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# Paternity (Maternity and Adoption Support Leave) for Support Staff 2020-2024

(This Procedure is derived from the WSCC Model March 2015)

## **Turn your ear to wisdom and apply your heart to understanding (Proverbs 2:2)**

Broadwater is a Christian School. We will enable children to become wise, confident, successful learners with the motivation, skills and responsibility to make a positive difference in God's world. Our vision is underpinned by the values we live by.

*The Holy Spirit produces this kind of fruit in our lives: love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control. There is no law against these things! Galatians 5:22*

It is this fruit that, in partnership with parents, we will instil in the children of our school.

### Introduction

The Paternity (Maternity and Adoption Support Leave) schemes are separate benefits, designed to provide paid time off work for qualifying fathers, partners and nominated carers of expectant mothers.

The Paternity (Maternity and Adoption Support Leave) schemes are also available to employees:

- Who have a child placed with them for adoption (including “Foster to Adopt” arrangements) or, in cases of overseas adoptions, where the child enters Great Britain on or after that date; or
- Parental order parents in surrogacy arrangements.

### 1. Scope

This policy applies to all employees of WSCC, including uniformed fire fighters, with the exception of teachers in schools, whose terms are set out in the Paternity Policy in the ‘Schools’ HR Manual’. There are also different arrangements for centrally employed teachers as a result of nationally negotiated and agreed terms and conditions. These are contained in the Paternity Policy for those employed on teachers’ terms and conditions.

This policy applies to employees on permanent, temporary and fixed term contracts.

In this policy, the following definitions apply:

- "Mother" means the mother or expectant mother of the child;
- "Partner" means the father of the child, or the person who, at the date of the child's birth or date/placement for adoption, is married to, the civil partner of, or the partner of the mother/adopter. This includes someone, of either sex, who lives with the mother/adopter and the child in an enduring family relationship (but who is not the mother/adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew);
- “Parent(s)” means mother/adopter or partner;
- “Adopter” means the person with whom the child is, or is expected to be, placed for adoption or, in a case where two people have been matched jointly, whichever of them has elected to be the child’s adopter for the purposes of the Paternity and Adoption Leave Regulations 2002(a);

### Time Off to Support a Mother/Adopter During Ante-natal Care/Adoption Assessment Process

### 2. Birth

Employees (there is no qualifying period for employees) and qualifying agency workers are entitled to unpaid time off to accompany an expectant mother to her ante-natal appointments if they are:

- a) The baby’s father

- b) The expectant mother's spouse, civil partner, or partner (of either sex) in an enduring relationship;
- c) The parent of a child by virtue of fertilisation treatment or
- d) The intended parents of a child in a surrogacy arrangement if they expect to be entitled to, and intend to apply for, a parental order in respect of that child.

The entitlement is to **unpaid** leave to attend up to 2 two appointments, with the maximum amount of time that can be taken being 6 hours and 30 minutes per appointment.

Employers are entitled to request an employee provide a signed declaration stating:

- a) That the employee has a qualifying relationship with a pregnant woman or her expected child.
- b) The employee's purpose in taking time off is to accompany a pregnant woman to an ante-natal appointment.
- c) That the appointment in question is made on the advice of a registered practitioner, registered midwife or registered nurse.
- d) The date and time of the appointment.

In certain circumstances (such as complications in pregnancy), it may be necessary for an employee to accompany the expectant mother to ante-natal appointments in excess of the legal minimum right. Managers may agree to an employee taking unpaid leave or suggest the use of flexible working practices (for example, flexitime arrangements or making time up at an alternative date). Managers should not unreasonably refuse such requests, providing that the needs of the business are met.

Managers may also wish to give sympathetic consideration to reasonable time off for partners to attend relaxation and parent-craft classes. This can be within the context of the two unpaid leave appointments, or as additional unpaid leave, subject to the needs of the Service.

### 3. Adoption

An adopter's partner is also entitled to time off for the assessment process during working hours to attend any appointment arranged by, or at the request of, the adoption agency for the purpose of having contact with the child or for any other purpose connected with the adoption. The partner is entitled to take unpaid time off during working hours under this provision to attend up to two appointments and both of those appointments may last up to 6.5 hours

An employee is protected from detriment and from unfair dismissal connected with taking time off under this provision, regardless of hours worked or length of service.

