

<b>Company Name:</b>	Line Up Ltd ("the Company")
<b>Appendix No.</b>	K
<b>Policy Name:</b>	Paternity Leave Policy
<b>Date:</b>	28 <sup>th</sup> September 2022

## 1 Introduction

- 1.1 This document sets out the Company's policy on paternity leave following the birth or placement for adoption of a child. Certain other persons may also be entitled to paternity leave and pay, namely (a) foster parents who have children placed with them with a view to adoption, and (b) those who have entered a surrogacy arrangement with a woman, and have been granted, or intend to apply for, a parental order in relation to the child that she bears — please contact your line manager for further details.
- 1.2 This policy applies to all employees, including agency workers engaged under contracts of employment who are supplied to work for the Company's clients. This policy does not apply to agency workers who are not employed by the Company under contracts of employment. Furthermore, this policy does not apply to self-employed consultants or contractors.
- 1.3 This policy is not an exhaustive explanation of the law or rules relating to paternity leave and pay. It does not form part of your contract of employment. The Company may alter the terms of this policy from time to time and details of any alterations or additions will be notified to you. If you have any queries which are not answered by the information in the policy, or if you have any other questions about the policy or your own situation, please contact your line manager
- 1.4 The policy may apply to a man or a woman. The references to a child include, where there has been a multiple birth (e.g., twins), or more than one child is placed as a result of the same adoption arrangement, children. However, in cases involving multiple birth or more than one child placed for adoption, you are entitled to the same amount of leave as if only one child were involved.
- 1.5 The length of your paternity leave, if you are eligible, is up to two weeks.
- 1.6 The rules as to eligibility for leave and the notice that must be given to the Company are different in the cases of birth and adoption. This policy sets out the different eligibility criteria and notice rules for paternity leave in each case; see paragraphs 2 and 3 for births, or paragraphs 4 and 5 for adoption. Rules regarding the extent of the leave entitlement and when the leave must be taken are set out at paragraph 6. Rules regarding paternity pay are set out at paragraph 7.
- 1.7 You will not be subjected to any detriment because you have taken, or sought to take, paternity leave.

- 1.8 Before birth or placement for adoption, you may also be entitled to take unpaid time off work to accompany the mother of the child to antenatal appointments, or to accompany the other parent involved in the adoption placement to adoption appointments; please refer instead to the Company's Antenatal Appointments Policy (expectant mothers or companions) or Adoption Appointments Policy (adopters and adopters' partners) in this regard, as such rights are not covered in this Paternity Leave Policy.

## **2 Eligibility to take paternity leave in the case of a birth**

- 2.1 If you are an employee of the Company, you are entitled to take paternity leave for the purpose of caring for a child, or supporting the child's mother, provided:
- 2.1.1 As at the 15th week before the expected week of the birth of the child, you have at least 26 weeks' continuous employment with the Company.
  - 2.1.2 You are either the father of the child and have or expect to have responsibility for bringing up the child, or you are not the child's father, but you are married to, or are the civil partner or the partner of, the child's mother and you have or expect to have the main responsibility (apart from the mother) for bringing up the child.
  - 2.1.3 You have not already taken any shared parental leave in respect of the child.
  - 2.1.4 You give the notice set out at paragraph 3.1 below and satisfy any requirements imposed under paragraph 3.2 below.
- 2.2 If your child is born more than 14 weeks early, you will still be treated as having satisfied the continuous service requirement (above) on the birth date if you would have had 26 weeks' continuous service by the 14th week before the week in which the child's birth was expected.
- 2.3 Paternity leave is still available where a child is stillborn after 24 weeks of pregnancy or dies.

## **3 Notification requirements for paternity leave in the case of a birth**

- 3.1 You must give your line manager written notice of your intention to take paternity leave by the end of the 15th week before the expected week of the child's birth. If this is not reasonably practicable, you must give the notice as soon as it is reasonably practicable. You must specify:
- 3.1.1 The expected week of the child's birth.
  - 3.1.2 The length of period of paternity leave that you have chosen to take (i.e., one week or two weeks); and
  - 3.1.3 The date you have chosen for your leave to start.
- 3.2 If your line manager requests it, you may also be required to provide a signed declaration that you satisfy the eligibility requirements for paternity leave and that the purpose of your absence will be to care for the child or support the child's mother. In such a case, you will receive a form which you will be required to sign and return to your line manager.

