
Paternity Leave

Leave Entitlement

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Overview

This section describes the statutory and British Council contractual entitlements to paternity leave.

Audience

This section is for all UK-appointed staff only. Country-appointed and English and Exams/OAS staff should refer to country/ territory TACOS and/ or contracts.

Responsibilities

These procedures are carried out by members of staff and line managers.

Policy

British Council staff have a statutory entitlement to one week or two consecutive weeks leave for the purposes of caring for the baby or supporting the mother.

Statutory entitlement

To qualify for Statutory Paternity Pay (SPP) the employee must have 26 weeks continuous employment by the end of the 15th week before the Expected Week of Childbirth (EWC). SPP is payable:

- at a rate of £117.18 per week or 90 per cent of pay, whichever is the lesser and is subject to tax, National Insurance, pension and union contributions
- only in the weeks not worked, and is not payable if the employee is sick
- within the first eight weeks only of the birth of the baby.

During statutory paternity leave all contractual terms are preserved, except those relating to pay, and the member of staff has the unconditional right to return to the same job.

British Council Entitlement (Contractual)

- Staff who wish to take paternity leave have the right to take either three separate but complete weeks or three consecutive weeks leave. Staff may not take the leave as single days.
- Paternity leave must be completed within 56 days of the date of birth, unless the baby is premature. In this case, the time is extended to within the period from the actual date of birth to up to 56 days after the first day of the expected week of birth.

Eligibility

- Staff based in the UK, who fulfil the statutory requirements on eligibility, are eligible for the British Council contractual paternity pay which is leave at full pay for fifteen days. It subsumes the entitlement to SPP, which the British Council recovers from the Department of Trade and Industry.
- Paternity leave is available to the father of the child, or to the spouse or partner of the mother. The spouse or partner does not have to be the father of the child; the partner may be a female. However, the purpose of paternity leave is restricted to caring for the baby or supporting the mother.

During contractual paternity leave all contractual terms are preserved, including those relating to pay, and the member of staff has the unconditional right to return to the same job.

Exclusions

If a member of staff is on a fixed term contract, their entitlements depend on the length and expiry date of their contract and their length of service. The right to return to work and to payment may be affected.

Procedure

1. Staff who wish to apply for paternity leave should notify their line manager as far in advance as possible. The intended start date must be notified (together with the expected date of birth) 15 weeks before the week in which the baby is due, but staff can change the start date at any time up to 28 days before the new proposed date (unless this is not reasonably practicable).
2. Staff must complete a *Notification of Paternity Leave* form and forward this to their line manager. The line manager has the right to request evidence of eligibility, if necessary, in the form of a completed self-certificate.
3. The line manager signs the form and sends it to Human Resources (HR) Services.