

1. Purpose

The purpose of this policy is to give guidance on paternity leave for both the individual and their line manager. There are now two types of paternity leave:

- Ordinary Paternity Leave is taken to care for the baby or to support the mother following the birth of the child (or a child being placed for adoption).
- Additional Paternity Leave is taken to care for the baby when the mother/partner has returned to work (but must be taken within the first 12 months of the baby's birth or the date the baby is placed for adoption).

NB – Paternity Leave must **NOT** be used for any other purpose.

This policy does not form part of the Employment Contract.

If an individual wishes to take paternity leave further guidance on the application process will be available in the Manager/Employee Guide.

2. Scope

The policy applies to eligible employees in Royal Mail Group with the exception of casuals and those employed within Post Office Limited.

2.1 Ordinary Paternity Leave Eligibility

An individual is eligible for **Ordinary Paternity Leave** (OPL) if the individual:

- Is the biological father of the baby;
- Has been matched with the baby by an adoption agency;
- Is the mother's husband or partner¹; or
- Is the husband or partner¹ of someone who has been matched with a child by an adoption agency

AND

- the individual expects to have main responsibility (with the child's mother, co-adopter or adopter) for the baby's upbringing; or
- the individual expects to have some responsibility for the baby's upbringing and is the biological father of the baby.

In addition the individual must have worked continuously for Royal Mail Group as follows:

- In birth cases, for 26 weeks ending before the 15th week before the Estimated Week of Childbirth (EWC)(the Estimated Week of Childbirth is the week, beginning on a Sunday, in which the baby is due); or
- In adoption cases, for 26 weeks ending with the week in which the individual or the individual's partner is notified by an adoption agency that the individual/they have been matched with a child.

2.2 Additional Paternity Leave (APL) Eligibility

In addition to the criteria for OPL, individuals applying for APL must be employed until the week before they start APL.

¹ For the purposes of clarity 'partner' is deemed to be someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative. Partner may include a civil partner or a partner in a same sex couple .

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3. Key Policy Steps and Areas

3.1 Ordinary Paternity Leave (OPL)

- Eligible individuals have a statutory right to leave to care for the baby or to support the mother following the birth of the child. The individual is entitled to a minimum of two weeks OPL (See Appendix 1)
- The individual may take one week's or two consecutive week's statutory OPL. It cannot be taken as odd days or as two separate weeks. Where individuals are entitled to more than two weeks' leave Appendix 1 sets out when and how this must be taken.
- In birth cases the date on which OPL commences can be the day of the child's birth; a specified number of days after the child's birth; or a specific date later than the first date of the Expected Week of Childbirth (EWC).
- In adoption cases the date on which OPL commences can be the date of the child's placement for adoption, a specified number of days after the date the child is placed for adoption or a specified date after the expected placement date.
- OPL should be taken within 3 months of the child's birth (or in adoption cases, the date of placement).
- The individual may be eligible for Ordinary Statutory Paternity Pay (OSPP). Individuals with 12 months service may be eligible for a minimum of 2 weeks full pay. See 3.1.1.
- For birth cases, leave should be requested 15 weeks before the EWC or, if that is not reasonably practicable, as soon as an individual can make a request.
- For adoption cases, leave should be requested no more than seven days after they have been notified of having been matched with the child or, if that is not reasonably practicable, as soon as an individual can make a request.
- Individuals should request leave through their line manager, by completing the Paternity Leave Application Form found in the Manager/Employee Guide, including a declaration to confirm they meet the criteria for OSPP. The line manager should submit the form to HR Services Maternity Team (HRSMT).
- Individuals have the right to a change of mind over the start date. Further detail on an individual's right to change his/her mind is available in the Manager/Employee Guide.
- An individual is entitled not to be subjected to a detriment because he/she has taken paternity leave.

3.1.1 Eligibility for Ordinary Statutory Paternity Pay (OSPP)

- To be eligible for OSPP the individual will have to meet the employment eligibility criteria for OPL, and
 - In birth cases, the individual's average earnings must be at or above the Lower Earnings Limit for NI purposes, which applies at the 15th week before EWC. (Average earnings would be based on the 8 week period up to and including the last working day on or before the Saturday of the 15th week before EWC).
 - In adoption cases, the individual's average earnings must be at or above the Lower Earnings Limit for NI purposes, which applies at the end of the week immediately before the week in which the individual or their spouse or partner were notified of being matched with the child. (Average earnings would be

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based on the 8 week period up to and including the last working day on or before the Saturday of the week immediately before the week in which the individual or their spouse or partner were notified of being matched with the child.)

- Where an employee has at least 12 months continuous service and meets the eligibility criteria for OSPP the business currently provides for a minimum of two week's OPL with **full pay**. The entitlement varies by part of the business, details of which can be found in Appendix 1.
- The individual must also confirm their eligibility to OSPP by completing the declaration form section of the Paternity Leave Application Form.

