



### Revised Paternity Leave and Pay Policy

**Committee**          Personnel

**Date of meeting**    26 April 2024

**Date of report**    7 March 2024

**Report by Director of Finance & Corporate Support**

#### 1. Object of report

To request the Committee approve the revised Paternity Leave Policy, which has already been through formal consultation with the recognised Trade Unions.

#### 2. Background to report

- 2.1 The Paternity Leave (Amendment) Regulations 2024 came into force in Scotland, England and Wales on 8 March 2024.
- 2.2 SPT's Paternity Leave and Pay Policy complies with the revised Paternity Leave (Amendment) Regulations 2024.
- 2.3 SPT's recognised Trades Unions will be consulted on the new Paternity Leave and Pay Policy and Guidance prior to implementation.

#### 3. Outline of proposals

- 3.1 The Paternity Leave and Pay Policy confirms that the policy and associated guidance apply to all staff.
- 3.2 The Paternity Leave and Pay Policy confirms that, leave will be changed to either 2 consecutive weeks of leave or 2 separate blocks of 1 week of leave. The period of leave can now be taken within 52 weeks rather than within 8 weeks of the birth.
- 3.3 The notice period has been decreased from 15 weeks' to 4 weeks' formal notice of each period of leave to be taken.
- 3.4 A summary of the recommended changes is attached at Appendix 1 with the full revised Paternity Leave and Pay Policy attached at Appendix 2.
- 3.5 SPT has considered how it can further support its employees who take Paternity Leave and has proposed an increase to paternity pay from Statutory Paternity Pay plus a £50 enhancement to Statutory Paternity Pay plus a £100 enhancement per week. The current rate has been in place since 2011.

#### 4. Committee action

The committee is recommended to:

- i. approve the increase in Statutory Paternity Pay enhancement from £50 to £100 per week; and
- ii. approve the attached Paternity Pay and Leave Policy, which has already been subject to consultation with the recognised Trade Unions.

#### 5. Consequences

Policy consequences	<i>The revised Paternity Leave and Pay Policy and Guidance to be implemented to ensure SPT complies with the Paternity Leave (Amendment) Regulations 2024.</i>
Legal consequences	<i>Paternity Leave and Pay Policy and Guidance complies with legislation.</i>
Financial consequences	<i>Increasing the Statutory Paternity Pay enhancement rate is expected to cost SPT around £700 per annum.</i>
Personnel consequences	<i>HR to ensure the changes are communicated to all SPT employees.</i>
Equalities consequences	<i>None envisaged.</i>
Risk consequences	<i>Not introducing a revised Paternity Leave and Pay Policy and Guidance may result in non-compliance with the Paternity Leave (Amendment) Regulations 2024.</i>
Climate Change, Adaptation & Carbon Consequences	<i>None directly.</i>

<b>Name</b>	Lesley Aird	<b>Name</b>	Valerie Davidson
<b>Title</b>	<b>Director of Finance &amp; Corporate Support</b>	<b>Title</b>	<b>Chief Executive</b>

For further information, please contact *Lesley Aird, Director of Finance & Corporate Support*, on 0141-333 3380 or *Janice Morgan, Head of HR*, on 0141-333 3414.

## APPENDIX 1

### Summary of Changes to Paternity Leave and Pay Policy

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
1.	1.	Introduction		
			No changes.	
2.	2.	<b>SPT's Paternity Leave and Pay Scheme</b>		
N/A	2.1		Update/Review	<p>Added 2.1 'An employee shall be eligible for Paternity Leave if:</p> <ul style="list-style-type: none"> <li>• The employee is the biological father of the baby and will have some responsibility for the child's upbringing;</li> <li>• The employee is the mother's husband or civil partner and will have the main responsibility (with the mother) for the child's upbringing.</li> <li>• The employee is living with the pregnant woman in an enduring family relationship but is not an immediate relative and will have the main responsibility (with the mother) for the child's upbringing.</li> <li>• The employee is one of the intended parents in a surrogacy arrangement and expects to obtain a parental order in respect of the child; or</li> <li>• A child is placed with the employee for adoption by an adoption agency'</li> </ul>

