



SOLIHULL METROPOLITAN BOROUGH COUNCIL

PATERNITY LEAVE POLICY

This policy sets out the terms reached by those participating in the Council's Consultation and Negotiation Framework.

SMBC can provide information in a range of different ways, for example via the use of large print, audio, summarising large documents, interpretation, translation and British Sign Language interpreting services.

If you require this information in an alternative format or need assistance because English is not your first language, please contact your line manager or nominated Human Resources Advisor in the first instance for further support.

PATERNITY LEAVE POLICY

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Document revision dates

Version	Date	Reason for change
6	April 2018	Updated new SPP rates and GDPR statement added to policy and form
6.1	April 2019	Updated new SPP rates and EAP details
6.2	March 2020	Updated new SPP rates
6.3	April 2021	Updated new SPP rates
6.4	April 2022	Updated new SPP rates and EAP telephone number
6.5	April 2023	Updated new SPP rates
6.6	6 April 2024	Additional sections added neonatal care leave and pay, babies born with a disability, stillbirth, miscarriages, flexible working and further support for staff. Corrects qualifying service requirements for paternity leave and pay. Enhanced paternity pay and changes to how leave can be taken. New notification requirements.
6.7	May 2024	Additional wording added to section 5.5 on additional time off for adoption appointments for complex placements/siblings groups.

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1. INTRODUCTION

This policy sets out the rights of employees to paternity leave and pay. Looking forward to the arrival and care of a new baby is a busy and exciting time. This policy aims to guide you through your rights and responsibilities when taking paternity leave. We are committed to supporting a positive work-life balance for all our employees and recognise that time with your children is important.

This scheme also covers the entitlement of employees who wish to take paternity leave in an adoption or surrogacy situation. With a surrogacy arrangement, where a couple has a parental order in relation to a child, or is applying for one, one of the parents can be eligible for adoption leave and pay and the other can be eligible for paternity leave and pay. Although female employees are also eligible for paternity leave and pay, for the purpose of simplicity, this document refers to the word “father” in places.

Nothing in this guidance can be construed as providing less favourable terms than statutory rights.

Human Resources (HR) will always be happy to help with any questions or queries you may have. In addition, professional and trade union associations are also able to offer support and information.

If you work for **Core** Council, i.e. you get paid on the 15th of the month, the HR team’s contact details are:

Payroll & HR Administration – Corporate Services
Employee Service Centre
Council House Manor Square
Solihull
West Midlands. B91 3QB

Tel: 0121 704 8730 (hunt number)
Email: payandhradminendi@solihull.gov.uk
payandhradminchildrens@solihull.gov.uk
payandhradminadults@solihull.gov.uk
payandhradminpublichealth@solihull.gov.uk
payandhradminresources@solihull.gov.uk

Or if you work in a **school**:

Payroll & HR Administration – School Services
Employee Service Centre
Council House
Manor Square
Solihull
West Midlands. B91 3QB

Tel 0121 704 8726 or 8727
Email schoolshrea@solihull.gov.uk or schoolshreb@solihull.gov.uk

2. DEFINITIONS AND RATES

The following outlines some of the terms that are used in this document:

OPL	Ordinary Paternity Leave.
EWC	Expected Week of Childbirth. This is the expected week the baby will be born.
SPP	Statutory Paternity Pay. This is an amount set annually by the Government.
SMP	Statutory Maternity Pay. This amount is set annually by the Government.
SAP	Statutory Adoption Pay This amount is set annually by the Government
SSP	Statutory Sick Pay.
LEL	Lower Earnings Limit
Job	The nature of the work which you are employed to do and the capacity and place in which you are employed.
Childbirth	Childbirth means the birth of a living child, or the birth of a child whether living or dead after 24 weeks of pregnancy.
Average Weekly Pay	The amount payable to you under your current contract of employment. If there are significant variations in your salary, your average salary over the 12 weeks prior to the start of your Ordinary Paternity leave will be treated as a week's salary.
Qualifying week	15 th week before the Expected Week of Childbirth
HR	Human Resources
Partner	This is the person with whom the employee shares parental responsibility either the biological parent or the pregnant employee's partner – including same-sex partner

2024-25 rates (from 8 April 2024)

SMP and SPP (standard rate)	£184.03
LEL	£123.00

3. SCOPE

This policy applies to employees employed by us. It does not apply to agency workers, casual staff, contractors, consultants, or any self-employed individuals working for the Council or school.

