



Paternity/Partner's Leave Policy

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DOCUMENT STATEMENT:

All Translink Group Corporate Policies should be consistent in terms of development, approval, implementation, communication, control and review in line with these guidelines.



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Version Control Record

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1.0	HR Services Manager	August 2011	Document reformatted
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3.0	HR Services Manager	March 2013	
3.1	HR Services Manager; HR Management team; HR Business Support Advisor; HR Systems & Standards	March 2014	Document reformatted to new version. Content amended:- Statutory Rates amended. Section 7 (i): Section 2 (i) amended to section 4 (i): Section 2(v) amended to section 4 (ii)
3.2	HR Services Manager	08.08.15	All references to Additional Paternity Leave & Pay removed as this no longer applies from 5 th April 2015. Rate of Statutory Paternity Pay amended to reflect revised rate applicable from 5 th April 2015. Sections 7 amended to reflect new Shared Parental Leave legislation which was introduced for babies born on or after 5 th April 2015. Rights regarding attendance at ante-natal appointments included.

3.3	HR Management team	18.09.15	No changes
4.0	HR Services Manager	09.09.16	Statutory rates removed and replaced by 'rate applicable at that time'.
4.1	HR Management Team	20.10.16	Section 8 updated to include that if paternity leave falls on a PH, the PH will accrue to be used at another time.
4.2	Stonewall	16.08.20	Policy amended to reflect gender-neutral wording throughout.
4.3	HR Management Team	11.11.20	No changes
5.0	HR Services Manager	28.01.21	Removed application form from policy so stand-alone form

This is a controlled document. Whilst this document may be printed, the electronic version is maintained within the Corporate Records Centre within Sharepoint by the Policy Owner.

1. Introduction

Throughout this Policy, the words 'Translink' 'Company' and/or 'the Group' refer to all corporate entities under the ownership of the Northern Ireland Transport Holding Company (NITHC). This includes the parent company and each subsidiary either individually or taken together as a group.

2. Scope

The rights to Paternity leave/Partners leave and Statutory Paternity Pay (SPP) allow an employee to take paid leave to care for their child or to support the birth parent once the child has been born.

There are four different types of people who are entitled to this leave:

- The second parent on the birth certificate, regardless of gender
- The spouse or partner of the birth parent, regardless of gender
- The child's adopter
- The intended parent in a surrogacy arrangement

We recognise that this policy can apply to people of all genders and have specifically considered the needs of trans employees when reviewing this policy. If you need more information about how this policy might apply to you, you should contact the HR Services Manager.

3. Paternity Provisions

Paternity Leave entitles the second parent on the birth certificate to take 1 or 2 weeks leave at the time of birth and must be taken within 56 days of the date of the birth.

For the purposes of this policy, a partner is the spouse or partner of the birth parent, regardless of gender and inclusive of same-gender couples, in an enduring family relationship but is not an immediate relative.

4. Entitlement to Paternity Leave

An employee is entitled to paternity leave if they have, or expects to have, responsibility for their child's upbringing and is either:

- The second parent on the birth certificate, regardless of gender
- The spouse or partner of the birth parent, regardless of gender

- The child's adopter
- The intended parent in a surrogacy arrangement

You should refer to the Adoption Policy for more information about adoption and surrogacy.

In addition the employee must:

- have worked continuously for the Company:
- for 26 weeks ending with the 15th week before the child is due (the 'qualifying week') and
- still be working for the Company at the time of the birth and;
- be taking the time off either to support the birth parent or to care for the new child.

In addition to the qualifications for paternity leave, to qualify for SPP the employee must have average weekly earnings at or above the Lower Earnings Limit for National Insurance Contributions at the end of the qualifying week.

Statutory Paternity Pay (SPP) will be paid for up to two weeks depending on the amount of leave the employee wishes to take and subject to meeting the eligibility referred to above. SPP will be paid at the statutory flat rate applicable at that time or 90% of average weekly earnings, whichever is less, and is subject to income tax and NI contributions.

If an employee is not entitled to receive SPP they will be sent a written statement by the Company outlining why they are not eligible. If they do not agree they should discuss it with their Manager/Supervisor in the first instance.

