



St Helens Borough Council

Paternity Leave, Maternity Support Leave, Adoption Support Leave and Pay Guidance and Procedure for Staff

Introduction

This guidance has been developed to inform employees of their statutory rights in relation to paternity leave and pay. The guidance also provides information about contractual provisions relating to paternity leave, maternity support leave and adoption support leave. It applies to all employees of St Helens Council. These rights also apply to partnerships of the same sex and intended parents in a surrogacy arrangement.

Our Vision and Values

The Council has co-designed a clear vision for workplace culture and worked together with employees to identify values and behaviours for everyone. These will be at the core of how we work together to deliver our services. Employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment.

Our vision, values and behaviours are underpinned by our Bonds for Working Together at St Helens which outline what employees can expect from working at the Council and what is expected of them.

[Our Culture, vision, values, behaviours and Bonds for Working Together at St Helens](#)



Prior to Commencing Paternity Leave

Time Off to accompany the mother to Antenatal Appointments

If you are an expectant father or the partner of a pregnant woman (including same sex) legislation provides that you will be entitled to take unpaid time off work to accompany your pregnant spouse/partner to up to 2 of her antenatal appointments. 'Partner' includes the spouse or civil partner of a pregnant woman and a person (of either sex) who is in a long-term relationship with her. The amount of time off work is capped at 6.5 hours for each of the antenatal appointments. This right applies to all employees, irrespective of length of continuous service of employment.

You will also retain the right to request annual leave to attend any additional antenatal appointments, over and above the legal maximum of 2 unpaid appointments. Annual leave requests should be made in accordance with normal approval procedures. If you do not have an annual leave entitlement to utilise, for example if you are a Teacher, or employed on a term time only basis, special leave and leave of absence provisions will apply.

Time Off To Attend Appointments In Connection With The Adoption Process

In adoption situations, where an employee is jointly adopting a child with their spouse, civil partner or partner, one of the couple will potentially be entitled to take adoption leave and the

other individual will potentially be entitled to take paternity leave. The employee who may opt to take paternity leave will be entitled to take unpaid time off work to attend up to 2 appointments in connection with the adoption process.

An employee who wishes to attend an appointment in connection with the adoption process, and who is attending the appointment with their spouse or partner as joint adopters, is entitled to unpaid leave for 1 or 2 appointments. The amount of time off work is capped at 6.5 hours' for each of the adoption process appointments.

This right applies to all employees, irrespective of length of continuous service of employment. Employees will also retain the right to request annual leave to attend any additional adoption appointments, over and above the legal maximum of 2 unpaid appointments. Annual leave requests should be made in accordance with normal approval procedures.

Where an employee does not have an annual leave entitlement to utilise, for example in the case of Teachers, or where an employee is employed on a term time only basis, special leave and leave of absence provisions will apply.

Entitlements To Paternity Leave and Pay

Paternity Leave (Birth)

Paternity Leave is a statutory right to two weeks' paid leave for qualifying employees, which is granted for the purposes of caring for a child or supporting the child's mother. To qualify for the leave the employee must meet the following conditions:-

- have 26 weeks' continuous service with the current employer (St Helens Borough Council) by the end of the 15th week before the expected week of confinement (EWC);
- be the father, or married to, or the civil partner of, or the partner of, the child's mother; and
- expect to have responsibility for the child's upbringing.

A partner is defined as a person (whether of a different or the same sex) who lives with the mother and the child in an enduring family relationship, but is not a relative i.e. a parent, grandparent, sister, brother, aunt or uncle. This means that a woman in a same-sex relationship would be able to take paternity leave.

There is entitlement to only one period of leave regardless of the number of children born as a result of the pregnancy.

The employee can choose to take one block of either 1 week's leave or 2 weeks' leave and must take the leave within 56 days of the child being born. However, where a child is born prematurely, i.e. before the first day of the EWC, the leave must be taken within 56 days of the EWC. This allows fathers of children who are very premature to take leave when the child is brought home from hospital.

Paternity Leave (Adoption)

In an adoption situation, an employee is entitled to one week's or two consecutive weeks' paternity leave for the purpose of caring for the adopted child or supporting the child's adopter. To qualify for the leave the employee must meet the following conditions:-

- have 26 weeks' continuous service with the current employer (St Helens Borough Council) by the end of the week in which the child's adopter is formally notified by an approved adoption agency that he or she has been matched with a child for adoption;
- be married to, or the civil partner of, or the partner of, the child's adopter; and
- have or expect to have the main responsibility (apart from any responsibility of the adopter) for the child's upbringing.
- A partner is defined as a person (whether of a different or the same sex) who lives with the mother and the child in an enduring family relationship, but is not a relative i.e. a parent, grandparent, sister, brother, aunt or uncle. This means that a woman in a same-sex relationship would be able to take paternity leave.

There is entitlement to only one period of leave regardless of the number of children adopted.

The employee can choose to take one block of either 1 week's leave or 2 weeks' leave and must take the leave within 56 days of the date of the child's placement for adoption.

Paternity Pay (Birth)

Paternity leave will be paid at the standard weekly rate of Statutory Paternity Pay (SPP) which applies in the year in which the leave starts. Statutory Paternity Pay is a standard weekly rate set by the government each tax year, or 90% of normal weekly earnings if this figure is lower than the standard weekly rate.

