

Post Office Ltd Paternity Leave Guide

Purpose

This guide sets out how paternity leave arrangements operate within Post Office Ltd. It applies for employees whose partner's expected week of childbirth is on or after 01 April 2003.

It covers a range of issues such as leave available and the benefits payable whilst on Paternity Leave. The guide covers the statutory minimum arrangements as well as detailing the enhanced benefits provided under Post Office Ltd's paternity leave arrangements.

This guide is not intended to be an authoritative statement of the law. Further guidance can be obtained in the first instance from the Human Resources Service Centre

Background

As part of the government's commitment to helping working parents a series of new or improved provisions were introduced under the Employment Act 2002. In terms of Paternity leave the act sets out the basic rights to paternity leave and pay.

The detail of such rights is set out in the Paternity and Adoption Leave Regulations 2002 and the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002.

The 2003 pay deal within Post Office Ltd further increased paternity leave entitlements, backdated to 01 April 2003

Key Elements

Key elements of the regulations are as follows:

- Eligible employees have a statutory right to leave to care for his baby or to support the mother following the birth of the child.
- The employee may take one week's or two consecutive weeks' leave. It can't be taken as odd days or as two separate weeks.
- The employee may be eligible for Statutory Paternity Pay
- Rights apply to employees whose children are expected to be born on or after 01 April 2003.
- Employees whose children are expected to be born on or after 01 April 2003 but arrive before this date will still be eligible.
- Employees whose children are expected to be born before 01 April 2003 but arrive after will also be eligible.
- There is a notice requirement for requesting leave and as with maternity leave the right to a change of mind over the start date.
- Return to work and protection from detriment and dismissal rights also apply.

Eligibility and Entitlement

4.1 Statutory Eligibility Criteria

4.1.1 An employee is eligible for paternity leave if he has or expects to have responsibility for the baby's upbringing and is either or both

- The biological father of his baby
- The mother's husband or partner¹

5.1.1 In addition the employee must have worked continuously for the same employer

- For 26 weeks ending before the 15th week before the baby is due (to be taken as the Expected Week of Childbirth) and
- From the 15th week before the baby is due up to the date of birth.

5.1.2 Leave is provided specifically for the care of the baby or support of the mother following childbirth. It must not be used for any other purpose.

1 For the purposes of clarity 'partner' is deemed to be someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative. Partner may include a female partner in a same sex couple.

4.2 Post Office Ltd eligibility criteria

As the statutory criteria above.

4.3 Statutory entitlement

Eligible employees can take one or two consecutive weeks' leave, each paid at Statutory Paternity Pay level (currently £100 a week).

4.4 Post Office Ltd entitlement

Eligible employees can take two weeks' consecutive leave both at full pay.

Applying For Paternity Leave

Making an Application

5.1.1 To apply for Paternity Leave and Pay employees will need to:

- Notify their line manager, ideally at least 15 weeks prior to the Expected Week of Childbirth (EWC), of their intention to apply for paternity leave
- Via their line manager, apply in writing to the Human Resources Service Centre as soon as practical.
- Make their written application using the 'Request for Paternity Leave' form which will indicate the EWC and the date they wish to start Paternity Leave

5.1.2 To ensure effective management of the absence, the line manager should confirm with the Human Resources Service Centre when the employee starts their paternity leave absence and also when they have resumed.

5.2 Change of Mind

Having made an application for leave and specified a start date, an employee has the right to change his mind about the start date by giving at least 28 days notice or as soon as is reasonably practicable.

5.3 Leave Period

The statutory provisions expect the leave to be taken within 56 days of the expected date of birth. The business current provision is to allow the leave to be taken up to three months after the date of birth and will continue to be so. Line managers will need to pay attention to such applications to be sure employees are taking the leave for the appropriate reason.

Paternity Pay

6.1 General Principle

As has already been stated, the business currently provides for two weeks' paternity leave with full pay. The general policy will be for this to continue with statutory paid leave to be taken concurrently and paid 'notionally' in the same manner as maternity leave.

6.2 Statutory Paternity Pay

6.2.1 To be eligible for Statutory Paternity Pay the employee will have to meet the employment eligibility criteria for leave in the first place.

6.2.2 Additionally, the employee's average earnings must be at or above the Lower Earnings Limit for NI purposes, which applies at the 15th week before the baby is expected to be born. (Average earnings would be based on the 8 week period up to and including the last normal pay day on or before the Saturday of the 15th week before EWC).

6.2.3 To qualify the employee is also normally required submit a self certificate at least 28 days (or as soon as is reasonably practicable) before the date the employee wishes SPP to commence. This requirement, however, will be met by the employee confirming their eligibility to Statutory Paternity Leave on the request form provided with the employee guide.

Pension Contributions

Pension contributions remain unaffected by the period of fully paid Paternity Leave. For weeks paid at Statutory Paternity Pay rate pension contributions are not paid and this is classed as non-reckonable service for pension purposes. However, employees may choose to pay any missed contributions and the appropriate forms will be provided by the Human Resources Service Centre.

Further Guidance

Should further guidance on paternity leave be required, please contact the Human Resources Service Centre in the first instance.