

Paternity/Maternity Support Leave



ORGANISATIONAL DEVELOPMENT DIVISION

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This document is also available in Welsh / Mae'r ddogfen hon hefyd ar gael yn Gymraeg

Version Control

This document is intended for:

- Council staff only School-based staff only Council & School-based staff

Version	Key Changes	Approved By
Apr 2020	Reformatted only	DMT
Oct 2022	Scheduled review; language/details modernised/updated and any duplication removed.	DMT

This document may be reviewed and amended at any time and without consultation in response to legal requirements or in response to an organisational requirement and where the changes do not reflect a fundamental change or affect the spirit or intent of the document.

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1. Introduction

This guide aims to set out as simply as possible the paternity/maternity support rights and benefits which are available to employees and the conditions which apply to them. Employees should read the following information carefully, referring to the relevant section applicable to the length of service and then complete and return the relevant application form.

2. Applying for Ordinary Paternity Leave

- If an employee has worked continuously for the Council for 26 weeks leading into the 15th week before the baby is due, or the end of the notification week (the week the adopter is notified as being matched with a child) in the case of adoption/surrogacy, they are entitled to 2 weeks paternity leave. One week will be at full pay which is their contractual entitlement to pay under the Maternity Support Leave provisions, and the second week will be at Statutory Paternity Pay (SPP) if they meet the eligibility criteria. For further details please refer to Section 1.
- If an employee has worked for the Council for less than 26 weeks leading into the 15th week before the baby is due, or the end of the notification week (the week the adopter is notified as being matched with a child) in the case of adoption/surrogacy, they are entitled to one weeks paid leave, their contractual entitlement to pay under the Maternity Support Leave provisions. For details of application please refer to Section 1.
- Maternity Support Leave provisions are available to employees who do not qualify for Statutory Paternity Leave/Pay and who qualify as nominated carers. Further details are outlined in Section 2.

3. General Information

- **Family Friendly Policies:** Paternity Leave and Pay is part of a package of rights and benefits designed to give support to working fathers, mothers and their partners. If employees require further information on these rights and benefits please contact OD.
- **Premature Birth:** Where a baby is born prematurely before the date an employee had planned to start their leave, they should let their department know as soon as reasonably practicable and within 28 days of the actual date of the birth.
- **Death of a Baby and Still-Born:** If the baby dies or is stillborn after 24 weeks pregnancy the Paternity Scheme will still apply for qualifying employees.
- **Expected Week Of Childbirth:** The expected week of childbirth is the week, starting on the Sunday, in which it is expected the baby will be born.

- **Unpaid Time Off to Accompany to Antenatal Appointments:** In order to receive this entitlement the employee must have a “qualifying relationship” with you or the expected child. The following people are covered:
 - Husband or civil partner.
 - Partner, including same sex partners, who live with you.
 - Father of the expected child.
 - Parent of the expected child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008 (HFEA) (same sex partner is treated as parent in case of assisted reproduction).
 - Potential applicant for a parental order under section 54 of HFEA in respect of the expected child in the case of surrogacy.

The right is to unpaid time off of up to six and a half hours on no more than two occasions.

- **Shared Parental Leave:** Shared Parental Leave allows employees with parenting responsibilities for babies or newly adopted children the opportunity to share leave should they wish to do so, as long as the combined leave does not exceed a total of 52 weeks (less any maternity/adoption/surrogacy leave already taken). There is no provision for parents having a child via a surrogacy arrangement under this legislation; however, this scheme affords surrogate parents the same rights as adoptive parents. Further details can be found in the [Shared Parental Leave Guidance](#).

SECTION 1: ORDINARY PATERNITY LEAVE

Employees who have been continuously employed by the Council for 26 weeks leading into the 15th week before the baby is due, or the end of the notification week (the week the adopter is notified as being matched with a child) in the case of adoption/surrogacy.

