

WELSH GOVERNMENT HR POLICIES

PATERNITY (CO-PARENTAL) LEAVE

It is the Welsh Government's policy to allow an additional 5 days (equating to 1 week) Paternity/co-parental leave on top of the statutory allowances to enable a co-parent to take 10 days (equating to 2 weeks) paid leave (pro-rated for part time staff who do not work every day) to assist at the birth or just after the birth of their child, or when they adopt.

Please note that all of our policies are fully inclusive of all staff regardless of age, marriage (including equal/same sex marriage) and civil partnership, disability, sex, sexual orientation, pregnancy and maternity, race, religion or belief, gender identity or gender expression.

[The Guidance and Procedures to support the implementation of this policy can be accessed by clicking here](#)

WELSH GOVERNMENT HR GUIDANCE AND PROCEDURES

PATERNITY LEAVE (CO-PARENTAL LEAVE)

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ROLES AND RESPONSIBILITIES

Employees are responsible for:

- Completing the Paternity/Co-parental leave application form in line with the specified qualifying period and application period. (For Paternity leave, the [HMRC form SC3](#) must also be completed or [HMRC form SC4](#) for Adoption Leave). The forms must be sent to the Corporate Shared Service Centre at least 28 days before the start of the paternity leave/co-parental leave
- Ensuring that any requests for time off to attend ante-natal care or adoption leave appointments are made to their line managers with as much notice as possible.

Line managers are responsible for:

- Agreeing applications for paternity/co-parental leave;
- Agreeing time-off for antenatal care/adoption appointments.

Corporate Shared Service Centre (CSSC) is responsible for:

- Advising on the paternity/co-parental leave policy and this guidance and procedure.
- Processing the application in line with the specified qualifying period and application period.

1. The Policy

- 1.1 To access the [policy](#) click here. When a couple adopt a child they can decide which one of the two will apply for and take paternity/co-parental leave, the other being eligible for Adoptive Leave. Such paternity/co-parental leave can only be taken from the date the child comes under the couple's full-time care.
- 1.2 Employees may also wish to consider other parental leave provisions such as Shared Parental Leave which can be taken in addition to Paternity and Co-Parental Leave. Further information for this and other relevant policies can be found under the [Childcare Arrangements](#) intranet pages.

2. Qualifying service

- 2.1 A father, co-parent or adoptive parent whose appointment is permanent, or fixed term, is entitled to 15 days' paid paternity/co-parental leave (pro-rated for part time staff who do not work every day), subject to the length of service requirement in section 2.2 (d) below. Parental leave for other types of appointment will be allowed at the Welsh Government's discretion. Paternity/co-parental leave **cannot be paid** during periods of unpaid absence.

2.2 Please note:

- a) an employee is only entitled to take one allowance of paternity/co-parental leave where there is a multiple birth or adoption of more than one child
- b) paternity/co-parental leave is in addition to annual leave entitlement
- c) the employee claiming paternity/co-parental leave must be the biological father of the child or, if not the father, then married to (including Equal marriage, i.e. the marriage of same sex couples), the civil partner or partner of the child's mother/co-parent
- d) to claim paid paternity/co-parental leave you must have completed at least 26 weeks continuous service by the 15th week before the baby is due (for Adoptive leave this would be the date that the child comes under your full time care (as above at *para 1.1))
- e) At least 2 of the weeks of paid paternity/co-parental leave must be taken together in line with HMRC rules on statutory paternity pay (SPP) – the weeks of paternity/co-parental leave cannot be split into single days

- f) if a bank holiday or privilege day falls during the period of paid paternity/co parental leave, an additional day will be granted on return to the workplace
- g) if a study day falls during a period of paternity/co-parental leave, an additional day will not be granted
- h) an employee who is the expectant father, spouse or partner in an enduring relationship (including same sex marriage and civil partnership) of a pregnant woman is entitled to take unpaid time off work to accompany the expectant mother to up to two ante-natal appointments, or if adopting, to attend pre-adoption meetings. Qualifying relationships are:
 - a) the baby's father;
 - b) the expectant mother's spouse (including same sex marriage), her civil partner, or partner (of either sex) in an enduring relationship; or
 - c) One of a same sex couple who is to be treated as the child's other parent under donor insemination

If an employee does not wish to take unpaid leave to attend such meetings, they may use flexi or annual leave subject to agreement from their line manager. (See section 6 of the Maternity and Adoption policy for further details). If taking unpaid leave employees should use the [special leave e-form](#) and choose 'other' for special leave category from the drop down menu.

