

SUMMARY OF PATERNITY LEAVE & PAY

FOR CWU REPRESENTED GRADES IN THE UK

Statutory Paternity Leave

Statutory Paternity Leave (SPL) is a form of leave that enables parents to spend time with their new family. Paternity leave is quite separate from parental leave. The right to SPL is given if you are an employee with a contract of employment and if you meet the following criteria:

In general you must:

- have at least 26 weeks continuous service with your current employer, ending before the 15th week before the baby is due (to be taken as the expected week of confinement (EWC) or by the end of the week in which you are notified of being matched with your child;
- be the biological father of the child or partner; husband; husband of the mother or partner (including same-sex relationship); or you are the child's adopter or the partner of the adopter;
- be fully involved in the child's upbringing and are taking time off to support the mother or care for the baby.

Amount of Statutory Paternity Leave

The level of SPL that may now be taken is two weeks. It can be taken in a block of one or two weeks but if the employee chooses to take one week off it is not possible to take the other week at a later stage. The leave can start on any day of the week but it must finish within 56 days of the baby being born or the adoption placement.

Paternity leave is in addition to your normal holiday.

Additional Paternity Leave & Pay

Parents of children whose expected week of birth (or matching for adoption) begins on or after 3rd April 2011 can take additional paternity leave. Fathers, partners or spouses (including same-sex) are entitled to a maximum of six months additional paternity leave (APL). To qualify you must be an employee.

To qualify for additional statutory paternity pay (ASPP) the mother or adopter must have: returned to work; stopped claiming any relevant pay, with at least two weeks of unexpired statutory period remaining and you must intend to care for the child during the ASPP. To the extent that APL is taken during the mother's 39 week maternity pay period it will be paid leave, paid at the same rate in the same way as Statutory Maternity Pay (SMP). Additional unpaid paternity leave can be taken if you meet the eligibility criteria for leave but not for pay. All such leave must be taken at the end of the SMP, maternity allowance (MA) or statutory adoption pay (SAP).

Notice to take Statutory Paternity Leave

To qualify for leave you must tell your employer in writing at least 15 weeks before the beginning of the week when the baby is due or within 7 days of being told by the adoption agency that you have been matched with a child. You must tell your employer:

- when the baby is due or when the child is expected to be placed with you for adoption;
- whether you want one or two weeks leave;
- when you want the leave to start.

You must give your employer 28 days notice of the date on which you want your Statutory Paternity Pay (SPP) to start. You can also change your mind about the date on which you want your SPP to start by giving 28 days notice.

Amount of Statutory Paternity Pay

SPP rates change fairly frequently, normally once a year. If statutory leave applies the pay rates will be as per those listed in government websites. The rates will be 90% of your average wages or the SPP rate, whichever is lower.

Rights during Paternity Leave

While on paternity leave, the employees' terms and conditions of employment, except for remuneration, remain the same. They have no right to be paid their normal wages or salary but may receive (SPP).

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Your employer will confirm this. After (SPL) employees do not need to give notice of their intention to return to work. They should simply return to work as usual.

Employees have the right to return to the job they left on the same terms and conditions of employment.

An employee has the right not to be subjected to a detriment or dismissed for asserting his or her right to take SPL. A dismissal on these grounds would be automatically unfair.

Remember

The above information sets out your basic rights once you have met the eligibility criteria. It is important you check with the business unit you work for because in the majority of cases they offer better terms than those outlined above.

CWU Negotiated Paternity Leave and Pay in the Main Business Units

The table below gives a synopsis of some of the rights enjoyed by CWU members.

BUSINESS UNIT	SERVICE REQUIREMENT	AMOUNT OF PAY
Alliance & Leicester	After 1 year's service	• 2 weeks at basic pay
BT Group	26 weeks (ending the 15th week before the child is due) to 1 year	• 2 weeks at basic pay rate + any regular allowances (can be taken in blocks of 1 or 2 consecutive weeks) • 2 weeks unpaid leave
Guernsey Post Office *	After 1 year's service	• 10 days paid pay
Isle of Man Post Office *	After 1 year's service	• 2 weeks paid leave
Jersey *	After 1 year's service	• 2 Calendar weeks leave (can be taken as 2 single periods of 1 calendar week)
Manx Telecom	After 1 year's service	• 2 weeks paternity leave
Post Office Ltd (Royal Mail Holdings)	Satisfactory completion of the trial period which is normally six months	• 2 weeks paid leave
Quadrant	After 1 year's service	• 4 weeks paid leave
RoMEC	Over one year	• 2 weeks full pay
Royal Mail Holdings: – RML & PFW – HR Services – Customer Services	After 1 year's service	• 2 weeks full pay • 3 weeks full pay • 4 weeks full pay

For further information on your statutory rights please refer to:
www.direct.gov.uk/parents
www.acas.org.uk
www.adviceguide.org.uk

Updated May 2011

www.cwu.org

Billy Hayes General Secretary
www.billyhayes.co.uk

* The UK statutory paternity leave and pay does not apply to the Islands. Please refer to the appropriate policies for each Island

* The right to take paternity leave on the Isle of Man is set out in the Employment Act 2006 and the Paternity Leave Regulations 2007 (applicable to the Isle of Man).


 The communications union