4. Eligibility

These rights apply regardless of the hours an employee works, providing they satisfy the following qualifying conditions:

- They must have or expect to have responsibility for the child's upbringing and must be the biological father of the child or the mother's husband or partner of the child's biological parent. (A partner is someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative);
OR
They must be the adopter's/intended parent's (in the case of surrogacy) spouse or partner. (A partner is someone who lives with the child's adopter/parent in an enduring family relationship but is not an immediate relative).
- They must have worked continuously for the Council for 26 weeks leading into the 15th week before the baby is due, or the end of the notification week (the week the adopter is notified as being matched with a child) in the case of adoption/surrogacy.
- That they are taking time off to support the mother or to care for the new baby/child (leave cannot be taken for any other purpose).

5. Entitlement

If an employee meets the eligibility criteria they will be entitled to take either one week or two consecutive weeks leave (this leave must be taken in a single block, odd days may not be taken nor two separate weeks).

Leave cannot start until the birth/placement of the child, otherwise they can choose to start the leave:

- From the date of the child's birth/placement (whether this is earlier or later than expected), or
- From a chosen number of days or weeks after the date of the child's birth/placement (whether this is earlier or later than expected), or
- From a chosen date that must be after the start of the expected week of birth/placement.

Leave can start on any day of the week on or following the child's birth/placement but must be completed:

- Within 56 days of the actual date of birth/placement of the child, or

- If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth/placement.

Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy, or whether more than one child is placed for adoption/surrogacy under the same arrangement.

6. Ordinary Paternity Pay

Entitlement to Paternity Pay is:

- 1st week at full pay which will be inclusive of SPP.
- 2nd week at Statutory Paternity Pay (No Occupational Paternity Pay).

The current rate of SPP is subject to revision annually. The current rates are available on the <https://www.gov.uk/paternity-pay-leave/pay> website.

To qualify for SPP an employee must:

- Have been continuously employed by the Council for at least 26 weeks continuing into the 15th week before the week the baby is due, or the end of the notification week (the week the adopter is notified as being matched with a child) in the case of adoption/surrogacy.
- Have been employed by the Council from the 15th week before the week the baby is due up to the date of birth/placement.
- Have average weekly earnings that must not be less than the lower earnings limit for the payment of National Insurance which applies in the 15th week before the week the baby is due.
- Provide Organisational Development (OD) with a MAT B1 form together with the Paternity Leave application form, ensuring compliance with the relevant notice periods.
- In the case of adoption a 'matching certificate' from the adoption agency should be provided to OD, and for surrogacy, documentary evidence to show that a surrogacy arrangement is in place, which could be confirmation from a medical practitioner, or a copy of a legal agreement.

If an employee does not qualify for SPP, Payroll will issue them with the SPP1 form which will explain the reasons why the Council cannot pay SPP.

7. Employee Responsibilities

As a Statutory requirement employees must notify the Council of their intention to take Paternity Leave by the end of the 15th week before the expected week of childbirth/within 7 days of the adopter being notified of being matched with a child, and no later than 28 days before their absence is due to begin, or if this isn't possible, as soon as is reasonably practicable. If at a later date an employee wanted to amend the date their Paternity Leave will commence, they need to notify the Council as soon

as reasonably practicable and at least 28 days before their absence begins. (Please note that employees cannot change the length of the leave requested). Applications for Paternity Leave should be made by completing the application form PL1 (contained within this document) and returning it to OD within the timescale mentioned above.

On this form employees are required to indicate:

- The expected week of childbirth (EWC)/the date the adopter was notified of being matched with the child (or the surrogacy was agreed).
- The date they want their Paternity Leave to commence.
- Whether they wish to take one or two weeks leave.
- Produce a MAT B1 form issued either by a doctor or midwife, which will state the week in which the birth of the child is expected (the expected week of childbirth). The MAT B1 form will be signed by a doctor or midwife and issued after the 20th week of pregnancy.
- Produce documentary evidence in the form of a 'matching certificate' from the adoption agency or documentary evidence to show that a surrogacy arrangement is in place.