- 3.3 If, after providing your written notice, you change your mind as to the start date for your leave you must inform your line manager in writing at least 28 days before the new date your leave will start or, if this is not reasonably practicable, as soon as it is reasonably practicable.
- 3.4 If you do not provide the requisite notice or, where applicable, notice of variation, you may not be entitled to take paternity leave.
- 3.5 You must inform your line manager in writing, as soon as reasonably practicable, of the date the child was born.
- 3.6 If you wish to claim statutory paternity pay, you also need to follow the notice requirements for statutory paternity pay set out in paragraph 7, in addition to those set out here. However, all the required information and declarations for both paternity leave and statutory paternity pay may be provided to the Company in the same notice at the same time, using the form from your line manager.

#### **4 Eligibility to take paternity leave in the case of adoption**

- 4.1 An employee intending to adopt a child under 18 may be eligible to take different kinds of statutory leave following on from the placement of the child:
  - 4.1.1 Ordinary adoption leave.
  - 4.1.2 Additional adoption leave where the child is placed for adoption before 6 April 2015.
  - 4.1.3 Paternity leave
  - 4.1.4 Shared parental leave.
- 4.2 However, one adopting parent may not take all three types of leave. Where both parents are adopting the child, one parent may take the ordinary (and additional adoption leave where applicable), while the other parent may initially take paternity leave, provided all the other qualifying conditions are met. Both parents may take shared parental leave, if they qualify for it, in substitution for some part of the adoption leave entitlement.
- 4.3 Where there are two adopting parents, they must choose which one will take adoption leave, and which will take paternity leave. Paternity leave is not available where only one person is adopting a child on his or her own (i.e., with no involvement of a spouse or partner in caring for the child); such persons may only take adoption leave.
- 4.4 The parent who will be taking adoption leave in relation to the child (as opposed to paternity leave) will be referred to from here onwards in this policy as 'the adopter'.
- 4.5 You may take paternity leave to take care of a child or support the adopter, whether you are a man or a woman, whether you adopt as a couple or only your spouse or partner is adopting, provided you are not the adopter, i.e., provided you have not elected to take adoption leave.
- 4.6 If you are an employee of the Company, you are entitled to take paternity leave for the purpose of caring for a child, or supporting the adopter, provided:

- 4.6.1 You have, or expect to have, the main responsibility for the child's upbringing (apart from the responsibility of the adopter);
- 4.6.2 You are either married to, the civil partner or the partner of the adopter.
- 4.6.3 You have 26 weeks' continuous employment ending with the week in which the adopter is notified of having been matched with the child.
- 4.6.4 You have not already taken any shared parental leave in respect of the child.
- 4.6.5 You have not already exercised a right to take paid time off to attend (on a date before the child is placed for adoption) an adoption appointment in relation to the same child.
- 4.6.6 You have not already previously taken paternity leave in relation to the same child as a result of the child being placed with a prospective adopter who was at the time of the placement your spouse, civil partner, or partner.
- 4.6.7 You satisfy the notice requirements at paragraph 5.1 and the declaration requirements at paragraph 5.2.

## 5 **Notification requirements for paternity leave in the case of adoption**

- 5.1 You must give your line manager notice in writing of your intention to take paternity leave no later than 7 days after being notified of the adopter having been matched with the child, or, if this is not reasonably practicable, as soon as it is reasonably practicable. The notice must specify:
  - 5.1.1 The date on which the adopter was notified of having been matched with the child.
  - 5.1.2 The date on which the child is expected to be placed with the adopter.
  - 5.1.3 The length of paternity leave you have chosen to take (one week or two)
  - 5.1.4 The date you have chosen for your leave to start.
- 5.2 You may also be required, if your line manager requests it, to provide a signed declaration that you satisfy the eligibility requirements for paternity leave (set out in paragraph 4.6 of this policy) and that the purpose of your absence will be to care for the child or support the child's adopter. In such a case, you will receive a form which you will be required to sign and return to your line manager.
- 5.3 If, after providing this notice, you change your mind as to the start date for your leave, you must provide at least 28 days' written notice of this change or, if this is not reasonably practicable, as soon as it is reasonably practicable. You must also inform your line manager in writing of the placement date as soon as reasonably practicable after the date the child is actually placed.
- 5.4 If you do not provide the requisite notice or, where applicable, notice of variation, you may not be entitled to take paternity leave.

