
Paternity Leave Policy

South Oxfordshire and Vale of White Horse District Councils



Paternity Policy



Change Record

Change Record	
Policy Title	Paternity Policy
Version Number	1
Owner(s)	People and Culture
Author(s)	People and Culture
Change Detail	Included the equalities email for those who require a different format and the inclusion that parental leave and paternity leave are now day-one rights. Separated out different types of child related leave into individual policies to make it easier to read and find info. Updated Occupational Paternity Leave and Pay entitlements
Approved by	People and Culture Team, UNISON & SMT
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1 Vision and Values

Our Vision

We are customer focused and approachable. We are honest and open and are committed to providing high quality cost-effective public services.

Our Values



Working Together

We are a committed professional team, who embrace change and help one another improve



People and Planet

We care about each other and the environment we share



Respect

We act with integrity, and champion diversity and inclusivity



Accountability

We take ownership, do what we say, strive for clarity and welcome feedback



Approachability

We are open, honest and accessible



2 Introduction

2.1 Purpose

Our Paternity Policy outlines the statutory rights and responsibilities of employees who are new parents and details arrangements relating to paternity leave. It has been updated to reflect the employment requirements in accordance with the Employment Rights Act (2026) that makes parental leave and paternity leave a day-one right for all employees.

2.2 Scope

This policy applies to all permanent and temporary employees of the councils, excluding Contractors/Agency Workers who are the employees of third parties.

The councils reserve the right to revise, withdraw or replace policies at any time and to introduce new policies from time to time to reflect the changing needs of the organisations.

This policy document supersedes any previously existing or alternative policies, agreements or arrangements relating to Paternity Leave at the councils.

2.3 Contractual Status

This policy is non-contractual, and the councils are entitled to introduce minor and non-fundamental changes to this policy by notifying you of these changes in writing. The councils will consult all employees on any major changes to the policy.

2.4 Relevant legislation

- [Employment Rights Act 2025](#)
- [Employment Rights Act 1996](#)
- [Civil Partnership Act 2004](#)
- [Work and Families Act 2006](#)
- [Maternity and Parental Leave etc Regulations 1999 and all subsequent amendments](#)
- [Equality Act 2010](#)
- [Additional Paternity Leave Regulations 2010](#)
- [Human Embryology and Fertilisation Act 2008](#)
- [The Protection from Redundancy \(Pregnancy and Family Leave\) Act 2023](#)
- [Maternity Leave, Adoption Leave and Shared Parental Leave \(Amendment\) Regulations 2024](#)

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2.5 Alternative formats

Please do not hesitate to contact a member of the Equalities Team if you would like this policy in an alternative format, via: equalities@southandvale.gov.uk.



3 Paternity

3.1 Paternity leave eligibility (birth)

If your wife, civil partner, or partner gives birth to a child you may be entitled to paternity leave and pay. To be eligible you must be taking time off to look after the child and be one or both of the following:

- the child's father
- married to, the civil partner or partner of the mother or birth parent - this includes same-sex partners.

To qualify for paternity leave you will need to:

- be an employee
- give the correct notice.

You can choose to start your paternity leave on any working day:

- from the date of the child's birth (whether this is earlier or later than expected)
- from a chosen number of days after the date of the child's birth (whether this is earlier or later than expected). Your leave cannot start before the birth
- paternity leave can start on any day of the week following the child's birth but must end within 52 weeks of the birth (or due date if the baby is early). The start and end dates rules are different if you adopt.

3.2 Statutory paternity leave (SPL)

All eligible employees are entitled to take two weeks statutory paternity leave; this is a day one right.

Employees can choose to take one- or two-weeks statutory paternity leave and can take the two weeks together or take them separately in one-week blocks.

3.3 Occupational paternity leave (OPL)

The councils offer enhanced paternity leave, over and above the statutory one or two weeks. If you are eligible for statutory paternity leave you will be entitled to take a further four weeks' paternity leave, on top of the statutory paternity leave entitlement.

These weeks can be taken together, can follow immediately after the two-week statutory leave entitlement, or can be taken separately in one-week blocks.

A week of paternity leave is the same number of days/hours that you normally work in a week.

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3.4 Notification of paternity leave

If you wish to request paternity leave you will need to provide written notification by completing a [Paternity leave and pay request form](#), found on OurSpace. Paternity leave can be taken within 52 weeks of the birth/placement for adoption. You will need to return this form to your manager and HR before the end of the 'qualifying week.' The qualifying week is 15 weeks before the week the baby is due (the qualifying week starts on a Sunday and ends on a Saturday).

Information required is:

- the due date
- how many weeks you are intending on taking as paternity leave – statutory and occupational
- confirmation of the dates you would like to take paternity leave, for example the day of the expected birth or the week after the expected date of birth.
- A copy of the MATB1

Please complete and sign the form and return this to the HR team hr@southandvale.gov.uk.

