaid leave will not count towards their pension.

Deductions from salary
All payments under the Statutory and Occupational Paternity Pay schemes are treated as earnings and are therefore subject to income tax and national insurance deductions.

Union contributions, charity contributions and staff loan repayments will continue to be deducted whilst the employee receives statutory or occupational paternity pay.

If the employee usually has these items deducted from pay they will have to make their own arrangements to pay these during their unpaid paternity leave period.

Calculating paternity payments
The IBC will not provide estimates of statutory paternity pay and occupational paternity pay to be received, but a gross pay calculator is available online for employees and managers to use.

Monitoring paternity payments
During the ordinary paternity leave managers must ensure they review their monthly staffing budget reports to monitor payments being made to the absent employee are consistent with the above principles.

Queries should be referred to the IBC in the first instance.

Employees must ensure they review their monthly payslips to monitor payments are being made consistently with the above principles.
Payslips will be accessible via ESS lite.

Queries should be referred to the line manager in the first instance.

**Stage 3 – During ordinary paternity leave**

<table>
<thead>
<tr>
<th>Reasonable contact</th>
<th>The contact arrangements agreed prior to the start of ordinary paternity leave should be followed by both the employer and employee to keep each other up-to-date.</th>
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</thead>
<tbody>
<tr>
<td>Sickness during ordinary leave</td>
<td>If the employee is ill whilst on Ordinary they are not entitled to receive sick pay. In order to receive sick pay the employee would have to return from paternity leave. Once they have returned from paternity leave they can not restart it at a later date after they have recovered from their illness.</td>
</tr>
<tr>
<td>If the employee resigns during ordinary paternity leave</td>
<td>If the employee is absent on either ordinary paternity they must give their line manager written notice of their resignation giving their contractual notice (or a shorter period if that is agreed with their line manager). The IBC will confirm the employee’s entitlements within 21 days of being notified and will complete the leaver action on behalf of the line manager. If the resignation results in an overpayment to the employee the matter will be handled under the salary policy.</td>
</tr>
<tr>
<td>Entitlement in the event of miscarriage, stillbirth, early death or the child not being placed or ceasing to live with the adopter</td>
<td>Depending on the circumstances, an employee will be entitled as follows:</td>
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<tr>
<td>In the case of childbirth</td>
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<tr>
<td>During 1st - 24th week of pregnancy</td>
<td>If the mother has a miscarriage or stillbirth before the end of the 24th week of her pregnancy the employee will be entitled to the relevant statutory and occupational sick leave and pay</td>
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</table>
entitlements. There is no entitlement to paternity benefits.

The employee should obtain a certificate from their GP to cover any sickness absence.

During 25th week of pregnancy onwards

If the mother has a miscarriage or stillbirth after the end of the 24th week of pregnancy, the employee will be entitled to receive the full statutory and occupational paternity leave and pay entitlements.

If the new-born baby dies during the statutory paternity leave or pay periods, paternity leave and pay will continue as normal.

In the case of adoption

If the placement does not go ahead at all, the employee is not entitled to receive any statutory or occupational entitlements.

If the child ceases to live with the adopter during the statutory paternity pay period, the employee will continue to be entitled to statutory leave and pay.

Entitlement in the event of the mother or primary adopter’s death

The employee must submit a completed SC10 form to their employer at the earliest opportunity to ensure continuity of statutory entitlements.

The IBC will confirm entitlements within 21 days of being notified.

Stage 4 – Returning to work

An employee does not need to notify their employer of their intention to return to work from ordinary paternity leave. The employer will assume the employee will return to work at the end of the one or two consecutive week period.

Flexible working requests

Employees have a right to request a flexible return to work arrangement which the employer has a duty to consider. There is no automatic right for the request to be approved.

Pensions

Employees should be aware that changes to salary following a return to work may trigger their auto-enrolment into the relevant pension scheme.

Stage 5 – employee returns to work

Annual leave

The line manager must ensure that any unused/carried forward annual leave is used up at the earliest available opportunity. This
should be agreed with the employee as part of returning to work or

taken prior to returning to work, where operationally viable to do

so.

If the employee resigns after

ordinary paternity

leave

If the employee returns to work after their ordinary paternity leave

and then resigns they will be bound by the normal terms and

conditions outlined in their contract of employment.

The line manager must complete the leaver e-form to notify the

IBC of the employee’s leaving date.

If the employee does not complete the required return to work

period the debt will be recovered from the employee’s final salary

under the salary policy.

Key definitions

Leave

Ordinary paternity leave (OPL) – if eligible, an entitlement of up
to two consecutive weeks leave which must be taken within 56
days of childbirth or placement.

Pay

Average weekly earnings (Adoption) – calculated using the

period of 8 weeks immediately preceding the matching week.

Average weekly earnings (Childbirth) – calculated using the

period of 8 weeks immediately preceding the 15th week before the

expected week of childbirth.

Contractual pay – the salary that is payable to employees under

their contract of employment as determined by their terms and

conditions of employment.

Earnings related rate Statutory Paternity Pay (SPP) – a weekly

rate equivalent to 90 per cent of the employee’s average weekly

earnings.

Occupational paternity pay (OPP) – these schemes are
determined by the terms and conditions of service, length of

service and are based on contractual pay.

Ordinary statutory paternity pay (OSPP) – this scheme is

funded by the government and is based on length of service and

average weekly earnings.
Standard rate SPP – a fixed rate payment of statutory paternity pay determined by HMRC.

