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PARENTAL AND PATERNITY POLICY

This policy document applies to your employment at *[Insert organisation name and address]*, ("the Organisation") and all other organisation sites that you may be asked to work at from time to time.

1. Policy Statement

1.1 The employer's policy is to comply with the law of England & Wales regarding parental and paternity rights. The aim of this policy is to set out the law applicable to the rights of employees with new children. The policy is not a contractual document.

1.2 In the event that this policy and the law conflict, the law shall take precedence. If employees are in any doubt as to what their rights are they should discuss matters with the employer. Should this policy change as a result of amendments in the law the changes will be notified to the employee via the employer's notice board.

1.3 This policy is intended to apply to all employees who wish to take leave to look after a child or who have become fathers, whether the child in question is born or adopted.

1.4 Any employee who is dissatisfied with any decision affecting their parental and paternity rights should use the employer's formal grievance procedure.

2. Definitions

2.1 Parental Leave – The right of male or female employees who satisfy certain criteria to take unpaid leave of up to 13 weeks for a child born or adopted over whom they have or expect to have responsibility.

2.2 Paternity Leave – Payable to all employees in relation to the birth or adoption of a child where the employee is either the biological father or the intended father, or the mother's partner (including same sex or civil partners) and who have at least 26 week's continuous service with the employer ending with the 15th week before the expected week of childbirth or the week in which an approved match with the child is

made in the case of adoption, provided the employee satisfies certain criteria. The entitlement is to take paid leave of up to 2 weeks.

2.3 Statutory Paternity Pay (SPP) – Compulsory pay payable to all employees taking paternity leave, provided they satisfy certain criteria.

2.4 Remuneration - Wages or salary.

2.5 Parental Responsibility Agreement - contract entered into by the unmarried natural parents of a child which gives the parent without care certain rights over the education, health and welfare of that child. Parental Responsibility can also be granted to that parent by the court in the form of an order.

2.6 Expected Week of Childbirth (EWC) – this is the week in which the expected date of the baby's birth falls, beginning on a Sunday and ending the following Saturday.

2.7 Matching Week – this is the week in which the adopter is notified of having been matched with the child. The matching week begins on a Sunday and ends the following Saturday.

3. Parental Rights - Entitlement to Parental Leave

3.1 Employees (male or female) with at least 1 year's continuous service with the employer are entitled to unpaid parental leave in respect of children born or adopted on or after 15th December 1994. The period of leave is 13 weeks for each child up to the child's 5th birthday. In the case of a child entitled to a disability living allowance, the period of leave is 18 weeks.

3.2 For children born or adopted between 15th December 1994 and 14th December 1999, the employee's right to take parental leave will last until 31st March 2005, or if a child is adopted; until the child's 18th birthday, if that is sooner. In these cases an employee must have completed one year's continuous service with the employer between 15th December 1998 and 9th January 2002.

3.3 For children born or adopted on or after 15th December 1999, the employee's right to take parental leave will last until the child's fifth birthday, or if the child is adopted; until five years following placement for adoption. In these cases the employee must have completed one year's continuous service with the employer.

3.4 Employees with disabled children can take 18 weeks parental leave for each disabled child entitled to disability living allowance, up until their child's 18th birthday, regardless of when the child was born.

3.5 Parental leave also applies to employees who have obtained a parental responsibility order from a court or enter into a parental responsibility agreement in respect of that child.

3.6 The following applies with regard to how the 13-week leave may be taken:

(i) The leave may only be taken in blocks or multiples of one week, (except in the case of a disabled child).

(ii) The employee must agree the period and time for taking the leave with the employer and must give the employer 21 day's notice before taking parental leave. The notice from the employee must state the start and end date of the proposed parental leave period. (The employer reserves the right to postpone an employee's parental leave for up to six months where the employer's business would otherwise be unable to cope).

(iii) However, parental leave cannot be postponed when an employee gives notice to take leave immediately after a child is born or is placed with the family for adoption.

(iv) Employees with disabled children can take parental leave one day at a time or for longer periods, if required.

(v) The employee may only take a maximum of 4 weeks leave in any 12-month period for each relevant child.

(vi) The employee's period of leave taken with a previous employer will be taken into account when calculating their total entitlement.

(vii) The personnel/human resources department may request from the employee proof of their responsibility for the relevant child together with a copy of the child's birth certificate, proof of adoption, or the child's entitlement to disability living allowance as the case may be.

