

Wiltshire Council Human Resources

Maternity Support and Paternity Leave Policy

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

This policy covers the arrangements for employees to take time off to care for a newborn or newly adopted child.

It includes maternity support entitlement for nominated carers, Ordinary Paternity Leave (OPL) and Additional Paternity Leave (APL) where the mother or primary adopter wishes to transfer their benefits when returning to work before the end of their maternity/adoption leave full entitlement.

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Who does it apply to?

This policy applies to all Wiltshire Council employees (with the exception of teaching and non-teaching staff employed in locally managed schools).

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

When does it apply?

This policy applies to parents at around the time of childbirth or start of adoption up until the child is 1 year old or 1 year after the start of the adoption.

When does it not apply?

This policy does not apply for parents or carers of children over the age of 1 year. In this case, the [parental leave policy](#) should be used. If further leave is required in addition to this entitlement the [parental leave policy](#) should also be used.

What are the main points?

Maternity support leave for nominated carers

1. A nominated carer is the person named by the mother/primary adopter to assist in the care of the child and to be the primary provider of support at or around the time of the birth or adoption of a child.
2. In most cases, the father or partner would provide this role, however a relative or someone who has a caring relationship with the mother/primary adopter and/or child may fulfil this role instead.
3. To be a nominated carer you must be:
 - named by the mother as the main/only provider of care, and;
 - involved in the care of the newborn or adopted child assisting the mother or caring for other children
4. Assisting the mother may include (but is not limited to):
 - direct physical care
 - active support, including washing clothes, preparation of feeds, bathing the child or taking them out
5. You will not be granted maternity support leave if the mother or primary adopter of the child already has someone undertaking the role of nominated carer.

Maternity support leave entitlement

6. You will be entitled to 5 working days paid leave (at normal pay) at the time of the birth or adoption of the child/children. This leave cannot be postponed until a later date.
7. Part of the 5 working days leave may be used to attend antenatal appointments prior to the birth. Your manager will record the time taken to attend antenatal appointments to count this towards your entitlement.

Application for maternity support leave

8. You should complete the notification for **maternity support and paternity leave** form and return to your manager as soon as possible but providing at least 4 weeks notice. In the case of a premature birth, you should inform your manager as soon as possible.
9. You should notify your manager of the following:
 - expected date of childbirth or adoption
 - the amount of leave you wish to take
 - the date that you wish the leave to start
 - In the case of adoption, you will need to confirm the adoption matching date and the actual date of the placement

Ordinary Paternity leave (OPL)

10. OPL is the provision to take either 1 or 2 consecutive weeks leave to care for a newborn or newly adopted child.
11. If you wish to take 5 days paid maternity support leave, this will replace the first week of OPL so that no more than 2 weeks in total can be taken.
12. You are entitled to take ordinary paternity leave if you:
 - are the biological father of the child born on or after 3 April 2011
 - are married to or are the partner of the child's mother
 - are adopting a child with your partner or receive notification that you are matched with a child for adoption on or after 3 April 2011
 - expect to have responsibility for the child's upbringing
 - are not taking adoption leave for the child
13. You should inform your manager providing 4 weeks notice of your wish to take OPL. In the case of a premature birth you should inform your manager as soon as possible. Notification should include:

- the expected date of the child's birth or date of adoption
 - the actual date of the child's birth or date of adoption
 - the start date of the paternity leave and pay
 - the amount of leave that you wish to take
 - your relationship to the mother or primary adopter
14. OPL cannot start before the date of childbirth or start of adoption placement and must be completed within 56 days of childbirth or adoption. If the child is born early, OPL must be completed up to 56 days after the expected week of childbirth.
15. If you are adopting a child from overseas, your leave cannot begin before the child enters Great Britain and must start within 28 days of entry. OPL may only be taken during the period of 56 days beginning with the date on which the child enters Great Britain.
16. If an early birth means that the qualifying criteria for length of service is not met, you will still qualify if (but for the date of the birth) you would have met the conditions.
17. Only one period of paternity leave can be taken in the case of a multiple birth or adoption.
18. You may still take paid leave if the baby is stillborn after 24 weeks or if the baby is born alive at any point during the pregnancy but dies later.