Please note that the Council cannot process any Paternity Leave until an employee provides OD with their application form and MAT B1 form, or relevant adoption/surrogacy documentary evidence. Employees may suffer a loss or delay in payment of any benefits if they do not meet the notice requirements.

8. The Right to Return to Work

Employees will be entitled to return to the same job following Ordinary Paternity Leave.

SECTION 2: MATERNITY SUPPORT LEAVE

Employees who have NOT been continuously employed by the Council for 26 weeks leading into the 15th week before the baby is due, or the end of the notification week (the week the adopter is notified as being matched with a child) in the case of adoption/surrogacy.

Employees who are nominated by an expectant mother as the primary provider of support.

9. Eligibility

These rights apply regardless of the hours an employee works, providing they satisfy the following relevant qualifying conditions:

EITHER

- They must have or expect to have responsibility for the child's upbringing and must be the biological father of the child or the mother's husband or partner of the child's biological parent. (*A partner is someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative.*)
- Or they must be the adopter's/intended parent's (in the case of surrogacy) spouse or partner. (*A partner is someone who lives with the child's adopter/parent in an enduring family relationship but is not an immediate relative.*)

OR

- They are a carer nominated by the mother as their primary provider of support at or around the time of the birth/placement. In most cases such care and support would be provided by the father/partner, however a relative may otherwise fulfil the role or someone who has a caring relationship with the mother and/or child.

AND IN ALL CASES

- That they are taking time off to support the mother or to care for the new baby/child (leave cannot be taken for any other purpose).

10. Entitlement

If an employee meets the eligibility criteria they will be entitled to take one weeks leave (this must be taken in a single block, odd days may not be taken).

Leave cannot start until the birth/placement of the child, otherwise they can choose to start the leave:

- From the date of the child's birth/placement (whether this is earlier or later than expected), or
- From a chosen number of days or weeks after the date of the child's birth/placement (whether this is earlier or later than expected), or

- From a chosen date that must be after the start of the expected week of birth/placement.

Leave can start on any day of the week on or following the child's birth/placement but must be completed:

- Within 56 days of the actual date of birth/placement of the child, or
- If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth/placement.

Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy, or whether more than one child is placed for adoption/surrogacy under the same arrangement.

11. Maternity Support Pay

Entitlement to pay is 1 week at full pay.

12. Employee Responsibilities

As a Statutory requirement employees must notify the Council of their intention to take Maternity Support Leave by the end of the 15th week before the expected week of childbirth/within 7 days of the adopter being notified of being matched with a child and no later than 28 days before their absence is due to begin, or if this isn't possible, as soon as is reasonably practicable. If at a later date an employee wanted to amend the date their Maternity Support Leave will commence, they need to notify the Council as soon as reasonably practicable and at least 28 days before their absence begins. Applications for Maternity Support Leave should be made by completing the application form MSL1 (contained within this document) and returning it to OD within the time-scale mentioned above.

On this form employees will be required to indicate:

- The expected week of childbirth (EWC)/the date the adopter was notified of being matched with the child (or the surrogacy was agreed).
- The date they want their Maternity Support Leave to commence.
- Produce a MAT B1 form issued either by a doctor or midwife, which will state the week in which the birth of the child is expected (the expected week of childbirth). The MAT B1 form will be signed by a doctor or midwife and issued after the 20th week of pregnancy.
- Produce documentary evidence in the form of a 'matching certificate' from the adoption agency or documentary evidence to show that a surrogacy arrangement is in place.
- In the case of a nominated carer, employees should ensure that the expectant mother confirms that they are the nominated carer by signing the application form. They will also be required to countersign the declaration and confirm that they are the sole primary carer in the absence of the Father.