### 4. Maternity/Adoption Support Leave

Under the **Maternity/Adoption Support Leave scheme**, employees are entitled to a period of paid leave.

For NJC Local Government employees on Green Book terms and conditions, this entitlement is for 5 days' paid leave; for uniformed employees of the Fire and Rescue Service on Grey Book terms and conditions, this entitlement is for 7 calendar days free from duty.

To qualify for maternity/adoption support leave, you must be the child's father, or the partner, or 'nominated carer' of an expectant mother. A 'nominated carer' is defined as the person the mother nominates to assist in the care of the child, and to provide support to them at or around

the time of birth. In most cases, this will be the expectant mother's partner, but otherwise could be a close relative or friend. An adopter's partner will also qualify for this leave.

To apply for maternity/adoption support leave, employees need to complete the application form for taking Maternity/Adoption Support Leave and Paternity Leave, available from The Point and submit this to their Manager.

## 5. Paternity Leave

The Statutory Paternity Leave Scheme gives employees, subject to meeting the qualifying criteria, an entitlement to:

- Up to a maximum of two weeks' continuous paid **ordinary paternity leave (OPL)**, and
- Up to a maximum of 26 weeks' continuous weeks' **additional paternity leave (APL)**.
- There may also be an entitlement to ordinary and/or additional paternity pay depending upon individual circumstances.

For employees who qualify for **both** ordinary paternity leave and maternity/ adoption support leave, the employee will receive their maternity/adoption support leave entitlement followed by one week's Statutory Paternity Pay.

There is information in sections 8, 9 and 10 detailing the statutory paternity leave scheme for those employees adopting a child.

## 6. Ordinary Paternity Leave (Birth)

**Ordinary paternity leave continues to apply pre and post 5 April 2015. The only difference is that from 5 April 2015 for an employee to be eligible for ordinary paternity leave they must use it prior to taking any period of shared parental leave that they may wish to take.**

### Entitlement to take ordinary paternity leave

An employee must:

- Have or expect to have responsibility for the baby's upbringing
- Be the biological father of the child or the mother's husband or partner. This includes same sex partners or civil partners. A partner may also be someone who lives with the mother of the baby in an enduring family relationship but who is **not** an immediate relative
- Have 26 weeks' continuous service by the 15<sup>th</sup> week before the baby is born.

### Taking ordinary paternity leave

- OPL must be taken as either one or two consecutive weeks (not odd days or two separate weeks)
- Leave can start from a chosen date (which falls after the first day of the Expected Week of Childbirth), the date of the child's birth, or from a chosen number of days or weeks after the date of the baby's birth.
- Leave can start on any day of the week on or following the child's birth, but
- Must be completed within 56 days of the actual date of birth of the baby, or
- If the baby is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

- Only one period of leave is available per pregnancy irrespective of whether more than one baby is born.
- To apply, employees need to complete the application form, available from the Intranet, and submit it to their Manager.

#### Notice of intention to take ordinary paternity leave

An employee may not know the exact date that he/she will need to take leave, as in most cases this will depend on when the baby is born. However, employees are encouraged to notify their Manager, as early as possible, that they intend to take ordinary paternity leave, and in any event, by the 6th week before the baby is expected.

#### Pay and benefits during ordinary paternity leave

- Most employees will be entitled to Statutory Paternity Pay (SPP). To qualify an employee must have 26 weeks' service by the 15<sup>th</sup> week before the baby is born (or matched for adoption) and be earning above the lower earnings limit for National Insurance contributions.
- SPP is paid at a fixed rate. This rate changes regularly and the prevailing rate can be found at [www.direct.gov.uk](http://www.direct.gov.uk)
- Employees who do not qualify for SPP may be able to get Income Support while on paternity leave.
- The Childcare Voucher Scheme may be of interest to employees who either currently pay, or may need to pay, for childcare. Please refer to the intranet for further information.