Payment of Ordinary Paternity Leave

19. The **statutory paternity pay** rate per week for Ordinary Paternity Leave is reviewed annually or is 90% of your average earnings (whichever is lower).
20. To be eligible for paid OPL you must have worked continuously for Wiltshire Council for 26 weeks before the qualifying week, i.e. at:
- the end of the 15th week before the expected week of childbirth
 - the week in which the child's primary adopter is notified as being matched with the child
 - the week the child enters the UK if it is an overseas adoption
21. You must have average weekly earnings for the 8 weeks up to and including the qualifying week of at least the **lower earnings limit** for the payment of NI contributions which is reviewed annually.

22. You must self-certify your eligibility for ordinary paternity pay by completing the **notification of maternity support and paternity leave** form and forwarding to HR payroll administration at least 4 weeks before you wish to start ordinary paternity leave.
23. If you do not qualify for paid OPL you will be issued with a **SSP1** form by HR payroll administration.
24. If your paternity leave is for adoption you should declare that you have elected to receive statutory paternity pay (adoption) and not statutory adoption pay.

Additional Paternity Leave (APL)

25. APL is for a maximum of 26 weeks (in addition to the 2 weeks ordinary paternity leave) and must be taken as one consecutive period.
26. To be eligible for APL, you must already have qualified for ordinary paternity leave and have continuous service with Wiltshire Council.
27. You may only take APL if the child's mother or primary adopter has returned to work before the end of their full maternity entitlement and wishes to transfer their entitlement. You will not be able to take APL at the same time as they are on maternity leave.
28. You may take APL any time from 20 weeks after the child is born or adopted and must finish before their first birthday or before 52 weeks after the child starts living with the adopter.
29. You must notify your manager in writing at least 8 weeks before the start of the intended leave. In the case of a premature birth you should inform your manager as soon as possible. Notification should include:
 - the expected date of the child's birth or date of adoption
 - the actual date of the child's birth or date of adoption
 - the start date of the additional paternity leave and pay
 - the amount of leave that you wish to take
 - your relationship to the mother or primary adopter
30. You must also provide your manager with details of the mother's or primary adopter's place of work, their declaration that they will be returning to work and that you will be the only person exercising the right to APL.

Payment of Additional Paternity Leave

31. If you are eligible for APL, you may be entitled to receive statutory paternity pay during the mother's or primary adopter's maternity pay, maternity allowance or adoption pay period.
32. If the mother or primary adopter does not qualify for statutory maternity pay, adoption pay or maternity allowance, you will not be entitled to statutory paternity pay.
33. The **statutory paternity pay** rate per week for Additional Paternity Leave pay is reviewed annually or is 90% of your average earnings (whichever is lower).
34. If you do not qualify for paid APL you will be issued with a **SSP1** form by HR payroll administration.

Keeping In Touch days

35. You may work during your APL on a keeping in touch (KIT) day without it affecting your right to additional paternity leave or pay.
36. KIT days are an optional arrangement on both sides. Your manager is not obliged to provide KIT days and you will not have to work a KIT day if you do not wish to do so. Your manager will discuss the arrangements for working KIT days with you.
37. If you work for part of the day (e.g. coming in to work for a one hour training session in a day) this will count as one KIT day.
38. You will be paid for the actual hours that you work on your KIT day at your standard hourly rate.
39. If you are in receipt of APL pay, this will be offset against your KIT payment.
40. If you work over the 10 KIT days allowance during your additional paternity leave, this will bring to an end your entitlement to additional paternity leave and pay.
41. Your manager should complete the **KIT day form** and send to HR payroll administration.

Returning from Paternity Leave

42. You should inform your manager when you expect to return from paternity leave in your initial request.

43. If you wish to return from additional paternity leave early, you must give at least 6 weeks notice before your earlier return date.
44. Following additional paternity leave, you have the right to return to the same job as before your paternity leave on no less favourable employment terms and conditions.
45. If you do not wish to return from additional paternity leave you must give notice as outlined in your employment contract.

