

**OXFORD CITY COUNCIL  
PATERNITY POLICY**

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## **1. POLICY STATEMENT**

- 1.1 This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it. It also covers paternity leave as part of adoption
- 1.2 No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.

## **2. SCOPE**

- 2.1 This policy applies to full-time and part-time employees (regardless of the number of hours worked) subject to qualifying condition, e.g. length of service. It does not apply to agency workers or the self-employed. If you require further guidance, please contact People & Equalities (P&E).

## **3. DEFINITIONS/ABBREVIATIONS**

The following definitions apply in this policy.

**Partner:** someone (whether of a different sex or the same sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle.

**Expected Week of Childbirth:** the week, beginning on a Sunday, in which their doctor or midwife expects your spouse, civil partner or Partner to give birth.

**Expected Placement Date:** the date on which an adoption agency expects that it will place a child into your care with a view to adoption.

**OPL** – occupational paternity leave

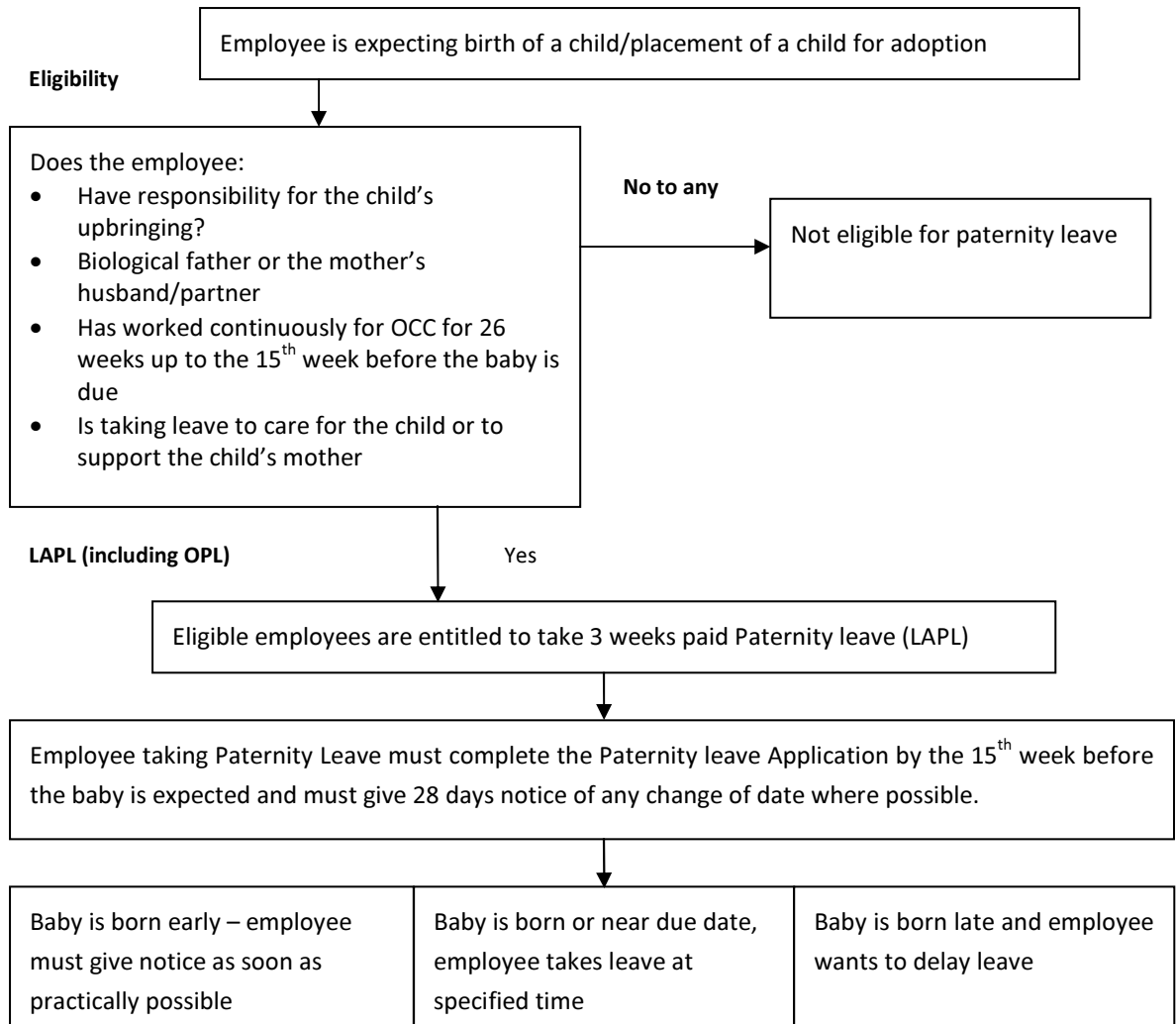
**APL** – additional paternity leave

**OSPP** – ordinary statutory paternity pay

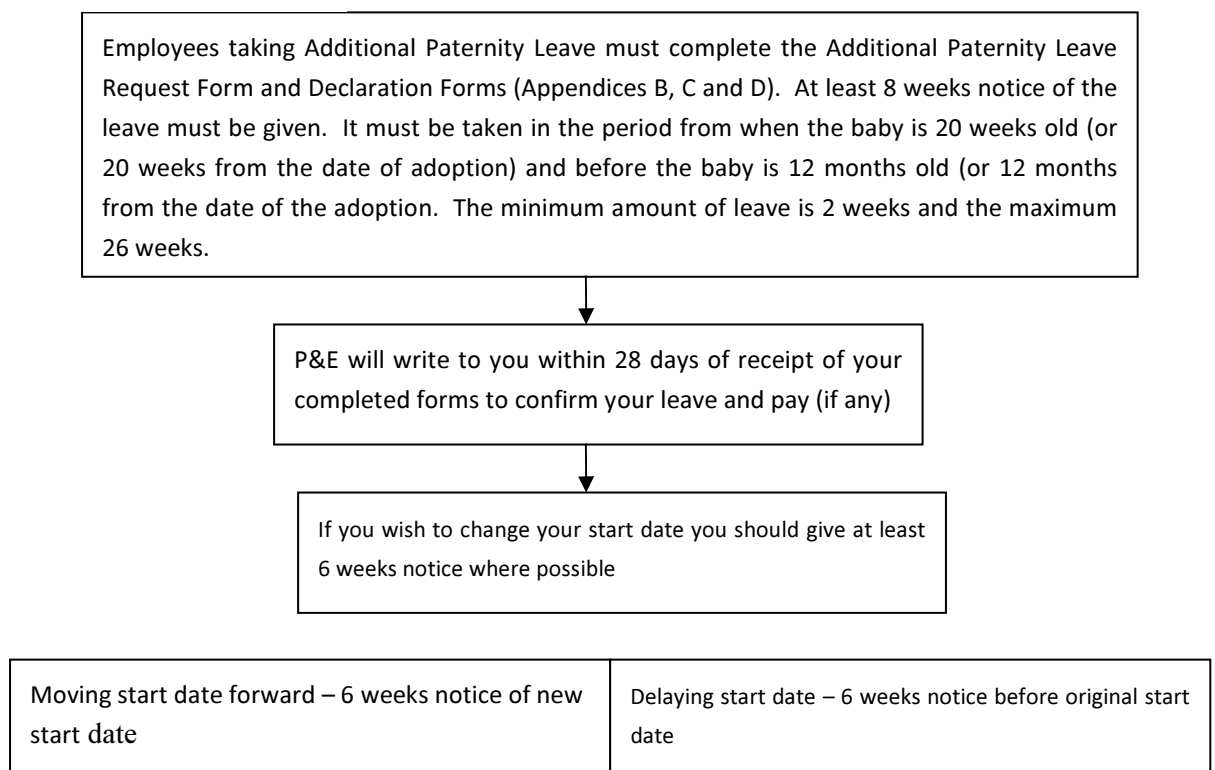
**ASPP** – additional statutory paternity pay

As the Council's scheme is more generous than the Statutory Paternity Leave Scheme, we do not reference the latter in this policy.

#### 4. PROCEDURE OVERVIEW



#### Additional Paternity Leave



## **5. IMPLEMENTING THE POLICY**

- 5.1 Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.
- 5.2 The Head of People & Equalities has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.