#### **Employment Rights during ordinary paternity leave**

- During ordinary paternity leave, the employee is entitled to benefit from all their normal terms and conditions of employment with the exception of pay
- OPL does not break continuity of service and any period of OPL is counted as continuous service for the calculation of statutory employment rights and other contractual payments relating to length of service.

### **7. Additional Paternity Leave (Birth)**

**This section only applies to employees with babies with an expected due date of before 5 April 2015.**

**It should be noted that some employees could potentially still be taking Additional Paternity Leave up until April 2016.**

**For employees with babies with an expected due date of on or after 5 April 2015, please refer to the shared parental leave and pay policy.**

#### **Entitlement to take additional paternity leave**

Additional paternity leave allows eligible employees to take up to 26 weeks' leave to care for their new baby, possibly with additional statutory paternity pay. This is available if the mother has returned to work with some of her statutory maternity leave and pay remaining. In effect this is "sharing" the mother's entitlement to SML and SMP. This applies to babies born or expected on or after 3 April 2011

An employee must:

- Have or expect to have responsibility for the baby's upbringing

- Be the biological father of the baby or the mother's husband or partner. This includes same sex partners or civil partners. A partner may also be someone who lives with the mother of the baby in an enduring family relationship but who is **not** an immediate relative
- Have 26 weeks' continuous service by the 15<sup>th</sup> week before the baby is born (the qualifying week)
- Continue to be employed from the qualifying week into the week before they wish to take additional paternity leave
- Be taking the time off to care for the baby

Also, the baby's mother must:

- Be entitled to statutory maternity leave and statutory maternity pay or maternity allowance
- Return to work with at least two weeks of unexpired statutory maternity leave entitlement remaining. Return to work does not include sick, annual or parental leave taken immediately after her maternity leave.

#### Taking additional paternity leave

- A minimum of two weeks and a maximum of 26 weeks' leave can be taken
- APL must be taken as a block of consecutive weeks
- The mother must return to work with statutory maternity leave remaining, depending upon individual circumstances there may also be statutory maternity pay remaining.
- APL can start from a chosen date from 20 weeks after the baby is born
- APL must be completed by the baby's first birthday
- Only one period of leave is available per pregnancy irrespective of whether more than one baby is born.
- To apply, employees need to complete the SC7 application form, available from the intranet, and submit it to their Manager.

#### Notice of intention to take additional paternity leave

An employee wishing to take additional paternity leave must give at least eight weeks' notice before the intended start of the APL. This is done by completing form SC7 and submitting it to their Manager, who should take a photocopy for their records and forward the original document to Employment Services.

The baby's mother must also provide a signed declaration stating:

- Their name, address and postcode and National Insurance Number
- That they have notified their intention to return to work to their employer and the date of their intended return to work
- They were eligible for statutory maternity pay or maternity allowance
- The date their maternity leave started
- That the employee is the father of the baby or the spouse, partner or civil partner of the mother and has main responsibility with the mother for the upbringing of the baby
- They consent to the processing of the information given in the declaration

This declaration is required whether the mother works for WSCC or another employer. This should be forwarded to Employment Services.

An employee must give at least six weeks' notice if they wish to change the start date of their APL or if they no longer wish to take it. If an employee is no longer eligible for APL (for example

because the mother has not returned to work or because they will not be caring for the baby) they must tell their Manager as soon as possible.

### Pay and Benefits during additional paternity leave

- Where eligible, employees will be entitled to any remaining Statutory Maternity Pay to which the mother would have been entitled had she not returned to work. This is paid as Statutory Paternity Pay.
- The weekly rate for SMP and SPP is the same. SSP is paid at a fixed rate. This rate changes regularly and the prevailing rate can be found at [www.direct.gov.uk](http://www.direct.gov.uk)

### **Employment Rights during additional paternity leave**

- During additional paternity leave, the employee is entitled to benefit from all their normal terms and conditions of employment with the exception of pay
- APL does not break continuity of service and any period of APL is counted as continuous service for the calculation of statutory employment rights and other contractual payments relating to length of service.
- When an employee is on paternity leave their entitlement to annual leave continues to accrue.