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
N/A	2.2		Update/Review	<p>Added 2.2 'In addition, employees must:</p> <ul style="list-style-type: none"> <li>• Have been continuously employed with SPT for a minimum of 26 weeks continuing into the 15<sup>th</sup> week before the expected week of childbirth or at the end of the week the child's adopter is notified of being matched with the child (UK adoption) or the date the child enters the UK (overseas adoption).</li> <li>• Be working from the qualifying week up to the date of birth. If an employee's contract ends before the birth, the employee does not qualify for leave unless they go on to work for an associated employer. If the employee's contact ends after the birth, the employee retains the right to leave and pay if the employee meets the qualifying conditions.</li> <li>• Be taking time off to support the mother and/or care for the baby.</li> </ul>
3.	3.	<b>Reckonable Service</b>		
			No changes.	
4.	4.	<b>Notification</b>		
			Update/Review	<p>Line 1 – replaced 'intention to apply for' with 'entitlement to take'.</p> <p>Line 2 – added 'and no later than the end of the 15<sup>th</sup> week before the expected week of child's birth.'</p>

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
			Change to legislation.	Line 1 – replaced ‘During or before the 15 <sup>th</sup> week before the expected week of the child’s birth’ with ‘Employees should notify their line manager 28 days in advance of taking their statutory leave’. Bullet point 1 – replaced ‘the expected week of childbirth; or date of placement’ with ‘whether they intend to take one or two weeks’ leave; and’.
<b>5.</b>	<b>5.</b>	<b>Time Off for Ante-Natal Care and Adoption Appointments</b>		
			Update/Review	Line 1 and 2 – replaced ‘have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal or adoption appointments’ with ‘have the right to time off to accompany their partner to antenatal appointments or to attend adoption appointments.’
<b>6.</b>	<b>6.</b>	<b>Timing of Paternity Leave</b>		
			Change to legislation.	Line 1 – replaced ‘during a 56 day period beginning with the date’ with ‘within 52 weeks following the date’. Line 3 and 4 – added ‘Statutory leave can be taken in two one-week blocks within the first 52 weeks of the child’s birth or when they are placed.’
			Update/Review	Line 6 – added ‘or 7 days for adoption.’
<b>7.</b>	<b>7.</b>	<b>Right during Paternity Leave</b>		
			No changes.	
<b>8.</b>	<b>8.</b>	<b>Contact during Paternity Leave</b>		
			No changes.	

<b>Current Section No.</b>	<b>New Section No.</b>	<b>Contents</b>	<b>Reason for Changes</b>	<b>Revised/Key features</b>
	<b>9.</b>	<b>Returning to Work</b>		
			No changes.	
<b>10</b>	<b>10.</b>	<b>Data Protection and UK GDPR</b>		
			No changes.	
<b>11.</b>	<b>11.</b>	<b>Review and Update</b>		
			Update/Review	Changed 'Assistance Chief Executive' to 'Director of Finance & Corporate Support.'
<b>11.</b>	<b>12.</b>	<b>Approval (Signature and Date)</b>		
			Update/Review	



## APPENDIX 2

# STRATHCLYDE PARTNERSHIP FOR TRANSPORT

## PATERNITY LEAVE AND PAY POLICY

<b>Version Number</b>	<b>Purpose/Change</b>	<b>Author</b>	<b>Date</b>
0.04	Updated to reflect current legislation and organisational changes.	Karen McGarrity, HRAdvisor	01/06/2020
0.05	Updated to reflect changes to Data Protection legislation	Janice Morgan, Headof HR	08/02/2021
0.06	Updated to reflect legislation and organisational changes.	Louise Mackintosh, HR Advisor	28/02/2024



## 1. Introduction

This Policy sets out Strathclyde Partnership for Transport's Scheme for Paternity Leave and Pay. This policy complies with relevant legislation.

This Scheme applies to all employees of Strathclyde Partnership for Transport provided they meet the eligibility criteria.

All employees who meet the eligibility criteria have the right to take two periods of leave in connection with the birth of a child; Paternity Leave (PL) or Shared Parental Leave (ShPL).

All employees who take paternity leave have the right to return to work in their substantive post on completion of their paternity leave.

All employees have the right not to be subjected to a detriment on the grounds of taking paternity leave, irrespective of hours of work or length of service.

Further information on paternity leave and pay can be found in SPT's Paternity Leave and Pay Guidance which is available at <http://spt.intranet.uk/library/policies-guidance/> or from the Human Resources Department.

