
Paternity and Maternity Support Leave Procedure

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Approvals (if required)

Date Employment Committee gave authorisation for changes (where necessary)

Change History

Version	Date	Description of Changes	Changes made by
1.3	July 24	Moved to standard template. Policy title changed to Paternity and Support Leave procedure. Guidance on taking of leave updated to reflect legislative changes. Parental Bereavement Leave added.	Liz Richardson
1.2	Oct 23	Added information on Maternity Support Leave	Carly Morehouse
1.1	Aug 20	Document created	Sarah Darby

Contents

Contents	2
1 Introduction	3
2 Equality	3
3 Purpose.....	3
4 Principles.....	3
5 Scope	4
6 Definitions, Entitlements and Eligibility.....	4
6.1 Ordinary Paternity Leave (OPL) and Statutory Paternity Pay (SPP)	4
6.2 Maternity Support Leave (MSL).....	5
7 Notification	5
8 Alternative Entitlements	5
8.1 Shared Parental Leave	5
8.2 Adoption.....	6
8.3 Attending Ante-Natal appointments	6
8.4 Other Terms and Conditions.....	6
9 Parental Bereavement Leave.....	6

Bracknell Forest Council

Paternity and Maternity Support Leave Procedure

1 Introduction

The Council's Paternity and Support Leave procedure outlines an employee's statutory right to Paternity and Maternity Support leave, including the process, eligibility, and entitlement framework. The procedure ensures that all eligible employees are aware of their entitlements and treated fairly and equitably.

2 Equality

At Bracknell Forest Council we are committed to ensuring equality, diversity, and inclusion among our workforce, and eliminating unlawful discrimination. We want everyone that works for us to feel that their individuality is respected, and their unique contributions are valued.

The aim is for our workforce to be truly representative of all sections of society and our customers, creating conditions where each employee feels respected, can perform at their best, are treated as individuals and celebrated for their uniqueness.

The Council, in providing goods and/or services and/or facilities, is also committed to equity, celebrating diversity, inclusion and against unlawful discrimination of customers or the public.

3 Purpose

The purpose of this policy is to outline the provisions that are in place to enable employees to take time off work to support their partners during and after childbirth. Separate policies and procedures are in place for Maternity Leave, Adoption Leave, Shared Parental Leave and Foster Carers and can be found on the intranet.

4 Principles

All eligible employees have a statutory entitlement to two weeks Ordinary Paternity Leave.

Employees must earn over the lower earnings limit for National Insurance contributions to qualify for Statutory Paternity Pay.

Employees may also be entitled to Maternity Support Leave which is a day one right.

5 Scope

This procedure applies to all employees of Bracknell Forest Council, with the exception of:

- School based staff (see separate School policy)
- Casual Workers
- In relation to Maternity Support Leave, employees who are not employed on either NJC or Soulbury terms and conditions of employment.

6 Definitions, Entitlements and Eligibility

The definitions, entitlements, and eligibility criteria for Ordinary Paternity Leave (OPL), Statutory Paternity Pay (SPP) and Maternity Support Leave (MSL) are set out in sections 6.1 and 6.2 below.

Employee's eligible for both MSL and OPL can choose how they take this from the following options:

- a) One week of MSL plus one week of OPL
- b) One or two weeks OPL only
- c) One week MSL only

Note: you can only choose one option from the list above.

6.1 Ordinary Paternity Leave (OPL) and Statutory Paternity Pay (SPP)

Eligible employees have a statutory entitlement to two weeks Ordinary Paternity Leave following the birth of the child, paid at the current Statutory Paternity Pay (SPP) rate, current rates are: [Paternity pay and leave: Pay - GOV.UK \(www.gov.uk\)](https://www.gov.uk/paternity-pay-and-leave). Employees who earn less than the current rate for SPP will receive 90% of their normal earnings.

OPL can be taken any time within 52 weeks of the birth of the child, but may not commence before the baby is born. The leave can be taken as either a period of one or two consecutive weeks or as two separate periods of one week.

Eligibility Criteria:

To be eligible for OPL and SPP, the employee must meet the following criteria:

- Be either the biological father or married to/the partner of the child's birth parent.
- Is intending to have responsibility for the upbringing of the child.
- Have worked for the Council for 26 weeks by the end of the 15th week before the expected week of childbirth.
- Earn over the lower earnings limit for National Insurance contributions: [Rates and allowances: National Insurance contributions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/national-insurance-rates)

Employees who earn less than the lower earnings limit for NI contributions may still be entitled to OPL without SPP. Please contact the Human Resources team for further details.

6.2 Maternity Support Leave (MSL)

MSL is a day one right for all Council employees employed on either NJC or Soulbury Terms and Conditions of Employment, who meet the eligibility criteria, to receive five days leave at full pay. There is no qualifying service requirement for MSL.

To be eligible for Maternity Support leave, an employee must meet the following criteria:

- Be employed on NJC or Soulbury terms and conditions of employment.
- Be either the biological father or married to/the partner of the child's birth parent.
- Be the nominated carer of an expected birth parent*.

(*A nominated carer is someone nominated by the birth parent to assist in the care of the child and to provide support to the birth parent.

7 Notification

Employee's will be required to give notice in writing of their intention to take OPL or MSL, no later than the 15th week before the expected week of childbirth. However, where this is not possible, employees may still take OPL or MSL as long as notice is given as soon as is reasonably practical. To qualify for SPP employees must give at least four weeks' notice of their chosen dates before their OPL begins.

In order to receive payment, employees must complete the Paternity & Support Leave form (available on the Intranet) with the following information and send to the HR team a minimum of four weeks prior to leave commencing:

- The date the baby is due.
- The date/s they intend to start OPL/MSL.
- Whether they intend to take either one- or two-weeks OPL/MSL.
- Whether they intend to take this in one or two blocks.

If an employee wishes to change the start date of their Paternity leave, they must give four weeks' notice, or if this is not possible, as soon as is reasonably practical.

8 Alternative Entitlements

8.1 Shared Parental Leave

If a parent opts to take shared parental leave before taking Paternity leave, the right to Paternity leave is lost. Further information about shared parental leave is available on the intranet [Shared parental leave \(sharepoint.com\)](https://sharepoint.com).

8.2 Adoption

Adoptive parents must have worked continuously for the Council for 26 weeks by the date they are matched with the child (UK adoptions) or when the child arrives in the UK (overseas adoptions). Parental leave for adoptive parents can start on the date of placement; for an agreed number of days before; or on the date the child arrives in the UK (overseas adoptions). Further details are available on the intranet [Family friendly leave \(sharepoint.com\)](#).

8.3 Attending Ante-Natal appointments

An employee who will be taking Paternity leave is entitled to take unpaid leave to attend up to two ante-natal appointments. The employee can take up to 6.5 hours for each appointment. This time includes travel to and from the appointment. Employees are requested to notify their manager in advance of their attendance at these appointments and wherever possible give a minimum of one week's notice.

As this entitlement is unpaid, the time taken should not be included on an employee's timesheet or flexi sheet.

8.4 Other Terms and Conditions

Employees who are employed on terms of conditions of employment, other than NJC or Soulbury, may also be entitled to paid Paternity leave. In such cases, the same principles apply in that statutory Paternity pay will be adjusted accordingly, and a Paternity Leave Form should be completed to enable the Council to reclaim a portion of the statutory payment.

9 Parental Bereavement Leave

Parental bereavement leave applies to parents losing a child under the age of 18, or a baby stillborn at 24 weeks or later. More information can be found on the intranet [Compassionate leave \(sharepoint.com\)](#)