

# Paternity Leave Policy

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ANGLICAN MISSION IN ENGLAND



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If anything in this policy contradicts an employment contract between Cornerstone Church Grays and an employed individual, the employment contract takes precedence.

## Policy & Purpose

Cornerstone Church Grays endeavours to provide help and assistance to employees who wish to use their right to take paternity leave. This policy outlines paternity leave entitlements and how employees should arrange this period of leave.

This policy applies where the expected date of childbirth is after 6 April 2024, or the expected date of adoption placement is on or after 6 April 2024. Where the expected date of childbirth or the expected date of adoption placement is earlier than these dates, our previous paternity leave policy will apply to you.

## Eligibility

### Paternity leave following the birth of a child

You must have been continuously employed by us for a period of at least 26 weeks by the end of the 15th week before the expected week of the child's birth or, in the case of an adopted child, for at least 26 weeks leading into the week in which the adopter is notified of being matched with a child.

You must be the father of the child, or be married to, or the civil partner or "partner" of, the child's mother or adopter. "Partner" in relation to a child's mother or adopter means a person, whether of a different sex or the same sex, who lives with the mother, or adopter, and the child in an enduring family relationship but is not a relative of the mother or adopter (a relative is defined as a parent, grandparent, sister, brother, aunt or uncle).

You must have, or expect to have, responsibility for the upbringing of the child.

Only one period of leave is available even if more than one child is born as a result of the same pregnancy or adopted as part of the same arrangement.



## When does paternity leave start?

Leave may only be taken during the period beginning with the date of the child's birth or placement and ending 52 weeks after that date or, in a case where the child is born before the first day of the expected week of birth, 52 weeks after that day.

Subject to the above, you can choose to begin your leave:

- on the date on which the child is born/placed with the adopter
- from a specified chosen number of days after the date of the child's birth/placement (whether this is earlier or later than expected)
- from a specified predetermined date which is later than the first day of the expected week of the child's birth/expected date of placement.

Leave can start on any day of the week, and you can choose to take:

- one week of leave
- two consecutive weeks of leave
- two non-consecutive single weeks of leave.

During paternity leave you are entitled to the benefit of your normal terms and conditions of employment, except wages or salary, and you are bound by any obligations arising under those terms and conditions except in so far as they are inconsistent with the right to paternity leave.

Where possible, you should book and take your annual leave entitlement in the current holiday year. However, if you are unable to take all of your statutory minimum entitlement to annual leave because you were on paternity leave, you are entitled to carry over untaken annual leave into the following leave year.

## Notification requirements

### Paternity leave following the birth of a child

First, you must give us notice of your entitlement to take paternity leave in or before the 15th week before the expected week of the child's birth.

The notice must specify the expected week of birth and must include a signed declaration that:

- you are either the father of the child, or married to or the partner of the child's mother, but not the child's father



- if you are the father, that you have or expect to have responsibility for the upbringing of the child
- if you are married to or the partner of the child's mother but not the child's father, the main responsibility (apart from any responsibility of the mother) for the upbringing of the child.

### Birth — Notice of leave

Then, once you have chosen the dates of each occasion of your paternity leave, you are required to give us a further notice, in writing, of:

- when you want your leave to start
- the length of leave you want to take.

You must also give us a signed declaration that you are taking leave for the purpose of caring for a child or supporting the child's mother.

If you want to take leave starting on the date of birth, you need to give us the notice of leave at least 28 days before the first day of the expected week of the child's birth.

If you want to start your leave a number of days after the birth rather than giving an actual date, you need to give us the notice of leave at least 28 days before the day that falls that number of days after the first day of the expected week of birth. For example, if you want to start paternity leave four days after the birth of the child, you need to give us the notice of leave 28 days before the fourth day after the first day of the expected week of childbirth.

If you want your leave to start on a predetermined date after the first day of the expected week of the child's birth, you need to give us the notice of leave at least 28 days before that predetermined date.

## Paternity leave following the adoption of a child

### Adoption — Notice of entitlement

First, you must give us notice of your entitlement to take paternity leave no more than seven days after the date on which you were notified of having been matched with a child.

The notice must specify:

- the date on which you were notified of having been matched with the child



- the date on which the child is expected to be placed with you or, where the child has already been placed for adoption, the date of placement.