## 2. SPT's Paternity Leave and Pay Scheme

2.1 An employee shall be eligible for Paternity Leave if:

- the employee is the biological father of the baby and will have some responsibility for the child's upbringing;
- the employee is the mother's husband or civil partner and will have the main responsibility (with the mother) for the child's upbringing.
- the employee is living with the pregnant woman in an enduring family relationship but is not an immediate relative and will have the main responsibility (with the mother) for the child's upbringing;
- the employee is one of the intended parents in a surrogacy arrangement and expects to obtain a parental order in respect of the child; or
- a child is placed with the employee for adoption by an adoption agency.

2.2 In addition, employees must:

- have been continuously employed with SPT for a minimum of 26 weeks continuing into the 15th week before the expected week of childbirth or the end of the week the child's adopter is notified of being matched with the child (UK adoption) or the date the child enters the UK (overseas adoption).
- be working from the qualifying week up to the date of birth. If an employee's contract ends before the birth, the employee does not qualify for leave unless they go on to work for an associated employer. If the employee's contract ends after the birth, the employee retains the right to leave and pay if the employee meets the qualifying conditions.
- Be taking time off to support the mother and/or care for the baby.

SPT operates a Paternity Leave and Pay Scheme. Refer to SPT's Paternity Leave and Pay Guidance, Section 1, for further details.





### **3. Reckonable Service**

SPT complies with the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Orders with regard to reckonable service.

### **4. Notification**

An employee should notify their line manager, as soon as possible, of their entitlement to take paternity leave, and no later than the end of the 15th week before the expected week of the child's birth.

Employees should notify their line manager 28 days in advance of taking their statutory leave or in the case of adoption the end of the week the child's adopter is notified of being matched with the child (UK adoption) or the date the child enters the UK (overseas adoption), or if that is not reasonably practicable, as soon as is reasonably practicable, the employee is required to inform the Human Resources Department in writing of:

- whether they intend to take one week or two weeks' leave; and
- the date on which they intend to start their paternity leave.

The employee must also provide medical evidence. Refer to SPT's Paternity Leave and Pay Guidance, Section 2. for further detail.

### **5. Time Off for Ante-Natal Care and Adoption Appointments**

Employees have the right to time off to accompany their partner to antenatal appointments or to attend adoption appointments. This time off will be unpaid. Refer to SPT's Paternity Leave and Pay Guidance, Section 3. for further details.

### **6. Timing of Paternity Leave**

Paternity Leave must be taken within 52 weeks following the date on which the child is born or placed. Employees can choose to take either one week or two consecutive weeks' leave. Statutory leave can be taken in two one-week blocks within the first 52 weeks of the child's birth or when they are placed.

If the employee wishes to change the start date of their paternity leave, they must notify the Human Resources Department in writing giving at least 28 days' notice or 7 days for adoption. If the employee can't give the notice in time, they should notify the Human Resources Department as soon as is reasonably practicable.

Employees may be eligible to take Shared Parental Leave. Refer to SPT's Shared Parental Leave and Pay Guidance for further details.



## 7. Rights during Paternity Leave

During paternity leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory paternity pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.

## 8. Contact during Paternity Leave

SPT reserves the right to maintain reasonable contact with employees during paternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence. Refer to SPT's Paternity Leave and Pay Guidance, Section 4. for further details.

## 9. Returning to Work

Employees who return to work after a period of paternity leave are normally entitled to return to the job in which they were employed before the period of leave. Refer to SPT's Paternity Leave and Pay Guidance, Section 5. for further details.

## 10. Data Protection and UK GDPR

SPT will comply with the principles for processing personal data in line with its Data Protection Policy and applicable Data Protection legislation. Any data collected will be held securely and accessed by, or disclosed to, individuals only for the purpose of managing their paternity leave and pay. Inappropriate access or disclosure of employee data constitutes a databreach and should be reported in accordance with SPT's Information Security Incident reporting process immediately.

## 11. Review and Update

This policy will be reviewed and updated as appropriate by the Director of Finance & Corporate Support and HR after consultation with our recognised trade unions.

## 12. Approval (Signature and Date)

Sign:

Print: **Lesley Aird**

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Date:

Designation: **Director of Finance  
& Corporate Support**

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