Service redesign

46. In cases of service redesign that may affect your job role whilst you are on paternity leave, you have the same right to be consulted as other employees.
47. You will be invited to attend any collective consultation meetings which take place and will be offered an individual consultation meeting at a mutually convenient time and location. This will be counted as a KIT day and will be included in your KIT day entitlement.
48. You will be considered for jobs in the new structure at the same time as other employees affected by the re-structure.

Annual leave

49. You will continue to accrue annual leave entitlement and entitlement to any bank holidays that fall within the maternity support and paternity leave period. Annual leave accrued may be added to the beginning or end of the additional paternity leave.
50. Any annual leave accrued can only be carried forward to the next leave period in line with the arrangements for all other employees (i.e. a maximum of 5 days)

Roles and responsibilities

Employee responsibilities

51. To inform your manager as soon as possible of your wish to take maternity support or paternity leave.

52. To provide the required information in support of your request to take maternity support or paternity leave so that the relevant checks can be made.

Line manager responsibilities

53. To apply this policy fairly and consistently to all employees.
54. To ensure that the required information is provided and forwarded to HR payroll administration so that pay records can be amended.

HR responsibilities

55. To process requests for maternity support and paternity leave ensuring that pay records are amended accordingly.

Frequently asked questions

56. **When do I need to tell my manager that I am going to take maternity support leave?**

You should preferably tell your manager as soon as possible but providing no later than 4 weeks notice.

57. **When do I need to tell my manager that I am going to take ordinary paternity leave?**

You should preferably tell your manager as soon as possible but providing no later than 4 weeks notice.

58. **When do I need to tell my manager that I am going to take additional paternity leave?**

You must notify your manager in writing of your intention to take additional paternity leave at least 8 weeks before the start of the leave.

59. **What happens in the case of premature births? I will not be able to provide the required notice of my intention to take leave.**

In the case of a premature birth, notice to take leave should be as soon as possible.

60. **Can I take paternity leave before the baby is born to be with my partner?**

No. Your paternity leave cannot start until the birth of the baby. However, the 5 days paid maternity support leave may be used to attend antenatal appointments.

61. Am I allowed any paid time off to attend antenatal appointments?

Yes. You may use part of your 5 days maternity support leave entitlement to attend antenatal appointments.

62. What if I need more than 5 working days maternity support leave?

If you are eligible, you may request additional leave through the ordinary paternity leave and additional paternity leave entitlement.

63. Will the leave I take after the 5 days paid maternity support leave be paid?

The first week after this leave (known as ordinary paternity leave) will be paid at the **statutory paternity pay rate**.

Additional paternity leave after this time will be dependent upon the entitlement of the mother or primary adopter to maternity pay. If they qualify for statutory maternity pay or maternity allowance paternity pay may be paid.

64. What if my partner does not qualify for statutory maternity pay?

If your partner does not qualify for statutory maternity pay or maternity allowance, you will not be entitled to statutory paternity pay.

65. My partner and I are expecting/adopting twins, what leave am I entitled to? Do I get an entitlement for both children?

No. In the case of multiple births, only one period of maternity support, OPL and APL can be taken.

66. How does maternity support and paternity leave differ from parental leave?

These arrangements are independent of one another.

If you wish to take further leave in addition to the maternity support and paternity leave arrangements you should request this leave following the [parental leave policy](#)

Equal Opportunities

This policy has been Equality Impact Assessed to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly.

Legislation

Additional Paternity Leave Regulations 2010
Paternity and Adoption Leave (Amended) Regulations 2006

Advice and guidance

If you require help in understanding this policy or completing any of the associated forms you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

Further information

There are a number of related policies and procedures that you should be aware of including:

[Parental leave policy](#)

[Maternity policy](#)

[Adoption policy](#)

[Flexible working for parents and carers policy](#)

[Time off for family emergencies policy](#)

For further information please speak to your supervisor, manager, service director or contact your [HR advisor](#).

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