## **6. ENTITLEMENT TO PATERNITY LEAVE (INCLUDING AS PART OF ADOPTION)**

- 6.1 Certain employees can take paternity leave in relation to the birth or adoption of a child. In adoption cases paternity leave is not available to an employee who decides to take adoption leave. [Further details of adoption leave are set out in our Adoption Policy.]
- 6.2 Oxford City Council has an Occupational Paternity Leave Scheme (OPL). This Scheme is more generous in terms of the amount of leave and pay provided than the Statutory Scheme and the qualifying criteria are the same.
- 6.3 In addition to 3 weeks leave the OPL scheme provides for employees to take one day's leave for the day of the birth.
- 6.4 You are entitled to **OPL** if you meet all the following conditions:
  - (a) You have been continuously employed by us for at least 26 weeks ending with:
    - (i) in birth cases, the week immediately before the 14th week before the Expected Week of Childbirth.
    - (ii) in adoption cases, the week in which you or your Partner are notified by an adoption agency that you/they have been matched with a child.
    - (iii) you remain employed by us during the OPL period.
  - (b) You:
    - (i) are the biological father of the child;
    - (ii) have been matched with a child by an adoption agency;
    - (iii) are the spouse, civil partner or Partner of the child's mother; or
    - (iv) are the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency.
  - (c) You:
    - (i) expect to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or

- (ii) are the child's biological father and you expect to have some responsibility for the child's upbringing.
  - (d) Your intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.
- 6.5 You are also entitled to Additional Paternity Leave (APL) if in addition to the conditions in paragraph 6.4 above:
- (a) You remain employed by us until the week before the first week of your APL;
  - (b) The child's mother or your co-adopter has been entitled to statutory leave:
    - (i) in birth cases, the child's mother has been entitled to maternity leave, statutory maternity pay or maternity allowance in respect of her pregnancy, or
    - (ii) in adoption cases, the child's adopter has been entitled to one or both of adoption leave or statutory adoption pay in respect of the child's adoption; **and**
  - (c) The child's mother or your co-adopter had returned to work.

## **7. TIMING AND LENGTH OF PATERNITY LEAVE (OPL AND APL)**

- 7.1 OPL must be taken in one block or multiples of complete weeks. The maximum amount of LAPL is three weeks.
- 7.2 OPL can be taken from the date of the child's birth or adoption placement, but must end:
  - (a) In birth cases, within 56 days of the child's birth;
  - (b) In adoption cases, within 56 days of the child's placement.
- 7.3 If Additional Paternity Leave (APL) is requested, it must be taken as multiples of complete weeks and as one period. The minimum amount of APL that can be taken is two weeks and the maximum is 26 weeks.
- 7.4 APL must be taken in the period beginning 20 weeks after the child's date of birth, or adoption placement, and ending 12 months after that date of birth or adoption.

## **8. NOTIFICATION (BIRTH)**

- 8.1 If you wish to take OPL in relation to a child's birth, you must give us notice in writing of your intention to do so and confirm:
  - (a) The Expected Week of Childbirth;
  - (b) The number of weeks' leave you intend to take (either one block or in multiples of complete weeks).

- (c) When you would like to take your leave. You can state that your leave will start on:
  - (i) the day of the child's birth;
  - (ii) a day which is a specified number of days after the child's birth;
  - or
  - (iii) a specific date later than the first date of the Expected Week of Childbirth.
- 8.2 You must give notice under paragraph 8.1 before the 15th week prior to the Expected Week of Childbirth (or, if this is not possible, as soon as you can). A Paternity Leave Request Form is attached at Appendix 1.
- 8.3 If you wish to take APL in relation to a child's birth, you must provide us with the following at least eight weeks before the date on which you would like to start your leave (A leave notice, employee declaration form and a mother declaration form is attached at Appendices 2, 3 and 4) :
  - (a) A written "leave notice" stating:
    - (i) the Expected Week of Childbirth;
    - (ii) the child's date of birth; and
    - (iii) the dates on which you would like your APL to start and finish.
  - (b) A signed "employee declaration" confirming that:
    - (i) you are **either** the child's father **or** that you are the spouse, Partner or civil partner of the child's mother;
    - (ii) apart from the child's mother, you have or expect to have the main responsibility for the upbringing of the child; and
    - (iii) you wish to take APL in order to care for the child.
  - (c) A written "mother declaration" from the child's mother stating:
    - (i) her name, address and National Insurance number;
    - (ii) the date she intends to return to work;
    - (iii) your relationship with the child;
    - (iv) that, to her knowledge, you are the only person exercising an entitlement to APL in respect of the child; and
    - (v) that she consents to us processing the information she has provided.
- 8.4 We will write to you to confirm the start and finish dates of your APL within 28 days of receiving your leave notice, your employee declaration and the child's mother's declaration.
- 8.5 We may require you to provide a copy of the child's birth certificate and the name and address of the mother's employer or, if she is self-employed, her business address.