To qualify for SPP the employee's average earnings must be equal to, or above, the lower earnings limit. The Lower Earnings Limit (LEL) is set by the Government each tax year. Where an employee does not qualify for SPP due to not meeting the lower earnings limit requirement, the individual will retain the right to apply for one week of Maternity Support Leave. Further information regarding Maternity Support Leave can be found below.

Paternity Pay (Adoption)

Paternity leave will be paid at the standard weekly rate of Statutory Paternity Pay (SPP) which applies in the year in which the leave starts. Where an employee's normal weekly earnings are lower than the standard weekly rate of SPP, the employee will receive 90% of their normal weekly earnings.

To qualify for SPP the employee's average earnings must be equal to, or above, the lower earnings limit. The Lower Earnings Limit (LEL) is set by the Government each tax year. Where an employee does not qualify for SPP due to not meeting the Lower Earnings Limit requirement, the individual will retain the right to apply for one week of Adoption Support Leave. Further information regarding Adoption Support Leave can be found below.

Maternity Support Leave

Maternity Support Leave provides 5 days' leave with pay, granted to the child's father or the civil partner or partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth.

Relationship Between Paternity Leave and Maternity Support Leave

Where an employee qualifies for both Paternity Leave and Maternity Support Leave, the employee will be entitled to one week's Maternity Support Leave at full pay and one week's paternity leave at the standard rate of SPP which applies. There is only an entitlement to two weeks' leave in total.

An employee will be required to comply with the notification and evidentiary requirements for both a paternity leave application and a maternity support leave application.

Adoption Support Leave

Adoption Support Leave provides 5 days' leave with pay, granted to the spouse, civil partner or partner of the nominated carer of an adopted child at or around the time of commencement of the adoption placement.

Relationship Between Paternity Leave and Adoption Support Leave

Where an employee qualifies for both Paternity Leave and Adoption Support Leave, the employee will be entitled to one week's Adoption Support Leave at full pay and one week's paternity leave at the standard rate of SPP which applies. There is only an entitlement to two weeks' leave in total.

An employee will be required to comply with the notification and evidentiary requirements for both a paternity leave application and an adoption support leave application.

Procedure

Notification Requirements

There are various notification requirements to be complied with, and timescales within which applications for paternity leave (birth and adoption), maternity support leave and adoption support leave should be made. Further information regarding the necessary documentary evidence and the amount of notice required in each situation is provided below.

Paternity Leave (Birth)

In order to apply for Paternity Leave an employee must provide a signed declaration using the Department for Work and Pensions form SC3. This form is available from the People Management Service and requires the employee to provide the following information:-

- the Expected Week of Confinement (EWC);
- the date on which it is expected that the leave will begin;
- the length of the leave requested i.e. one or two weeks;
- confirmation that the employee is taking leave to care for the child or support the child's mother;
- confirmation that the employee is the father, or married to, or the civil partner of, or the partner of the child's mother; and
- confirmation that the employee expects to have responsibility for the upbringing of the child.

An employee must notify their manager and the People Management Service of their intention to take paternity leave by the 15th week before the baby is due. The employee can give 28 days' notice if they intend to change the paternity leave arrangements.

If the baby is born earlier or later than the expected date the employee must discuss the situation with their manager and People Management will be able to provide further advice in these circumstances.

Paternity Leave (Adoption)

In order to apply for Paternity Leave in the case of adoption, an employee must provide a signed declaration using the Department for Work and Pensions form SC4. This form is available from the People Management Service and requires the employee to provide the following information:-

- the date on which the child is expected to be placed for adoption or, where the child has already been placed for adoption, the date of placement of the child;
- the date on which it is expected that the leave will begin;
- the length of the leave requested i.e. one or two weeks;
- the date the adopter was notified that he or she was matched with the child for the purposes of adoption;
- a declaration that he or she is responsible for the child's upbringing and is in an enduring family relationship with the adopter, that the purpose of taking the leave is to care for the child or support the child's adopter, and, where he or she is entitled to both statutory paternity pay and statutory adoption pay (by virtue of jointly adopting a child), that he or she has opted to receive statutory paternity pay.

An employee must notify their manager and the People Management Service of their intention to take paternity leave within seven days after the adopter is notified of the match for adoption or, if that is not reasonably practicable, as soon as is reasonably practicable.

Where the employee has chosen to begin the paternity pay period on a predetermined date later than the date on which the child is expected to be placed with the adopter, and the child is placed for adoption later than expected, the employee must give further notice to their manager and People Management, as soon as is reasonably practicable, that the start date of the paternity pay period will be different from that originally chosen.

An employee may vary the date on which Statutory Paternity Pay becomes payable, provided that he or she informs their manager and People Management of the revised start date at least 28 days before the relevant date (or as soon as is reasonably practicable, if not in a position to do so within the prescribed period).

Maternity Support Leave

All requests for Maternity Support Leave should be submitted in writing to the appropriate Executive Director, with proof that the applicant is the nominated carer, and a copy of the expectant mother's maternity certificate (MATB1 certificate), stating when the leave is likely to be required (exact dates must be confirmed as appropriate).

Requests for Maternity Support Leave must be made at least 28 days prior to the commencement of the leave.

Adoption Support Leave

All requests for Adoption Support Leave should be submitted in writing to the appropriate Executive Director, with a copy of the Matching Certificate, stating when the leave is likely to be required (exact dates must be confirmed as appropriate).

Requests for Adoption Support Leave must be made at least 28 days prior to the commencement of the leave.