

# Paternity Leave Policy

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## **Introduction**

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1. Through the provision of paternity leave, the City of London Corporation is pleased to support employees if their partner is having a baby, or if they are adopting a child, or having a baby through a surrogacy arrangement.
2. Paternity leave is provided to eligible employees for the purpose of supporting the mother/birth parent, the primary adopter, or having a baby through surrogacy arrangements and caring for a child.
3. Employees seeking paternity leave must complete the appropriate forms within the timeframes prescribed within this policy. All forms are downloadable the gov.uk website.

## **Scope**

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4. The Paternity Leave Policy applies to all City Corporation employees (an amended version applies to teaching staff in the City Corporation's schools) regardless of sexual orientation or gender identity who meet the eligibility requirements for paternity leave.
5. This policy does not form part of any employee's contract of employment, and it may be amended at any time.
6. This policy does not apply to agency workers, consultants or other workers providing services to the City Corporation.

## **Time off to accompany to ante-natal appointments**

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7. Employees who have a qualifying relationship with the pregnant mother/birth parent, or the expected child are eligible for unpaid time off to attend up to two ante-natal appointments capped at six and a half hours per appointment. A qualifying relationship would be:
  - the spouse or civil partner of the pregnant mother/birth parent;
  - the partner of the mother/birth partner, regardless of their sexual orientation or gender identity who live with the mother/birth parent;
  - the father/second parent of the expected child;
  - a parent of the expected child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008 (HFEA) (same gender partner treated as parent in case of assisted reproduction);
  - a potential applicant for a parental order under section 54 of HFEA in respect of the expected child (surrogacy cases).

8. Employees wishing to take time off to attend ante-natal appointments should provide a written declaration confirming they have a qualifying relationship with the pregnant mother/birth parent or expected child as well as details about the appointment to their line manager in the first instance or follow their department's procedure if/where one exists.

## **Amount of paternity leave**

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9. Employees can take up to two weeks' paternity leave, subject to the eligibility criteria set out in this policy. Employees may take their paternity leave in one single block of one week, one single block of two weeks, or two separate blocks of a week each. There is no provision for employees to take less than one week's leave, or to interrupt or foreshorten their paternity leave e.g., by taking one or two days' leave here, and two or three days' leave there.
10. A week of paternity leave is the same duration as an employee's normal working week i.e., if contracted to work 4 days per week, then a week of paternity leave is 4 days.
11. Employees can take only two weeks' paternity leave per pregnancy or adoption, even if more than one child is born as a result of the pregnancy, or more than one child is placed under the same adoption arrangement.

## **Paternity leave (birth)**

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### **Eligibility**

12. Employees can take paternity leave for the purpose of caring for the child or supporting the child's mother if they:
  - have been continuously employed by the City Corporation for at least 26 weeks by the end of the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC) (or would have satisfied that condition but for the fact that the child was born before the end of that 15<sup>th</sup> week, was stillborn after 24 weeks of pregnancy or had died). The City Corporation will allow employees to include their continuous service with public bodies covered by the Local Government Modification Order;
  - continue to work for the City of London Corporation up until the date the baby is born;
  - have responsibility for the child's upbringing and be:
    - the child's biological father/second parent;
    - the spouse, civil partner, or partner of the mother/birth parent, regardless of their sexual orientation or gender identity, and have or

- expect to have the main responsibility (apart from the mother) for the child's upbringing; or
- the intended parent (if you are having the baby through a surrogacy arrangement).
- have not taken any shared parental leave in respect of the same child;
- have formally notified the City Corporation of meeting the eligibility requirements for paternity leave by completing the gov.uk online Statutory Paternity Pay and/or Paternity Leave form (formerly known as form SC3).

## **Timing**

13. Paternity leave can start on any day from the child's birth, but it must end within 52 weeks of the birth (or due date if the child is born early).
14. Employees who wish to also take shared parental leave, must take their paternity leave first.
15. If there is a need to change the dates of the leave, see below 'Changing the dates of paternity leave (births & adoptions)'.