- 5.5 You must inform your line manager, in writing, as soon as reasonably practicable after the child's placement, of the date on which the child was placed.
- 5.6 If you wish to claim statutory paternity pay, you also need to follow the notice requirements for statutory paternity pay set out in paragraph 7, in addition to those set out here. However, all the required information and declarations for both paternity leave and statutory paternity pay may be provided to the Company in the same notice at the same time, using the form from your line manager.

## **6 Extent of paternity leave entitlement**

- 6.1 You are entitled to take up to two weeks' paternity leave. This must be taken either as a single block of one week or as two consecutive weeks. In the case of a multiple birth (e.g., twins), or where more than one child is placed as a result of the same adoption arrangement, you are entitled to the same amount of leave as if only one child were involved. You cannot take the leave as 'odd' days unless agreed in advance with your line manager. This period of leave is paid, subject to the eligibility requirements for statutory paternity pay set out in paragraph 7.
- 6.2 Your leave period will be calculated on a 'rolling week' basis. This means that if you start your leave on, for example, a Tuesday, the leave period will run to the end of the following Monday (if you choose a single-week block) or the end of the Monday after that (if you choose a consecutive two-week period).
- 6.3 The leave of either one week or two weeks must be taken within a period of 56 days beginning with:
  - 6.3.1 The child's birth date, in the case of a birth.
  - 6.3.2 The date the child is placed with the adopter, in the case of adoption.
- 6.4 If your child is born early, i.e before the first day of the expected week of birth, you may take the leave between the date your child is born and 56 days after the first day of the expected week of birth.

## **7 Statutory Paternity Pay (SPP)**

- 7.1 You will be entitled to statutory paternity pay (SPP) for the period of paternity leave you take, provided:
  - 7.1.1 You satisfy the conditions relating to continuous employment specified in paragraph 2.1.1 in the case of a birth, or paragraph 4.6.3 in the case of adoption; and
  - 7.1.2 Having satisfied those conditions relating to continuous employment, you remain in the Company's employment until the day on which the child is born or placed for adoption.

- 7.1.3 You satisfy the conditions as to relationship with the child (including the requisite responsibility for its upbringing), and relationship with the mother or the adopter, specified in paragraph 2.1.2 in the case of a birth, or paragraphs 4.6.1 and 4.6.2 in the case of adoption.
  - 7.1.4 Your normal weekly earnings are not less than the lower earnings limit applying to National Insurance contributions; and
  - 7.1.5 In the case of adoption, where you are a person with whom the child is being placed for adoption, you have elected to receive statutory paternity pay rather than statutory adoption pay (i.e elected not to be 'the adopter').
- 7.2 SPP is payable for a maximum of two weeks if you take paternity leave. The rate of SPP will be the lower of either a fixed statutory rate (which is the same as the rate for statutory maternity pay) or 90% of your average weekly earnings. It will be paid into your bank account on your normal pay days, subject to the usual deductions for tax, national insurance contributions and pension contributions.
- 7.3 To claim SPP during paternity leave, you must give notice in writing to your line manager in or before the 15th week before the expected week of the child's birth in the case of a birth, or no more than 7 days after the date on which the adopter is notified of having been matched with the child in the case of adoption. You should submit this notice on the relevant notice form which may be obtained from your line manager, who will be able to advise you on how to claim SPP. If it is not reasonably practicable for you to give this notice in time, you must do so as soon as it is reasonably practicable. If you do not complete and return the relevant form, the Company may not be able to pay you SPP. The notice you submit must:
- 7.3.1 provide the following information:
    - (a) The name of the person claiming statutory paternity pay.
    - (b) In the case of a birth, the expected week of the child's birth and, where the birth has already occurred, the date of birth.
    - (c) In the case of adoption, the date on which the child is expected to be placed for adoption or, where the child has already been placed for adoption, the date of placement.
    - (d) The date from which it is expected that the liability to pay statutory paternity pay will begin.
    - (e) Whether the period chosen in respect of which statutory paternity pay is to be payable is a week or two weeks.
    - (f) In the case of adoption, the date the adopter was notified that he or she had been matched with the child; and