**9. NOTIFICATION (ADOPTION)**

- 9.1 If you wish to take OPL in relation to the adoption of a child, you must give us notice in writing of your intention to do so and confirm:
- (a) The date on which you and/or your spouse, civil partner or Partner were notified of having been matched with the child, together with the Expected Placement Date;
  - (b) The number of weeks' leave you intend to take up to a maximum of 3 weeks and how you plan to take it. This may be as one block of up to three weeks, a two week and/or 1 week block or up to three single week blocks; and
  - (c) When you would like to take your leave. You can state that your leave will start on:
    - (i) the day on which the child is placed with you or the adopter;
    - (ii) a day which is a specified number of days after the child's placement; or
    - (iii) a specific date later than the Expected Placement Date.
- 9.2 You must give notice under paragraph 9.1 no more than seven days after you and/or your spouse, civil partner or Partner were notified of having been matched with the child (or, if this is not possible, as soon as you can).
- 9.3 We may require a signed declaration from you that you are taking LAPL for a purpose for which it is intended; namely, to care for the child or to support your spouse, civil partner or Partner in caring for the child.
- 9.4 If you wish to take APL following a child's adoption, you must provide us with the following at least eight weeks before the date on which you would like to start your leave:
- (a) A written "leave notice" stating:
    - (i) the date on which you were notified that you had been matched with the child;
    - (ii) the date on which the child was placed with you; and
    - (iii) the dates on which you would like your APL to start and finish.
  - (b) A signed "employee declaration" confirming that:
    - (i) you have been matched for adoption with the child;
    - (ii) you are either the spouse, Partner or civil partner of the child's co-adopter; and
    - (iii) you wish to take APL in order to care for the child.
  - (c) A written "adopter declaration" from the child's adopter stating:
    - (i) their name, address and National Insurance number;

- (ii) the date they intend to return to work;
- (iii) that you are their spouse, Partner or civil partner; and
- (iv) that they consent to us processing the information they have provided.

A combined leave notice and employee declaration form and an adopter declaration form are available from People & Equalities.

9.5 We will write to you to confirm the start and finish dates of your APL within 28 days of receiving your leave notice, your employee declaration and the adopter's declaration.

9.6 We may require you to provide the following:

- (a) The name and address of the adopter's employer or, if they are self-employed, their business address.
- (b) Documentary evidence issued by the adoption agency that matched you with the child which confirms:
  - (i) the name and address of the adoption agency;
  - (ii) the date on which you were notified that you had been matched with the child; and
  - (iii) the date on which the agency expected to place the child with you.

## **10. CHANGING THE DATES OF OPL OR APL**

10.1 Where you are to take OPL in respect of a child's birth, you can give us written notice to vary the start date of your leave from that which you originally specified in the notice given under paragraph 8.1. This notice should be given at least 28 days before the first day of the Expected Week of Childbirth:

- (a) Where you wish to vary your leave to start on the day of the child's birth;
- (b) Where you wish to vary your leave to start a specified number of days after the child's birth;
- (c) Where you wish to vary your leave to start on a specific date (or a different date from that you originally specified) – but in this case at least 28 days before that date.

10.2 Where you are to take OPL in respect of a child's adoption, you can give us written notice to vary the start date of your leave from that which you originally specified in the notice given under paragraph 9.1. This notice should be given at least 28 days before the Expected Placement Date:

- (a) Where you wish to vary your leave to start on the day that the child is placed with you or the adopter;
- (b) Where you wish to vary your leave to start a specified number of days after the child's placement;



- (c) Where you wish to vary your leave to start on a specific date (or a different date from that you originally specified) – but in this case at least 28 days before that date.
- 10.3 If you are unable to give us 28 days' written notice of the wish to vary the start of your leave as set out above, you should give us written notice of the change as soon as you can.
- 10.4 Where you are to take APL, following either the birth or adoption of a child, you are entitled to give us written notice to cancel or vary the start and/or finish dates that you previously notified to us in accordance with paragraph 8.3 or paragraph 9.4. You need to do this:
- (a) At least six weeks before the date you originally told us was the date on which you wanted to start your APL; or
  - (b) If you want to start your APL earlier than that original start date, at least six weeks before the date on which you now wish your APL to start.
- 10.5 If you are unable to give six weeks' notice you should give us written notice of your wishes as soon as possible. However, in these circumstances, if we are unable to accommodate your request we may require you to take a period of APL of up to six weeks starting on either your original or revised start date. If you wish to discuss varying or cancelling your APL in these circumstances you should speak to People & Equalities.

