

**SOLIHULL METROPOLITAN BOROUGH COUNCIL**

**PATERNITY SCHEME**

<b>Version</b>	<b>Date</b>	<b>Reason for change</b>
5	October 2016	Minor updates including clarification of eligibility criteria.

**October 2016**

## PREFACE

Looking forward to the arrival and care of a new baby is a busy and exciting time. This booklet aims to guide you through your rights and responsibilities when taking paternity leave. This scheme also covers entitlement of employees who wish to take paternity leave in an adoption or surrogacy situation.

Although in some cases female employees are eligible for paternity leave and pay, for the purposes of simplicity, this document refers to "he", "him" and "fathers" throughout.

Nothing in this guidance shall be construed as providing less favourable terms than statutory rights.

Human Resources (HR) will always be happy to help with any particular questions or queries you may have. Professional associations and trade unions are also able to offer support and information.

If you work for **Core** Council, i.e. you get paid on the 15<sup>th</sup> of the month, the HR team's contact details are

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Council House Manor Square  
Solihull  
West Midlands. B91 3QB

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Or if you work in a **school**

HR Shared Service Team – Schools  
Council House  
Manor Square  
Solihull  
West Midlands. B91 3QB

Tel 0121 704 8726 or 8727  
Email [schoolshrea@solihull.gov.uk](mailto:schoolshrea@solihull.gov.uk); [schoolshreb@solihull.gov.uk](mailto:schoolshreb@solihull.gov.uk)

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# SECTION 1 DEFINITIONS AND RATES

The following outlines some of the terms that are used in this document:

<b>OPL</b>	<b>Ordinary Paternity Leave.</b>
<b>EWC</b>	<b>Expected Week of Childbirth.</b> This is the expected week the baby will be born.
<b>SPP</b>	<b>Statutory Paternity Pay.</b> This is an amount set annually by the Government.
<b>SMP</b>	<b>Statutory Maternity Pay.</b> This amount is set annually by the Government.
<b>SAP</b>	<b>Statutory Adoption Pay</b> This amount is set annually by the Government
<b>SSP</b>	<b>Statutory Sick Pay.</b>
<b>LEL</b>	<b>Lower Earnings Limit</b>
<b>Job</b>	The nature of the work which you are employed to do and the capacity and place in which you are employed.
<b>Childbirth</b>	Childbirth means the birth of a living child, or the birth of a child whether living or dead after 24 weeks of pregnancy.
<b>Average Weekly Pay</b>	The amount payable to you under your current contract of employment. If there are significant variations in your salary, your average salary over the 12 weeks prior to the start of your Ordinary Paternity leave will be treated as a week's salary.
<b>Qualifying week</b>	15 <sup>th</sup> week before the Expected Week of Childbirth
<b>HR</b>	Human Resources

## April 2015- March 2016 rates (financial year)

SMP and SPP (standard rate)	£139.58
LEL	£112

## SECTION 2 ORDINARY PATERNITY LEAVE

If you are eligible for Ordinary Paternity Leave (OPL), you may choose to take either one or two complete weeks of OPL; this needs to be in one block and not by taking odd days here and there.

OPL must be taken within 56 days (8 weeks) of the child's birth or when the child is placed for adoption.

If your child is born prematurely, OPL can be taken from the date of birth up to eight weeks after the week in which the child was expected to be born.

Where a child is born late, the eight week period runs from the date of the actual birth.

You cannot take OPL before a child is born or placed for adoption.

You may take one period of OPL per pregnancy/ adoption, regardless of the number of children that are born/ adopted.

If you do not meet the criteria below, you may be eligible for the alternative [Occupational Maternity Support Scheme/ Adoption Support Scheme](#)

### Criteria for Ordinary Paternity Leave

To be eligible for Ordinary Paternity Leave, you will need to meet all of the below conditions;

- ✓ Be the child's biological father, or be the mother's spouse, civil partner, or partner if not the child's biological father; **OR**

Be the child's adoptive parent where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. (A separate policy is available in respect of adoption leave.) **OR**

You are the intended parent of a child in a surrogacy arrangement, where a parental order applies.

- ✓ Expect to have the main responsibility (apart from any responsibility of the mother/ partner) for the child's upbringing; **AND**
- ✓ Make the request to help care for the child or to support the child's mother/ adoptive parent; **AND**
- ✓ Be a SMBC employee with at least 26 weeks Local Government continuous service by the end of the 15<sup>th</sup> week before the EWC; **OR**

In respect of an adopted child, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

### Notice of intention of Ordinary Paternity Leave

If you wish to request OPL, you are required to notify your line manager and Human Resources Shared Services (HR), by completing the OPL1 form, at least 28 days before you wish to take Ordinary Paternity Leave. This can be found in the appendix 1.

This is a signed declaration to specify the child's EWC, the intended start date of the OPL and that the purpose of the request is to help care for the child or to support the child's mother.

### From SMBC

Within 28 days of receiving your OPL forms you will receive notification from HR confirming your relevant start and end date of the OPL.