3.7 The employee will remain employed whilst on parental leave and certain terms of employment will remain in force as follows:

(i) Implied obligation of trust and confidence.

(ii) Notice of termination.

(iii) Disciplinary and grievance procedures.

(iv) Non-disclosure of confidential information.

(v) The acceptance of gifts or other benefits.

(vi) Non-participation in any other business.

(vii) Compensation in the event of redundancy.

3.8 An employee who takes parental leave for a period of 4 weeks or less, (and where such leave did not include any period of additional maternity or adoption leave) may return from leave to the job in which he or she was employed before taking leave. This will entitle the employee to the same terms and conditions of employment previously enjoyed.

3.9 It is the employer's intention that employees who take parental leave for more than 4 weeks, (or parental leave of less than 4 weeks, which includes a period of additional maternity leave or additional adoption leave) shall also return to the same job. However, if this is not reasonably practicable the employee will be fully consulted and offered any suitable alternative employment. The new position will be one, which

is both suitable for the employee and appropriate for him/her to do in all the circumstances.

3.10 In the event that after parental leave an employee will be required to work in a new position their manager/supervisor/head of department will arrange a meeting prior to return to discuss the change in position and any administrative details.

3.11 In the unlikely event of the employee's job not being available due to redundancy, the employee will be fully consulted and offered any available suitable employment.

4. Paternity Leave - Entitlement to Paternity Leave in the case of childbirth

4.1 An employee who has been continuously employed for a period of not less than 26 weeks ending with the 15th week before the expected week of the childbirth will be entitled to statutory paternity leave if:

(a) The employee is either the father of the child, and has or expects to have the responsibility for the upbringing of the child, or

(b) Married to, or is a partner of, the child's mother, but is not the child's father, and has the main responsibility for the upbringing of the child, in both cases, or is

(c) Either one of two parents jointly adopting a child or the partner of someone adopting a child individually and is not taking statutory adoption leave and pay and will be taking time off work to support the adopter and/or care for the child, and

(d) Complies with the notification requirements under clause 5.

4.2 If the child is born earlier than the 15th week before the week in which its birth is expected and the employee has not been continuously employed for 26 weeks but would otherwise have been, he will still qualify for paternity leave as long as the other conditions are satisfied.

4.3 An employee will also be treated as satisfying the qualification requirement relating to length of employment if he has not satisfied those requirements, but would have done so, but for the fact that the child's mother has died.

4.4 An employee will also be treated as satisfying the qualification requirement relating to length of employment if he has not satisfied those requirements, but would have done so, but for the fact that the child was stillborn after 24 weeks of pregnancy or has died.

4.5 The entitlement to paternity leave is 26 weeks paid leave to be taken on or after the expected week of childbirth (in the case of a child born on or after 3rd April 2011), but in any event must be taken within 56 days of the expected week of childbirth or 56 days after the actual date of birth if this is earlier than the expected week of childbirth.

4.6 An employee's entitlement to leave under paragraph 4.5 will not increase simply by virtue of the fact that more than one child is born in respect of the same pregnancy.

4.7 The paternity leave can be taken (in the case of children born on or after 3rd April 2011) at any time within the period beginning 20 weeks after the child is born and will end 12 months after that date.

4.8 The employee may choose whether to begin the leave either on the date the child is born or elect a certain number of days after the date on which the child is born or select a predetermined date after the first day of the expected week of the child's birth.

4.9 If the employee chooses to take the leave after the first day of the expected week of the child's birth, he must serve a written notice on the employer of his intention to take such leave and the dates on which such leave will be taken.

4.10 Alternatively, the employer may specify the dates to be taken by the employee in respect of paternity leave by serving a written notice on the employee.

4.11 If the employee has chosen to begin his period of leave on the date on which the child is born and he is at work on that date then the employee's period of leave begins on the day after that date.

Sample document – the remaining are clause headings only
Full document contains all clauses

5. Notification Requirements For Births

6. Entitlement to Paternity Leave in the case of Adoption

7. Notification Requirements For UK Adoptions

8. Notification Requirements For Overseas Adoption

9. Entitlement To Statutory Paternity Pay

10. Contractual Rights during Paternity Leave

11. Right to return to work following Paternity Leave

12. Flexible Working

13. Contractual Rights to Paternity and Adoption Leave

14. Date of Implementation

15. Questions

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