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**Introduction**

Habbibi are committed to supporting employees to understand the choices available to them when planning for the birth of a child, as families now have many options open to them with regards to managing time off during the first year following their child’s birth.

This policy should be read in conjunction with the Maternity Leave Policy to ensure that employees are fully aware of the options available to them and their family.

This policy applies to full and part-time employees. It does not apply to workers, agency workers or the self-employed.

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

**Definitions**

*Expected Week of Childbirth (EWOC)* is the week, starting on a Sunday, in which a doctor or midwife expects the pregnant individual to give birth.

*Qualifying Week (QW)* is the fifteenth week before the Expected Week of Childbirth.

*Expected Placement Date* means the date on which an adoption agency expects that it will place a child into an individual’s care with a view to adoption.

*Shared Parental Leave (SPL)* is an alternative or supplementary option to maternity leave, which allows a mother to reduce their maternity leave entitlement and share the remainder of their time off with their partner (if eligible)

Where this policy refers to *partner* this is regardless of gender and includes same-sex partners.

**Entitlement to paternity leave**

Eligible employees can take paternity leave in relation to the birth or adoption of a child. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave.

Individuals are entitled to paternity leave if they meet all the following conditions:

* they have been continuously employed by us for at least 26 weeks ending with:
* in birth cases, the week immediately before the 14th week before the Expected Week of Childbirth
* in adoption cases, the week in which an individual or their Partner are notified by an adoption agency that they have been matched with a child
* are the biological father of the child
* have been matched with a child by an adoption agency
* are the spouse, civil partner or Partner of the child's mother; or
* are the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency
* expect to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
* are the child's biological father and they expect to have some responsibility for the child's upbringing
* their intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.

**Paternity leave**

Paternity leave must be taken as a period of either one week or two consecutive weeks. The week is the same number of days that the individual normally works in a week - for example, a week is 2 days if they only work on Mondays and Tuesdays.

Furthermore, the two weeks cannot be taken as single days.

 Individuals get the same amount of leave if their partner has a multiple birth (such as twins).

Paternity leave can be taken from the date of the child's birth or adoption placement, but must end:

* In birth cases, within 56 days of the child's birth, or if they were born before the first day of the Expected week of Childbirth, within 56 days of the first day of the Expected Week of Childbirth
* In adoption cases, within 56 days of the child’s placement

**Notification**

Birth

If an individual wishes to take paternity leave in relation to a child's birth, they must give us notice in writing of their intention to do so and confirm:

* The Expected Week of Childbirth
* Whether they intend to take one week's leave or two consecutive weeks' leave; and
* When they would like to start their leave. They can state that their leave will start on:
* the day of the child's birth
* a day which is a specified number of days after the child's birth; or
* a specific date later than the first date of the Expected Week of Childbirth

They must give notice before the 14th week prior to the Expected Week of Childbirth (or, if this is not possible, as soon as they can providing a reason for the delay). We may require a signed declaration from the individual that they are taking paternity leave for a purpose for which it is intended; namely, to care for the child or to support the child's mother in caring for the child.

Adoption

If an individual wishes to take paternity leave in relation to the adoption of a child, they must give us notice in writing of their intention to do so and confirm:

* The date on which they and/or their spouse, civil partner or Partner were notified of having been matched with the child, together with the Expected Placement Date
* Whether they intend to take one week's leave or two consecutive weeks' leave; and;
* When they would like to start their leave. They can state that their leave will start on:
* the day on which the child is placed with them or the adopter
* a day which is a specified number of days after the child's placement; or
* a specific date later than the Expected Placement Date

An individual must give notice no more than seven days after they and/or their spouse, civil partner or Partner were notified of having been matched with the child.

We may require a signed declaration from the individual that they are taking paternity leave for a purpose for which it is intended; namely, to care for the child or to support their spouse, civil partner or Partner in caring for the child.

**Amending paternity leave dates**

Birth

Where an individual is to take paternity leave in respect of a child's birth, they can give us written notice to vary the start date of their leave from that which they originally specified. This notice should be given:

* Where they wish to vary their leave to start on the day of the child's birth, at least 28 days before the first day of the Expected Week of Childbirth
* Where they wish to vary their leave to start a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth
* Where they wish to vary their leave to start on a specific date (or a different date from that they originally specified), at least 28 days before that date

Adoption

Where an individual is to take paternity in respect of a child's adoption, they can give us written notice to vary the start date of their leave from that which they originally specified. This notice should be given:

* Where they wish to vary their leave to start on the day that the child is placed with them or the adopter, at least 28 days before the Expected Placement Date
* Where they wish to vary their leave to start a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the Expected Placement Date
* Where they wish to vary their leave to start on a specific date (or a different date from that they originally specified), at least 28 days before that date

If they are unable to give us 28 days' written notice of the wish to vary the start of their leave as set out above, they should give us written notice of the change as soon as they can, providing a reason for not informing us in the required 28 days.

**Statutory paternity pay**

*Relevant Period* means:

* In birth cases, the eight-week period ending immediately before the 14th week before the Expected Week of Childbirth.
* In adoption cases, the eight-week period ending immediately before the week in which an individual or their spouse, civil partner or Partner were notified of being matched with the child.

If an individual takes paternity leave in accordance with this policy, they will be entitled to paternity pay if, during the Relevant Period, their average weekly earnings are not less than the lower earnings limit set by the government.

Paternity pay is paid at:

* the prescribed rate which is set by the government for the relevant tax year, or
* at 90% of the individual’s average weekly earnings calculated over the Relevant Period **(whichever is lower).**

For details of the current prescribed rate, please contact the Human Resources Department or go to the government website on paternity pay.

**Terms and conditions**

All the terms and conditions of an individual’s employment remain in force during paternity leave, except for the terms relating to pay. In particular:

* Any benefits in kind (if applicable) shall continue
* Annual leave entitlement under their contract shall continue to accrue
* Pension benefits shall continue

**Annual leave**

During paternity leave, annual leave will accrue at the rate provided under an individual’s contract. Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during their absence on paternity leave, they should ensure that they have taken their full year's entitlement before their paternity leave starts. The organisation’s holiday year is set out in the contract of employment.

**Redundancies**

In the event that an individual’s post is affected by a redundancy situation occurring during paternity leave, we shall write to inform them of any proposals and shall invite them to a meeting before any final decision is reached as to their continued employment.

**Returning to work**

Individuals are normally entitled to return to work following paternity leave to the same position they held before commencing leave. Their terms of employment will be the same as they would have been had they not been absent.

If an individual wishes to postpone their return from paternity leave, they should either:

* Request unpaid parental leave; or
* Request paid annual leave in accordance with their contract, which will be at our discretion

If they are unable to return to work from paternity leave as expected due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply. In any other case, a late return will be treated as unauthorised absence.

We will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis. We will try to accommodate their wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

If an individual does not intend to return to work or is unsure, it is helpful if they discuss this with us as early as possible. If they decide not to return, they should submit their resignation in accordance with their contract. Once they have done so they will be unable to change their mind without our agreement. This does not affect their right to receive SPP.

**Additional Paternity Leave**

An individual may be able to acquire up to 26 weeks of their spouse, civil partner or Partner’s maternity leave, provided that they return to work upon the commencement of the individual’s additional paternity leave. If this is being considered, the individual should inform their line manager and HR as soon as possible. These cases will be dealt with on a case-by case basis.