

ADDITIONAL PATERNITY LEAVE (Annex to staff absence policy)

Legislation was put in place (on 6 April 2010) that permits fathers to take up to six months' additional paternity leave in circumstances where the mother or adopter of the child has returned to work before the end of the period of statutory maternity or adoption leave. These provisions have effect in relation to employees whose expected week of childbirth, or notification of being matched with a child for adoption, occurred or occurs on or after 3 April 2011.

The period of additional paternity leave and pay are additional to and separate from the rules which provide for two weeks' paternity leave (ordinary paternity leave).

Additional paternity leave is a single period of leave of not less than two weeks and not more than six months and has to be taken within the period beginning 20 weeks after the birth or placement for adoption and ending 12 months after the birth or placement for adoption.

If the mother or adopter has some unused statutory maternity or adoption pay at the time of returning to work, this may be transferred to the father/partner at the same weekly rate. Since SMP is payable for up to 39 weeks, employees taking additional paternity leave are eligible to receive SPP during this 39-week period only and any further paternity leave taken which extends beyond the 39-weeks is unpaid.

Employees who are eligible for ordinary paternity leave are automatically eligible for additional paternity leave as well provided they are still in employment at the time additional paternity leave is due to begin.

The purpose of additional paternity leave must be to care for the child (and not the mother).

Employees wishing to take additional paternity leave must provide their employers with certain information in writing as follows:

- that they intend to take additional paternity leave
- the start and end dates of the proposed paternity leave
- a signed declaration confirming eligibility for additional paternity leave and stating that the proposed period of leave is for the purpose of caring for a child
- the date on which the child was born or adopted
- a signed declaration from the mother.

This information must be provided no later than eight weeks before the date on which the employee wishes the period of additional paternity leave to start.

When an employer receives notification of an employee's intention to take additional paternity leave, the employer will be obliged to write to the employee within 28 days, confirming the start and end dates of the period of leave.

Employees can subsequently change their minds about the start or finish date of the additional paternity leave, provided written notice of the proposed change is given at least six weeks before either the original start/finish date or the new date, whichever falls first.

During additional paternity leave, the employee's contract continues in force for all purposes except pay. At the end of the period of leave, the employee has the right to return to either the same job or (if that job is not available) to a suitable alternative job on terms and conditions no less favourable. Provisions on "keeping in touch days" will apply to employees on additional paternity leave in the same way as they currently apply to employees on maternity leave (see above).

Note that the Coalition Government has plans for an overhaul of the leave and flexible working facilities available to parents. In its coalition agreement, the Government stated that it would "encourage shared parenting from the earliest stages of pregnancy – including the promotion of a system of flexible parental leave". The Consultation on Modern Workplaces (summer 2011) indicated

that a system was being considered which rolled together maternity leave beyond 18 weeks and other paternity and parental leave, and then allowed both parents flexibility in how to share it. The results of consultation and the Government's preferred options are expected shortly.

Discussed by Governors' staffing committee: 13 June 2012

Approved by full Governing body: 4 July 2012