## **Notification**

16. Employees who meet the eligibility criteria and wish to take paternity leave must complete the gov.uk online Statutory Paternity Pay and/or Paternity Leave form (formerly known as form SC3).
17. Employees must provide the completed form to their line manager by the end of the 15<sup>th</sup> week before the mother's/birth parent's Expected Week of Childbirth (EWC).
18. Employees are encouraged to provide as much notice as possible as this will assist the City of London Corporation with staffing plans.
19. Employees must follow the notification requirements above for each occasion of paternity leave requested, confirming when they wish to start their leave, and whether this is one single block of one week, one single block of two weeks, or two separate blocks of a week each and that the purpose of the leave is to care for the child or support the child's mother. There is no requirement for proof of pregnancy or birth.
20. People and HR/HR contact will formally respond in writing to the employee's notification of their paternity leave plans within 28 days of receipt, confirming the relevant start and end dates for paternity leave if eligible.
21. If an employee does not qualify for Statutory Paternity Pay (SPP), the Payroll Office will complete an SPP1 form on receipt of the paternity leave request. The SPP1 form will be sent directly to the employee.

## Paternity leave (adoption and surrogacy)

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### Eligibility

22. To be eligible for paternity leave for the purpose of caring for the adopted child or supporting the child's adopter, an employee must:
- be continuously employed by the City Corporation for at least 26 weeks by the 'matching week' which is either the end of the week in which the child's adopter received the official notification of being matched with a child for adoption (UK adoptions), or the date the child enters the UK or if they have already entered the UK the date of entry (adoptions from abroad). The City Corporation will allow employees to include their continuous service with public bodies covered by the Local Government Modification Order;
  - continue to work for the City Corporation up until the date the child is placed with the adopter;
  - have responsibility for the child's upbringing and:
    - be the spouse civil partner, or the partner of the child's adopter, regardless of sexual orientation or gender identity;
    - be the child's adopter;
    - have or expect to have the main responsibility (apart from the adopter) for the child's upbringing;
  - not have taken any shared parental leave in respect of the same child;
  - formally notify the City Corporation of meeting the eligibility requirements for paternity leave in writing via the gov.uk form SC4 [Statutory Paternity Pay and Leave: becoming an adoptive or parental order parent \(SC4\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/forms/sc4-statutory-paternity-pay-and-leave-becoming-an-adoptive-or-parental-order-parent) for adoptions within the UK, or via gov.uk form SC5 [Statutory Paternity Pay and leave: adopting a child from abroad \(SC5\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/forms/sc5-statutory-paternity-pay-and-leave-adopting-a-child-from-abroad) for adoptions from abroad.
23. When jointly adopting as part of a couple, only one partner in the couple will be entitled to take adoption leave, the other may elect to take a period of paternity leave, provided that the relevant qualifying conditions are met.
24. An employee is not entitled to take paternity leave if they have taken paid time off to attend an adoption appointment prior to the commencement of the adoption placement in respect of the same child.
25. Different arrangements apply in cases of surrogacy, see Surrogacy Arrangements below.

## Timing

26. For adoptions the period of paternity leave can start as early as:
  - the date of placement;
  - the date the child arrives in the UK if you're adopting from overseas;
  - the date the child's born (or the day after if you are working that day) if you are a surrogate parent;
  - a date you choose which falls after the date of birth or placement.
27. In the case of an adopted child, paternity leave must end within 52-week period from the date on which the child was placed for adoption with the adopter (or the child's entry into Great Britain for adoptions from overseas).
28. For surrogate parents, paternity leave must end within 52-weeks of the child's birth.
29. 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.
30. If there is a need to change the dates of the leave, see below 'Changing the dates of paternity leave (births & adoptions)'.

## Notification

31. Employees must formally notify the City Corporation of meeting the eligibility requirements for paternity leave for adoptions via gov.uk using form SC4 for adoptions within the UK, or via gov.uk using form SC5 for adoptions from abroad to their line manager within 7 days, or as soon as is reasonably practical, after being notified of: the adoption match, the date the child is expected to be placed for adoption (or if already placed for adoption, the date of the placement); and your declaration confirming that you meet the eligibility requirements to take paternity leave.
32. Employees are encouraged to provide as much notice as possible as this will assist the City Corporation with staffing plans.
33. Employees must follow the notification requirements above for each occasion of paternity leave requested, confirming when they wish to start their leave, and whether this is one single block of one week, one single block of two weeks, or two separate blocks of a week each and that the purpose of the leave is to care for the child or support the child's adopter. There is no requirement for proof of adoption.
34. People and HR/HR contact will formally respond in writing to the employee's notification of their paternity leave plans within 28 days of receipt, confirming the relevant start and end dates for paternity leave.

