

### 3.03 Paternity Leave

The policy outlines the pay and leave entitlements for paternity leave.

- If your partner gives birth (or adopts a child) you may be entitled to paternity leave and pay.
- If so, you will be entitled to take up to two weeks' paternity leave. The first two days of paternity leave will be paid at full pay and further paternity leave taken will be paid at a rate equal to Statutory Maternity Pay, known as Statutory Paternity Pay - [Section 2 Statutory Paternity Leave and Pay Entitlements](#) and [Section 3 Contractual Paternity Leave and Entitlements](#)
- You may also be entitled to paternity leave and pay if you jointly adopt a child with your partner and your partner opts to take adoption leave. - [Section 4 Statutory Paternity Leave and Pay \(Adoption\) Entitlements](#) and [Section 5 Contractual Paternity Leave and \(Adoption\) Entitlements](#)

**The following terms within this policy are defined in the glossary:**

Statutory paternity leave, statutory paternity pay, contractual paternity leave, contractual paternity pay, job, adopter

**You may also be interested in the following policies:**

3.02 Maternity Leave, 3.04 Parental Leave, 3.05 Adoption Leave, 3.07 Annual Leave, 3.08 Special Leave, 3.10 Alternative Working Arrangements, 6.06 Equal Opportunities

This policy is version 4.0

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This homepage is only a guide to the policy, not the policy itself. In the event of any discrepancy between the content of this homepage and the associated policy, the wording of the policy shall apply.

## **3.03 PATERNITY LEAVE**

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## **3.03 PATERNITY LEAVE**

### **1 Introduction**

**1.1** The following paragraphs detail the Northern Ireland Civil Service (NICS) arrangements for paternity leave and pay and paternity leave and pay for adoption. The rules are set out according to whether they are;

- a. statutory, in other words the result of legislation, or
- b. contractual, in other words arrangements which are specific to the Northern Ireland Civil Service.

**1.2** Throughout this Chapter, the term ‘partner’ is used to define someone (male or female) living with the mother/adopter in an enduring family relationship but who is not an immediate relative.

### **2 Statutory Paternity Leave and Pay Entitlements**

#### **Eligibility**

**2.1** Statutory entitlement to paternity leave, under the Paternity and Adoption Leave Regulations (NI) 2002, took effect on 6 April 2003 and is available to you if:

- a. your children are born on or after 6 April 2003,
- b. you expect to have responsibility for the child’s upbringing,
- c. you are the biological father of the child, or the mother’s husband or partner, and
- d. you have worked continuously for the NICS for at least 26 weeks at the beginning of the 14th week before the baby is due.

#### **Leave Entitlement**

**2.2** If you are eligible for statutory paternity leave you will be entitled to take either one week or two consecutive weeks within 56 days of either,

- a. the actual date of birth; or
- b. the expected week of birth if the child is born early.

Please note that under the statutory provisions, paternity leave must be taken in blocks of one or two weeks. Should you wish to take less time off, contractual arrangements will apply (see section 3).

**2.3** Only one period of paternity leave is available irrespective of whether one child is born, or it is a multiple birth.

### **Pay Entitlement**

**2.4** Statutory paid paternity leave is paid at the same rate as the standard rate of statutory maternity pay. The first two days of paternity leave will, under contractual paternity arrangements, be at the full contractual rate of pay, as this is more beneficial for staff.

### **Annual leave and Pension**

**2.5** Annual leave continues to accrue while you are on paternity leave. Paternity leave is also reckonable service for pension purposes.

### **Notification**

**2.6** If you wish to take statutory paternity leave you should notify HRConnect no later than the 15th week before the expected week of childbirth of:

- a. the week your baby is expected to be born,
- b. the amount of leave you wish to take (one week or two weeks), and
- c. when you wish your leave to start.

The information should be provided using a self-certified form, information on which can be found in the Maternity, Paternity, Adoption User Guide. If you do not have access to Employee Self Service, you should contact HRConnect who will provide you with a copy of the relevant form.

**2.7** If you wish to change the start date of your paternity leave, you must advise your HRConnect at least 28 days in advance (unless this is not reasonably practicable).

### **Return to Work**

**2.8** You are entitled to return to the same job on the same terms and conditions following paternity leave.

## **3 Contractual Paternity Leave and Pay Entitlements**

### **Eligibility, Leave and Pay**

**3.1** If you;

- a. have or expect to have responsibility for your child's upbringing, and
- b. are the biological father of the child or the mother's husband or partner,

you will be granted two days' paternity leave at the full contractual rate of pay, irrespective of the hours you work or the length of time you have served in the Northern Ireland Civil Service (NICS). Annual leave continues to accrue and the leave is reckonable for pension purposes.

**3.2** The leave is not restricted to the time of birth but can be taken within 56 days of either the actual date of birth, or the expected week of childbirth if the child is born early.

## **4 Statutory Paternity Leave and Pay (Adoption) Entitlements**

### **Eligibility**

**4.1** From 6 April 2003 the statutory entitlement to paternity leave and pay is also available in cases of adoption where the child is newly matched to the adopter by an approved adoption agency.

**4.2** To be eligible for paternity leave (adoption) you must;

- a.** have, or expect to have, responsibility for the child's upbringing,
- b.** be the adopter's husband or partner, and
- c.** have worked continuously for the NICS for at least 26 weeks ending with the week in which the adopter is notified of being matched with a child.

### **Leave Entitlement**

**4.3** If you are eligible for statutory paternity leave (adoption) you will be entitled to take either one week or two consecutive weeks within 56 days of the date of the child's placement (whether this is earlier or later than expected).

**4.4** Only one period of paternity leave (adoption) is available on the occasion of each adoption, irrespective of the number of children adopted at the same time.

### **Pay Entitlement**

**4.5** Statutory paid paternity leave (adoption) is paid at the same rate as the standard rate of statutory maternity pay. The first two days of paternity leave (adoption) will, under contractual paternity arrangements, be at the full contractual rate of pay.

### **Annual leave and Pension**

**4.6** Annual leave continues to accrue while you are on paternity leave (adoption). Paternity leave (adoption) is also reckonable service for pension purposes.

## **Notification**

**4.7** Within seven days of being notified by the adoption agency that you have been matched with a child for adoption (unless this is not reasonably practicable), you must inform HRConnect;

- a. that you have been notified by the adoption agency,
- b. when the child is expected to be placed with you, and
- c. when you want your paternity leave to start.

The information should be provided using a self-certified form, information on which can be found in the Maternity, Paternity, Adoption User Guide. If you do not have access to Employee Self Service, you should contact HRConnect who will provide you with a copy of the relevant form.

**4.8** If you wish to change the start date of your paternity leave (adoption), you must advise HRConnect at least 28 days in advance (unless this is not reasonably practicable).

## **Return to Work**

**4.9** You are entitled to return to the same job on the same terms and conditions.

## **5 Contractual Paternity Leave and Pay (Adoption) Entitlements**

### **Eligibility, Leave and Pay**

**5.1** From 6 April 2003 if you;

- a. have or expect to have responsibility for the child's upbringing, and
- b. are the adopter's husband or partner

you will be granted two days' paternity leave (adoption) at the full contractual rate of pay, irrespective of the hours you work or the length of time you have served in the Northern Ireland Civil Service. Annual leave continues to accrue and the leave is reckonable for pension purposes.

**5.2** The leave is not restricted to the time of placement, but must be taken within 56 days of the actual date of placement.