4. ELIGIBILITY

To be eligible for Ordinary Paternity Leave, you will need to meet all of the below conditions;

- ✓ Be the child's biological father, or be the mother's spouse, civil partner, or partner if not the child's biological father; **OR**

Be the child's adoptive parent where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. (A separate policy is available in respect of adoption leave.) **OR**

You are the intended parent of a child in a surrogacy arrangement, where a parental order applies (A parental order transfers the parental rights from the surrogate so they become the 'intended parents' by law).

- ✓ Expect to have the main responsibility (apart from any responsibility of the mother/ partner) for the child's upbringing; **AND**
- ✓ Make the request to help care for the child or to support the child's mother/ adoptive parent; **AND**
- ✓ Be a SMBC employee with at least 26 weeks continuous service with SMBC or maintained school by the end of the 15th week before the EWC; **OR**

In respect of an adopted child, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

If you do not meet the above criteria, you may be eligible for the alternative Occupational Maternity Support Scheme / Adoption Support Scheme (available on the School Extranet).

5. ORDINARY PATERNITY LEAVE (OPL)

If you are eligible for Ordinary Paternity Leave (OPL), you may choose to take either one or two complete weeks of OPL; this needs to be in blocks of one week's leave and not by taking odd days here and there. If you take two weeks leave, these do not have to be taken together.

OPL can be taken at any point in the first year after the birth or adoption of the child.

You cannot take OPL before a child is born or placed for adoption.

You may take one period of OPL per pregnancy/ adoption, regardless of the number of children that are born as a result of the pregnancy, or the number of children placed under the same adoption arrangement.

5.1 Notice of intention of Ordinary Paternity Leave

If you wish to request OPL, you are required to notify your line manager and the Schools Pay & HR Admin team on schoolshrea@solihull.gov.uk or schoolshreb@solihull.gov.uk, by completing the OPL1 form, at least 15 weeks prior to the expected week of childbirth in order to establish your eligibility and entitlement, and then four weeks before each period of Ordinary Paternity Leave. This can be found in appendix 1.

This is a signed declaration to specify the child's EWC, the intended start date of the OPL periods and that the purpose of the request is to help care for the child or to support the child's mother.

5.2 Notification from SMBC

Within 4 weeks of receiving your OPL forms you will receive notification from HR confirming your relevant start and end date of the OPL.

5.3 Changing the date of the Ordinary Paternity Leave

If you have chosen an OPL start date, but subsequently wish to change your mind on the date, please let your line manager and HR Payroll team know in writing, at least 4 weeks before the revised start date; or as soon as is reasonably practicable, if you are not in a position to do so, e.g. if the child is born prematurely.

5.4 Time off for antenatal care

You have the right to paid time to accompany the pregnant mother with whom you are having a child at up to two antenatal appointments. This could be if you are the spouse or partner of the pregnant woman, or you could be living with the pregnant woman in a family relationship. In addition, you will be eligible for the time off if you are the biological father of the expected child.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife, or nurse. You must produce evidence of the appointments, if requested by your manager. You should give your manager as much notice as possible of the appointments and try to arrange them as near to the start or end of the working day. Employees using the flexi-time scheme, whose appointments are scheduled during normal working hours, are entitled to a credit up to their normal standard hours.

It is expected that usually no more than half a day is needed to travel to and attend an antenatal appointment.

