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## Purpose and scope

This policy provides clear information about our paternity provisions and sets out our policy on paternity leave and pay.

As soon as you discover your partner is pregnant, you should make the council aware so that you can be briefed on your entitlements. Ordinary paternity leave is also available to adoptive parents (either the adoptive father or the adoptive mother) where a child is matched or newly placed with them for adoption.

## Eligibility

### Paternity Leave

Employees can give notice of paternity leave and additional unpaid paternity leave from day one of employment providing they give the notice 15 weeks before the expected week of childbirth (EWC) and 28 days before they want the leave to start.

### Paternity Pay

To qualify for paternity pay, you will need to have at least 26 weeks' service by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) or ending with the week in which you were notified of having been matched with the child. You must also have, or expect to have, responsibility for the upbringing of the child.

## Antenatal Appointments

An expectant father or the partner (including same-sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to two of her antenatal appointments. The time off is capped at 6.5 hours for each appointment. 'Partner' includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child born through that arrangement.

Employees who are adopting a child are entitled to take time off to attend adoption appointments. Please see the [Adoption Policy](#) for full details.

You should endeavour to give the council as much notice as possible of when you need the time off for the antenatal appointment. We may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an antenatal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

### **Ordinary Paternity Leave (OPL)**

An employee whose partner gives birth to a child, or who is the biological or either adoptive parent of the child, is entitled to two weeks' ordinary paternity leave. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 52 weeks after the birth or date of placement.

Ordinary Paternity Leave may be taken as either one week, two weeks in a consecutive block, or two weeks in two one-week non-consecutive blocks.

If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can.

### **Notification of Ordinary Paternity Leave**

You must inform the council in writing of your eligibility and intention to take paternity leave in or before the 15<sup>th</sup> week before the EWC.

You must then provide us with at least 28 days' notice before the dates upon which you intend to take each period of leave, unless this is not reasonably practicable (in which case as soon as it's reasonably practicable).

The notification should specify:

- the week the baby is due
- the date of starting the leave
- that you are taking leave for the purpose of taking time off to look after your child in line with your entitlement to paternity leave
- how you wish to take the leave
- you can choose to take two one-week non-consecutive blocks of leave and you may inform us of when you want each block of leave to begin in one notification, or you may choose to provide us with a separate notification at a later date once you have made a decision. However, as above, you must ensure that a minimum of 28 days' notice is provided before the beginning of each period of leave.

In the case of an adopted child, you must give notice of your intention to take ordinary paternity leave no later than 7 days after the date on which notification of the match with

the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

### **Additional paternity leave**

Employees can give notice of unpaid parental leave and may take up to 26 weeks' unpaid additional paternity leave within the first year of their child's life provided that the mother has returned to work.

### **Ordinary Statutory Paternity Pay (OSPP)**

You will qualify for OSPP if your weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions. The QW is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.

Paternity leave will be paid at the prevailing rate of SPP or 90% of average weekly earnings, whichever is lower.

### **Pay increases awarded during paternity leave**

We will ensure that whilst you are on paternity leave you are not left out of a pay award which you would ordinarily have been entitled to. This means that if we make a pay award which takes effect during your paternity leave, then when you return to work, you will return to the 'new' rate of pay that applies to the job you are returning to.

### **Shared Parental Leave (SPL)**

The birth mother or primary adopter is entitled to curtail their maternity/adoption leave and pay and instead take SPL and pay in conjunction with the child's father (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how best to care for, and bond with, their child. See the [Shared Parental Leave Policy](#).

Employees may choose to take their paternity leave and pay after a period of Shared Parental Leave and pay.

## **Returning to work**

On resuming work after Paternity Leave, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

## **Requesting a change to your pattern of work**

You have the right to request that we consider changing your pattern of work, subject to eligibility criteria – see the [Flexible Working Policy](#).

## **Data protection**

When managing your paternity leave and pay, we will process personal data collected in accordance with the [HR Data Protection Policy](#). Personal and/or sensitive information is held securely and accessed by, and disclosed to, those who need to manage maternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policies and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

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