

Ordinary Statutory Paternity Pay and Leave (also known as birth and adoption support pay & leave)

An employee's employment rights (like the right to pay, holidays and returning to a job) are protected during paternity leave. (See [employee rights when on maternity, paternity, adoption, shared parental and parental leave](#).)

Centrally employed teachers should contact Employee Services as they receive a different payment.

PATERNITY

Eligibility
<p>Employees must:</p> <ul style="list-style-type: none"> • have worked for local government continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week') • be classed as an employee (paternity leave only) • be employed by the council up to the date the child is born (or placed with the adopter) (paternity pay only) • be on the payroll and earn at least £113 a week (gross) in an eight week 'relevant period' (paternity pay only) • give the correct notice • be taking time off to look after the child • be the father of the child, or is the mother's husband, civil partner or partner • be responsible for the child's upbringing <p>The qualifying week is different if the employee is adopting.</p> <p>They must also be one of the following, the:</p> <ul style="list-style-type: none"> • father • husband or partner of the mother (or adopter) • child's adopter
If the child is born early
<p>If the child is born early, the employee is still eligible if they've worked for local government continuously for at least 26 weeks by the expected week of childbirth.</p>
Entitlement
Ordinary Statutory Paternity Leave (OSPL)
<p>Eligible employees get either one or two weeks consecutive leave - even if they have more than one child (eg twins).</p>

<p>Leave can't start before the birth. The start date must be one of the following:</p> <ul style="list-style-type: none"> • the actual date of birth • an agreed number of days after the birth • an agreed number of days after the expected week of childbirth <p>Leave must finish within 56 calendar days of the birth (or due date if the baby is early). The start and end dates are different if the employee is adopting.</p>
<p>Ordinary Statutory Paternity Pay (OSPP)</p> <p>Ordinary Statutory Paternity Pay for eligible employees is either £140.98 (at 2 April 17) a week or 90% of their average weekly earnings (whichever is lower).</p> <p>Herefordshire Council will pay eligible employees full pay for two weeks, including the OSPP element.</p> <p>Paternity pay can only be paid while the employee is on paternity leave. Tax and National Insurance are deducted.</p>
<p>If the baby does not live</p> <p>Employees still qualify for leave and pay if the baby is either:</p> <ul style="list-style-type: none"> • stillborn from 24 weeks of pregnancy • born alive at any point in the pregnancy
<p>Procedure</p>
<p>Ordinary Statutory Paternity Leave (OSPL)</p> <p>Employees must complete and give their manager form BAS01 birth or adoption support request form for:</p> <ul style="list-style-type: none"> • leave - no later than 15 weeks before the week the baby is expected • pay - 28 calendar days before they want their pay to start <p>The manager</p> <ul style="list-style-type: none"> • considers the request and responds within seven calendar days • sends the form to HR services who write to the employee confirming the dates • makes sure that the absence is recorded via Business World self-service.
<p>Changes to leave dates</p> <p>Employees must tell their manager within 28 calendar days if the date of placement (or UK arrival date for overseas adoptions) changes using form BAS02 variation to birth or adoption support request form. The council will write to them if it has to amend their leave start and end dates.</p> <p>Employees must give eight weeks' notice if they want to change their return date to work.</p>
<p>Late notice</p> <p>The leave or pay start date may be delayed if an employee doesn't have a reasonable excuse for providing the wrong amount of notice. To delay it, they will be informed in writing within 28 calendar</p>

days of their leave request.

ADOPTION

Eligible employees are entitled to paternity leave and pay if they're adopting a child.

Eligibility
<p>An employee adopting a child must:</p> <ul style="list-style-type: none">• have worked for local government continuously for at least 26 weeks by the end of the week they were matched with a child (UK adoptions)• have worked for the council continuously for at least 26 weeks by either the date the child arrives in the UK or when they want their pay to start (overseas adoptions)• be either married to, or the civil partner, or partner of the adopter/primary carer• confirm that their partner is getting Statutory Adoption pay in writing• meet the other eligibility conditions for paternity leave or pay
Proof of adoption
<p>Employees must give their manager proof of adoption to qualify for paternity pay. The manager may request proof if the request is for paternity leave only. Proof can be a letter from their adoption agency or their matching certificate.</p>
Procedure
<p>An employee adopting a child must give their manager form BAS01 Birth or adoption support request form for:</p> <ul style="list-style-type: none">• leave - no later than seven calendar days of their co-adopter or partner being matched with a child• pay - 28 calendar days before they want their pay to start <p>For overseas adoptions the form and notice period is different. Employees must complete and give their manager form BAS01 birth or adoption support request form:</p> <ul style="list-style-type: none">• the date of their 'official notification' and the estimated date the child arrives in the UK - within 28 calendar days of getting the notification• the actual date the child arrives in the UK - within 28 calendar days of this date• how much leave they want and when they want it to start - giving 28 calendar days' notice <p>The manager</p> <ul style="list-style-type: none">• considers the request and responds within seven calendar days• sends the form to HR services who write to the employee confirming the dates• makes sure that the absence is recorded via Business World self-service.
Late notice
<p>The leave or pay start date may be delayed if an employee doesn't have a reasonable excuse for providing the wrong amount of notice. To delay it, they will be informed in writing within 28 calendar</p>

days of their leave request.
Changes to leave dates
<p>Employees must tell their manager within 28 calendar days if the date of placement (or UK arrival date for overseas adoptions) changes using form BAS02 Variation to birth or adoption support request form. The manager will write to them if it has to amend their leave start and end dates.</p> <p>Employees must give eight weeks' notice if they want to change their return date to work.</p>
Leave start date
<p>An employee taking paternity leave because they're adopting can start their leave:</p> <ul style="list-style-type: none"> • on the date of placement • an agreed number of days after the date of placement • on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions) <p>Leave must be taken within 56 calendar days of the date of placement or the child's arrival in the UK (overseas adoptions).</p>

Document control

Version	Date issued	Description of change	Pages affected
2.0	Jan 16	Removed reference to additional statutory paternity pay and leave. Updated OSPP rate.	All
2.01	July 17	Updated minimum earnings, SMP rate and changed agresso to Business World	1-3
2.02	Feb 19	Amended wording within "Eligibility" to ensure inclusive language	1