You must also give us a signed declaration that:

- you are either married to or the partner of the child's adopter
- you have, or expect to have, the main responsibility (apart from the responsibility of the adopter) for the upbringing of the child.

### Adoption — Notice of leave

Once you have chosen the dates of each occasion of your paternity leave, you are required to give us a further notice, in writing, no more than seven days after the date on which you were notified of having been matched with a child of:

- when you want your leave to start
- the length of leave you want to take.

You must also give us a signed declaration that you are taking leave for the purpose of caring for a child or supporting the child's adopter.

### Changing your mind about dates of leave — birth and adoption

You may change your mind about the date on which you want your leave to start or end, or cancel the period of leave chosen, providing you notify us in writing. The notice must be given by whichever is the earlier of at least 28 days before the original date of leave or the new date of leave, unless this is not reasonably practicable. If you give us notice to vary a period of paternity leave, you must also give us a signed declaration as to the purpose of the absence.

### Required changes to dates of leave — birth and adoption

If you have chosen to start a period of paternity leave on a particular predetermined date, and the child has not been born/is not placed with the adopter on or before that date, you must change the date you want paternity leave to start and give us notice of the new date. This notice must contain a signed declaration as to the purpose of the absence.

### Telling us the date of birth/placement

You must give us a further notice, in writing, as soon as is reasonably practicable after the child's birth or placement for adoption, of the date on which the child was born or placed, if the date of placement was not provided in the notice of intention to take paternity leave.



## Contractual benefits

Whilst on paternity leave, you continue to be entitled to receive your normal terms and conditions of employment, other than wages or salary (unless expressly stated otherwise in your employment contract).

Your contract of employment continues during paternity leave. As such, any contractual obligations continue to apply during your leave, and you remain bound by these.

## Returning to work

If you return to work following an isolated period of paternity leave, or a period of parental leave of no more than four weeks, you are entitled to return to the job in which you were employed before the absence. In addition, seniority, pension and similar rights should be as they would have been had the absence not occurred, and other terms and conditions should not be less favourable than those which would have applied had the absence not occurred.

## Shared parental leave

You may be entitled to take shared parental leave if both you and your partner meet the eligibility criteria. Shared parental leave enables you and your partner to divide almost a year's leave between you after the child is born/adopted and gives you more flexibility over who will take leave and when. If you choose to take shared parental leave, you are still entitled to take paternity leave.

If you would like more information on shared parental leave, please speak with your line manager.

## Stillbirth and miscarriage

If you experience a miscarriage before 24 weeks of pregnancy, you will no longer be entitled to take paternity leave. You may need some time off work in these circumstances, and this will usually be taken as sick leave, during which the Organisation's sickness absence policy will apply.

If you suffer a stillbirth after 24 weeks of pregnancy, your entitlement to paternity leave and pay will not be affected if you were otherwise eligible to take it and you will still be able to take the time off, and receive pay, as planned.

Parental bereavement leave is also available for employees who suffer a stillbirth after 24 weeks of pregnancy. You can read more information on this entitlement in our separate policy on Time Off for Dependents.

## Guide

### **Paternity leave**

On the birth of a child or when you are placed with a child in the case of adoption, you may become eligible for Paternity Leave.

Statutory Paternity leave consists of 2 weeks paid leave. The leave can be taken in either blocks of 1 week or 2 weeks together and is compensated at the lesser of 90% of the average wage and SPP (currently £172.48 per week).

To be eligible for Paternity leave, you must have 26 weeks service by the Qualifying week, which is 15 weeks before the Expected Week of Childbirth (EWC) or the date of placement in the case of Adoption. In essence this means that the service requirement is 41 weeks at the EWC.

### **When can the leave be taken?**

The leave can be taken between the start of the EWC and 56 days after the date of placement of the birth of the child.

### **If I am placed with multiple children or more than 1 child is born at a time, can I have 2 sets of Paternity Leave?**

No, you will only get one amount of Paternity leave. If you want more time off, you could ask for Parental Leave.

### **What happens with contractual benefits?**

These should be maintained for the period of Paternity Leave.

### **What role will I return to after Paternity Leave?**

You will return to your normal role.