

East Lothian Council

FOI Ref: 2018/151(13286)

Under the Freedom of Information Act, what paternity leave is offered to East Lothian council employees?

Please refer to the following extract from East Lothian Council's Family Leave Policy:

Statutory Paternity Leave

*To qualify for Ordinary Paternity Leave, **you must have been with your employer for at least 26 weeks by either:***

- *the end of the 15th week before the start of the week when the baby is due*
- *or if adopting at the end of the week you are notified you are matched with your child*

You must also be either the:

- *biological father of the child*
- *mother's husband or partner (including same-sex relationships)*
- *child's adopter*
- *husband or partner (including same-sex relationships) of the child's adopter*

This leave entitlement can take the form of one or 2 consecutive weeks paternity leave (NOT odd days) at the Statutory Paternity Pay (SPP) rate.

*Therefore, any father, adopter or partner of an expectant mother who has worked for the Council for **26 continuous weeks by the start of the 15th week before the baby is due** should complete an HM Revenues & Customs Form SC3 / SC4 or SC5 as appropriate- see appendix 6 attached for advice on which form is appropriate in your circumstances), fathers, adopters or partners will receive SPP (this rate is set by the government and reviewed annually each April) or 90 per cent of your average weekly earnings, if that is less. Please specify on the Form the date of birth of the baby/the date the child is expected to be with you for adoption and if you are applying for one or two weeks.*

- *This leave can be taken from the date of the child's birth or*
- *from another date after the child's birth or*
- *when the child is expected to be placed with you for adoption.*

The leave can start on any day of the week, but must be taken within 56 days of the actual birth/placement of the child. If the child is born early, the leave must be taken within the period from the actual date of the birth up to 56 days after the commencement of the expected week of birth. Please note this leave cannot be taken before the child is born/placed. Therefore whilst employees are expected to notify their Managers of their intention to take this leave and required to submit an Application For Maternity Support/ Adoption Support/ Paternity Leave (Appendix 5) it will usually not be possible for the Special Leave form or Form SC3/ 4 or 5 to be submitted until the baby is born.

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Employees absent on Statutory Paternity Leave shall receive Statutory Paternity Pay (SPP). It will be paid at the same rate as the lower rate of Statutory Maternity Pay. Employees whose average earnings are below the Lower Earnings Limit for National Insurance Contributions will not qualify for SPP.

Employees wishing to take Statutory Paternity Leave must inform the Council of their intention to take paternity leave by the 15th week before the week in which the child is expected, where reasonably practicable. This may initially be verbal notification to the employee's Manager. When the dates required are known this should be followed up by the submission of The Application form attached at appendix 5 and Form SC3, form SC4 or SC5 as appropriate should be submitted when the baby is born/child is placed and the dates to be taken are known. Employees must state in the application form (Appendix 5) and form SC3/4 or 5 the week the child is due to be born/placed; whether they wish to take 1 or 2 weeks' leave; and when they want the leave to start.