

Paternity/Parental Support Leave Policy

Paternity/Parental Support Leave (PSL) provisions are designed to allow employees to take a leave of absence from work to undertake responsibilities associated with childcare and to encourage their return to work with Somerset Council. Paternity/PSL is available for the father, partner, civil partner/spouse, or nominated person who will provide care to the expectant individual, to take up to two weeks' paid leave at (or around) the time of birth/placement of a child.

This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

Appointments

The employee is entitled to take paid time off to attend up to two antenatal appointments with the birth parent. There is a separate entitlement for those who are adopting which can be found in the Adoption Leave Policy ([add link](#)).

Statutory Paternity Leave

An employee qualifies for Statutory Paternity Leave (SPL) of up to two weeks (pro rata for part time employees) as a day one right as long as the following criteria is met:

- The absence from work is for the purpose of caring for the child or supporting the individual who has given birth/the primary adopter
- The employee must have or expect to have responsibility for the upbringing of the child
- They must be the second biological parent, the partner of the individual who has recently given birth, the child's secondary adopter or the spouse or partner of the child's adopter
- Leave must be taken within 56 days after the child is born or within 56 days of the child's placement and can be taken in blocks of either one week or the full two weeks (pro rata)

Special arrangements apply if the baby is born prematurely.

An employee is not entitled to additional Paternity/PSL if they are expecting more than one child. This also applies to multiple adoptions that occur in a single placement.

Statutory Paternity Pay (SPP)

For an employee to qualify for Statutory Paternity Pay (SPP), they must have 26 weeks continuous service by the end of the 15th week before the Expected Week of Childbirth (EWC) or they must have been employed up to and including the week they are matched with a child for adoption. The following must also apply:

- The employee must continue to work for Local Government without a break, up to the date the child is born or placed for adoption
- The employee's average weekly earnings must be equal to or more than the lower earnings limit (before tax)

SPP is paid for one or two consecutive weeks at the current SPP rate or 90% of their average weekly earnings if this is less.

Notification

To notify the employer the employee must complete the **Statutory Paternity Pay, Paternity Leave and Maternity (change to Parental) Support Leave Application Form** (including a copy of the Mat B1 form as evidence) handing to their manager by the end of the 15th week before EWC or as soon as possible after being made aware that they have been matched with a child for adoption.

An employee who has given notice of their intention to take a period of Paternity/PSL must, if asked to do so by the employer, sign a declaration confirming the nature of their relationship with the child and the individual who gave birth to the child/primary adopter. Asserting that they have responsibility for the child's upbringing.

Employees may adjust the date on which they intend to start their leave but must provide details of the amended start date at least 28 days before the date in question (or as soon as is reasonably practicable).

Parental Support Leave

Contractual PSL (previously known as maternity support leave) of five days full pay (pro rata for part time employees) will be granted to the child's second biological parent, or the partner, civil partner/spouse, or nominated person who will provide care to the expectant individual at or around the time of birth.

PSL is not available to employees in cases of adoption.

There is no service qualification for this entitlement.

Options Available

Paternity/PSL are corresponding rights. This means that an eligible employee is not entitled to take both in full but can take advantage of the best parts of each. Two different people may not take the leave.

Depending on eligibility the options that are open to employees are:

- One week's PSL (up to five days paid leave pro rata) or
- Two weeks statutory paternity leave (paid at SPP) or
- One week's PSL (up to five days paid leave pro rata) and one week's statutory paternity leave (paid at SPP)

Regardless of the option selected the maximum leave that is available to an employee is a total of two weeks.

Neonatal Leave

An employee is eligible for neonatal leave if their baby requires neonatal care within 28 days of their birth (and is in hospital for 7 days or more) or is born prematurely (more than 4 weeks early). The employee will be offered special leave (and pay at the statutory parental leave rate) of one week off per week that the baby receives neonatal care up to a total of 12 weeks, this is to be taken after paternity leave.

Shared Parental Leave

New Parents and Adoptive Parents are entitled to statutory Shared Parental Leave if they meet certain eligibility requirements. Shared Parental Leave enables an employee to commit to ending their Maternity or Adoption Leave and pay at a future date and to share the untaken balance of leave and pay with their partner, or to return to work early from Maternity or Adoption Leave and opt in to Shared Parental Leave and Pay at a later date. Further information can be found in the Shared Parental Leave Policy ([add link](#)).

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| Relevant Legislation | Paternity and Adoption Leave Regulations 2002 |