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Appendix 1 – Ordinary Paternity Leave Application Form

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1 Who the scheme applies to

Cherwell District Council's paternity scheme applies to employees due to become parents of children on or after 1 April 2011, regardless of the number of hours worked per week.

The eligibility criteria are:

- the man is the baby's biological father or the partner / husband of the mother
- the man has (or expects to have) responsibility for the baby's upbringing
- Appropriate notice has been given by completion of the self-certificate form

The entitlement to leave is based on the relationship with the child's mother, so both paternity and adoption leave can also apply to partnerships of the same sex.

Please contact Human Resources if you require further clarification regarding your eligibility.

2 Entitlement to Ordinary Paternity Leave

All employees who meet the eligibility criteria are entitled to 1 week's ordinary paternity leave.

Employees who have completed 26 week's continuous service by the 15th week before the baby is expected (Qualifying Week), or within 7 days of the issue of the adoption matching certificate, are entitled to 2 week's ordinary paternity leave.

Ordinary Paternity leave can start from the date of the baby's birth or any day of the following week but must be taken within 56 days of the date of birth, or in the case of adoption 56 days from the date of placement.

If the baby is born earlier than expected, then the leave must be taken within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

3 Entitlement to Additional Paternity Leave

Employees who meet the eligibility criteria and have completed 26 week's continuous service by the qualifying week, or within 7 days of the issue of the adoption matching certificate, may be entitled to additional paternity leave if the child's mother has returned to work early.

Essentially a mother is able to donate up to 26 weeks of her untaken maternity leave to her partner for them to take care of the child. An individual entitled to additional paternity leave may take between 2 weeks and 26 weeks leave.

Additional paternity leave must be taken in multiples of a week and must be taken as one continuous period. The leave cannot begin until at least 20 weeks after the birth of the child but must be taken before the child's first birthday.

4 Notification Requirements

The employee has an obligation to inform their line manager of the intention to take ordinary paternity leave by the end of the qualifying week. The employee must provide the following details, by completing and submitting the ordinary paternity leave notification form (Appendix 1):

- the week the baby is expected
- the start date of the leave to be taken
- the duration of leave to be taken.

You cannot commence paternity leave or receive paternity pay before the baby is born. Therefore if the baby is not born by the approved date on the ordinary paternity leave application form then the date has to be changed to a new agreed date either after or on the date of the child's birth. A new form should be completed as soon as possible, specifying the new date, and further approval sought.

An employee intending to take a period of additional paternity leave must inform their line manager at least 8 weeks before the leave start date. The employee must provide the following details, by completing and submitting the additional paternity leave notification form (Appendix 2):

- the start and end date of the leave to be taken
- a declaration from the employee that the purpose of the leave will be to care for the child
- a declaration from the mother confirming she intends to return to work.

If the agreed date of commencement of additional paternity leave is to be changed, a new form should be completed at least 28 days in advance of the new date of commencement, or as soon as is reasonable practicable if this is not possible.

5 Variation or Cancellation of Additional Paternity Leave

An employee wishing to withdraw their request for additional paternity leave must notify their line manager as soon as reasonably practicable.

If it is not possible to accommodate the employee's change of arrangements CDC may require the employee to start / remain on additional paternity leave as originally planned, but this period will not exceed six weeks from the date of notification.

6 Death of the Mother

The options an employee has for taking additional paternity leave are also available in the unfortunate event of the death of the child's mother.

In this event the employee may take between 2 weeks and 52 weeks leave. Again the leave must be taken in multiples of a week and must be taken as one continuous period. The leave can be taken at any time from the mother's death up to the child's first birthday.

7 The contract of employment during additional paternity leave

The contract of employment continues throughout your additional paternity leave unless you or the Council expressly end it or it expires (for example, temporary contracts).

8 Contact with work during additional paternity leave

You and your employer are entitled to have reasonable contact with each other to ensure that you are kept up to date with departmental changes, vacancies and any other matters relevant to the employees of CDC. The mode of contact is to be confirmed and agreed prior to the commencement of your additional paternity leave. Contact during additional paternity leave does not bring that period to an end. Reasonable contact does not constitute 'work' as described below, and would not therefore count towards the 10 days.

9 Working during additional paternity leave

For the purposes of this provision, 'work' is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. You may agree with your Line Manager to come to work for up to 10 days during your additional paternity leave without bringing that period to an end. Working for part of a day will count as one day.

There is no statutory entitlement to these work days. Your manager cannot insist that you carry out any work and you have the right to refuse to work. Equally, you cannot insist on being given any work to do. The additional paternity leave will not be extended due to the fact that you have carried out some work in this period.

You will not lose your right to paternity pay as a result of working up to 10 days and you will be entitled to receive your salary pro rated for the days worked. To claim for hours worked you will need to submit a Payment Claim Form (Appendix 3).

10 Pay

Ordinary Paternity Pay:

All employees have an entitlement to one week's Ordinary Paternity Pay (OPP) regardless of length of service. OPP will be paid at a normal week's pay rate.

Employees who have completed 26 weeks' continuous CDC service by the Qualifying Week are entitled to two weeks' pay; one week of OPP and one week of Statutory Paternity Pay (SPP).