5.5 Time off to attend adoption appointments

If you are adopting a child, you are entitled to take time off to attend adoption appointments.

If you are part of a couple jointly adopting a child, you both take paid time off to attend up to five adoption appointments. Prospective adopters who adopt a siblings group or adopt children with complex and specialist needs (these children require specialist care, so adopters may have to undergo specific training to equip them with the appropriate skills), an additional **three** paid adoption appointments may be granted to acknowledge the extra meetings and training that may be required for this particular need.

The purpose of the appointment is to enable you to have contact with the child (for example, to bond with them before the placement) or for any other purpose connected with the adoption (for example, to meet with the professional involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. A letter or email from the adoption agency may be requested as evidence of the appointments.

You should give your manager as much notice as possible of the appointments and try to arrange them as near to the start or end of the working day, where possible. Employees using the flexi-time scheme, whose appointments are scheduled during normal working hours, are entitled to a credit up to their normal standard hours.

5.6 Premature birth / Neonatal care leave and pay

The term "premature" refers to babies born at less than 37 weeks' gestation. When a baby is born too early some aspects of their development are not complete and they may not be ready for life outside of the womb. Many of these babies therefore will need urgent neonatal care after birth and are likely to be hospitalised for a longer period than babies born at full term. This means parents of premature babies will often have to wait weeks for their newborn baby to be allowed home.

During the period babies remain in hospital, parents often have to travel back and forth from hospital. For parents with other children this can be particularly challenging as they manage the birth of their premature baby alongside their other children.

5.6.1 Neonatal care leave

If your baby is born before 37 weeks and is required to stay in hospital for specialist neonatal care for at least 7 days within the first 28 days of birth, you will be entitled to receive neonatal care leave. This is for up to a maximum of 12 weeks and must be taken in the first 68 weeks after the baby's birth. Neonatal care leave can be taken in days and not necessarily in blocks of one week. It is important that you keep your line manager updated as to when the baby's specialist care is completed.

Parents will have a day one right to time off from work in these circumstances and would be in addition to any paternity leave entitlements.

5.6.2 Neonatal care pay

If you need to take neonatal care leave, the Council will ensure you are paid at full pay during this time, up to a maximum of 12 weeks. There is no qualifying period for this enhanced rate. Your normal entitlement to paternity leave will continue to apply and will not be affected by neonatal leave. This should hopefully provide some peace of mind so that your focus can be on your baby without having to worry about pay or using up your paternity leave.

5.7 Babies born with disabilities

Knowing that your child has a disability can be life changing. The Council and school will support parents when their child has a disability and show flexibility and compassion. Our Carer's Policy details how parents of children with a disability can request paid time off from work to attend to their caring responsibilities. We would encourage parents to complete a Carers Agreement with their line manager on return to work to document the support that can be put in place to help balance their work and caring responsibilities.

Our Employee Assistance Programme offers practical and emotional support for you and your family 24/7. The details for the helpline and other charities can be found in section 8.

5.8 Loss of a baby

We are so sorry when an employee experiences pregnancy loss, in any form, as we know it is extremely distressing, regardless of how early in pregnancy the loss occurs. The Council have

signed the Miscarriage Association's Pregnancy Loss Pledge to ensure support is in place for employees affected by pregnancy loss. In doing so, the Council has pledged its commitment to the pregnancy loss standard set by the Association. The Council is committed to creating a supportive work environment for those experiencing pregnancy loss by showing them flexibility when returning to work and ensuring guidance and resources are in place.

Please also refer to the guidance document 'Supporting employees experiencing pregnancy loss for more information on how we can support you.

A miscarriage means the loss of a baby before the end of the 24th week of pregnancy. In this very sad event, you unfortunately will not qualify for OPL, but you may be granted compassionate leave, and you are entitled to take emergency time off for dependants during this extremely difficult time, as detailed in the Leave of Absence policy. You may also want to consider taking a period of annual leave. You should request this in the usual way, and we will consider any request sympathetically. We will also consider requests for periods of unpaid leave and working in a hybrid way, where the role allows. You should discuss this with your line manager.