### **Pension Contributions - LGPS, FPS, NFPS, FPS 2015 and NHS**

#### **LGPS**

During any period of paid paternity leave an employee must continue to pay pension contributions on the actual pay they are receiving. Pension benefits will continue to accrue and will be calculated using an employee's assumed pensionable pay (what their pay would have been for the period when they were on reduced contractual pay or no pay), rather than the amount of pensionable pay they actually receive.

If an employee intends to return to work after paternity leave, the employee can choose to pay additional pension contributions (APC's) for any period of unpaid paternity leave so that the period of absence will count in full for pension purposes.

The amount of pension lost is calculated as the appropriate fraction of an employee's assumed pensionable pay for that period of absence (i.e. 1/49<sup>th</sup> of an employee's assumed pensionable pay if they were in the main section of the scheme or 1/98<sup>th</sup> if they were in the 50/50 section).

If an employee wishes to purchase the amount of lost pension, they can do this at any time that they are contributing to the scheme, however if they make the election within 30 days of returning to work then the cost of the APC is split between them and the County Council. They will pay one-third of the cost and the County Council will pay the rest. This is known as a Shared Cost Additional Pension Contract (SCAPC). An employee can pay these additional contributions in a one-off lump sum or through regular payments from their wages.

An employee will need to request details of their lost pensionable pay from Employment Services, so early contact is advised to ensure they are able to make an election within the 30-day time limit.

The 30-day limit may be extended by the County Council if it is clear that the employee was unable to meet the normal time period due to circumstances beyond their control. For further information an employee can refer to the County Council's discretions policy

The maximum period of absence an employee can elect to buy back by a SCAPC is a period of 3 years.

An employee can obtain a quote and print off an application form to buy lost pension (see link below).

If an employee elects not to buy back their lost pension, then this will not count for pension purposes.

Any additional pension contributions or contributions being made for pre April 2014 ARC's or additional membership contracts, will remain payable throughout paternity leave. An employee must continue to pay the extra pension contributions they have contracted to pay as if they were not on leave. An employee needs to make arrangements with Employment Services for the contributions to be collected, so early contact is advised to ensure continuing cover. Where necessary, these can be collected from their pay when they return to work.

If the contributions are not made then the contract to purchase additional benefits would cease and would not recommence on return from paternity leave.

### **FPS, NFPS and FPS 2015**

During any period of paid paternity leave an employee must continue to pay pension contributions on the actual pay they are receiving. Pension benefits will continue to accrue as if they were working normally on full pay.

If an employee intends to return to work after paternity leave, the employee can choose to pay contributions for any period of unpaid paternity leave beyond the paternity pay period so that the period of absence will count in full for pension purposes. The contributions will be calculated on the rate of pay that the employee was receiving immediately before he commenced the period of unpaid paternity leave and will not be deducted until the employee returns to work.

An election to pay for the unpaid contributions, must be made within 30 days of an employee's return to work. If an employee elects not to make contributions, then the period will not count towards pensionable service.

If an employee wishes to repay their contributions they need to contact employment services, so early contact is advised to ensure they are able to make an election within the 30-day time limit.

If you are a protected or tapered protected member of the NFPS and/or FPS the 30-day time limit may be extended if it is clear that you were unable to meet the normal time period due to circumstances beyond your control. For further information, an employee can refer to the Fire Authority's discretions policy.

Any additional regular contributions or contributions being made for the purchase of additional membership, will remain payable throughout paternity leave. The contributions will be calculated on the rate of pay receivable, as if the individual was not on paternity leave. The additional benefits therefore continue to accrue in full. The individual needs to make arrangements with Employment Services for the contributions to be collected, so early contact is advised to ensure continuing cover.

If the contributions are not made, then the contract to purchase additional benefits would cease and would not recommence on return from paternity leave.

## NHS

During any period of paid paternity leave an employee must continue to pay pension contributions on the actual pay they are receiving. Pension benefits will continue to accrue as if they were working normally on full pay.

If an employee intends to return to work after paternity leave, the employee can choose to pay contributions for any period of unpaid paternity leave beyond the paternity pay period so that the period of absence will count in full for pension purposes. The contributions will be calculated on the rate of pay that the employee was receiving immediately before he commenced the period of unpaid paternity leave and will not be deducted until the employee returns to work. If an employee elects not to make contributions, then the period will not count towards pensionable service.

