

# **Paternity Leave & Maternity Support Leave**

## **Guidance for managers & employees<sup>1</sup>**

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## **April 2024**

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<sup>1</sup>This guidance applies to all council staff, including those in schools.

Paternity leave is a statutory entitlement. This guidance covers the most common circumstances where paternity leave is available and is a summary of the provisions. For information about paternity leave in relation to overseas adoption or surrogacy, and for further details more generally, see [The Paternity Leave \(Amendment\) Regulations 2024](#) or [ACAS guidance](#).

Maternity support leave is not a statutory entitlement but is available as a condition of service.

## **Paternity Leave – Birth**

### **1. Eligibility**

An employee is eligible for paternity leave if:

- they are the father of the child; or
- they are married to, or the partner of, the child's mother (but not the child's father); **and**
- they have, or expect to have:
  - if the child's father, responsibility for the upbringing of the child;
  - if the mother's husband or partner, but not the child's father, the main responsibility (apart from any responsibility of the mother) for the upbringing of the child; **and**
- they take leave to care for the child or to support the child's mother; **and**
- they have been continuously employed by Leicester City Council for 26 or more weeks ending with the week immediately before the 14th week before the expected week of the child's birth. (If employed for less than this [maternity support leave](#) can be requested.)

### **2. Amount and Timing of Leave**

An eligible employee may take one- or two-weeks paternity leave. They may take:

- 1 period of 1 week; or
- 1 period of 2 weeks; or
- 2 separate periods of 1 week

The week may start on any day of the week.

Paternity leave must be taken within 52 weeks of the birth. The leave cannot start before the child is born but, if the child is born before the due date, it can be taken from the date of birth.

### **3. Pay**

Employees on paternity leave will receive their normal pay, calculated in the same way as holiday pay. (Note that this is more generous than the statutory entitlement.)

### **4. Notice of entitlement to take leave**

At least 15 weeks before the expected week of childbirth the employee must notify their manager, verbally or by email, of their intention to take paternity leave and of the due date.

If it is not possible for the employee to notify their manager by this time for good reason less notice can be given.

If they wish the employee can also notify their manager and Central Payroll at this stage when they intend to take the leave, and how they intend to take it (one or two periods), using the notice of [paternity leave form - birth](#). However, this can be delayed – see below.

### **5. Notice and declaration of intention to take leave**

At least 28 days before the employee intends to take paternity leave (on each occasion if taking two separate periods) they must notify their manager and Central Payroll when and how they intend to take it (one or two periods), using the notice of [paternity leave form - birth](#).

If it is not possible to give at least 28 days' notice for good reason less notice can be given.

The employee can cancel their paternity leave, or change the dates, after they have given notice by informing their manager at least 28 days before the date the leave would have started. Less notice can be provided if necessary (for example where the birth is earlier than the due date).

### **6. Notifying the date of birth**

The employee must inform their manager, as soon as is practicable, of the date the child was born.

### **7. Notes**

- Paternity leave is per pregnancy, regardless of the number of children born.
- Paternity leave cannot be taken after shared parental leave.
- In the event of the death of the mother or child (including stillbirth after 24 weeks of pregnancy) paternity leave can be taken before compassionate leave.

- The manager may request evidence of the birth.

## **Paternity Leave – UK Adoption**

### **1. Eligibility**

An employee is eligible for paternity leave if:

- they are married to, or are the partner of, the child's main adopter; **and**
- they have, or expect to have, the main responsibility (apart from the responsibility of the main adopter) for the upbringing of the child; **and**
- they take leave to care for the child or support the main adopter; **and**
- they have been continuously employed by Leicester City Council for 26 or more weeks ending with the week in which the main adopter is notified of having been matched with the child.

### **2. Amount and Timing of Leave**

An eligible employee may take one or two weeks paternity leave. They may take:

- 1 period of 1 week; or
- 1 period of 2 weeks; or
- 2 separate periods of 1 week

The week may start on any day of the week.

Paternity leave may be taken any time from the date the child is placed with the main adopter and must be taken within 52 weeks of that date.

### **3. Pay**

Employees on paternity leave will receive their normal pay, calculated in the same way as holiday pay. (Note that this is more generous than the statutory entitlement.)