SPP is a flat rate which is reviewed each year. Human Resources can confirm the current rate on request.

Additional Paternity Pay

Employees who have completed 26 weeks' continuous CDC service by the Qualifying Week are entitled to additional paternity pay providing the mother of the child is entitled to either Statutory Maternity Pay or Maternity allowance and she has returned to work before the end of her allowance period.

Additional paternity is paid at the same rate as SPP.

Non Entitlement To SPP.

If you are not entitled to receive SPP or if your circumstances change and you stop getting SPP Payroll will provide you with form SPP1 which states the reasons why the Council cannot pay you SPP.

An employee whose earnings are below the lower earnings limit for National Insurance purposes does not qualify for SPP however such employees may be entitled to other welfare benefits for which you should contact the Department for Work and Pensions, your local Social Security office or JobCentre Plus office.

11 Annual leave

Your entitlement to annual leave remains unaffected by additional paternity leave. The amount of annual leave that you have accrued in the current leave year will be dependent upon the timing of your leave.

Subject to agreement by your manager, you should ensure that you take your accrued annual leave prior to the commencement of your additional paternity leave. The balance of annual leave can be taken following your return to work.

Should you resign during, or at the end of your additional paternity leave, you may be entitled to payment for the balance outstanding (calculated as 1/12th of your annual leave entitlement for each completed month of service up to the date of your resignation).

If you have chosen not to take the annual leave you have accrued prior to commencing your additional paternity leave then there is no facility to provide payment to you for that proportion of leave not taken.

Sickness Absence

If you are on sickness absence prior to starting a period of paternity leave, then the paternity leave should be postponed until you are well, and a new Paternity Leave Application Form should be completed. The 56-day period in which paternity leave should be taken will not be extended under these circumstances.

If you are unable to attend work at the end of the paternity leave period due to sickness, the normal contractual arrangements for sickness absence will apply.

Local Government Pension Scheme

Pension contributions will be deducted in the normal way from any payment you receive during your paternity pay period.

Standby Allowance

During the period of your paternity leave you will not be required to undertake standby duty and therefore you will not receive any standby payments.

12 Rights during and after paternity leave

A male employee who qualifies for paternity leave is entitled to:

- return to the same job
- return to the same terms and conditions of employment
- not be subjected to a disadvantage, unfair treatment or dismissal.

Continuous service is unaffected by Paternity Leave.

13 Return to work and redundancy

If a redundancy situation has arisen either during your additional paternity leave or upon your return to work, you have the right to be offered a suitable and appropriate alternative vacancy, where there is one, with employment rights that are not substantially less favourable than you had before.

ORDINARY PATERNITY LEAVE APPLICATION FORM

DECLARATION

Surname			
First Name(s)			
Job Title			
Department		Post No	

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

I declare that:-

I am the baby's biological father, **or**
I am married to the mother, **or**
I am in an enduring family relationship with the mother / adopter
but am not an immediate relative

I have responsibility for the child's upbringing

I will take time off work to support the mother / adopter or care for the child

DATES FOR PAY AND LEAVE

The baby is due on, or The child is expected to start living with us on:	
I want to be away from work for one <input type="checkbox"/> / two <input type="checkbox"/> weeks and I would like my paternity leave and pay to commence on:	
Signed Employee:	
Signed Head of Service:	

This form should be returned to Human Resources together with a copy of the MatB1 Certificate or Adoption Matching Certificate

ADDITIONAL PATERNITY LEAVE APPLICATION FORM

EMPLOYEE DECLARATION

Surname			
First Name(s)			
Job Title			
Department		Post No	

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

I declare that:-

- I am the baby's biological father, **or**
I am married to the mother, **or**
I am in an enduring family relationship with the mother / adopter
but am not an immediate relative
- I have responsibility for the child's upbringing
- The purpose of this period of leave will be to care for the child
- I understand that making a false claim for additional paternity leave could constitute gross misconduct

The baby was born on, **or**

The child started living with us on:

I would like my additional paternity leave to start on:
and finish on:

Signed Employee:

MOTHERS DECLARATION

Surname			
First Name(s)			
Address			
NI Number			

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

I declare that:-

The employee:
is the baby's biological father, **or**
is my spouse, **or**
and I are in an enduring family relationship
but is not an immediate relative

The employee has responsibility for the child's upbringing

The employee is (to my knowledge) the only person claiming additional paternity leave in respect of the child

I am entitled to statutory maternity pay or maternity allowance

I intend to return to work on

Signed Mother:		
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AUTHORISATION

Signed Head of Service:		
Signed Human Resources:		

This form should be returned to Human Resources together with a copy of the child's birth certificate

PATERNITY LEAVE PAYMENT CLAIM FORM

EMPLOYEE DETAILS

Surname			
First Name(s)			
Job Title			
Department		Post No	

DECLARATION

I wish to claim for **hours, worked on**

These hours represent **one day** of the **ten** maximum that I can take without bringing my paternity leave to an end.

I understand that working for part of a day will count as one day. This payment is made in addition to any Statutory Paternity Pay owed.

I have now worked days during my paternity leave

AUTHORISATION

Signed Employee:		
Signed Head of Service:		

This form should be returned to Human Resources