If an employee wishes to repay their contributions, they need to contact employment services.

Added years' contributions continue to be payable on the pensionable pay an employee was receiving prior to any reduction. If added years contributions are not made for a period of 365 days or more the contract would cease and you would be unable to re-commence deductions.

Additional pension purchases continue at the normal rate. If additional pension contributions are not made for a period of 365 days or more the contract would cease and you would need to enter into a new contract with NHS Pensions.

Early Retirement Reduction Buy Out (ERRBO) applications continue to be payable on the pensionable pay an employee was receiving prior to any reduction. If ERRBO contributions are not made for a period of 365 days or more the contract would cease and you would be unable to re-commence deductions.

For more information relating to paternity leave under the NHS please see their [factsheet](#).

### 8. Paternity Leave for Those Adopting

Paternity leave is open to employees of either gender, but only ONE adoptive parent is entitled to take paternity leave. The co-adopting parent may be eligible to take adoption leave. This is regardless of whether they work for different employers. An employee cannot take both Paternity Leave (for those adopting) and Adoption Leave.

The Statutory Paternity Leave Scheme gives employees who are adopting, subject to meeting the qualifying criteria, an entitlement to:

- Up to a maximum of two weeks' continuous paid **ordinary paternity leave (OPL)**, and
- Up to a maximum of 26 weeks' continuous weeks' **additional paternity leave (APL)**.
- There may also be an entitlement to ordinary and/or additional paternity pay depending upon individual circumstances.

### 9. Ordinary Paternity Leave for Those Adopting

**Ordinary paternity leave continues to apply pre and post 5 April 2015. The only difference is that from 5 April 2015 for an employee to be eligible for ordinary paternity leave they must use it prior to taking any period of shared parental leave that they may wish to take.**

**Ordinary paternity leave applies to adoptions (including from overseas), surrogacy arrangements and "foster to adopt" arrangements from April 2015, where the eligibility criteria are met.**

### **Eligibility to take ordinary paternity leave for those adopting**

An employee must:

- Have or expect to have responsibility for the child's upbringing
- Be the adopter's spouse or partner (this includes same sex partners)
- Have 26 weeks' continuous service by the week in which the employee is notified of being matched with a child
- Provide evidence that the employee meets the above criteria
- Be taking the time off to care for the child

### Taking ordinary paternity leave for those adopting

- Employees can take either one week or two consecutive weeks' ordinary paternity leave (not odd days).
- If adopting within the United Kingdom, this leave can start from the date of the child's placement or from a chosen number of days or weeks after the date of child's placement.
- If adopting from overseas, ordinary paternity leave can start from the date the child enters Great Britain, or from a chosen date which is later than when the child enters Great Britain.
- OPL can start on any day of the week on or following the child's placement, but must be completed within 56 days of the child's placement.
- Only one period of OPL is available irrespective of whether one or more children are placed together.

### Notice of intention to take ordinary paternity leave for those adopting

To apply, employees need to complete the application form, available from the intranet, and submit it to their Manager. Employees should notify their Manager no more than 7 days after receiving notification that they have been matched with a child.

### **Adopting a child from outside the UK**

Employees adopting a child from outside the UK, and outside the laws of the United Kingdom, may be entitled to the same provisions as outlined above, providing they have received official notification from/or on behalf of the relevant domestic authority that the employee has been approved to be a suitable adoptive parent.

An employee must inform their Manager they have been matched with a child and the date that the child is due to enter Great Britain within 7 days of receipt of notification of matching.

### **Employment Rights during ordinary paternity leave for those adopting**

- During ordinary paternity leave, the employee is entitled to benefit from all their normal terms and conditions of employment with the exception of pay
- OPL does not break continuity of service and any period of OPL is counted as continuous service for the calculation of statutory employment rights and other contractual payments relating to length of service.