If you wish to change your paternity leave dates you will need to give the councils at least 28 days prior written notice of the new date, or as soon as is reasonably practicable, using the [Request to cancel or vary paternity leave dates form](#). Please note paternity leave cannot commence until the birth of your baby.

3.5 Booking paternity leave and the approval process

The [paternity leave and pay request form](#) will need to be submitted to HR, in line with the timelines outlined in section 2.4.

The dates an employee requests for the one or two statutory paternity leave weeks will automatically be approved by the councils, as this is a statutory entitlement. The additional enhanced paternity leave (up to a further four weeks leave) will need to be discussed and approved by your line manager.

Your manager will aim, where possible, to approve the enhanced paternity leave dates that you request. However, they may need to consider operational demands i.e. team leave, major project deadlines.

If for any reason your manager is unable to approve the dates requested, due to exceptional circumstances, they will meet with you to discuss the reasons and agree alternative dates with you. This meeting will be held with a member of the HR team present.

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Approved paternity leave weeks will be added onto the HR system by the HR team, these weeks do not need to be added onto [MyView](#) by yourself or your manager.

3.6 Changing paternity leave weeks

There may be circumstances where you need to change the date your paternity leave starts (i.e. if your baby arrives early or is born late) if this is the case, please do contact your manager and HR as soon as you are able to and update them of your new paternity leave dates by completing the [Request to cancel or vary paternity leave dates form](#).

3.7 Paternity pay eligibility

To qualify for paternity pay you must meet the following criteria:

- be employed by your employer up to the date of birth
- earn an average earn over the [National Insurance Lower Earnings Limit](#)
- give the correct notice
- have been continuously employed by your employer for at least 26 weeks up to the end of any day in the 'qualifying week'

3.8 Occupational Paternity Pay (OPP)

The councils offer enhanced paternity pay, over and above statutory paternity pay entitlements, if you meet the above paternity pay eligibility criteria. This is referred to as Occupational Paternity Pay. It is split into two elements and will be paid based on your paternity leave and pay notification form that you send to HR:

- Statutory paternity leave period (up to two weeks) – you will be paid your full salary for one or two weeks. This figure will include Statutory Paternity Pay – for the current SSP rate please refer to the [Gov.uk website](#)
- Occupational paternity leave (up to four weeks) – you will be paid 90% of your normal pay, for up to four weeks.

Please see further information on the Gov.uk website, for a [full list of circumstances that affect payment](#) of Statutory Paternity Pay and Occupational Paternity Pay. To receive Occupational Paternity Pay (the additional four weeks at 90% of your normal pay), you must return to work for a minimum of three months following your final week of paternity leave, or you will be liable to repay the 90% element of paternity pay. If you have approved annual leave that follows after your paternity leave, this does not form part of the three-month period.

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3.9 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, this includes accrual of bank holidays that fall during your paternity leave period(s)
- return to work to the same role you were in before you went on leave.

3.10 Time off for attending antenatal appointments

You are entitled to take time off to attend two antenatal appointments, which may include medical appointments, scans, or other pregnancy care. These can be taken as unpaid leave, annualised hours or booked as annual leave.

3.11 Still birth or death soon after birth

If your baby is stillborn after the 24th week of pregnancy or is born alive at any stage of the pregnancy but only lives for a short time, then you can continue to take paternity leave and paternity pay (if you meet paternity pay eligibility criteria) within the first eight weeks of the baby's death.

You may also be eligible for parental bereavement leave and pay; this could be taken after you finish paternity leave. See the Councils [Bereavement and Compassionate Leave Policy](#)

If your partner miscarries prior to the 24th week of pregnancy, then the [Sickness Absence Policy](#) and the [Bereavement and Compassionate Leave Policy](#) apply.

3.12 Adoption Paternity leave

When a couple adopt a child, one person is the 'main adopter,' and one is the 'secondary adopter'. The main adopter can take adoption leave and pay. The secondary adopter can take "paternity leave" (regardless of the gender they identify with).

There are slightly different eligibility criteria and notification criteria for taking adoption paternity leave, however the paternity leave entitlements (outlined in section 2.2 and 2.3) and paternity pay entitlements (outlined in section 2.8) are the same.

To be eligible for adoption paternity leave, you must:

- be married to, the civil partner or partner of the child's main adopter – this includes same-sex partners
- be taking the leave to care for the child or support their partner
- have the legal status of employee

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Notice requirements vary depending on whether it is a UK or overseas adoption.

Notification for UK adoption placements

The following information is required:

- the date you were notified of being matched with the child
- when you expect the placement to start, or when it started if it is already started

You must provide information to your line manager and HR within 7 days of being notified that you have been matched with a child

Notifications for overseas adoption placements

The following information is required:

- the date the child's main adopter received an official notification of the adoption
- the date the child is expected to enter Great Britain, or if they have already entered Great Britain, the date they entered

You must provide information to your line manager and HR within 28 days of the date of the official notification.

