

AGE UK EXETER

Controlled Document

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Document Location: www.ageuk.org.uk/exeter/about-us/policiesandguidelines/

Document Description

This document outlines when an employee may be entitled to paternity leave and paternity pay and sets out the arrangements for taking it.

Implementation & Quality Assurance

Implementation is immediate and this policy shall stay in force until any alterations are formally agreed.

The policy will be reviewed every three years by the Board of Trustees, sooner if legislation, best practice, or other circumstances indicate this is necessary.

All aspects of this policy shall be open to review at any time. If you have any comments or suggestions on the content of this policy, please contact the CEO on info@ageukexeter.org.uk or at Age UK Exeter, The Sycamores, Mount Pleasant Road, Exeter, EX4 7AE, 01392 202092.

Paternity policy

1. About this policy

This policy outlines when an employee may be entitled to paternity leave and paternity pay and sets out the arrangements for taking it.

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

You may be entitled to time off to accompany your partner to antenatal appointments or to attend adoption appointments. For more information see the Time Off For Antenatal Appointments Policy or the Time Off For Adoption Appointments Policy.

In some cases, you and your spouse or partner may be eligible to opt into the shared parental leave (SPL) scheme which gives you more flexibility to share the leave and pay available in the first year. This is in addition to your right to paternity leave. For information about SPL, see our Shared Parental Leave (Birth) and Shared Parental Leave (Adoption) Policies.

2. Entitlement to paternity leave

Paternity leave is available on the birth of a child if you have been continuously employed by us for at least 26 weeks ending with the 15th week before the expected week of childbirth and:

- you are the biological father and will have some responsibility for the child's upbringing;
- you are the partner (that is, spouse, civil partner or cohabiting partner) of the mother, and will have the main responsibility (with the mother) for the child's upbringing; or
- the child is born to a surrogate mother where you are, or your partner is, one of the child's biological parents, and you expect to obtain a parental order giving you and your partner legal responsibility for the child.

Paternity leave is available where a child is placed with you for adoption by an adoption agency, if you have been continuously employed by us for at least 26 weeks ending with the week in which the agency notifies you that you have been matched with a child.

In adoption or surrogacy cases you may be entitled to take adoption leave instead (see our Adoption Policy). However, adoption leave may only be taken by one parent. Paternity leave is available to the other parent (of either sex).

3. Stillbirth and Neonatal Loss

If eligible, you are entitled to paternity leave and pay if your child is stillborn after 24 weeks of pregnancy or is born alive at any stage of pregnancy but does not survive

(neonatal loss). However, you may have less time in which to take your leave (refer to section 4 below).

4. Taking paternity leave

Paternity leave is a period of up to two weeks' leave taken when a child is born or placed with you for adoption. You may choose to take:

- A single period of leave of either one week or two weeks; or
- Two separate periods of leave of one week each.

You can start your leave on the date of birth or placement, or a later date of your choosing. Leave can be taken within 52 weeks of the birth or placement. (If the baby is premature, the period ends 52 weeks after the start of the expected week of childbirth.)

If you wish to take paternity leave, you must give us written evidence of your entitlement by the end of the 15th week before the expected week of childbirth (or no more than seven days after the adoption agency notified you of being matched with a child), or as soon as you reasonably can. This notice should state:

Either:

- a) The expected week of childbirth (and, in surrogacy cases, that you and your partner are parental order parents of the child); or
- b) The date on which the adopter was notified of having been matched with the child, the date on which the child is expected to be placed with the adopter and that you wish to receive paternity pay rather than adoption pay in respect of the child; and

That you are the father of the child, or that you are not the child's father but are either the spouse, civil partner or partner of the child's mother or adopter (or, in surrogacy cases, of the other parental order parent); and

That you expect to have the main responsibility (apart from your spouse, civil partner or partner) for the child's upbringing.

To choose a period of paternity leave, you must give us written notice of at least 28 days before the chosen start date (or no more than seven days after the adoption agency notifies you of being matched with a child), or as soon as you reasonably can, stating:

- The start date of the leave (which may be a specified date after the start date of the expected week of childbirth or the expected adoption placement date, the actual date of the birth or adoption placement, or a specified number of days after the birth or adoption placement); and
- The duration of the leave; and
- That the purpose of the leave will be to care for the child or to support the child's mother or adopter (or, in surrogacy cases, the other parental order parent).

You can change the intended start date by giving us written notice at least 28 days before the earlier or the original start date or the new start date (or as soon as you reasonably can). Your notice of variation must confirm that the purpose of the new period of leave is to care for the child or to support the child's mother or adopter (or, in surrogacy cases, the other parental order parent).

You can cancel a period of leave by giving us written notice at least 28 days before the start date, or as soon as you reasonably can.

You must give us written notice of the child's date of birth or placement for adoption as soon as you reasonably can afterwards.

You will still be able to take paternity leave on your chosen dates if your child dies or is stillborn, if an adoption placement is ended, or (in surrogacy cases) if a parental order is not sought within six months of birth or an application for a parental order is refused. If you wish to vary the dates you have chosen for your paternity leave period, please speak to your line manager. If you have not already notified us of your chosen dates before one of these events occurs, you may still choose to take paternity leave, but it must be taken within the next eight weeks. You may also be entitled to take parental bereavement leave (see Compassionate Leave in our Absence (Non-Sickness) Policy).

5. Paternity pay

Statutory paternity pay (SPP) is payable during paternity leave provided you have at least 26 weeks' continuous employment ending with the Qualifying Week (the 15th week before the expected week of childbirth or the week in which the adoption agency notified you of a match) and your average earnings are not less than the lower earnings limit set by the government each tax year. The rate of SPP is set by the government each tax year.

You will qualify for enhanced paternity pay if you have been continuously employed during the 12-month period ending with the Qualifying Week and have not received any enhanced paternity pay, maternity pay, adoption pay, or shared parental pay from our employment during the 12-month period ending with the Qualifying Week. This is paid at the rate of your normal basic salary during paternity leave and includes any SPP that may be due for that period.

In order to receive enhanced paternity pay you must first confirm in writing that you intend to return to work for at least six months after your paternity leave (and any SPL in respect of the same child), and that you agree to repay any enhanced paternity pay (but not SPP) if you later decide not to work this minimum period.

6. During paternity leave

All the usual terms and conditions of your employment remain in force during paternity leave, except for the terms relating to pay.

Holiday entitlement will continue to accrue during paternity leave. If your paternity leave continues into the next holiday year, any remaining holiday that is not taken

before your paternity leave can be carried over to the next holiday year and must be taken within three months of returning to work, unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry over of more than one week is at your manager's discretion.

If you are a member of our pension scheme, we will make employer pension contributions during paternity leave, based on your normal salary, in accordance with the scheme rules. Any employee contributions you make will be based on the amount of any paternity pay you are receiving unless you inform the finance team that you wish to make up any shortfall.

Revision History

Revision date	Summary of Changes	Other Comments
29.12.2021	New document using the HR Express template	Approved by the Board of Trustees on 10 February 2022.
April 2024	Update to include HR Express changes in legislation.	
February 2025	Three yearly review. Just administrative and formatting changes.	