## **10. Additional Paternity Leave for Those Adopting**

**This section only applies to employees with a child placement date of before 5 April 2015.**

**It should be noted that some employees could potentially still be taking Additional Paternity Leave up until April 2016.**

**For employees with a child placement date of on or after 5 April 2015, please refer to the shared parental leave and pay policy.**

### **Entitlement to take additional paternity leave**

Additional paternity leave allows eligible employees to take up to 26 weeks' leave to care for their new child, possibly with additional statutory paternity pay. This is available if the co-adopter has returned to work with some of his/her statutory adoption leave and pay remaining. In effect this is "sharing" the co-adopter's entitlement to statutory adoption leave (SAL) and statutory adoption pay (SAP). The child must be placed (or if adopting from overseas, have entered Great Britain) on or after 3 April 2011.

An employee must:

- Have or expect to have responsibility for the child's upbringing
- Be the adopter's spouse or partner (including same sex partners)
- Have 26 weeks' continuous service by the week in which the employee is notified of being matched with a child
- Continue to be employed into the week before they wish to take additional paternity leave
- Have not taken statutory adoption leave or statutory adoption pay
- Be taking the time off to care for the child

Also, the co-adopter must:

- Be entitled to statutory adoption leave and statutory adoption pay.
- Return to work with at least two weeks of unexpired statutory adoption leave entitlement remaining. Return to work does not include sick, annual or parental leave taken immediately after adoption leave.

### Taking additional paternity leave

- A minimum of two weeks and a maximum of 26 weeks' leave can be taken
- APL must be taken as a block of consecutive weeks
- The co-adopter must return to work with statutory adoption leave remaining, depending upon individual circumstances there may also be statutory adoption pay remaining.
- APL can start from a chosen date from 20 weeks after the child is placed
- APL must be completed by the first anniversary of the placement of the child
- Only one period of leave is available per adoption irrespective of whether more than one child is adopted.
- To apply, employees need to complete the SC8 application form, available from the intranet, and submit it to their Manager.

### Notice of intention to take additional paternity leave

An employee wishing to take additional paternity leave must give at least eight weeks' notice before the intended start of the APL. This is done by completing application form SC8 and

submitting it to their Manager, who should take a photocopy for their records and forward the original document to Employment Services.

The child's co-adopter must also provide a signed declaration stating:

- Their name, address and postcode and National Insurance Number
- That they have notified their intention to return to work to their employer and the date of their intended return to work
- They were eligible for statutory adoption pay
- The date their adoption leave started
- That the employee is the co-adopter of the child or the spouse, partner or civil partner of the co-adopter and has main responsibility with them for the upbringing of the child
- They consent to the processing of the information given in the declaration

This declaration is required whether the co-adopter works for WSCC or another employer. This should be forwarded to Employment Services.

An employee must give at least six weeks' notice if they wish to change the start date of their APL or if they no longer wish to take it. If an employee is no longer eligible for APL (for example because their partner has not returned to work or because they will not be caring for the child) they must tell their Manager as soon as possible.

#### Pay and Benefits during additional paternity leave

- Employees will be entitled to any remaining Statutory Adoption Pay to which the co-adopter would have been entitled had they not returned to work. This is paid as Statutory Paternity Pay.
- The weekly rate for SAP and SPP is the same. SSP is paid at a fixed rate. This rate changes regularly and the prevailing rate can be found at [www.direct.gov.uk](http://www.direct.gov.uk)

#### **Employment Rights during additional paternity leave**

- During additional paternity leave, the employee is entitled to benefit from all their normal terms and conditions of employment with the exception of pay
- APL does not break continuity of service and any period of APL is counted as continuous service for the calculation of statutory employment rights and other contractual payments relating to length of service.
- When an employee is on paternity leave their entitlement to annual leave continues to accrue.

#### **Pension Contributions – LGPS, FPS, NFPS and NHS**

##### **LGPS**

During any period of paid paternity leave an employee must continue to pay pension contributions on the actual pay they are receiving. Pension benefits will continue to accrue and will be calculated using an employee's assumed pensionable pay (what their pay would have been for the period when they were on reduced contractual pay or no pay), rather than the amount of pensionable pay they actually receive.

If an employee intends to return to work after paternity leave, the employee can choose to pay additional pension contributions (APC's) for any period of unpaid paternity leave so that the period of absence will count in full for pension purposes.