7.3.2 include a declaration that:

- (a) You satisfy the conditions as to relationship with the child, and relationship with the mother or the adopter, specified in paragraph 7.1.3.
- (b) During your period of paternity leave, it will be your purpose to care for the child, or to support the child's mother or the adopter.
- (c) In the case of an adoption, that you have elected to receive statutory paternity pay, and not statutory adoption pay.

7.4 The information and declaration required in this notice is in addition to the information that must be given in the notice you are required to give of your intention to take paternity leave under paragraph 3 (birth) or 5 (adoption) of this policy. However, all the required information and declarations for both paternity leave and statutory paternity pay may be provided to the Company in the same notice at the same time, using the form from your line manager.

7.5 In the case of a birth, you must also inform the Company of the date the child is born as soon as reasonably practicable after the birth. In the case of an adoption, you must also inform the Company of the date of the child's placement as soon as is reasonably practicable after it occurs.

## **8 Rights during paternity leave**

8.1 During paternity leave periods you will continue to be entitled to the benefit of all of the terms and conditions of your employment except those relating to remuneration, i.e., salary/wages. Eligibility for statutory paternity pay is set out at paragraph 7 of this policy.

8.2 All other employment terms and conditions apart from your salary continue during paternity leave.

8.3 During the paternity leave period you will continue to be bound by those duties arising under your contract of employment which are not inconsistent with being absent from work on paternity leave (e.g., your duties of confidentiality and good faith will still apply, and you will have to give notice if you wish to resign).

## **9 Holidays**

9.1 During your period of absence on paternity leave you will continue to accrue your statutory and contractual holiday entitlement in the usual way.

## **10 The right to return after paternity leave**

- 10.1 If your paternity leave was not part of a longer overall period of continuous leave, you are entitled to return to work in the same position as you held before commencing leave. The Company will attempt to supply employed agency workers into the same assignment they were working in before commencing the leave, however this is subject to the assignment still being available. Your terms and conditions of employment will be no less favorable than they would have been if you had not been absent on paternity leave. This also applies where you take paternity leave immediately after another period of leave, consisting of one or more continuous periods of other types of family leave (which may have been taken in relation to the same child or in relation to a different child or different children), without returning to work in between, provided that the overall period of continuous leave:
- 10.1.1 Does not include any period of parental leave of more than four weeks.
  - 10.1.2 Does not include any period of family leave taken in relation to a particular child which, when added to any other periods of family leave taken in relation to that particular child (excluding any periods of parental leave taken in relation to that child) means that the total amount of family leave taken in relation to that child is more than 26 weeks.
- 10.2 If your paternity leave immediately follows another type of leave and the conditions in paragraphs 10.1.1 and/or 10.1.2 are not satisfied, you will be entitled to return to work in the same position unless that is not reasonably practicable. If it is not reasonably practicable, you will be entitled instead to return to another suitable and appropriate job, on terms and conditions that are no less favourable.
- 10.3 If you wish to change your working patterns (such as working part time or changing your place of work) after any period of paternity leave, you should notify the Company in writing of your wish to do so. There is no absolute right to insist on working part time, but the Company will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business or (in the event of the employed agency workers) the client's business. It is helpful if requests are made as early as possible.
- 10.4 If you are unable to return to work at the end of your paternity leave due to sickness or injury, this will be treated as sickness absence and the Company's usual sickness policy will apply.

## **11 Combining paternity leave and parental leave**

- 11.1 Your right to take unpaid parental leave is not affected by your right to paternity leave. If you satisfy the conditions for each right, then you may take a combination of parental leave and paternity leave. However, the length of parental leave you take may affect the job you can return to, so please contact your line manager if you wish to combine different types of leave.