



Paternity Leave Policy

1) Policy

This policy exists to ensure that Dudley Mind provides support and information to employees who will require paternity leave.

The Employment Act 2002 introduced statutory paid paternity leave rights to employees whose babies are expected to be born on or after 6 April 2003. The right of two weeks paid paternity leave is in addition to the already established entitlement of thirteen weeks unpaid parental leave (see Dudley Mind Parental Leave policy).

2) Scope

This policy applies to all Dudley Mind employees who meet the qualifying conditions as set out below.

3) Paternity Leave

3.1 The maximum duration of the leave is two weeks. Employees can choose whether to take one week or two consecutive weeks paternity leave, this cannot be taken as odd days or two separate weeks. Employees can only take one period of leave even if more than one baby is born as a result of the same pregnancy.

3.2 Paternity leave may start from:

- The date of the baby's birth or any day of the week following the birth.
- At any time agreed between the employee and their line manager (provided the correct notice is given) within 56 days of the actual date of birth or from the first day of the expected week of birth whichever is the later.

3.3 The employee must inform their line manager of the intention to take paternity leave by the end of the fifteenth week before the baby is expected. The employee must also provide the following details:

- The start date of the leave to be taken
- The week the baby is expected
- The duration of leave to be taken

4) Paternity Pay

The rate of Statutory Paternity Pay (SPP) is the same as Statutory Maternity Pay (SMP). However, an employee whose earnings are below the lower earnings limit for National Insurance purposes does not qualify for SPP. Such employees may be entitled to other benefits.

5) Eligibility

To be eligible for statutory paternity leave an employee must be:

- continuously employed by Dudley Mind for up to 26 weeks ending with the fifteenth week before the baby is due and in addition continue in employment up to and including the date of birth of the baby.
- the baby's biological father or the partner/husband of the mother
- have (or expect to have) responsibility for the baby's upbringing.

The entitlement to leave is based on a relationship with the child's mother, so rights to paternity and adoption leave also apply to partnerships of the same sex.

6) Procedure

6.1 The employee must inform their line manager or HR Officer by the end of the 15th week before the baby is due (or if this is not possible as soon as is reasonably practicable) that:

- They intend to take paternity leave
- The expected week of childbirth
- Whether they wish to take one or two weeks leave
- When they want to start their leave (see guidelines in paternity leave above)

6.2 The Request for Paternity Leave Form (Appendix 1) must be completed at least 28 days before the expected date of taking paternity leave and passed to the employee's line manager or HR Officer.

6.3 The employee should also inform the HR Officer when the baby was actually born as soon as possible after the birth.

7) Returning to work

An employee who qualifies for paternity leave is entitled to:

- Return to the same job
- Return to the same terms and conditions of employment
- Not be subjected to a disadvantage, unfair treatment or dismissal

8) Stillbirth

An employee still qualifies for paternity leave and pay if the baby is stillborn after 24 weeks of pregnancy.

9) Related Documents

Special Leave Policy
Equal Opportunities & Anti-Discriminatory Practice Policy
Flexible working Policy
Parental Leave Policy

10) Changes

Dudley Mind reserves the right to change the provision of the Dudley Mind Paternity Policy & Procedure by amendment, addition or deletion or substitution of new procedures from time to time at its discretion. Employees will be consulted and notified of any changes by appropriate means.

Appendix 1

Request for Paternity Leave Form

Your dates for pay and leave

The baby is due on

If the baby has been born please enter the actual date of birth.....

I would like my paternity leave to start on

I request to take one weeks paternity leave () (please tick) or

I request to take two weeks paternity leave () (please tick)

(please note paternity leave cannot be taken as two separate weeks, or as individual days, it can only be taken in a one or two week break).

Your declaration

Full Name (please print)

Job Title

I declare that I am:

The baby's biological father/married to the mother/living with the mother in an enduring family relationship, but am not an immediate relative (please delete as applicable)

I have responsibility for the child's upbringing

I will take time off work to support the mother or care for the child

(please note you must be able to tick all three boxes above to be eligible for paternity leave from Dudley Mind).

Give this form to your line manager or HR Officer