Proof of adoption (UK and overseas)

You will be asked to provide within 28 days either:

- a letter from the adoption agency
- the 'matching' certificate

You will need to complete the relevant [Paternity Leave and Pay Request Form \(Adoption-UK\)](#)/ [Paternity Leave and Pay Request Form \(Adoption - overseas\)](#). This will include details of when you would like to take the period of leave

Eligibility for statutory pay – UK adoptions:

To be eligible for statutory paternity pay for UK adoptions, you must be:

- married to, the civil partner or partner of the child's main adopter – this includes same-sex partners
- taking the leave to care for the child or support their partner

You must also have worked for the same employer continuously:

- for at least 26 weeks ending with the 'relevant' or 'matching' week – the week they are notified of being matched with a child for adoption
- between the relevant week and the day that the adoption placement starts

Commented [MJ1]: Or notification of an early permanence arrangement

Commented [AW2R1]: See comment above

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You must have average weekly earnings of at least over the [National Insurance Lower Earnings Limit](#) over 8 weeks ending with the relevant week.

If your employment ends before your adoption placement starts, you will lose your entitlement.

Eligibility for statutory pay – overseas adoptions:

To be eligible for statutory paternity pay for overseas adoptions, you must

- be married to, the civil partner or partner of the child's main adopter – this includes same-sex partners
- have or expect to have the main responsibility with the main adopter for the child's upbringing
- have given their employer notice within 7 days of being notified that they've been matched with a child

You must have worked for the same employer continuously for at least 26 weeks either:

- ending with the week the main adopter received 'official notification' from the authority in the UK responsible for the adoption
- starting with the week they started working for the employer

You must let your line manager and HR know:

- the date the child's main adopter received the official notification
- the date the child is expected to enter Great Britain
- when they want to start their paternity leave
- how much paternity leave they plan to take

This must be in writing within 28 days of either of the following – whichever is later:

- receiving the official notification
- the date they've been employed continuously for 26 weeks by the same employer

You must then let your manager and HR know the date the child actually entered Great Britain within 28 days of the child arriving.

To claim statutory paternity pay for adoption you will need to complete and return your [Paternity Leave and Pay Request Form \(Adoption-UK\)](#)/ [Paternity Leave and Pay Request Form \(Adoption - overseas\)](#), form to HR and your line manager.

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Taking paternity leave and pay

You can take statutory paternity leave and pay at any time in the first 52 weeks after either:

- the date the adoption placement starts
- the date the child enters Great Britain if it's an overseas adoption

Approval of the additional paternity leave weeks (up to 4 weeks) will be in line with section 2.5

If you wish to change the dates of your paternity leave, you will need to complete a [Request to cancel or vary paternity leave dates form - \(Adoption-UK\)](#)/ [Request to cancel or vary paternity leave dates form - \(Adoption-overseas\)](#).

If the adoption doesn't go ahead

If the adoption is 'disrupted', meaning it does not go ahead, you will still be entitled to paternity pay.

3.13 Local government pension scheme membership

During the 4-week additional/ Occupational paternity leave period the councils will continue to pay employer pension contributions based on the pay you would have received if you had been working normally. This will apply whether you receive any pay or not during this period.

For the 4 weeks at 90% of your normal pay, you will pay contributions at the same pension percentage as you did before your paternity leave, but this percentage will be based on the amount of pay you actually receive.

If you are not eligible to receive paternity pay, no employee pension contributions will be deducted throughout the period in which you receive no pay. From 1 April 2026, any periods of unpaid relevant child related leave will have pension contributions paid by the employer using Assumed Pensionable Pay (assumes that an employee has been paid as if they were at work) so that employees are not disadvantaged by being on leave.

To discuss your pension in more detail you can contact the pension team at Oxfordshire County Council on 01865 797125 or 01865 797134.

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3.14 Bereaved partner's paternity leave

Bereaved partner's paternity leave (BPPL) is unpaid time off work to look after your child if the mother, main adopter or main intended parent of your child dies.

The person who has died must fall into one of these categories:

- the mother or parent who gave birth
- the primary adopter
- an intended parent having a baby through surrogacy

Employees can take up to 52 weeks' Bereaved Partner's Paternity Leave (this is unpaid), to care for their child. They can choose the amount of time and must take this in one continuous block. This can be taken until either:

- your child turns one
- the first anniversary of your child's adoption placement (or arrival in England, Scotland or Wales or overseas adoptions)

This leave can be taken before or after another parental leave and pay that you are eligible for.

For further information, please refer to the [Gov.uk website](https://www.gov.uk). A Bereaved Partner's Paternity Leave Policy will be available on OurSpace shortly.



4 Other child related leave policies

Policies relating to maternity, adoption and surrogacy, parental leave and shared parental leave entitlements can be found on the [policies section](#) on OurSpace.