The amount of pension lost is calculated as the appropriate fraction of an employee's assumed

pensionable pay for that period of absence (i.e. 1/49<sup>th</sup> of an employee's assumed pensionable pay if they were in the main section of the scheme or 1/98<sup>th</sup> if they were in the 50/50 section).

If an employee wishes to purchase the amount of lost pension and makes the election within 30 days of returning to work then the cost of the APC is split between them and the County Council. They will pay one-third of the cost and the County Council will pay the rest. This is known as a Shared Cost Additional Pension Contract (SCAPC). An employee can pay these additional contributions in a one-off lump sum or through regular payments from their wages.

The maximum period of absence an employee can elect to buy back by a SCAPC is a period of 3 years.

An employee can obtain a quote and print off an application form to buy lost pension at <https://www.lgpsmember.org/more/apc/index.php>

If an employee elects not to buy back their lost pension then this will not count for pension purposes.

Any additional pension contributions or contributions being made for pre April 2014 ARC's or additional membership contracts, will remain payable throughout paternity leave. An employee must continue to pay the extra pension contributions they have contracted to pay as if they were not on leave. An employee needs to make arrangements with Employment Services for the contributions to be collected, so early contact is advised to ensure continuing cover. Where necessary, these can be collected from their pay when they return to work.

If the contributions are not made then the contract to purchase additional benefits would cease and would not recommence on return from paternity leave.

## **FPS and NFPS**

During any period of paid paternity leave an employee must continue to pay pension contributions on the actual pay they are receiving. Pension benefits will continue to accrue as if they were working normally on full pay.

If an employee intends to return to work after paternity leave, the employee can choose to pay contributions for any period of unpaid paternity leave beyond the paternity pay period so that the period of absence will count in full for pension purposes. The contributions will be calculated on the rate of pay that the employee was receiving immediately before they commenced the period of unpaid paternity leave and will not be deducted until the employee returns to work. If an employee elects not to make contributions then the period will not count towards pensionable service.

Any contributions being made for the purchase of additional membership, will remain payable throughout paternity leave. The contributions will be calculated on the rate of pay receivable, as if the individual was not on paternity leave. The additional benefits therefore continue to accrue in full. The individual needs to make arrangements with Employment Services for the contributions to be collected, so early contact is advised to ensure continuing cover.

If the contributions are not made then the contract to purchase additional benefits would cease and would not recommence on return from paternity leave.

## **NHS**

During any period of paid paternity leave an employee must continue to pay pension contributions on the actual pay they are receiving. Pension benefits will continue to accrue as if they were working normally on full pay.

If an employee intends to return to work after paternity leave, the employee can choose to pay contributions for any period of unpaid paternity leave beyond the paternity pay period so that the period of absence will count in full for pension purposes. The contributions will be calculated on the rate of pay that the employee was receiving immediately before they commenced the period of unpaid paternity leave and will not be deducted until the employee returns to work. If an employee elects not to make contributions, then the period will not count towards pensionable service.

Added years contributions continue to be payable on the pensionable pay an employee was receiving prior to any reduction. If added years' contributions are not made for a period of 365 days or more the contract would cease and you would be unable to re-commence deductions.

Additional pension purchases continue at the normal rate. If additional pension contributions are not made for a period of 365 days or more the contract would cease and you would need to enter into a new contract with NHS Pensions.

Early Retirement Reduction Buy Out (ERRBO) applications continue to be payable on the pensionable pay an employee was receiving prior to any reduction. If ERRBO contributions are not made for a period of 365 days or more the contract would cease and you would be unable to re-commence deductions.

For more information relating to paternity leave under the NHS please see their [factsheet](#) .

## 11. Contact and Keeping in touch (KIT) Days

Whilst on additional paternity leave an employee's Manager should maintain reasonable contact with the employee to keep them updated about developments at work and matters concerning their job. The Manager and employee should agree the level and frequency of contact prior to the employee commencing APL.

There is an obligation to keep an employee informed of any other information relating to the job that they would normally be made aware of if working (for example information on restructures). This may fall outside of the individual agreement referred to.

