

# **PATERNITY POLICY**

## **OF**

# **WINNS SECURITY SERVICES LIMITED**

### **1 INTRODUCTION**

These guidelines outline the company's paternity policy which applies to all eligible employees, allowing them to take ordinary paternity leave and pay and additional paternity leave and pay.

### **2 ORDINARY PATERNITY LEAVE ENTITLEMENT**

2.1 Employees must satisfy the following conditions in order to qualify for ordinary paternity leave. They must:

- 2.1.1 have or expect to have responsibility for the child's upbringing;
- 2.1.2 be the biological father of the child or the mother's husband/partner/civil partner (including same-sex relationships) or the child's adopter or the husband/partner/civil partner (including same-sex relationships) of the child's adopter;
- 2.1.3 have worked continuously for the company for 26 weeks ending with the 15<sup>th</sup> week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child.

### **3 LENGTH OF ORDINARY PATERNITY LEAVE**

3.1 Eligible employees can choose to take either one week or two consecutive weeks' ordinary paternity leave. It cannot be taken as odd days or as two separate weeks. They can choose to start their leave on any day of the week:

- 3.1.1 on or following the child's birth, but must be completed within 56 days of the actual date of birth (or 56 days after the expected date of birth if the baby is born early); or
- 3.1.2 from the date of the child's placement, but must be completed within 56 days of the date of placement.

3.3 Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

3.4 Ordinary paternity leave is in addition to unpaid parental leave.

#### **4 ORDINARY STATUTORY PATERNITY PAY**

4.1 During ordinary paternity leave, most employees are entitled to Ordinary Statutory Paternity Pay (OSPP) from the company. OSPP is paid by the company for either one or two consecutive weeks as the employee has chosen. To qualify for OSPP an employee must:

4.1.1 be the biological father or adopter of the child or be the mother's (or adopter's) husband/partner/civil partner and expect to have responsibility for the child's upbringing;

4.1.2 have worked continuously for the company without a break for at least 26 weeks by the end of the 15th week before the baby is due, or employed up to and including the week the employee/employee's wife/partner/civil partner was matched with a child;

4.1.3 continue to work for the company without a break up to the date the child is born or placed for adoption;

4.1.4 have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

4.2 The rate of OSPP is the lesser of the current weekly OSPP rate or 90% of average weekly earnings.

#### **5 NOTIFICATION OF ABSENCE**

5.1 Employees must inform the company of their intention to take ordinary paternity leave by the end of the 15th week before the baby is due, or within seven days of the employee/employee's wife/partner/civil partner being told by the adoption agency that they've been matched with a child. They must tell the company:

5.1.1 when the baby is due or when the child is expected to be placed with the employee for adoption;

5.1.2 whether they wish to take one or two weeks' ordinary paternity leave; and

5.1.3 when they want their ordinary paternity leave to start.

5.2 Employees can change their mind about the date on which they want their leave to start providing they tell the company at least 28 days in advance (unless this is not reasonably practicable). Employees must tell the company the date they expect any payments of OSPP to start at least 28 days in advance, unless this is not reasonably practicable.

## **6 SELF CERTIFICATE**

- 6.1 Employees must give the company a completed self-certificate as evidence of their entitlement to OSPP. The company can also request a completed self certificate as evidence of entitlement to ordinary paternity leave. The self certificate must include a declaration that the employee meets certain eligibility conditions and provide the information specified above as part of the notice requirements.
- 6.2 By providing a completed self certificate, employees will be able to satisfy both the notice and evidence conditions for ordinary paternity leave and pay. The company will not be expected to carry out any further checks.

## **7 ADDITIONAL PATERNITY LEAVE AND PAY**

- 7.1 Employees may be eligible to take up to 26 weeks' additional paternity leave. This is on top of their entitlement to two weeks' ordinary paternity leave. They may qualify if either:
- 7.1.1 they are the father of a child due on or after 3 April 2011; or
  - 7.1.2 their wife/partner/civil partner is pregnant and due to give birth to a child on or after 3 April 2011; or
  - 7.1.3 they and their partner receive notification that they are matched with a child for adoption on or after 3 April 2011; or
  - 7.1.4 their spouse/partner/ civil partner (including same-sex relationships) is adopting a child from overseas and the child enters Great Britain on or after 3 April 2011.
- 7.2 Additional paternity leave is for a maximum of 26 weeks and can be taken between 20 weeks and one year after the child is born or placed for adoption. It can only be taken once the employee's partner has returned to work from Statutory Maternity Leave or Statutory Adoption Leave and/or ended their entitlement to Statutory Maternity or Adoption Pay, or Maternity Allowance.
- 7.3 To qualify for additional paternity leave, the employee must have been with the company for at least 26 weeks by the qualifying week either:
- 7.3.1 the end of the 15th week before the start of the week when the baby is due; or
  - 7.3.2 the end of the week the employee is notified they are matched with a child (adopting within the UK); or
  - 7.3.3 the date the child enters Great Britain for the purposes of adoption (adopting from overseas).

The employee must still be employed with the company the week, which runs Sunday to Saturday, before they want to start their leave.

- 7.4 Employees may be eligible for Additional Statutory Paternity Pay (ASPP). To qualify:
- 7.4.1 employees must intend to care for the child during their ASPP period;
  - 7.4.2 employees must earn at least the lower earnings limit for National Insurance contributions in force at the end of the qualifying week; and
  - 7.4.3 the mother or adopter must have returned to work and stopped claiming any relevant pay, with at least two weeks of unexpired Statutory Pay period remaining.

The employee will only receive (ASPP) during the time their partner would have been receiving Maternity Allowance, Statutory Maternity or Statutory Adoption Pay. The rate is the lesser of the current weekly ASPP rate or 90% of average weekly earnings.

- 7.5 To qualify for additional paternity leave and pay employees must give the company notice in writing at least eight weeks before the start of the leave. This must include:
- 7.5.1 the expected date of the baby's birth or date of notified of being matched for adoption;
  - 7.5.2 the actual date of baby's birth, or placement of adoption;
  - 7.5.3 the start date of the additional paternity leave and pay;
  - 7.5.4 relationship to the mother.

- 7.6 Employees have the right to take unpaid additional paternity leave if they meet the eligibility criteria for leave but not pay. All additional paternity leave taken after the end of the Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period is unpaid.

## **8 RIGHTS DURING ORDINARY AND ADDITIONAL LEAVE**

Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to wages or salary, throughout their paternity leave. A period of paternity leave counts towards a period of continuous employment for the purposes of statutory employment rights. It also counts for contractually agreed arrangements based on length of service such as pay increments and assessing seniority.

## **9 RETURN TO WORK**

- 9.1 Employees are entitled to return to the same job following paternity leave on the same terms and conditions of employment as if they had not been absent, unless a redundancy situation has arisen.
- 9.2 Employees with a child aged 17 or under (or under 18 in the case of a disabled child) and who have been in continuous employment with the company for 26 weeks who wish to vary their working pattern have the right to request a flexible working pattern.