3.2 Additional Paternity Leave (APL)

- Additional Paternity Leave may be available to individuals with a child due, or matched for adoption, on or after 3rd April 2011.
- Eligible biological fathers or the spouse/partner (of either sex) of the mother/adoption will be able to take between 2 and 26 weeks Additional Paternity Leave (APL). APL must be taken in continuous weeks (see 2.1 and 2.2 for eligibility requirements).
- The earliest that APL can start is 20 weeks after the child is born or placed for adoption and APL must end by the child's first birthday (or the date 12 months after the date of placement for adoption). The mother/adoption must have returned to work and stopped receiving Statutory Maternity Pay (SMP), Maternity Allowance (MA) or Statutory Adoption Pay (SAP). If the mother takes annual leave or is sick at the end of her maternity period this does not count as a return to work
- In the unfortunate circumstance that the mother/partner dies the APL period can be brought forward.
- The individual may be eligible for Additional Statutory Paternity Pay (ASPP). See 3.2.1.
- Applicants must provide 8 weeks notice and apply using the application form available in the Manager/Employee Guide. Both parents/adoption are required to sign a declaration, and we will request information including a copy of the child's birth certificate/adoption documentation, and details of the mother/adoption's employment to allow for checks on applications.
- Individuals have the right to a change of mind over the start date. Further detail on an individual's right to change his/her mind is available in the Manager/Employee Guide.
- "Keeping in touch days" – Individuals can choose to return for up to 10 days' paid work during their APL without triggering the end of APL or affecting their entitlement to additional statutory paternity pay. The aim is to allow the individual to participate in relevant work or training that will smooth their transition back to work.
- Individuals will normally be entitled to return to work to the same position, on the same terms and conditions as they held before commencing leave.

3.2.1 Eligibility for Additional Statutory Paternity Pay (ASPP)

- To be eligible for ASPP the individual will have to meet the employment eligibility criteria for APL
- ASPP is only payable during the mother's/adoption's 39 week Statutory Maternity Pay/ Statutory Adoption Pay/Maternity Allowance period, and is only payable if the mother/adoption has returned to work. However, individuals are not entitled to ASPP if there are less than 2 weeks of the 39 week period remaining when the mother/adoption

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returns to work. Any leave taken after the mother's maternity pay/adoption pay/maternity allowance period ends will be unpaid.

- To receive ASPP in birth cases, the individual's average earnings must be at or above the Lower Earnings Limit for NI purposes, which applies at the 15th week before the baby is expected to be born. (Average earnings would be based on the 8 week period up to and including the last working day on or before the Saturday of the 15th week before EWC).
- To receive ASPP in adoption cases, the individual's average earnings must be at or above the Lower Earnings Limit for NI purposes, which applies at the end of the week immediately before the week in which the individual or their spouse or partner were notified of being matched with the child. (Average earnings would be based on the 8 week period up to and including the last working day on or before the Saturday of the week immediately before the week in which the individual or their spouse or partner were notified of being matched with the child.)
- The individual and the mother/partner are also required to confirm their eligibility to Statutory Paternity Leave by completing the Paternity Leave Application Form, available in the Manager/Employee Guide.

4. Other Related Policies

Adoptive Leave Policy

Maternity Policy

Flexible Working Policy

Dependents Leave Policy

Parental Leave Policy

5. Supporting Documents

RM Manager's Guide – Paternity Leave

In the event of any inconsistency between this policy and the supporting documentation the terms of the policy take precedence.

6. Decision Making and Review of the Policy

Overall accountability is held by Group HR Director with delegated authority held by the Director of HR Policy who must sign off any change to this policy.

Line managers of all grades who have the responsibility of handling Paternity Leave cases and authorising Paternity Leave and are empowered to take decisions under this policy.

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Appendix 1 – Paid leave entitlements

Employee's Length of Service (Continuous)	Ordinary Paternity Leave				Additional Paternity Leave	Statutory Pay*
	Statutory Leave	Enhanced Pay - Royal Mail and PFW (Excl HR Services, Customer Service CWU Grades, Sales CMA Grades)	Enhanced Pay - HR Services	Enhanced Pay - Customer Service CWU Grades & Sales CMA Grades	Statutory Leave	
1 year or more	2 weeks	2 weeks full pay**	3 weeks full pay**	4 weeks full pay ****	2 - 26 weeks *****	Statutory Paternity Pay Or 90% average weekly earnings if earning less than SPP.
26 weeks or more, at the 15th week before baby is due, (or 26 weeks at placement date for adoption) but less than 52 weeks	2 weeks	Not eligible***	Not eligible***	Not eligible***	2 - 26 weeks *****	Statutory Paternity Pay Or 90% average weekly earnings if earning less than SPP.
Less than 26 weeks	Not eligible	Not eligible***	Not eligible***	Not eligible***	Not eligible***	Not eligible***

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Notes	<p>* If an employee's average earnings are below the Lower Earnings Limit for National Insurance Contributions then they will not qualify for any statutory pay.</p> <p>**Except when statutory pay is more than full pay.</p> <p>*** If you do not qualify for Statutory Paternity Leave you maybe able to ask your manager for annual leave.</p> <p>**** a). Two of the four weeks must be taken as complete and consecutive weeks within the child's first three months.</p> <p>(b). First two weeks fully paid except when statutory pay is more than full pay.</p> <p>(c). The two remaining weeks can be taken at anytime in the first four years of the child's life. They should be treated as paid special leave and applied for using special leave forms.</p> <p>*****The length of Additional Paternity Leave & Pay is dependent on the amount of Maternity Leave/Pay taken by the mother.</p>
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