35. If an employee does not qualify for Statutory Paternity Pay (SPP), the Payroll Office will complete an SPP1 form within 28 days of receipt of the SPP request stating the reason. The SPP1 form will be sent directly to the employee.

### **Surrogacy arrangements**

36. To be eligible for paternity leave, an employee using a surrogate to have a baby must:
- be in a couple;
  - be responsible for the child (with their partner);
  - have worked for the City Corporation continuously for at least 26 weeks by the end of the 'qualifying week' (the 15<sup>th</sup> week before the baby is due).
37. Employees must give their line manager at least 15 weeks' notice to claim paternity pay, and 28 days' notice to claim paternity leave.

### **Pay during paternity leave (birth & adoption)**

38. During paternity leave employees have no statutory right to be paid their normal wages or salary during their leave period, although if they meet the statutory eligibility criteria for paternity leave, statutory paternity pay is paid. However, the City Corporation will pay normal pay during paternity leave in line with the eligibility criteria in this policy.
39. If an employee does not qualify for Statutory Paternity Pay (SPP), the Payroll Office will complete an SPP1 form on receipt of the paternity leave request. The SPP1 form will be sent directly to the employee.

### **Changing the dates of paternity leave (birth & adoption)**

40. Employees should give 28 days' notice if they wish to change their paternity leave start date. However, if an employee has been unable to meet the notification deadlines, there is flexibility for less notice to be accepted in extenuating circumstances.

### **Multiple children per birth or adoption**

41. An employee may take just one period of 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.

## **Rights during paternity leave**

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42. During paternity leave, the employee's contract of employment continues in force for the remaining terms and conditions and the employee will remain entitled to receive all contractual benefits.

## **Support for parents with premature babies**

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43. The City Corporation wishes to support parents when their baby is born prematurely (the NHS defines premature babies as those born before 37 weeks). In order to minimise financial pressures for employees whose baby is born before 37 weeks they are entitled to receive two additional week's paid Premature Baby Leave. Employees can choose if they wish this period of leave to run consecutively with their period of paternity leave or if they wish to have two separate periods of leave.
44. If the baby has been born prematurely, before the correct paternity leave gov.uk form is completed, managers should remind the employee in their early conversations to forward this to them as soon as possible. Managers will also discuss with the employee what they would like their colleagues to be told about the situation, and what contact they may/may not want.

## **Responsibilities**

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45. Employees are responsible for ensuring they adhere to this policy and provide adequate notice in the correct format when requesting paternity leave or changes to paternity leave dates.
46. Line managers are responsible for a sending paternity leave requests to People & HR/HR contact.
47. People & HR/HR contact are responsible for responding in writing to the employee's notification of their paternity leave plans within 28 days of receipt, confirming the relevant start and end dates for paternity leave.
48. The Payroll Office are responsible for completing an SPP1 form if an employee does not qualify for Statutory Paternity Pay (SPP), on receipt of the paternity leave request which they will send directly to the employee.



## Links / Other resources

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For further information regarding paternity leave, employees are advised to contact their line manager or People & HR/HR contact.

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Adoption Policy

External websites

Legislation.gov.uk – Paternity leave provisions are provided in line with the Paternity and Adoption Leave Regulations 2002, the Paternity Leave (Amendment) Regulations 2004 and 2024 and the Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003 which may be amended from time to time.

[www.gov.uk](http://www.gov.uk) - Application forms for paternity leave:

- [Ask your employer for Statutory Paternity Pay and/or Paternity Leave \(tax.service.gov.uk\)](http://www.tax.service.gov.uk) (formerly known as form SC3 – Paternity Leave)

Use this form to request Paternity Leave and/or Statutory Paternity Pay if you are a baby's birth parents - including female partner in a same-gender couple.

- Form SC4 [Statutory Paternity Pay and Leave: becoming an adoptive or parental order parent \(SC4\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Use form SC4 to request Paternity Leave and/or Statutory Paternity Pay if you are becoming an adoptive parent and the child is being adopted from within the UK.

- Form SC5 [Statutory Paternity Pay and leave: adopting a child from abroad \(SC5\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Use form SC5 to request Paternity Leave and/or Statutory Paternity Pay if you are becoming an adoptive parent and the child is being adopted from abroad.

## List of appendices

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None