3. Application period

- 3.1. The Paternity Leave/Co parental leave form and HMRC form must be sent to the CSSC at least 28 days before the intended start of the paternity leave/co-parental leave
- 3.2 Paternity/co-parental leave must be completed within 56 days of the birth date or the date the child came into the parent's care in the case of adoption
- 3.3 If the baby is born earlier than the expected date, the leave must be **completed** within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

4. Contractual benefits

- 4.1. The contract of employment continues during the period of paid paternity leave (maximum of 15 days-pro-rated for part time staff who do not work

every day). During this period employees will continue to benefit from the contractual benefits of their existing terms and conditions of employment other than just pay and pension contributions. This includes the accrual of annual leave including Public Holidays and Privilege days. Other benefits could include use of a lease car or a mobile telephone if the individual was previously in receipt of such a benefit.

5. Procedures

- 5.1 The employee making the request must complete the Paternity /Co-Parental Leave application form in conjunction with their line manager. The Deputy Director must sign off the form and forward it to the CSSC.

6. Useful links

- [Intranet Pages on Paternity/Co- parental leave](#)
- [Gov UK](#)
- [Welsh for Kids](#)

7. FREQUENTLY ASKED QUESTIONS

Q. I am about to become a father - How much paid paternity leave can I take?

- A. Provided you qualify for paid paternity leave, you will get 15 days for the birth of each child (pro-rated for part time staff who do not work every day). Where there is a multiple birth, you are only entitled to take one allocation of paternity leave (i.e. 15 days).

Q. I am in a same sex partnership/civil partnership/equal marriage and we are having a baby/adopting a baby. What are my entitlements?

- A. All the relevant Parental Leave policies apply to any employee who is becoming a parent.

Q. I am a permanent / fixed term member of staff. I am about to become a father and wish to apply for Paternity/co- parental leave. I have worked at least 26 weeks continuous service (ending at the 15th week before the baby is due) and would like to know if I am entitled to apply for paternity leave.

- A. Yes - you will be entitled to claim paid Paternity Leave. You will need to complete the Paternity Leave application form, and the HMRC SC3 form (or SC4 form for adoptive leave) and send it to the Corporate Shared Service Centre. On receipt of your application the Corporate Shared

Service Centre will ensure that you are paid for your paternity leave. Your pay for the period will include SPP at a rate of 90% of your average weekly earnings **or** the current SPP rate, whichever is lower.

Q. What if I am a permanent / fixed term member of staff and wish to apply for Paternity/co- parental leave, but I have NOT worked 26 weeks continuous service (ending at the 15th week before the baby is due)? Am I entitled to apply for paternity leave?

A. Unless you have completed at least 26 weeks continuous service (by the 15th week before the baby is due), you are **not** entitled to claim paid Paternity/Co-parental Leave or Statutory Paternity Pay. You may wish to put forward an application to your Deputy Director for paternity/Co-Parental leave, although approval will be given at the Deputy Director's discretion. Please note, however, that this leave will be **unpaid**.

Q. How do I inform my division that I wish to take paternity/co-parental leave?

A. Tell your line manager and complete the Paternity /Co-Parental leave application form. Your line manager and Deputy Director will need to sign your application form before it is sent to the Corporate Shared Service Centre.

Q. Do I have to provide any evidence of the birth of my child?

A. Paid Paternity Leave includes Statutory Paternity Pay (SPP). You are required to make a formal declaration of your entitlement to SPP by returning a completed HMRC [Form SC3](#) to the Corporate Shared Service Centre **in addition to** the Paternity/Co-Parental leave form. The Welsh Government's contractual Paternity/Co-parental pay includes the Statutory amount outlined in Form SC3

Q. Can I have more than 15 days (pro-rated for part time staff who do not work every day) paid paternity leave?

A. You are entitled to apply for parental leave, but this is unpaid. [For details of the parental leave scheme, please view the Parental Leave Policy](#). You may also wish to consider Shared Parental Leave, details of which can be found in the [Shared Parental Leave Policy](#).

Q. Can I split the 15 days up as I please?

A. No. The 15 days must be taken as either 3 continuous weeks or in 2 separate periods of 2 weeks and 1 week

Q. What about bank holidays or college days? Can I have extra days if these fall during my paternity leave?

A. You can start your Paternity leave period(s) on any day of the week but if a college or study day falls during the period you have applied for, you will not be entitled to an extra day. If a Bank Holiday or Privilege day falls within the period, you will be entitled to an additional day in lieu.

Q. Am I entitled to accompany an expectant mother to an ante-natal appointment or in the case of adopting, the pre-adopting meeting?

A. Yes if you are a permanent employee or an employee on a fixed term appointment and are the expectant father, spouse or partner in an enduring relationship (including same sex marriage and civil partnership) you are entitled to accompany the expectant mother to up to two unpaid antenatal appointments or for adopting , two pre-adoption meetings.

You will need to advise your line manager, with as much advance notice as possible of the date and time of the antenatal appointments/adoption pre-meetings. If taking unpaid leave you should complete the [special leave e-form](#) and for special leave category, choose 'other' from the drop down menu. If you do not wish to take unpaid leave to attend the antenatal appointments/ pre-adoption meetings, you may use your flexi leave or annual leave subject to agreement from your line manager.