5.9 Stillbirth

We are so sorry when an employee experiences a stillbirth as we know it is extremely distressing for all those involved. If the child is stillborn in the first 24 weeks of pregnancy, you unfortunately will not qualify for OPL, but you are entitled to take emergency time off for dependants and you may be granted compassionate leave during this extremely difficult time, as detailed in the Leave of Absence policy. If the stillbirth occurred after the 24th week of pregnancy, or if the mother dies in childbirth, you will still qualify for OPL, if you would have otherwise been eligible to take it.

Statutory parental bereavement leave and pay is available to parents of a child who dies before they turn 18, including an employee whose partner suffers a stillbirth after 24 weeks of pregnancy, or whose child is born alive but dies after birth. Parental bereavement leave can be taken alongside your paternity leave. More details can be found in the Leave of Absence policy.

Any information you share with line managers and HR is confidential. Colleagues will only be told about the stillbirth if this is what you want. Your line manager will discuss your wishes with you. You can also access support by approaching your HR Advisor or the Employee Assistance Programme.

6. LEAVE CONSIDERATIONS

Being on paternity leave does not affect your length of service with the Council or school. Your period of paternity leave will be counted as continuous service.

6.1 Annual leave

Annual leave will continue to accrue throughout your paternity leave.

6.2 Ordinary Parental leave

There is an opportunity, dependent on your length of service, for you to take advantage of the right to unpaid parental leave of up to 4 weeks at the end of your paternity leave; the Parental leave scheme is available on the Intranet / school extranet or from HR.

6.3 Shared Parental Leave

Shared parental leave enables mothers or adopters to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner/co-parent.

You can choose to take both ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first. An employee cannot take ordinary paternity leave if they have already taken a period of shared parental leave in relation to the same child.

Further details are available in the Shared Parental Leave Scheme available on the Intranet / Schools Extranet.

7. PAY

7.1 Pension Contributions

If you are a member of the Local Government Pension Scheme (LGPS) or Teachers Pension Scheme, we will make employer pension contributions during any period of paid paternity leave. This will be based on the contribution rate effective at the time and will be based on the amount of any paternity pay you receive.

7.2 Contractual Benefits

You are entitled to receive all your contractual benefits, except for your salary, during the second week of Ordinary Paternity Leave

7.3 Pay

For your convenience, current rates of Statutory Paternity Pay and Lower Earnings Limit are on page 5 of this document.

SPP is treated as earnings and is therefore subject to PAYE and National Insurance deductions. It is paid to you whether or not you decide to return to work after taking Ordinary Paternity leave.

7.4 ORDINARY PATERNITY PAY (OPP)

If you have 26 weeks' continuous service with SMBC at the 15th week before the Expected Week of Childbirth, satisfy the eligibility criteria (see page 5) and earn more than the LEL you shall be entitled to:

1 st week	1 week of your normal weekly earnings
plus	
2 nd week (if taking 2 weeks)	1 week of your normal weekly earnings

If you earn less than the LEL or if you do not have 26 weeks' service with SMBC, you may be eligible for the Occupational Maternity Support Scheme (available on the School Extranet).

SPP can start on any day of the week in accordance with the date you start your OPL.

8. FLEXIBLE WORKING

Employees have the right to **request** flexible working. This request must be in writing and should identify the proposed hours, work pattern or working arrangement, the intended start date of this new work arrangement and provide a rationale on how the new working pattern can be accommodated.

However, it is not an automatic right for you to work flexibly as there can be circumstances where your department cannot accommodate your desired working arrangement.

The aim of the request is to facilitate discussion and encourage both yourself and your manager to consider flexible working arrangements and find a solution that suits you both.

