

Paternity Policy

This policy is for ILF Scotland staff only

Policy Statement

This policy outlines employees' entitlement to Paternity Leave (PL) and sets out the arrangements for taking it. The policy does not apply to agency workers or the self-employed.

No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

Definitions

The definitions which apply in this policy.

Partner:

Someone (whether of a different sex or the same sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle.

Expected Week of Childbirth:

The week, beginning on a Sunday, in which their doctor or midwife expects your spouse, civil partner or partner to give birth.

Expected Placement Date:

The date on which an adoption agency expects that it will place a child into your care with a view to adoption.

Personnel Responsible for Implementing the Policy

The Chief Executive has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Chief Executive has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Chief Operating Officer (COO).

Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

Time Off to Accompany a Pregnant Woman to Ante-Natal Appointments

An employee may take paid time off to accompany a pregnant woman to an antenatal appointment if they have a qualifying relationship with the woman or the child.

This means that either:

- they are the baby's father

- they are the pregnant woman's spouse, civil partner or co-habiting partner
- she, the mother, has undergone assisted conception and at that time they were her wife or civil partner or gave the required legal notices to be treated in law as the second parent
- they are one of the intended parents in a surrogacy arrangement and expect to obtain a parental order in respect of the child

Please give as much notice of the appointment as possible. The employee must provide us with a signed statement providing the date and time of the appointment and confirming:

- that you meet one of the eligibility criteria above
- that the purpose of the time off is to accompany the pregnant woman to an antenatal appointment
- that the appointment has been made on the advice of a registered medical practitioner, registered midwife or registered nurse

An employee may take time off to accompany a pregnant woman to up to two antenatal appointments in relation to each pregnancy.

An employee must not take more than six and a half hours off for each appointment, including travel and waiting time.

Time off to attend these appointments is paid.

If an employee wishes to take time off to attend further antenatal appointments, they should request annual leave.

Entitlement to Paternity Leave

Employees can take Paternity Leave in relation to the birth or adoption of a child.

You are entitled to Paternity Leave if you meet all the following conditions:

- you:
 - (i) are the biological father of the child
 - (ii) have been matched with a child by an adoption agency
 - (iii) are the spouse, civil partner or partner of the child's mother
 - (iv) are the spouse, civil partner or partner of someone who has been matched with a child by an adoption agency
- you:
 - (i) expect to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing
 - (ii) are the child's biological father and you expect to have some responsibility for the child's upbringing
- your intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child
- you are entitled to Paternity Leave and pay if your child is stillborn after 24 weeks of pregnancy or is born alive at any stage of pregnancy but does not survive (neo-natal loss)

Timing and Length of Paternity Leave

PL can be taken for up to a period of 8 weeks. The statutory entitlement is to 2 weeks PL, however ILF Scotland offer up to 8 weeks paid PL. This can be taken in up to four instalments of a maximum two weeks each and up to 365 days after the date of child's birth or date of adoption.).

PL can be taken from the date of the child's birth or adoption placement, but must end:

- in birth cases, within 365 days of the child's birth, or if they were born before the first day of the expected week of childbirth, within 365 days of the first day of the expected week of childbirth
- in adoption cases, within 365 days of the child's placement

Notification (Birth)

If you wish to take PL in relation to a child's birth, you must give us notice in writing of your intention to do so and confirm:

- the expected week of childbirth
- how much leave you will take and how it will be taken
- when you would like to start your leave.

You can state that your leave will start on:

- the day of the child's birth
- a day which is a specified number of days after the child's birth, or
- a specific date later than the first date of the expected week of childbirth

You must give notice by the end of the 15th week before the expected week of childbirth (or, if this is not possible, as soon as you can).

We may require a signed declaration from you that you are taking PL for a purpose for which it is intended; namely, to care for the child or to support the child's mother in caring for the child.

Notification (Adoption)

If you wish to take PL in relation to the adoption of a child, you must give us notice in writing of your intention to do so and confirm:

- the date on which you and / or your spouse, civil partner or partner were notified of having been matched with the child, together with the expected placement date
- how much leave you will take and how it will be taken
- when you would like to start your leave

You can state that your leave will start on:

- the day on which the child is placed with you or the adopter
- a day which is a specified number of days after the child's placement
- a specific date later than the expected placement date

When choosing a period of Paternity Leave, you must give us written notice at least 28 days before the chosen start date or no more than seven days after you and / or your spouse, civil partner or partner were notified of having been matched with the child (or, if this is not possible as soon as you can).

We may require a signed declaration from you that you are taking PL for a purpose for which it is intended; namely, to care for the child or to support your spouse, civil partner or partner in caring for the child.

Changing the Dates of Paternity Leave

Where you are to take PL in respect of a child's birth, you can give us written notice to vary the start date of your leave from that which you originally specified. This notice should be given:

- where you wish to vary your leave to start on the day of the child's birth, at least 28 days before the first day of the expected week of childbirth
- where you wish to vary your leave to start a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the expected week of childbirth
- where you wish to vary your leave to start on a specific date (or a different date from that you originally specified), at least 28 days before that date

Where you are to take PL in respect of a child's adoption, you can give us written notice to vary the start date of your leave from that which you originally specified. This notice should be given:

- where you wish to vary your leave to start on the day that the child is placed with you or the adopter, at least 28 days before the expected placement date
- where you wish to vary your leave to start a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the expected placement date
- where you wish to vary your leave to start on a specific date (or a different date from that you originally specified), at least 28 days before that date

If you are unable to give us 28 days' written notice of the wish to vary the start of your leave as set out above, you should give us written notice of the change as soon as you can.

You can cancel a period of leave by giving us written notice, at least 28 days before the start date or as soon as you reasonably can.

You must give us written notice of the child's date of birth, or placement for adoption, as soon as you reasonably can afterwards.

Paternity Pay

If you take PL in accordance with this policy, you will be entitled to up to eight weeks' full pay. Please note that this is payable at an enhanced rate, substantially above and inclusive of the statutory paternity pay (payable for only two weeks), set by the government.

You shall also be eligible for organisation PL, and associated pay, from day one.

Terms and Conditions During Paternity Leave

All the terms and conditions of your employment remain in force during PL, except for the terms relating to pay. In particular:

- benefits in kind shall continue
- annual leave entitlement under your contract shall continue to accrue
- pension benefits shall continue

Annual Leave

During PL, annual leave will accrue at the rate provided under your contract.

If the holiday year is due to end during your absence on Paternity Leave, you should ensure that you have taken your full year's entitlement before your Paternity Leave starts.

Our holiday year runs from 1 April to 31 March.

Returning to Work

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

However, if you have combined your PL with a period of:

- shared parental leave
- parental leave of more than four weeks, and it is not reasonably practicable for you to return to the same job, we will offer you a suitable and appropriate alternative position

We will deal with any requests by employees to change their working patterns (such as working part-time) after Paternity Leave on a case-by-case basis, in accordance with our Flexible Working Policy. We will consider your request, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should submit your resignation in accordance with your contract.

Records

We will process your data in relation to this policy for legitimate business purposes. We will also retain records of any correspondence, reports, meetings and associated documentation in relation to this policy. Such records will be retained in accordance with our Data Retention Schedule.



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