

Sustain's paternity policy

Sustain wants to help staff members who are becoming parents, during and after pregnancy, adoption or surrogacy. We will be flexible and supportive; we invite you to discuss your circumstances with Sustain to help us work out how best to do so. We will not discriminate on the basis of gender, sexual orientation nor other personal characteristics, in line with our diversity and inclusion policies.

“Paternity leave” allows the other expectant parent in the relationship to take time off from work after the birth or adoption of your child. This leave may be available to the employee regardless of their gender or of the gender they identify with, and may be a husband, civil partner, or partner in the relationship who will have responsibility for care of the child, provided they meet the relevant eligibility criteria.

This policy sets out your rights and our mutual responsibilities on paternity leave, paternity pay, and other issues relating to paternity. The policy is designed to be as comprehensive as possible, however people's individual circumstances do vary, and if you have any queries that are not answered, or if you have any other questions about the policy, please contact Sustain's HR Manager (usually Sustain's Head of Finance or a member of the Senior Management Team). Please note that this policy does not cover people who work with Sustain on freelance contracts.

Sustain implements, and in some aspects exceeds, the shared parental leave rights set out in legislation.

A useful website for information is: www.gov.uk/employers-paternity-pay-leave

1. Time off for antenatal care

Husbands, Civil Partners or partners to expectant mothers are entitled to attend up to two antenatal appointments with them, including appointments with their GP, midwife, hospital clinics and relaxation classes. The appointments can be attended during your normal working hours though whenever possible they should be arranged to be at the start or end of your working day.

1.1 Procedure for notifying absence for antenatal care

You should advise your manager that you will be absent as far in advance of your appointment as possible. Sustain reserves the right to be able to ask to see your appointment card, or some other confirmation of your appointment.

1.2 Pay

You will continue to receive your normal pay for attendance at up to two authorised antenatal appointments, including any time spent travelling to and waiting for the appointment, up to 6.5 hours for each, in line with ACAS guidance. For Partners employed by Sustain, additional antenatal appointments can be taken as unpaid leave, or the time can be made up by working other hours.

2. Paternity leave

Statutory Paternity Leave (SPL)

In order to qualify for the right to take paternity leave, you must have worked for Sustain for a continuous period of 26 weeks by the week that falls 15 weeks before the week in which the child is due to be born. For an adopted child, the period is calculated as the week in which you are notified of having been matched with the child for adoption (see Sustain's *Adoption Policy* for more details). You must also meet each of the following eligibility criteria:

- You have, or expect to have, responsibility for the upbringing of the child.
- You are the biological father or adopter of the child or you are married to or are the cohabiting partner of the child's mother or adopter.
- You are making the request to help care for the child or support the child's mother.

Assuming you are eligible, you are able to take up to two weeks of paid paternity leave. You can take this in a single block of either one or two weeks, however odd days cannot be taken. Paternity leave can start either from the date the child is born or from a chosen number of days or weeks after the date of childbirth (or, in respect of an adopted child, from the date of placing for adoption). It can start on any day of the week, but it must be completed within eight weeks (56 days) of the date of childbirth (or date of placement for adoption). If the child is born early, it must be completed within the period from the date of childbirth up to eight weeks (56 days) after the expected date of childbirth.

In the case of multiple births (for example, twins), note that only one period of paternity leave is available.

3. Shared parental leave

Employees whose babies are born after 5 April 2015 and meet the eligibility criteria, have the right to end their maternity leave period early and opt into Shared Parental Leave. This allows employees to share the period of leave and pay between the parents and to take time off in up to three blocks at a time, up to the child's first birthday. (For more information please see Sustain's *Shared Parental Leave Policy*).

4. Paternity benefit

During paternity leave, most employees will be entitled to Statutory Paternity Pay (SPP). The weekly rate of SPP is set by the Government for the relevant tax year, or it is 90% of

your average weekly earnings if this is lower than the Government's set weekly rate. However, Sustain pays employees who meet the eligibility criteria two weeks of paternity leave at full pay (inclusive of SPP).

Employees whose average weekly earnings are less than the lower earnings limit for National Insurance contributions are not eligible to receive SPP.

SPP is treated as earnings and is therefore subject to PAYE and National Insurance deductions.

In the case of a multiple birth or adoption placement, entitlement to SPP is exactly the same as if there was one child.

If you are not entitled to SPP you can apply to the Department of Work and Pensions via Jobcentre Plus for any other benefits that you may be entitled to.

5. Notification of paternity

By the 15th week before the expected week of childbirth you must give notice in writing of your intention to take paternity leave to Sustain's HR Manager. You should provide written details of when the child is due, whether you wish to take one or two weeks' paternity leave and when you want your paternity leave to start. A Paternity Leave Request Form should be completed.