**Employment**

Contract of employment – a contract of service or apprenticeship, whether expressed or implied, and (if it is expressed) whether oral or in writing. NB – Casual workers are not employed under a contract of employment.

Employee – an individual who has entered into or works under (or, where the employment has stopped, worked under) a contract of employment.

Casual workers – individuals who are not employed under a contract of employment, but engaged on an irregular, “as and when”, basis. There is no mutuality of obligation. They are not employees and usually will not qualify for paternity entitlements.

Employer – the body who employs the employee e.g. The OPCC.

**Other**

Childbirth – the birth of a living child or a still birth after 24 weeks of pregnancy.

Expected week of childbirth (EWC) – as stated on the mother’s MATB1 certificate, the week beginning with midnight between Saturday and Sunday in which childbirth is expected to occur.

Expected week of placement – as stated on the matching certificate, the week beginning with midnight between Saturday and Sunday in which the adopted child is expected to be placed with the adoptive parent(s).

Individual Self Service payslips – a secure online facility to view payslips during paternity leave.

MATB1 – a certificate which shows a pregnant woman’s expected week and date of childbirth. It is normally issued by their doctor or midwife after the 20th week of her pregnancy.

Matching certificate – one or more documents issued by the adoption agency or overseas adoption agency that matched the employee with the child.
Matching week – the week when the adoption agency told the Primary Adopter they had been matched with a child.

Primary adopter – the person who has been matched with a child for adoption, or in the case where two people have been jointly matched, whichever of them has been elected to be the child’s adopter for statutory leave and pay purposes.

Qualifying week – in the case of childbirth, the 15th week before the expected week of childbirth.

Reasonable contact – before starting paternity leave, the employee and line manager must agree the contact arrangements that will be in place during paternity leave.

SC forms – a range of HMRC forms required to request ordinary paternity. Refer to Appendix 1 for full details.

OSPP1 form – a form issued by the employer to the employee if the employee does not qualify to receive ordinary statutory paternity pay.

Related documents To help with the application of this policy it may be useful to read the following:
- Managers’ How to Guide – Paternity
- Annual Leave and Time Off policy.
- Managing Requests for Flexible Working policy.
- Salary policy.
- Recruitment policy

Support Employees:
Queries should be directed to your line manager.

Managers:
Further information is available in the How To Guide - Paternity Leave & Pay.

Advice on remaining queries can be directed to the IBC.

A confidential Employee Support service is available on freephone 0800 030 5182 (or 0161 836 9498 if calling from a mobile) at any time. Further information is available at http://www3.hants.gov.uk/employee-support
Appendix 1 - HMRC notification forms

**SC3 form**  
A HMRC form to request ordinary paternity leave and/or ordinary statutory paternity pay in cases of childbirth

**SC4 form**  
A HMRC form to request ordinary paternity leave and/or ordinary statutory paternity pay in cases of UK adoption

**SC5 form**  
A HMRC form to request ordinary paternity leave and/or ordinary statutory paternity pay in cases of overseas adoption

Appendix 2 - Documentary evidence required to take ordinary paternity leave:

**In cases of childbirth**  
The employee must provide:
- a copy of the MATB1 certificate; and
- a completed SC3 form; and
- their intention to take ordinary paternity leave; and
- the expected week of childbirth; and
- when they want ordinary paternity leave and pay to start; and
- whether they wish to take one week or two consecutive week’s pay; and

This must be provided in, or before, the 15th week before the expected week of childbirth and not later than 21 days before the employee wants to start ordinary paternity leave.

**In cases of adoption**  
The employee must provide:
- a copy of the matching certificate; and
- a completed SC4 form (UK adoptions); or
- a completed SC5 form (overseas adoptions); and
- their intention to take ordinary paternity leave; and
- the date the child is to be placed with the primary adopter; and
- the date the primary adopter was notified of being matched to the child; and
- when they want ordinary paternity leave and pay to start; and
- whether they wish to take one week or two consecutive week’s pay, and

This must be provided in, or before, the 15th week before the expected week of placement and not later than 21 days before the employee wants to start ordinary paternity leave.
Appendix 3

Rates of statutory paternity pay during ordinary paternity leave

If the employee qualifies for Statutory Paternity Pay they will receive:

Weeks 1 and 2 whichever is the lower of the employee’s earnings related rate or standard rate SPP.

Rates of Occupational Paternity Pay during Ordinary Paternity Leave

If the employee qualifies for Occupational Paternity Pay they will receive:

Week 1 100% of contractual pay
Week 2 No pay

Combining statutory and occupational paternity payments during Ordinary Paternity Leave

If entitled to a combination of the two payments, these entitlements will be calculated as follows:

Week 1 Payments made under the occupational scheme will be reduced so that the total of statutory and occupational paternity pay is not more than 100% of contractual pay
Week 2 Whichever is the lower of the employee’s earnings related rate or standard rate Statutory Paternity Pay.

Policy Governance

<table>
<thead>
<tr>
<th>Hantsfile reference:</th>
<th>14665708</th>
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| Date of publication: | V1 – November 2014  
V2 – April 2015  
V3 – April 2016  
V3.1 August 2017 |
| Owner:               | HR Operations |

Employees of non Office of the Police and Crime Commissioner bodies are excluded from this policy and should refer to their own employer’s policies and procedures.