### **4. Notice of entitlement to take leave and declaration of intention to take leave**

Within seven days of the date on which the adopter is notified of having been matched with the child the employee must submit to their manager and Central Payroll a completed notice of [paternity leave - adoption form](#) notifying:

- their intention to take paternity leave
- the date on which the adopter was notified of having been matched

- the date on which the child is expected to be placed or has been placed
- when they intend to take the leave, and how they intend to take it (one or two periods).

If it is not reasonably practicable for the employee to submit the form within this timescale they must do so as soon as is reasonably practicable.

The employee may vary the dates of their leave, or cancel a period of leave, by giving notice by the earlier of 28 days before the original start date or 28 days before the new start date.

If it is not reasonably practicable for the employee to give notice within this timescale they must do so as soon as is reasonably practicable.

## 5. Notes

- Paternity leave is per adoption, regardless of the number of children placed under the same adoption arrangement.
- Paternity leave cannot be taken after shared parental leave.
- The manager may request evidence of the adoption.

## Maternity Support Leave – Birth

### 1. Eligibility

Teachers are not eligible for maternity support leave.

An employee is eligible for paid maternity support leave if:

- they are the father of the child; or
- they are married to, or the partner of, the child's mother (but not the child's father); **and**
- they have, or expect to have:
  - if the child's father, responsibility for the upbringing of the child;
  - if the mother's husband or partner, but not the child's father, the main responsibility (apart from any responsibility of the mother) for the upbringing of the child; **and**
- they take leave to care for the child or support the child's mother; **and**
- they have been continuously employed by Leicester City Council for **less than 26 weeks** ending with the week immediately before the 14th week before the expected week of the child's birth.

OR

- they are the nominated carer of the mother i.e. the person nominated by the mother to assist in the care of the child, and provide support at or around the time of the birth, but they are not the father of the child or married to, or the partner of, the child's mother; **and**
- neither the father of the child nor (if different) the spouse or partner of the mother is taking paternity leave.

## **2. Amount and Timing of Leave**

An eligible employee may take up to one week of maternity support leave. The leave must be taken as a single period at or around the time of the birth.

The week may start on any day of the week.

## **3. Pay**

Employees on maternity support leave will receive their normal pay, calculated in the same way as holiday pay.

## **4. Notice of entitlement to take leave**

At least 15 weeks before the expected week of childbirth the employee must notify their manager, verbally or by email, of their intention to take maternity support leave and of the due date.

If it is not possible for the employee to notify their manager by this time for good reason (for example their employment does not start until after this time) less notice can be given.

If they wish the employee can also notify their manager and Central Payroll at this stage when they intend to take the leave, using the notice of [maternity support leave form](#). However this can be delayed – see below.

## **5. Notice and declaration of intention to take leave**

At least 28 days before the employee intends to take maternity support leave they must notify their manager and Central Payroll when they intend to take the leave, using the notice of [maternity support leave form](#):

If it is not possible to give at least 28 days' notice for good reason less notice can be given.

The employee can cancel their maternity support leave, or change the dates, after they have given notice by informing their manager at least four weeks before the date the leave would have started. Less notice can be provided if necessary (for example where the birth is earlier than the due date).

## 6. Notifying the date of birth

The employee must inform their manager, as soon as is practicable, of the date the child was born.

## 7. Notes

- Maternity support leave is per pregnancy, regardless of the number of children born.
- In the event of the death of the mother or child (including stillbirth after 24 weeks of pregnancy) maternity support leave can be taken before compassionate leave.
- The manager may request evidence of the birth.
- Maternity support leave is not available for adoption.

Managers and employees are encouraged to contact Central Payroll if they require any advice on paternity or maternity support leave: Tel: 0116 4541010 (internal 371010) or email: [central.payroll@leicester.gov.uk](mailto:central.payroll@leicester.gov.uk) .

## Document Control

Implementation	Author	Summary of changes
May 2024 (effective from 6 April 2024)	Mandeep Judge & Jo Poynton, HR Policy & Projects	Paternity leave guidance separated from forms and updated in line with new regulations. Maternity support leave added.