In the case of an adopted child, you should give written notice of your intention to take paternity leave as soon as possible, to help us work with you to make appropriate plans. The notice should specify the date on which the adopter was notified of having been matched with the child, the date the child is expected to be placed for adoption, whether you wish to take one or two weeks' paternity leave and when you want your paternity leave to start.

You are able to change your mind about the date on which you want your paternity leave to start, provided you give your line manager and the HR Manager ample notice.

6. Your rights during paternity leave

You will be entitled to the benefit of your normal terms and conditions of employment during the period of paternity leave. It is Sustain's policy to pay full pay during paternity leave.

Annual leave continues to accrue throughout any period of paternity leave.

7. Returning to work after paternity leave

If you take paternity leave Sustain expects you to be back at work on the return date you have indicated.

Employees who return to work after taking Shared Parental Leave for a period up to 26 weeks are entitled to return to the same job. After 26 weeks' Shared Parental Leave has

been taken, if it is not reasonably practical for you to resume your original role you will be entitled to return to another job which is both suitable and appropriate in the circumstance. (See Sustain’s *Shared Parental Leave Policy*).

8. Sickness during paternity leave

You are not entitled to sick pay whilst on paternity leave although you may be able to claim Incapacity Benefit from the Department of Work and Pensions via Jobcentre Plus. If you are sick before you start your paternity leave you may postpone it and Sustain’s *Sickness Absence Policy* will apply. However, the 56-day limit on taking your paternity leave will not be extended, except in exceptional circumstances.

9. Flexible working

You have the right to apply for flexible working. It is Sustain’s policy to promote flexible working arrangements for all employees and in particular for people returning from maternity, paternity, adoption and other parental leave. Further details, including the procedure to be followed, can be found in Sustain’s Flexible Working Policy.

10. Data protection

Sustain will treat all information about you, your child or children and your parental circumstances with care, compassion and the utmost sensitivity.

In the implementation of this policy, Sustain may process personal data and/or special category personal data collected in accordance with its GDPR and data protection policy. Data collected from the point at which this policy is invoked will only inform the organisation for the benefit of implementing this policy. All data is held securely and accessed by, and disclosed to, individuals only for the purposes of this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's GDPR and data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

11. Information for internal use

Date of most recent update:	11/05/21		
Reviewer and lead on policy:	Merav Shub, Kath Dalmeny, Quoc-anh Tran, working with CBR Solutions		
Considered by management team:	Yes / No	Done (date):	01/05/21
Approved by (usually Chief Executive):	Kath Dalmeny	Done (date):	11/05/21
Sustain Council of Trustees approval required?	Yes		
At which Council meeting?	May 2021	Done (date):	05/05/21
Is this policy in the list of 'required' policies?	Yes		

For <u>required</u> policies only, updates include (describe the changes in brief list format; keep and add older date to list of previous updates): <i>Note: For <u>discretionary</u> policies, updates will be recorded in Sustain Council meeting minutes.</i>	Policy published as part of HR Healthcheck 2021, adapted from CBR Solutions template
Next review date (minimum period – usually three years – or if prompted by legislative change; or in the interim at the discretion of Sustain/trustees):	May 2024
Filed in Sustain drive (drive and folder names):	Line managers drive / HR policies
Publish privately on intranet? (include the final part of the file location – page name not full URL):	www.sustainweb.org/intranet/parental-policies
Publish publicly on Sustain website? (include location – full URL):	No
Policy adapted from template provided by CBR Solutions:	

Paternity notification form

Name:	
Job title:	

I wish to apply for paternity leave and/or paternity pay. I have read and understood the Sustain Paternity Policy and I confirm the following (delete as applicable):

I am: <ul style="list-style-type: none"> • The baby's biological father, or • Married to the mother of the baby, or • Living with the mother in an enduring family relationship but am not an immediate relative. 	Yes / No
I have responsibility for the child's upbringing.	Yes / No
I will take time off work to support the mother or take care of the child.	Yes / No
<i>You must be able to answer Yes to all three to be eligible for paternity leave/pay.</i>	

Or in the case of adoption:

I am: <ul style="list-style-type: none"> • Married to the person adopting the child, or • Living with the person adopting the child in an enduring family relationship but am not an immediate relative. 	Yes / No
I will have responsibility for the child's upbringing.	Yes / No
I will take time off work to support the person adopting the child or take care of the child.	Yes / No
<i>You must be able to answer Yes to all three to be eligible for paternity leave/pay.</i>	

My baby is due on / My placement date is:		
I would like my paternity leave/pay to start on: Timing the arrival of a baby or child is difficult. This is just an indication at this stage. We will keep in touch to make sure you are paid correctly.	Week 1	
	Week 2 (if taking non-consecutive weeks)	
I want to be away from work for:	1 or 2 weeks (delete as applicable)	

Please sign this form and return to the HR Manager.

Signature and date:	
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