

**Cyngor Cymuned
Trefriw
Community Council**

PATERNITY POLICY

This policy was adopted at a meeting on
17th January 2023
and will be reviewed in January 2026
or sooner should legislation dictate

Trefriw Community Council (TCC) offers statutory paternity pay and leave to qualifying employees as per the relevant UK employment law. See also the TCC Adoption policy if this situation applies to you.

These entitlements can be found online at: <https://www.gov.uk/paternity-pay-leave/print>

A Welsh (Cymraeg) version is available at: <https://www.gov.uk/tal-absenoldeb-tadolaeth>

1. Overview

When you take time off because your partner's having a baby, adopting a child or having a baby through a surrogacy arrangement you might be [eligible](#) for:

- 1 or 2 weeks 'paid Paternity Leave
- Paternity Pay
- [Shared Parental Leave and Pay](#)

You may not get both leave and pay, and there are rules on [how to claim](#) and [when your leave can start](#).

Employment rights when on leave

Your [employment rights](#) are protected while on paternity leave. This includes your right to:

- pay rises
- build up (accrue) holiday
- return to work

You can get time off to accompany your partner (or the surrogate mother) to 2 antenatal appointments. If you're adopting a child, you can get time off to attend 2 adoption appointments after you've been matched with a child.

2. Leave

Paternity leave

You can choose to take either 1 or 2 weeks. You get the same amount of leave if your partner has a multiple birth (such as twins).

You must take your leave in one go. A week is the same amount of days that you normally work in a week - for example, a week is 2 days if you only work on Mondays and Tuesdays.

Start and end dates

Leave cannot start before the birth. It must end within 56 days of the birth (or due date if the baby is early).

You must give your employer 28 days 'notice if you want to change your start date.

You do not have to give a precise date when you want to take leave (for example 1 February). Instead you can give a general time, such as the day of the birth or 1 week after the birth.

The rules are different if you [adopt](#).

Shared Parental Leave

You may also be eligible for [Shared Parental Leave](#) (SPL). You cannot take Paternity Leave after you take SPL.

Leave for antenatal appointments

You can take unpaid leave to accompany a pregnant person to 2 antenatal appointments if you're:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long-term relationship with the expectant mother
- the intended parent (if you're having a baby through a surrogacy arrangement)

You can take up to 6 and a half hours per appointment. Your employer can choose to give you longer. You can apply for leave immediately if you're a permanent employee. You'll need to have been doing a job for 12 weeks before you qualify if you're an agency worker.

3. Pay

The statutory weekly rate of Paternity Pay is £156.66, or 90% of your average weekly earnings (whichever is lower).

Any money you get is paid in the same way as your wages, for example monthly or weekly. Tax and National Insurance will be deducted.

Start and end dates

The money is usually paid while you're on leave. Your employer must confirm the start and end dates for your Paternity Pay when you claim it.

To change the start date you must give your employer 28 days' notice.

You could get more pay if your employer has a company paternity scheme - they cannot offer you less than the statutory amounts.

4. Eligibility

You must be taking time off to look after the child and be one of the following:

- the father
- the husband or partner of the mother (or adopter) - this includes same-sex partners
- the child's adopter
- the intended parent (if you're having a baby through a surrogacy arrangement)

There are extra conditions you need to meet to qualify for leave and pay.

You cannot get Paternity Pay and Leave if you've taken paid time off to attend adoption appointments.

Paternity Leave

You must:

- be an [employee](#)
- give the [correct notice](#)
- have been [continuously employed by your employer](#) for at least 26 weeks up to any day in the 'qualifying week'

The 'qualifying week' is the 15th week before the baby is due. This is different if you [adopt](#).

Paternity Pay

You must:

- be employed by your employer up to the date of birth
- earn at least £123 a week (before tax)
- give the [correct notice](#)
- have been [continuously employed by your employer](#) for at least 26 weeks up to any day in the 'qualifying week'

The 'qualifying week' is the 15th week before the baby is due. This is different if you [adopt](#).

If you usually earn an average of £123 or more a week, and you only earned less in some weeks because you were paid but not working ('on furlough') under the Coronavirus Job Retention Scheme, you may still be eligible.

If you lose your baby

You can still get Paternity Leave or Pay if your baby is:

- stillborn from 24 weeks of pregnancy
- born alive at any point during the pregnancy

If you're not eligible

Your employer must tell you within 28 days if you do not qualify and why using form SPP1.

5. How to claim

Claim Paternity Leave and Pay through your employer at least 15 weeks before the baby is due.

You can do this by [filling in the online form](#) (previously called form SC3). Once you have completed the form, you will need to download or print it and send it to your employer.

Check if your employer has their own form. If they do, use that instead.

The rules and forms are different [if you adopt](#).

You'll need to include:

- the due date
- when you want your leave to start, for example the day of the birth or the week after the birth
- if you want one or two weeks leave

You do not need to give proof of the pregnancy or birth.

Use the [paternity planner](#) to find out when you need to claim Paternity Leave by.

6. Adoption and surrogacy (see also the TCC Adoption policy)

Eligibility

You must have been [continuously employed by your employer](#) for at least 26 weeks by the 'matching week'. For adoption this is either:

- the end of the week you're matched with the child (UK adoptions)
- the date the child enters the UK or when you want your pay to start (overseas adoptions)

You must also meet the other [eligibility conditions](#) for paternity leave or pay.

Start and end dates - Paternity Leave

Your period of Paternity Leave can start:

- on the date of placement
- an agreed number of days after the date of placement
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only)
- the day the child's born or the day after if you're working that day (surrogate parents)

Leave must be taken within 56 days of the date of placement or the child's arrival in the UK (overseas adoptions).

You must give your employer 28 days' notice if you want to change your start date.

How to claim - Paternity Leave or Pay

You must use [form SC4](#) (or your employer's own version) for:

- leave - within 7 days of your co-adopter or partner being matched with a child
- pay - 28 days before you want your pay to start

For overseas adoptions the form and notice period is different. The process is explained on [form SC5](#).

Proof of adoption

You must give your employer proof of adoption to qualify for Paternity Pay. Proof is not needed for Paternity Leave unless your employer asks for it. Proof can be a letter from your adoption agency or the matching certificate. You will need to provide this information within 28 days.

Surrogacy arrangements

To be eligible for Paternity Pay and Leave if you use a surrogate to have a baby, you must:

- be in a couple
- be responsible for the child (with your partner)
- have worked for your employer [continuously](#) for at least 26 weeks by the end of the 'qualifying week' (the 15th week before the baby is due)

At least 15 weeks before the due date, tell your employer when the baby is due and when you want to start your leave - they may ask for this in writing.

Your employer may ask for a written statement to confirm you intend to apply for a [parental order](#) in the 6 months after the child's birth. You must sign this in the presence of a legal professional.

You cannot get Paternity Leave if you take [Shared Parental Leave](#).