## **11. STATUTORY PATERNITY PAY**

- 11.1 In this paragraph, **Relevant Period** means:
- (a) In birth cases, the eight-week period ending immediately before the 14th week before the Expected Week of Childbirth.
  - (b) In adoption cases, the eight-week period ending immediately before the week in which you or your spouse, civil partner or Partner were notified of being matched with the child.
- 11.2 If you take OPL in accordance with this policy, you will be paid full pay, less any ordinary statutory paternity pay (**OSPP**) to which you are entitled. You are entitled to OSPP if, during the Relevant Period, your average weekly earnings are not less than the lower earnings limit set by the government. You will therefore be paid full pay for the three weeks of LAPL.
- 11.3 If you take APL in accordance with this policy, you may be entitled to additional statutory paternity pay (**ASPP**). Whether and, if so, for how long you may be entitled to ASPP will depend on:
- (a) Your average weekly earnings being not less than the lower earnings limit set by the government during the Relevant Period; and

- (b) The child's mother or your co-adopter, as the case may be, having returned to work without having taken at least two weeks of their maternity allowance, maternity pay or adoption pay period. Your entitlement to ASPP will equate to the number of weeks of unexpired maternity allowance, maternity pay or adoption pay that remained when the child's mother or your co-adopter returned to work.
- 11.4 OSPP and ASPP are paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact People & Equalities.

## **12. TERMS AND CONDITIONS DURING OPL AND APL**

- 12.1 All the terms and conditions of your employment remain in force during OPL and APL, except for the terms relating to pay. In particular:
  - (a) Benefits in kind [such as slice card, etc.]
  - (b) Annual leave entitlement under your contract shall continue to accrue; and
  - (c) Pension benefits shall continue (see paragraph 16).

## **13. ANNUAL LEAVE**

- 13.1 During OPL and APL, annual leave will accrue at the rate provided under your contract.
- 13.2 Normally, no more than 5 days' annual leave can usually be carried over from one holiday year to the next. If the holiday year is due to end during your absence on paternity leave, you should ensure that you have taken your full year's entitlement before your paternity leave starts.

## **14. OTHER LEAVE ENTITLEMENTS**

- 13.1 Employees have rights to unpaid parental leave, unpaid time off for dependants and a right to request flexible working patterns. Please see the relevant Council policy documents (available on the Intranet or from P&E).

## **15. CHILDCARE VOUCHERS**

- 15.1 Currently Childcare Vouchers are deemed to be a non-cash benefit (i.e. not pay) and therefore entitlement to them continues during OPL & APL. An employee must be a member of the Childcare Voucher Scheme before starting paternity leave for this to apply. This is explained in more detail in the Guidance on the Childcare Voucher Scheme.

## **16. PENSIONS**

- 16.1 You will be paid full pay during your OPL. Your pension contributions and benefits
- 16.2 You can choose to pay pension contributions during the unpaid period of APL. The amount of pension contributions is based on the amount of pay received in last week of paid additional adoption leave and pension service will accrue at the same rate as if you had been paying full contributions. If you did not receive any additional paternity pay from the Council the contributions will be based on your contractual pay immediately prior to starting additional paternity leave.
- 16.3 You will need to decide whether you wish to pay contributions for your period of unpaid APL within 30 days of your return from additional paternity leave. The Payroll Team will calculate the amount due and will let the you know about different payment methods where appropriate.
- 16.4 If you decide not to pay pension contributions during this unpaid period of APL the time will not count towards your pensionable service and will therefore not be included in the calculation of pension benefits.
- 16.5 If you work any 'Keep in Touch' (KIT\_ days during your additional paternity leave you will be paid full pay for these days (you must submit a claim for payment). These payments will be disregarded when calculating contributions due for the remainder of your leave ie if you were on the flat rate ASPP when working a KIT day your contributions immediately before and after the KIT day will be based on the ASPP rate. If you work a KIT day during a period of unpaid leave and you decide not to make contributions up for the unpaid period the KIT day worked will be pensionable and will count towards pensionable service.