5. Notification and Evidence Required for Paternity Leave and Pay.

i) Notification

To qualify for paternity leave the employee must notify their Manager/Supervisor in writing no later than the end of the 15th week before the week the child is due or if this is not possible, as soon as is reasonably practicable.

ii) Evidence

To claim either paternity leave or SPP the employee must tell their Manager/Supervisor:

- the expected week of the child's birth;
- whether they wish to take one or two week's leave; and
- when they want the leave to start

To claim SPP the employee must also sign the declaration form PL1 (available from Sharepoint, line manager or HR) to confirm they are eligible to SPP and submit to their Manager/Supervisor at least 28 days before they want their SPP to begin. If they are

entitled to both leave and pay, the notice given for leave by the 15th week before the week the child is due can count for pay also.

6. Duration of Paternity Leave

An employee who meets the eligibility requirements can choose to take either one week or two consecutive weeks' paternity leave. Paternity leave cannot be taken as odd days or as two separate weeks.

An employee is only entitled to take one period of leave even if more than one child was born as the result of the same pregnancy.

An employee can change the date on which they want their leave to start (but not the length of leave they are taking) as long as they provide their Manager/Supervisor the required notice as follows:

- to change their leave so it starts on the date of birth, at least 28 days before the first day of the week the baby is due;
- to change their leave so it starts on a specified number of days after the birth, at least 28 days before the date falling the same number of days after the first day of the week the child is due;
- to change their leave so it starts on a particular date, at least 28 days before that date

Leave cannot start until the birth of the child and must be taken within 56 days of the birth of the child or, if the child is born earlier than expected, between the birth and 56 days from the first day of the expected week of birth.

7. Shared Parental Leave

Shared Parental Leave (SPL) is for eligible parents of babies due, or children placed for adoption, on or after 5th April 2015. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year.

Eligible employees are entitled to share up to 50 weeks SPL with their partner during the child's first year. If an employee (or their partner) reduces their maternity/adoption leave and/or pay entitlement then they and their partner may opt-in to the SPL system and share any remaining weeks of leave as SPL. Only 50 weeks is available to share as the first 2 weeks after a birth or adoption are compulsory maternity or adoption leave.

Paternity leave cannot be taken after a period of SPL has been taken so must be taken beforehand.

The policy on Shared Parental Leave provides more information about this.

8. Terms and Conditions during Paternity Leave

An employee on paternity leave is entitled to benefit from all their normal terms and conditions of employment except wages or salary. If paternity leave falls on a Public Holiday, the employee will accrue the Public Holiday and it can be taken at a convenient time once paternity leave ends.

9. Early or Late Childbirth

If childbirth occurs before the date notified, the employee should inform their Manager/Supervisor as soon as reasonably practicable so that their paternity leave period and paternity pay (if applicable) can commence.

If childbirth occurs after the date notified, the employee must change the start date of their leave or choose to take leave from the actual date of birth or a specified number of days after the birth. **An employee cannot take paternity leave or be paid SPP before the birth of the child** therefore if the child isn't born by the date the employee has specified to their Manager/Supervisor, they must inform their Manager/Supervisor as soon as possible.

10. Sickness during Paternity Leave

An employee cannot be paid both SPP and sick pay at the same time therefore if they are unwell before starting their period of paternity leave, they should postpone it. The 56 day period within which the employee should take their Paternity Leave is not extended under these circumstances.

If the employee is unable to go back to work at the end of their paternity leave because of illness, they should follow the normal procedures for sickness absence as per the Attendance Management and Rehabilitation Policy.

11. Time off for Ante-natal Appointments

If your spouse or partner is pregnant you now have the right to take unpaid time off work to accompany them to up to two ante-natal appointments. This time off is capped at 6 ½ hours for each appointment and there is no qualifying period to be eligible to this time off. Any request for time off should be agreed with the line manager in advance.

12. Glossary of Terms

SPP:	Statutory Paternity Pay (1 or 2 consecutive weeks)
EWC:	Expected Week of Childbirth – the week beginning with midnight between Saturday and Sunday during which it is expected that the child will be born.
SPL	Shared Parental Leave

Qualifying Week: The 15th week before childbirth

13. Related Policies

Employees may find it useful to review other related policies in conjunction with the Paternity/Partners Leave Policy. These include:

- Shared Parental Leave Policy
- Parental Leave Policy
- Time off for Dependants Policy
- Flexible Working Policy
- Maternity Policy
- Adoption Policy