# Paternity Policy

## Statement of policy and purpose of Policy

1. Spinnaker Trust Ltd (the Employer) recognises and respects the rights of parents to take time away from work in connection with childbirth. No-one will be subjected to a detriment for exercising their right to take paternity leave in accordance with this policy or for seeking to do so.
2. The purpose of this policy is to ensure that staff and managers are clear about entitlements to paternity leave, the process that should be followed for arranging leave and the terms that apply during and after paternity leave.
3. This policy is intended to summarise your statutory rights. If there is a contradiction between this policy and the statutory paternity leave entitlements that apply at any time, this policy shall be deemed to be amended, as necessary, to comply with legislative requirements.
4. This is a statement of policy only and does not form part of your contract of employment. We may amend this policy at any time at our discretion.

## Definitions

1. In this policy we will use the following definitions:
	1. **Expected Week of Childbirth:** the week, starting on a Sunday, in which your doctor or midwife expects your spouse, civil partner or Partner to give birth.
	2. **Partner:** someone with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle.
	3. **Qualifying Week:** the fifteenth week before the Expected Week of Childbirth.

## What is Paternity Leave and who is eligible to take it?

1. Paternity leave is the right for qualifying employees to take one or two weeks' ordinary paternity leave in connection with the birth of their child or a child for whom they have responsibility.
2. Employees may be entitled to shared parental leave. For details about shared parental leave you should refer to our Shared Parental Leave Policy.
3. If you are the expectant father or partner of the expectant mother, you have the right to take unpaid time off to attend up to two antenatal appointments (up to a maximum of six and a half hours each) with the child's mother. You do not have to work for us for a certain period of time to qualify for this right, but we can ask you for a declaration stating the time and date of the appointment, that you qualify for unpaid time off to attend an antenatal appointment with the expectant mother and that the appointment has been made on the advice of a registered medical practitioner.
4. To be entitled to paternity leave you must:
	1. still be employed and have at least 26 weeks of continuous employment at the end of the Qualifying Week;
	2. be either (i) the biological father of the child and expect to have some responsibility for its upbringing or (ii) be the civil partner or Partner of the child's mother and expect to have main (shared) responsibility (with the child's mother, co-adopter or adopter) for its upbringing;
	3. be taking the leave to care for the child or support the mother.
5. Paternity Leave is either one week or two consecutive weeks. It may not be taken in shorter intervals and must be taken in one go. It can start at any time from the date of the child's birth and must be completed within the following 56 days. However, if the child is born early (before the Expected Week of Childbirth) then the leave can be taken within 56 days of the start of that week.

## Giving notice of your Paternity Leave

1. Before the end of the Qualifying Week, or as soon as reasonably practical afterwards, you must tell us in writing that you wish to take Paternity Leave and confirm the dates of the Expected Week of Childbirth and when you would like your Paternity Leave to start. The start date can be specified as:
	1. the day of the child's birth;
	2. a specified number of days after the child's birth; or
	3. a specific date later than the first date of the Expected Week of Childbirth.

 We may also ask you for a signed declaration confirming the purpose of the leave.

## Changing the dates of your Paternity Leave

1. You can change the start date for your paternity leave by giving us written notice.
2. You must give notice:
	1. for leave due to start on the date of the child's birth, at least 28 days before the Expected Week of Childbirth;
	2. for leave due to start on a specified number of days after the date of the child's birth, at least 28 days less that specified number of days, before the Expected Week of Childbirth;
	3. for leave due to start on a specified date, 28 days before that date.
3. If you cannot give us 28 days' written notice as above, you must give notify us in writing of the change as soon as you can.

## Statutory Paternity pay

1. Statutory paternity pay will be payable if an employee or worker has been:
	1. working continuously for one company for at least 26 weeks ending with the 15th week before the expected week of childbirth
	2. has average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.
2. Ordinary statutory paternity pay will stop being payable if you return to work (except where you are simply keeping in touch in accordance with the arrangements described later in this policy).

## During Paternity leave

1. While you are on paternity leave, your normal terms of employment will continue to apply except for your entitlement to pay. In particular, benefits in kind shall continue and you will continue to accrue holiday. The effect of your paternity leave on your pension arrangements depends on the type of scheme in which you are participating and the terms of your participation. For further information on this, speak to the Office Team.

## When you return to work

1. In general, you will return to work in the same job and on the same terms as if you had not been
absent. However, in some cases where you have taken any period of parental leave in conjunction with your paternity leave then we may offer you another suitable role, on terms and conditions that are not less favourable than those that applied before your leave.
2. If you wish to change your working patterns when you return to work then you should make a request for flexible working in discussion with the Operations Manager. Flexible working requests take time to deal with so it's important that you make your request as soon as possible, otherwise you may have to return to work on the basis of your prior working patterns until the process of dealing with the request has finished.

## Rights to leave on adoption

1. Certain employees can take either adoption leave, paternity leave or shared parental leave in relation to the adoption of a child and adoption leave if they are to have parental responsibility for a child under a surrogacy arrangement. Please refer to the relevant policies.

## Data protection

1. When managing an employee's paternity leave and pay, the Employer processes personal data collected in accordance with its Data protection policy.
2. Data collected from the point at which an employee informs the Employer that they plan to take paternity leave is held securely and only disclosed for the purposes of managing their paternity leave and pay.
3. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Employer's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Employer's disciplinary procedure.

**Date last updated:**

January 2019
October 2022