Managers will be required to authorise the application form and confirm the timing of the leave is acceptable. If in the event that Maternity Support Leave cannot be granted on the dates requested due to the exigencies of the Service, suitable mutually alternative dates will be arranged as near to the dates requested as possible.

In the case of a nominated carer, the manager will need to be satisfied that the employee is the sole primary carer in the absence of the father.

Please note that the Council cannot process any Maternity Support Leave until an employee provides OD with their application form and MAT B1 form, or relevant adoption/surrogacy documentary evidence. Employees may suffer a loss or delay in payment of any benefits if they do not meet the notice requirements.

13. The Right to Return to Work

Employees will be entitled to return to the same job following Maternity Support Leave.

Paternity Leave



THIS FORM SHOULD BE COMPLETED AND RETURNED TO HRpayroll@blaenau-gwent.gov.uk
WITH A COPY OF THE EXPECTANT MOTHER'S MAT B1 FORM
OR RELEVANT ADOPTION/SURROGACY DOCUMENTARY EVIDENCE

SECTION 1 - PERSONAL DETAILS

Full Name:				
Home Address:				
Telephone Number:	Home:		Work:	
Designation:				
Place Of Work:				
Staff Number:				
N.I. Number:				

SECTION 2 - LEAVE DATES

The baby is due on (expected week of childbirth)/date of child's placement	
If the baby has been born, please enter the actual date of birth	
I would like my SPP and/or Paternity Leave to start on	
I want to be away from work until (full weeks only)	

SECTION 3 - DECLARATION

You must be able to tick all three boxes below to be eligible for Statutory Paternity Pay and Paternity Leave.

I DECLARE THAT:

- I am the baby's biological father/married to the mother, or living with the mother in an enduring family relationship, but I am not an immediate relative/I am the adopter's/parent's spouse or partner
- I have responsibility for the child's upbringing.
- I will take time off to support the adopter/parent/mother or care for the child.

Signature of Applicant:		Date:	
Manager's Authorisation:		Date:	

Maternity/Adoption/ Surrogacy Support Leave



Cyngor Bwrdeistref Sirol

Blaenau Gwent

County Borough Council

THIS FORM SHOULD BE COMPLETED AND RETURNED TO HRpayroll@blaenau-gwent.gov.uk
WITH A COPY OF THE EXPECTANT MOTHER'S MAT B1 FORM
OR RELEVANT ADOPTION/SURROGACY DOCUMENTARY EVIDENCE

PERSONAL DETAILS

Full Name:			
Home Address:			
Telephone Number:	Home:		Work:
Designation:			
Place Of Work:			
Staff Number:			
N.I. Number:			

LEAVE DATES

The baby is due on (expected week of childbirth)/date of child's placement	
If the baby has been born, please enter the actual date of birth	
I would like my maternity/adoption/surrogacy support leave to start on	

DECLARATION

For **maternity support leave and pay** you must be able to tick **TWO** of the three boxes below to be eligible:

- I am the carer nominated by the mother as their primary provider of support at, or around, the time of the birth.
- OR** I have responsibility for the child's upbringing.
- AND** I will take time off to support the mother or care for the child.

For **adoption/surrogacy support leave** you must be able to tick all **THREE** of the boxes below to be eligible:

- I am the adopter's/parent's spouse or partner.
- I have responsibility for the child's upbringing.
- I am taking time off to support the adopter/parent or care for the child.

DECLARATION OF NOMINATED CARER

At the time of the child's birth/placement, I am nominated as the Primary Provider of Support for:

If you are unclear of the definition of a nominated carer or require any further clarification prior to making this declaration, please contact OD. **Please note that if you have been nominated as a carer you must ensure that you are the SOLE PRIMARY CARER IN THE ABSENCE OF THE FATHER/PARTNER. A false declaration may result in disciplinary action.**

Signature of Expectant Mother/Adopter:		Date:	
Signature of Applicant:		Date:	
Manager's Authorisation:		Date:	