

# **Rodger (Builders) Ltd**

## **PATERNITY POLICY**

This policy outlines the entitlement of staff to ordinary and additional paternity leave and pay and complies with relevant legislation. Paternity leave and pay may be available to an Employee who is the partner of either;

- A woman who has given birth, or
- Someone who is adopting a child

This policy focuses on the entitlements of staff where a woman has given birth, however, further information on Employee's entitlements where a child has been adopted can be sought from management.

Eligible fathers can take two periods of leave in connection with the birth or adoption of a child; Ordinary Paternity Leave (OPL) and Additional Paternity Leave (APL).

### ***Ordinary Paternity Leave (OPL)***

Employees can choose to take either one week or two consecutive weeks' leave. This can be taken during a 56 day period beginning with the date on which the child is born.

An Employee qualifies for OPL on the birth of a baby if they:

- Have - or expect to have – the main responsibility for the baby's upbringing (apart from the mother).
- Are the biological father of the baby and/or the mother's husband or partner (including same-sex partner or civil partner). A partner is someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative.

In addition, Employees must:

- Have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth (EWC) - the qualifying week.
- Be working from the qualifying week up to the date of birth. If an Employee's contract ends before the birth, the Employee does not qualify for leave - unless they go on to work for an associated employer. If the Employee's contract ends after the birth, the Employee retains the right to leave (and pay if the Employee meets the qualifying conditions, see below).
- Be taking the time off to support the mother and/or care for the baby.
- Have notified us in writing of their intention to take OPL; and
  - Whether they wish to take one or two weeks' leave
  - When they want the leave to start. An Employee may choose to start their leave on:
    - ~ the day the child is born; or
    - ~ a day which falls a certain number of days after the child is born, as specified by the Employee to the employer before the child is born; or
    - ~ a pre-determined date that falls after the first day of the week that the child is due, which the Employee specifies to the employer.
  - This notice should be provided in writing,

- ~ in or before the 15th week before the expected week of the child's birth; or
- ~ if that is not reasonably practicable, as soon as is reasonably practicable.
- A copy of your partner's Maternity Certificate (MATB1) must be provided at least 3 weeks in advance of taking OPL.
- After the child is born, the Employee must give written notice of the child's actual date of birth. This should be done as soon as is reasonably practicable.

### **Additional Paternity Leave (APL)**

APL may be taken by an Employee where the child has an expected week of birth on or after 3<sup>rd</sup> April 2011. Eligible Employees may also be entitled to Additional Statutory Paternity Pay (ASPP).

Employees may be entitled to take between 2 and 26 weeks' leave. It must be taken as multiples of complete weeks and as one period. This has to be taken within the period beginning 20 weeks after the date of the child's birth and ending 12 months after that date of birth.

Employees are entitled to APL if, in addition to meeting the conditions for OPL, the following apply:

- They remain employed until the week before the first week of their APL;
  - The child's mother has been entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of her pregnancy; and
  - The child's mother has returned to work.
  - They have provided written notification of their intention to take APL; and
- When they want the leave to start and end;
  - The date of the child's birth; and
  - A written "mother declaration" from the child's mother, where applicable, stating:
    - ~ Her name, address and National Insurance number;
    - ~ The date she intends to return to work;
    - ~ Confirmation of the Employee's relationship with the child;
    - ~ That, to her knowledge, the Employee is the only person exercising an entitlement to APL in respect of the child; and
    - ~ That she consents to the Company processing the information she has provided.
  - This notice should be given to the Company in writing,
    - ~ in or before the 8th week before the Employee intends to start APL; or
    - ~ if that is not reasonably practicable, as soon as is reasonably practicable.

### ***Changing the Start Date of Paternity Leave***

If the Employee wants to change the start date of their OPL, they must give the Company the following notice:

- to change the leave so it starts on the date of birth, at least 28 days before the first day of the EWC

- to change the leave so it starts on a particular date, 28 days before that date
- to change the leave so it starts a specified number of days after the birth, at least 28 days before the date on which leave is to commence.

If the Employee can't give the notice in time, they should tell the Company as soon as is reasonably practicable.

An Employee who has given notice of his intention to take APL may vary his chosen start date provided that he gives the Company 6 weeks notice of variation, or, if it is not reasonably practicable, as soon as is reasonably practicable.

### ***Terms and Conditions during Paternity Leave***

During his paternity leave period an Employee who takes paternity leave is entitled to the benefit of all of the terms and conditions of employment, excluding pay, which would have applied if he had not been absent.

Employees who return to work after a period of paternity leave are normally entitled to return to the job in which they were employed before the period of leave.

### ***Statutory Paternity Pay (Ordinary and Additional)***

Ordinary Paternity Pay shall be paid at the lower of the following rates:

- the current statutory paternity pay rate; or
- 90% of the Employee's normal weekly earnings.

ASPP will only be paid where the mother has returned to work and has not exhausted her right to maternity pay. The mother must also have over two weeks' maternity pay remaining for the father to receive any pay. The Employee should notify the Employer of their intention to claim ASPP at the same time as they notify the employer of their intention to take APL.

### ***Keeping In Touch***

The Company and the Employee are entitled to have a reasonable amount of contact with each other during OPL and APL to discuss aspects such as plans to return to work, important developments at work, promotional opportunities or job vacancies.

If the Employee uses their APL entitlement the Company and the Employee are entitled to agree that the Employee will attend work for up to 10 days during the paternity leave period without this impacting upon the Employee's statutory or enhanced paternity pay. This may allow the Employee to attend training or other events that take place during the leave period or allow the Employee to keep their skills up to date. Any such 'keeping in touch' days and the payment to be received for attending work on these days will be agreed between the Company and the Employee beforehand.