## **17. REDUNDANCIES DURING APL**

- 17.1 In the event that your post is affected by a redundancy situation occurring during paternity leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment. Employees on APL will be among those given priority with regard to suitable alternative vacancies that are appropriate to their skills.

## **18. KEEPING IN TOUCH DURING ADDITIONAL PATERNITY LEAVE**

- 18.1 The employee and manager should discuss arrangements for keeping in contact during the paternity leave period before paternity leave starts. Managers should

ensure that the employee will receive his payslips and agree arrangements for communicating significant workplace developments and training opportunities. Employees may be sent council communications. We may make reasonable contact with you from time to time during your paternity leave.

18.2 You may work (including attending training) for up to ten days during paternity leave without bringing your leave to an end. The arrangements, are set by agreement with your line manager or People & Equalities Department, so pay will be made up to full pay for the hours worked. If an employee is in receipt of additional paternity leave payments that are equal to full pay at the time of working a KIT day they will not receive any additional pay. Conversely an employee in receipt of no pay at the time of working will receive full pay for the hours worked.

18.3 Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

- updating you on any changes that have occurred during your absence;
- any training needs you might have; and
- any changes to working arrangements (e.g. if you have made a request to work part-time; see final paragraph below, Returning to work part-time).

## **19. RETURNING TO WORK**

19.1 You are normally entitled to return to work following either OPL or APL to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.

19.2 If you wish to return early from APL, you must give us at least six weeks' prior notice. Your ability to do so is subject to the matters set out in paragraph 10.

19.3 If you wish to postpone your return from APL, you should either:

- a) Request unpaid parental leave in accordance with our Parental Leave Policy, giving us as much notice as possible but not less than 21 days; or
- b) Request paid annual leave in accordance with your contract, which will be at our discretion.

19.4 If you are unable to return to work from APL as expected due to sickness or injury, this will be treated as sickness absence and our Attendance Management Policy will apply.

19.5 In any other case, a late return will be treated as unauthorised absence.

19.6 We will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis, in

accordance with our Flexible Working Policy. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

- 19.7 If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should submit your resignation in accordance with your contract. Once you have done so you will be unable to change your mind without our agreement. This does not affect your right to receive SPP.

**20. MONITORING AND REVIEW OF THE POLICY**

- 20.1 This policy is reviewed by People & Equalities in consultation with the Council's recognised unions. Recommendations for any amendments are reported to People & Equalities.
- 20.2 We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.

**APPENDIX 1 - PATERNITY LEAVE FORM**

|   |  |
|---|--|
| <b>Full Name</b>  |  |
| <b>Service Area</b>   |  |
| <b>Job Title</b>  |  |
| <b>Date of Commencement of Employment</b>   |  |
| <b>I hereby give notice of my intention to take locally agreed paternity leave as follows</b>   |  |
| <b>Length of leave (up to a maximum of 3 weeks as either 1 block of three weeks, or in multiples of complete weeks)</b>   |  |
| <b>Start and End Dates of period one</b>  |  |
| <b>Start and End Dates of period two</b>  |  |
| <b>Start and End Dates of period three</b>  |  |
| <b>I confirm that the leave requested relates to the birth of a child for whom I am eligible to take paternity leave and the baby is due on the date below</b>                                      |  |
| <b>Date on which baby which is due</b>  |  |
| <b>I confirm that my wife/husband and I were/my civil partner/my partner was* notified by the adoption agency of having been matched with the child on the date below. [*delete as appropriate]</b> |  |
| <b>Date of notification of matching</b>   |  |
| <b>The expected date that the child is to be placed for adoption is as below</b>  |  |
| <b>Date on which child is expected to be placed for adoption</b>  |  |
| <b>Signature</b>  |  |
| <b>Date</b>   |  |

*This form must be completed and returned at least 15 weeks before the expected week of the child's birth, or in the case of adoption, no later than 7 days after the date on which notification of the match with the child was given by the adoption agency*