Whilst on additional paternity leave an employee may not carry out any work, without bringing the APL to an end. The only exception to this is the 'Keeping in Touch' Days

To assist an employee with their return to work, they may by **mutual agreement** work up to ten 'Keeping in Touch' (KIT) days during their period of APL to help prepare for the return to work. A KIT day can be used to attend training sessions or meetings (providing these are related to the employee's job) as well as carrying out aspects of the employee's job.

There is no obligation for an employee to work a KIT day if offered. Likewise, an employee cannot insist that WSCC provide them with a KIT day.

Any work done on a particular day is counted as using one KIT day. For example, if an employee agrees with the Manager that they will attend a training course and the course lasts two hours, this is counted as using up one KIT day.

An employee working a KIT day will be paid their normal hourly rate of pay for the hours actually worked. Claims for payment must be made using Employee Self Service or a DOC 33 timesheet and authorised by the employee's Manager. The employee must clearly state the date worked, and the actual number of hours worked on that day (lunch breaks are excluded).

**Green book employees:** If a KIT day is worked during the paid period of paternity leave an employee will be paid their adoption pay, plus the hours worked. The total payment will be limited to no more than what they would receive for a normal full day's pay.

**Grey book employees:** If a KIT day is worked while the employee is in the paid period of paternity leave, they will be paid their normal hourly pay for any hours worked in addition to their Statutory Adoption Pay.

KIT days do not extend the period of additional paternity leave. Payment for KIT days will always be made in arrears at the next available payroll.

## **12. Returning to Work**

An employee must advise of the date when they expect to return to work when they give notice that they wish to take APL. If they wish to return earlier they must give at least six weeks' notice before the new, earlier date.

An employee who takes 26 weeks or less additional paternity leave is entitled to return to the job in which they were employed under their original contract of employment, and on terms and conditions no less favourable than those, which would have been applicable if they had not been absent.

There is no automatic entitlement to return to work on a part time basis. However, an employee is entitled to apply for a change in working pattern/hours and to have this request seriously considered. Such a request should only be denied if there are clear business reasons. Please refer to the policy on the Statutory Right to Request Flexible Working for further information.

If an employee is not able to return to their old job for reasons of redundancy, they will be entitled to be offered a suitable alternative vacancy where one exists.

Any such offer should be of work that is suitable and appropriate to the employee and this means the place, capacity and terms and conditions of employment must be no less favourable than if they had been able to return to their original job.

If the employee's return to work is delayed by industrial action or other unforeseen circumstances not related to the employee, the employee should return to work when work resumes or as soon as is reasonably practicable thereafter.

## **13. Paternity Leave and Unfair Dismissal**

All employees are protected against unfair dismissal for reasons relating to taking paternity leave. Managers are advised to contact Employment Services before taking any action to dismiss an employee who is on paternity leave.

## **14. Additional Paternity Leave if the Mother or Co-adopter Dies**

Special arrangements apply if the mother or co-adopter dies before the baby's first birthday or during the first year of the placement.

If the employee has not already taken their additional paternity leave they are entitled to take “extended” APL. This can be for any period from the date of the mother/co-adopter’s death until the baby’s first birthday or first anniversary of the placement.

If the employee is already on APL, the leave period may be extended until the baby’s first birthday or first anniversary of the placement.

If the employee has already completed their period of APL they cannot request further APL if the mother/co-adopter dies.

If the mother/co-adopter had not returned to work before their death, then the employee may be entitled to any remaining statutory pay.

## **15. Related Information**

The Childcare Voucher Scheme may be of interest to employees who either currently pay, or may need to pay, for childcare. Please refer to the intranet for further information.

Employees who qualify for parental leave may wish to take some of this leave before or immediately after the end of their additional paternity leave. The Manager needs to ensure that they have maintained proper records and that Employment Services are informed so they can record this absence appropriately and ensure accurate pay calculations. Please refer to the intranet for further information on parental leave.

An employee returning to work after paternity leave may make a statutory request to work flexibly in order to enable them to care for a child. There is no automatic right to have a request for flexible working approved, but the legislation places an onus on the employer to seriously consider requests and the expectation is that requests will be agreed wherever possible. Please refer to the intranet for further information.

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