

Global Renewables Lancashire Operations Ltd
Business Operating Management System (BOMS)
Standard Operating Procedure

PATERNITY

SOP-TL-HR-000-6009

LEVEL 3



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1. REVISION STATUS

Issue No	Date	Revision Description	Prepared By	Approved
1		Initial Revision	T Robinson	T. WHITTAKER
2	14/11/2013	Transfer of data to new SOP format	Jill Bryce	T. WHITTAKER
3	14/12/2016	Amended	T. Whittaker	

2. INTRODUCTION

This document (Standard Operating Procedure) details the process to be undertaken to perform the tasks required to complete.

3. PURPOSE & SCOPE

This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it. The policy does not apply to agency workers or self-employed workers.

No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

The General Manager and relevant line managers have overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Individual managers have delegated day-to-day responsibility for operating the policy.

Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

4. PROCEDURE

Employees who meet certain qualifying conditions have a statutory right to take two weeks' paid paternity leave on the birth or adoption of a child for which they have or expect to have responsibility.

Note:

- The right to take paternity leave is in addition the statutory right to take Shared Parental Leave (SPL) to care for a child, which is subject to separate qualifying criteria.

Qualifying Conditions – After the Birth of a Child

In order to take paternity leave after the birth of a child, an employee must:

- have at least 26 weeks' continuous service with the Company by the end of the 15th week before the Expected Week of Childbirth (EWC);
- be the child's biological father and have, or expect to have, responsibility for the child's upbringing; or
- be the spouse or partner or civil partner of the mother and have, or expect to have, the main responsibility for the child's upbringing, apart from the responsibility of the mother (same-sex partners are eligible);
- have formally notified the Company of his or her intention to take paternity leave; and
- provide documentary evidence of his or her right to take paternity leave.

Qualifying Conditions – After the Adoption of a Child

In order for an adoptive parent (who is not taking Statutory Adoption Leave (SAL) or the partner of an adoptive parent) to be entitled to take paternity leave to care for a child adopted in the UK, he or she must:

- have at least 26 weeks' continuous service with the Company by the end of the week in which he or she is formally informed by an approved adoption agency that he or she (or his or her partner or civil partner) has been matched with a child for adoption;
- be the joint adopter of the child or be married to, or the partner or civil partner of, the adopter and have, or expect to have, the main responsibility for the child's upbringing, apart from the responsibility of the adopter;
- have formally informed the Company of his or her intention to take paternity leave; and
- have provided documentary evidence supporting his or her right to take paternity leave.

Slightly different rules apply if the child is being adopted from overseas. In this case, the adoptive parent must have at least 26 weeks' continuous service with the Company and this must:

- end with the week in which the adoptive parent receives notification from the relevant domestic authority; or
- commence with the week in which the adoptive parent's employment began.

The latter criteria take into account the fact that notification of the placement may have been obtained some time before the child enters the UK and the employee may have changed employers during that time.

Note:

- Adoptive parents in surrogacy arrangements and local authority foster parents who have adopted a child placed with them under the 'fostering to adopt' arrangements will be entitled to paternity leave if the qualifying criteria set out above is met.

Period of Leave

The following rules apply for the period of paternity leave:

- Paternity leave is for a maximum of two weeks.
- Employees can choose to take either one week or two consecutive weeks.
- Leave cannot be taken in units of odd days.

- If an employee elects to take only one week's leave, he or she may not take a further week's leave at a later stage.
- The leave may begin on any day of the week, which may include the day on which an employee's child is born or adopted.
- The length of paternity leave is unaffected by multiple births or if more than one child is adopted as part of the same placement.
- Paternity leave must be taken within 56 days of the birth of a child or, in the case of adoption, within eight weeks of the child's placement.
- If the baby is born prematurely the employee may take paternity leave at any time from the actual date of birth up to the end of a period of eight weeks after the week the birth was expected.
- Paternity leave should be taken after the baby is born. So where the baby is born after the date the employee notified the Company that he or she wanted the paternity leave to commence, the employee must delay the start of the leave until the baby is actually born.
- Paternity leave must be taken before any SPL is taken. An employee will lose their right to paternity leave if they have already taken a period of SPL in respect of a child.

An employee is still entitled to take paternity leave in instances where:

- a child is stillborn, provided that the mother had reached her 24th week of pregnancy; or
- a child has been placed for adoption and a disruption occurs to the placement (e.g. the child is returned to the adoption agency).

Notification Requirements – After the Birth of a Child

In order to take paternity leave after the birth of a child, an employee must notify the Company of his or her intention to take paternity leave by the end of the 15th week before the mother's EWC, or as soon as is practicable thereafter.

Notification Requirements – After the Adoption of a Child

In order to take paternity leave after the adoption of a child in the UK, the employee must notify the Company of his or her intention to take paternity leave no later than seven days after the date on which notification was received from the adoption agency of the match with the child.

If the child is being placed from abroad, the employee must notify the Company of:

- the date the adoptive parent received official notification of the placement; and
- the date on which the child is expected to enter the UK.

This notification must be done within 28 days of the adoptive parent receiving the official notification of the placement, or within 28 days of the employee completing 26 weeks' continuous service with the Company (whichever is later). The employee must give at least 28 days' notice of the date on which paternity leave is to start. They must also inform the Company of the date that the child entered the UK, within 28 days of the child's date of entry, and provide documentary evidence (e.g. a plane ticket) to confirm the child's arrival.

Commencement of Paternity Leave

As long as the employee takes his or her entitlement to one or two weeks of paternity leave within 56 days of the birth or adoption of the child, he or she can choose when to start the leave. In general, paternity leave starts on the date specified in the employee's notice.

In the case of birth, an exception to this is when the employee chooses to start his or her paternity leave on the day the baby is born and he or she is at work on that date. In such a case, the leave would start the next day. It is not possible for prospective fathers or partners to take paternity leave before the birth of a baby.

Variation of Start Date

If, having provided notification of his or her intention to take paternity leave on a specified date, the employee wishes to change the start date, he or she must give the Company at least 28 days' notice as to the revised start date unless this is not reasonably practicable. Notice of the variation should be given as soon as possible and must be in writing.

Further Notice

In all cases, once the baby has been born or the child has been placed for adoption, the employee must inform the Company of the date of birth or placement. This must be in writing.

Statutory Paternity Pay (SPP)

To be eligible for Statutory Paternity Pay (SPP), the employee's average weekly earnings over a certain eight-week period must not be less than the lower earnings limit for National Insurance contributions. Employees who earn less than this limit may still take paternity leave, but they are not entitled to receive SPP.

For those who qualify, SPP is paid at a flat rate (the standard rate of Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP), which is currently £139.58 – with effect from 5 April 2015) or 90% of the employee's average weekly earnings, whichever is the lesser amount.

Rights During Paternity Leave

An employee's contract of employment continues in full throughout the period of paternity leave with the exception of normal remuneration.

Right to Return After Paternity Leave

An employee returning to work after either one or two weeks' paternity leave has the right to return to the job they held immediately before their leave began, on the same terms and conditions of employment.

After a period of one or two weeks of paternity leave there is no requirement for the employee to give notice of his or her return date.