**APPENDIX 2 - ADDITIONAL PATERNITY LEAVE REQUEST FORM**

|   |  |
|---|--|
| <b>Name of employee:</b>  |  |
| <b>Job title:</b>   |  |
| <b>Service area:</b>  |  |
| <b>Date of commencement of employment:</b>  |  |
| I confirm that my wife, partner or civil partner gave birth to a child, or I am the biological father of the child, and I give notice of my intention to take additional paternity leave, and to receive additional statutory paternity pay (if applicable), in respect of that child as follows: |  |
| <b>The expected week of childbirth was:</b>   |  |
| <b>The child's actual date of birth was:</b>  |  |
| <b>I wish to start my additional paternity leave on:</b>  |  |
| <b>I wish to end my additional paternity leave on:</b>  |  |
| <b>I expect the Council's liability to pay additional statutory paternity pay (if applicable) to begin on:</b>  |  |
| <b>I expect the Council's liability to pay additional statutory paternity pay (if applicable) to end on:</b>  |  |
| <b>Signed:</b>  |  |
| <b>Dated:</b>   |  |

*This form must be completed and returned at least 8 weeks before the date the leave is requested is due to begin..*

**APPENDIX 3 - ADDITIONAL PATERNITY LEAVE SELF CERTIFICATION FORM**

|  |  |
|--|--|
| <b>Name of employee:</b>   |  |
| <b>Job title:</b>  |  |
| <b>Date of commencement of employment:</b>   |  |
| <b>In respect of my written request to take additional paternity leave, and to receive additional statutory paternity pay (if applicable), dated [ _____ ], I confirm that (please tick one box):</b>  |  |
| I am the child's father  |  |
| I am not the child's father, but am married to, the partner or the civil partner of the child's mother   |  |
| <b>In addition, I confirm that (please tick each box):</b>   |  |
| I have, or expect to have, the main responsibility (apart from the mother's responsibility) for the upbringing of the child  |  |
| The purpose of the period of my additional paternity leave will be to care for the child, and I intend to care for the child during the additional statutory paternity pay period  |  |
| The information that I have provided in my written request to take additional paternity leave, and to receive additional statutory paternity pay (if applicable), dated [date] is correct  |  |
| <b>Signed:</b>   |  |
| <b>Dated:</b>  |  |
| <p><b>Notes</b><br/>To qualify for additional paternity leave and pay, the employee must return this form to the People &amp; Equalities department not less than eight weeks before the start date chosen by him/her for additional paternity leave and pay. A partner is a person, whether of a different sex or the same sex, who lives with the mother and the child in an enduring family relationship but is not a relative of the mother. A "relative" for these purposes includes the mother's parents, grandparents, sisters, brothers, aunts and uncles.</p> |  |



**APPENDIX 4 - PARTNER'S DECLARATION OF ENTITLEMENT**

|  |  |
|--|--|
| <b>Name of employee:</b>   |  |
| <b>Job title:</b>  |  |
| <b>Name of child's mother:</b>   |  |
| <b>Address of mother:</b>  |  |
| <b>Mother's national insurance number:</b>   |  |
| I have now given notice to my employer that I am returning to work from my maternity leave and the relevant details are as follows:  |  |
| <b>I became entitled, by reference to becoming pregnant with my child, to either statutory maternity pay or a maternity allowance.</b>   |  |
| <b>The start date of my statutory maternity pay period, or my maternity allowance period, in respect of my child was:</b>  |  |
| <b>I intend to return to work from my maternity leave on:</b>  |  |
| <b>I confirm that the employee named above is (please tick one box):</b>   |  |
| My child's father  |  |
| Not my child's father, but my spouse, partner or civil partner   |  |
| <b>In addition, I confirm that (please tick each box):</b>   |  |
| He/she has, or expects to have, the main responsibility (apart from my responsibility) for the upbringing of my child  |  |
| The employee is, to my knowledge, the only person exercising the entitlement to additional paternity leave, and is the sole applicant for additional statutory paternity pay, in respect of my child |  |

*Continues over.....*

**I consent to the Council processing such of my information as is contained in this form.**

**Signed:**

**Dated:**

**Notes**

To qualify for additional paternity leave and pay, the employee must return this form to People and Equalities not less than eight weeks before the start date chosen by him/her for additional paternity leave and pay.

A partner is a person, whether of a different sex or the same sex, who lives with the mother and the child in an enduring family relationship but is not a relative of the mother. A "relative" for these purposes includes the mother's parents, grandparents, sisters, brothers, aunts and uncles.