



# Onchan District Commissioners

## **Paternity Leave Policy and Procedure**

Draft: June 2022  
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## Paternity Leave Policy

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## Paternity Leave Policy

### Policy Review - History:

Please be aware that a hard copy of this document may not be the latest available version, which is available in the Authority's document management system, and which supersedes all previous versions.

Those to whom this Policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

<b>Effective from:</b>	<b>Replaces:</b>	<b>Originator:</b>	<b>Page X of Y</b>
November 2019	New	Chief Executive/Clerk	1 of 7
<b>Management Team Approval:</b>			
<b>Board Ratification:</b>			
<b>History or Most Recent Policy Changes – MUST BE COMPLETED</b>			
Version:	Date:	Change:	
Updated	27/06/2022	Reviewed and updated	

# Paternity Leave Policy

## 1. Introduction

Onchan District Commissioner's ("the Authority") are committed to providing paternity benefits which comply with both the letter and the spirit of the law. This Policy sets out the rights and responsibilities of an employee when their child is born, or their partner has a baby or is adopting a child and gives details of the leave they are entitled to at this time.

## 2. Scope

This Policy applies to all employees of the Authority including full time, part time and fixed term/temporary employees.

## 3. Eligibility

An employee whose wife, civil partner or partner gives birth to a child is entitled to two week's Paternity Leave to either support the mother or care for the new baby. To qualify for Paternity Leave the employee must have been employed continuously by the Authority for 26 weeks ending with the 15th week before the baby is due.

Paternity Leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take Paternity Leave where the other adoptive parent has elected to take Adoption Leave. To qualify the employee must have been employed continuously by the Authority for 26 weeks ending with the week (beginning on a Sunday) in which the adopter is notified of having been matched with the child ("the Matching Week").

## 4. Paternity Leave

Paternity Leave is granted in addition to an employee's normal annual holiday entitlement. Paternity Leave must be taken in a single block of one or two weeks. It cannot be taken as odd days or as 2 separate weeks. Paternity Leave cannot start until the birth of the baby and must be completed within 56 days of the actual date of birth of the child; or if the child is born earlier than expected, between the birth and 56 days from the first day of the expected week of birth.

Otherwise, an employee can choose when to start their Paternity Leave:-

- On the date of the baby's birth (whether this is earlier or later than expected);
- On a date falling such number of days after the date on which the child is born; or
- On a fixed date, chosen by the employee and notified to the Authority, which falls after the first day of the expected week of childbirth.

## 5. Notification

To qualify for Paternity Leave, the employee must notify their Line Manager that they intend to take Paternity Leave by the end of the 15<sup>th</sup> week before the week the baby is due or, if this is not possible, as soon as is reasonably practicable by completing an Application for Paternity Leave form (**Appendix 1**).

## Paternity Leave Policy

In the case of an adopted child, the employee must give written notice of their intention to take Paternity Leave no later than 7 days after the date on which notification of the match with the child was given by the adoption agency by completing an Application for Paternity (Adoption) Leave Form (**Appendix 2**). The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start Paternity Leave, the length of the intended Paternity Leave period and the date on which the adopter was notified of the Matching Week.

An employee cannot take Paternity Leave before the birth of the baby. If the baby is not born by the date that has been specified, then the employee must change the date or choose to take Paternity Leave from the actual date of birth or a specified number of days after the birth.

### **6. Pay during Paternity Leave**

There is no statutory paternity pay. However, employees may be eligible for [paternity allowance](#) at a rate of £179.85 per week (with effect from 11<sup>th</sup> April 2022).

For more information go to [www.gov.im/paternity-allowance](http://www.gov.im/paternity-allowance)

E-Mail: [incapacitybenefits@gov.im](mailto:incapacitybenefits@gov.im)

Telephone 685108/685109

If an employee subsequently wishes to change the timing of the Paternity Leave, they must give 28 days' written notice of the new dates.

During Paternity Leave the contract of employment continues. The employee is bound by the terms and conditions of employment and entitled to benefit from all the normal terms and conditions of employment, except relating to wages or salary.

### **7. Time off to attend Ante Natal Appointments**

There is no statutory right to time off to attend ante natal appointments. Employees may apply for Annual Leave or TOIL in accordance with the Authority's relevant policies and procedures.



## ONCHAN DISTRICT COMMISSIONERS

### Application for Paternity Leave

Please complete and forward to your Line Manager

<b>Name:</b>	
<b>Line Manager:</b>	
<b>Your Paternity Leave Dates:-</b>	
<p>The baby is due on: .....</p> <p>And, if the baby has been born, please enter the actual date of birth: .....</p> <p>I would like my paternity leave to start on: .....</p> <p>I want to take one/two* weeks (*delete as appropriate)</p> <p>I intend to return to work on: .....</p>	
<b>Your Declaration:-</b>	
<p>You must be able to tick all 3 boxes below to be eligible for paternity leave.</p> <p>I declare that</p> <p>I am</p> <p>the baby's biological father, or married to the mother, or living with the mother in an enduring family relationship, but not an immediate relative .</p> <p>I have responsibility for the child's upbringing .</p> <p>I am taking time off work to support the mother or care for the child .</p> <p>I have 26 weeks service with the Authority on/by the 15<sup>th</sup> week before the baby is due.</p> <p><b>Signature:</b> ..... <b>Date:</b> .....</p>	



## ONCHAN DISTRICT COMMISSIONERS

### Application for Paternity (Adoption) Leave

Please complete and forward to your Line Manager

<b>Name:</b>	
<b>Line Manager:</b>	
<b>Your Paternity (Adoption) Leave Dates:-</b>	
<p>I was notified of being matched with the child on: .....</p> <p>The child is due to be placed on: .....</p> <p>And if the child has been placed please enter the date he or she was placed.....</p> <p>I would like my Paternity (Adoption) Leave to start on: .....</p> <p>I want to take one/two* weeks (*delete as appropriate)</p> <p>I intend to return to work on: .....</p>	
<b>Your Declaration:-</b>	
<p><b>You must tick this box if you are adopting a child with your partner</b></p> <p>I declare that I am adopting the child with my partner and I want to receive paternity leave and not adoption leave.</p> <p><b>You must be able to tick all three boxes below to get paternity leave</b></p> <p>I declare that:-</p> <ul style="list-style-type: none"> <li>• I am either:- <ul style="list-style-type: none"> <li>- married to the person adopting the child, or</li> <li>- living with the person adopting the child in an enduring family relationship, but not an immediate relative</li> </ul> </li> <li>• I shall have responsibility for the child's upbringing</li> <li>• I shall take time off work to support the person adopting the child or care for the child</li> </ul> <p>I have 26 weeks service with the Authority on/by the 15<sup>th</sup> week before the baby is due</p> <p><b>Signature:</b> ..... <b>Date:</b> .....</p>	