If you are considering requesting a change to your working hours, then it is recommended that you speak to your manager and complete the flexible working form as soon as possible. It can take up to two months to consider your request and to make a decision, so it is important to plan ahead.

The Flexible Working policy and form are available on the Council's Intranet / School's Extranet sites. You can also contact your HR Advisor for further advice.

8.1 Career Breaks

The Council's career break scheme is available if you want to apply for an unpaid break from work following your period of paternity leave or at any other time.

The Career Break scheme guidance can be found on the Intranet / School Extranet.

9. SUPPORT

9.1 Employee Assistance Programme

Solihull MBC offer a free and confidential information, support and counselling service for employees, the Employee Assistance Programme run by Health Assured. The service gives employees a place to turn for support any time of day or night, 365 days a year. Support is available for whatever issues you might be facing; personal or work-related problems including parenting issues, stress, depression, medical issues, marriage and relationship issues, financial and tax problems and more. To use the confidential service employees can contact the freephone number **0800 028 0199**, or via the live web chat facility or request a call back via the website: [Wisdom \(healthassured.org\)](https://www.healthassured.org). You will need to create a new account with an email address and password of your choice. The website also features WisdomAI which is a search engine which combines their counsellor's knowledge with the latest artificial intelligence to help you find answers fast.

There is also the '**Wisdom**' Mobile App that offers employees access to online webinars, podcasts, factsheets and tailored programmes online, allowing them to take control of their wellbeing independently, or alongside their counselling support. The Wisdom app provides an enhanced set of wellbeing tools and features designed to improve your mental and physical health by using personal metrics to set goals and achievements. It is available on the Apple Store and Google Play store and you will need to use the **employer code which is MHA109491**.

9.2 Assistance with childcare costs - Childcare vouchers / Tax-Free Childcare Scheme

The Government closed the Childcare Vouchers scheme to new entrants in 2018 and so employees are no longer able to join the Edenred scheme. Existing members will continue to receive childcare vouchers as they do now as long as their child remains eligible*, they stay with the same employer, and they have had a salary sacrifice adjustment to their pay and received vouchers within any 12-month period.

**Eligibility will end 1st September after the child's 15th birthday, or 1st September after their 16th birthday if they are disabled.*

For existing members of the Edenred scheme, information on the scheme can be found on www.childcarevouchers.co.uk in the parent section or by contacting the Edenred helpdesk by calling 0800 247 1233.

For new parents, or parents who did not join the voucher scheme, the government offer a form of childcare funding support for working parents, called **Tax-Free Childcare (TFC)**.

Tax-free childcare gives eligible families up to £2,000 free per child towards childcare costs. Tax-free childcare is a government-backed scheme which helps parents with the cost of childcare. The scheme gives eligible families an extra 20% towards childcare costs. The scheme's available to parents of children up to and including the age of 11 (or until they turn 17 if you've children with disabilities).

Some people who are currently receiving childcare vouchers might be better off claiming tax-free childcare instead. If you're thinking of switching, it's important you see how much you'd get which each scheme before switching, as you can't go back to vouchers once you've moved over to tax-free childcare.

To find out more about which option is best for your own circumstances, there is a useful document on the Edenred website: '[A parent's guide to childcare vouchers and tax-free childcare](#)'.

For more information and eligibility criteria on the government's Tax-Free Childcare scheme please visit <https://www.childcarechoices.gov.uk/> or <https://www.gov.uk/tax-free-childcare>.

9.3 Trade Unions

If you are a trade union member, you can seek help and guidance from your trade union representative.

9.4 Employee Wellbeing pages of Intranet

The Employee Wellbeing section of the Council's Intranet has links to local and national resources charities and campaigns and a suite of wellbeing tools. A Wellbeing Action Plan can be a useful tool to identify what helps you to have good wellbeing at work, what might trigger you to have poor wellbeing and how you can manage your wellbeing more effectively.