### Changing the date of the Ordinary Paternity Leave

If you have chosen an OPL start date, but subsequently wish to change your mind on the date, please let your line manager and HR know in writing, at least 28 days before the revised start date; or as soon as is reasonably practicable, if you are not in a position to do so, e.g. if the child is born prematurely.

### Stillbirth

In the unfortunate situation where the child is stillborn in the first 24 weeks of pregnancy, you will not qualify for OPL. If the stillbirth occurred after the 24<sup>th</sup> week of pregnancy, or if the mother dies in childbirth, you will still qualify for OPL, if you would have otherwise been eligible to take it.

Please also refer to the Bereavement/ Compassionate Leave section of the [Leave of Absence policy](#) for more information.

### **Time off for ante-natal care**

You have the right to paid time to accompany the pregnant mother with whom you are having a child at up to two antenatal appointments.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. You must produce evidence of the appointments, if requested by your manager. You should give your manager as much notice as possible of the appointments and try to arrange them as near to the start or end of the working day. It is expected that no more than half a day is needed to travel to and attend an antenatal appointment.

### **Time off to attend adoption appointments**

If you are adopting a child you are entitled to take time off to attend adoption appointments.

If you are part of a couple jointly adopting a child, you can elect for either of you to take paid time off to attend up to five adoption appointments. The other parent can elect to take paid time off to attend up to two adoption appointments.

The purpose of the appointment is to enable you to have contact with the child (for example, to bond with him/her before the placement) or for any other purpose

connected with the adoption (for example, to meet with the professional involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. A letter or email from the adoption agency may be requested as evidence of the appointments.

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## **SECTION 3 LEAVE CONSIDERATIONS**

Being on paternity leave does not affect your length of service with SMBC. Your period of paternity leave will be counted as continuous service with Solihull MBC.

### **Annual leave**

Annual leave will continue to accrue throughout your paternity leave.

### **Ordinary Parental leave**

There is an opportunity, dependant on your length of service, for you to take advantage of the right to unpaid parental leave of up to 4 weeks at the end of your paternity leave; the Parental leave scheme is available on the intranet/ extranet or available from HR.

### **Shared Parental Leave**

Shared parental leave enables mothers or adopters to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.

You can choose to take both ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first. An employee cannot take ordinary paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.

Further details are available in the Council/ School's Shared Parental Leave Scheme

## SECTION 4 PAY

### Pension Contributions

If you are a member of the Local Government Pension Scheme (LGPS), NHS or Teachers Pension Scheme, we will make employer pension contributions during any period of paid paternity leave. This will be based on the contribution rate effective at the time and will be based on the amount of any paternity pay you receive.

### Contractual Benefits

You are entitled to receive all of your contractual benefits, except for your salary, during the second week of Ordinary Paternity Leave

### Pay

For your convenience, current rates of Statutory Paternity Pay and Lower Earnings Limit are on page 4 of this document.

SPP is treated as earnings and is therefore subject to PAYE and National Insurance deductions. It is paid to you whether or not you decide to return to work after taking Ordinary Paternity leave.

## ORDINARY PATERNITY PAY

If you have 26 weeks' Local Government service at the 15<sup>th</sup> week before the Expected Week of Childbirth, satisfy the eligibility criteria (see page 5) and earn more than the LEL you shall be entitled to

1 <sup>st</sup> week	1 week of your normal weekly earnings
plus	
2 <sup>nd</sup> week (if taking 2 weeks)	1 week of SPP

Or, for the second week, a rate equivalent to 90% of your average weekly earnings, if this is less than the SPP rate.

If you earn less than the LEL or if you do not have 26 weeks' Local Government service, you may be eligible for the [Occupational Maternity Support Scheme](#).

SPP can start on any day of the week in accordance with the date you start your OPL.

<b>OPL1 - NOTIFICATION OF ORDINARY PATERNITY LEAVE</b>
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Surname:	Forenames:	Directorate or School:	Employee No:
Address:		Work Tel No:	
Home Tel No:		Work email address	
Home email address		SMBC Start Date	

**Please complete this form and return it to HR Shared Services at least 28 days before the Expected Week of Childbirth/ notification of the match, in order to establish your eligibility and entitlement.**

1. The baby is due on/ the date on which child is expected to be placed:  

Day	Month	Year
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2. If the baby has been born, please enter the actual date of birth or adoption:  

Day	Month	Year
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3. I wish to start Ordinary Paternity Leave on  

Day	Month	Year
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4. I will be away from work for (please circle) 

One week	Two consecutive weeks
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**I declare that I wish to take Ordinary Paternity Leave and:-**

I am the child's biological father, or the mother's spouse, civil partner, or partner (if not the child's biological father); OR

I am the child's adoptive parent where a child is matched or newly placed with them for adoption. OR

I am the intended parent of a child in a surrogacy arrangement, where a parental order applies.

**AND**

I expect to have the main responsibility (apart from any responsibility of the mother/ partner) for the child's upbringing; **AND**

I am making the request to help care for the child or to support the child's mother/ primary adopter; **AND**

I am an SMBC employee with at least 26 weeks Local Government continuous service by the end of the 15<sup>th</sup> week before the EWC/ notified of match for adoption.

**Signature**

**Date**