

## Campaign Against Arms Trade - Paternity Policy

June 2016

### **Statement of intent**

No employee will be treated less favourably or dismissed for any reason relating to their expected or current paternity leave.

CAAT aims to provide a positive working environment for parents and will strive to make all reasonable adjustments to support prospective fathers during pregnancy and after the birth of their child. This should be discussed with the Office Coordinator and your static reviewer.

### **Statutory Paternity Rights**

Employees are recognised as prospective fathers if they:

- Have or expect to have full involvement in the child's upbringing;
- Are the biological father of the child; or
- Are the mother's husband or partner. This includes a mother's partner in a same sex relationship.

### Statutory Paternity Pay (SPP)

An employee is entitled to SPP if they have been in continuous service for at least 26 weeks by the end of the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC), provided that normal weekly earnings at this point are not less than the lower earnings limit for NI contributions (£112 a week before tax in 2016).

SPP is one or two consecutive weeks at £139.58 per week (2016) or 90% of normal weekly earnings, whichever is the lower. Paternity leave must be taken within 56 days of the baby's birth and not before the baby is born. Tax and National Insurance will be deducted in the same way as with regular wages.

### **CAAT's Occupational Paternity Pay (OPP)**

An employee at CAAT is entitled to occupational paternity pay (OPP) if they are entitled to SPP. OPP can be taken as long as the employee intends to care for the child, but regardless of whether the mother has gone back to work or not, so the childcare can be shared with the mother. CAAT's OPP entitlement is:

- 8 weeks leave on full pay
- 8 weeks leave on half pay

on the condition that the employee returns to CAAT for at least six months after their paternity leave. Employees can take the full entitlement of paid leave in one block, or spread it out over a period of time, but must all be taken by the time the baby is 39 weeks old. Tax and National Insurance on OPP will be deducted in the same way as with regular wages.

Employee's who wish to accompany their partner to antenatal appointments should inform the Office Coordinator and use CAAT's paternity paid leave allowance or mutually arrange, if possible, to make up the time, or use their annual leave. If there are pregnancy complications, additional time off may be given, on a compassionate basis, for attendance at antenatal appointments.

In exceptional circumstances, for example where there are continuing health problems after the birth for the mother and/or child, an application can be made for a further period of additional unpaid leave following on from paternity leave.

### **Premature Births**

In the case of a premature birth, paternity leave and pay can start the date following the birth. In exceptional circumstances, for example where there are continuing health problems for the mother and/or child, an employee can request a further period of additional unpaid leave following on from their paternity leave. This request should be made in writing to the Office Coordinator.

### **Deciding not to return to CAAT**

If a decision is made by the employee not to return to CAAT after their paternity leave the normal

contractual period of notice must be given in writing and half the difference between SPP and OPP must be repaid to CAAT within a period of six months from the date the employee resigns (or a period of time and time-frame agreed by both parties). The employee will be paid an amount equivalent to this if they state they will not be returning to CAAT when they start their paternity leave.

If the employee decides to leave CAAT within 6 months of returning to work after their paternity leave then the employee must repay CAAT a proportion of their OPP that relates to how much of the 6 months they worked. For example, if they leave after returning to work for 3 months then they would need to repay 50% of half the difference between SPP and OPP. This should be repaid to CAAT within a period of twelve months from the date the employee resigns (or a period of time and time-frame agreed by both parties).

### **Redundancy**

An employee on paternity leave can still be made redundant. As with all redundancies the correct procedure must be followed and the normal rules relating to redundancies must be applied. Where a contract of employment ends, OPP will be paid up to the last day of the contract.

### **Annual Leave and TOIL**

Annual leave is accrued during the period of paternity leave.

If an employee decides not to return to CAAT following their period of paternity leave, payment in lieu of annual leave calculated up to the last working day and not taken before the start of the paternity leave, will be given and, where relevant, this will be offset against the repayment of any proportion of OPP. Payment can also be made for TOIL not taken before paternity leave began.

### **Notification requirements**

Prior written notification of at least 28 days must be given to the Office Coordinator of intention to take paternity leave, when the baby is due, and the likely amount of days leave requested. Any subsequent change to the intended start date should also be notified in writing. Employees should be prepared to send a copy of the birth certificate if requested.

### **Conditions of Service**

Paternity leave does not break continuity of employment for contract purposes. The period of paid paternity leave is used in the calculation of continuous employment at CAAT.

### **Miscarriage/Stillbirths**

If miscarriage or stillbirth occurs at or after the start of the 16th week before the EWC, the entitlement to statutory paternity pay and leave will be the same as for a live birth. Where a miscarriage or stillbirth occurs before the 16<sup>th</sup> week before the EWC the employee is not entitled to paternity pay or leave. In either situation, the employee is not entitled to occupational paternity pay, but they can request compassionate leave (see separate policy).