9.5 Other sources of support

The Council has many policies/arrangements aimed at enabling you to balance work and home life both now and in the future and include:

- Flexible working
- Shared Parental leave
- Maternity Support leave
- Carers policy
- Career break scheme
- Leave of Absence policy

External links:

Paternity Scheme: May 2024 (v6.7)

Solihull Council's Parenting Team provides a range of supportive groups and workshops for parents and carers in Solihull, taking place both face-to-face and virtually, and all free of charge.

[Solihull Council's Parenting Support Team](#) provides a range of supportive groups and workshops for parents and carers in Solihull, taking place both face-to-face and virtually, and all free of charge.

[Childcare Choices](#) Information on childcare costs

Family & Childcare [Daycare Trust](#) Information on childcare

[Maternity Action](#) Promotes wellbeing of pregnant employees, new parents and families, also information on parental rights and benefits

[Gingerbread](#) Information for lone parents

[Working Families](#) Information for working families and carers

[The Miscarriage Association](#) Information and support on miscarriage and entopic pregnancy

[The Lily Mae Foundation](#) is a local, Solihull based charity, who offer bereavement support for families who have lost a baby to Stillbirth, Neonatal Death, Miscarriage or Medical Termination in the West Midlands and Warwickshire.

[Tommy's](#) Information aimed at and preventing premature birth, miscarriage and stillbirth

The charity [Contact](#) has advice and information for families with disabled children.

10. DATA PROTECTION

When managing your paternity leave and pay, the Council processes personal data that has been collected in accordance with its Data Protection policy. Data collected from the point at which you inform the Council of your wish to take paternity leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing your paternity leave and pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Protection policy. It may also constitute a disciplinary offence, which will be dealt with under the Council's disciplinary procedure

OPL1 - NOTIFICATION OF ORDINARY PATERNITY LEAVE
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Surname:	Forenames:	Directorate or School:	Employee No:
Address:		Work Tel No:	
Home Tel No:		Work email address:	
Home email address:		SMBC Start Date:	

Please complete this form and return it to the Payroll & HR Administration team at least 15 weeks before the Expected Week of Childbirth/ notification of the match, in order to establish your eligibility and entitlement. You will need to provide at least 4 weeks' notice for each period of leave.

1. The baby is due on/ the date on which child is expected to be placed:

Day	Month	Year
-----	-------	------

2. If the baby has been born, please enter the actual date of birth or adoption:

Day	Month	Year
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3. I wish to start Ordinary Paternity Leave on

Day	Month	Year
Day	Month	Year

4. I will be away from work for (please circle)

One week	Two weeks
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I declare that I wish to take Ordinary Paternity Leave and:-

I am the child's biological father, or the mother's spouse, civil partner, or partner/co-parent (if not the child's biological father), OR

I am the child's adoptive parent where a child is matched or newly placed with them for adoption. OR

I am the intended parent of a child in a surrogacy arrangement, where a parental order applies.

AND

I expect to have the main responsibility (apart from any responsibility of the mother/ partner) for the child's upbringing; AND

I am making the request to help care for the child or to support the child's mother/ primary adopter; AND

I am an SMBC employee with at least 26 weeks continuous service with SMBC by the end of the 15th week before the EWC/ notified of match for adoption.

Signature:

Date:

**DATA PROTECTION
FAIR PROCESSING NOTICE**

All information supplied on this form may be held and used as detailed below:

The form will be passed to the Human Resources department to process your paternity leave and to ensure that you receive the pay and other benefits to which you are entitled. The line manager will also retain a copy of the form to manage the paternity leave absence and to allow effective workforce management.

The information you provide may be shared with third parties such as other Local Authorities, the Department of Work and Pensions (DWP), HMRC and pension scheme providers.

For further information about how we use your information please refer to the Council's Data Protection Policy on the Intranet and Privacy Statement on www.solihull.gov.uk.