

Department for Environment, Food and Rural Affairs

Human Resources

Paternity leave policy

Updated: March 2024

Contents

Principles	1
Application	2
Paternity Pay	2
Qualifying Criteria	3
Taking Departmental Paternity Leave.....	3
Notification of Intention to Take Paternity Leave and Pay	1
Required Changes to Paternity Leave Start Date.....	4
Effect of Paternity Leave on Terms and Conditions.....	4
Sick Absence and Paternity Leave	5
Returning to Work after Paternity Leave.....	5

Principles

1.1 Departmental Paternity leave is paid or unpaid time off to allow partners to support the primary carer and spend time with a new child following a birth or adoption.

1.2 Individuals entitled to Departmental Paternity Leave and Pay will have their statutory leave and rights run concurrently. They cannot be taken separately.

Application

2.1. This policy and the associated procedures apply to staff who are already on, or who began, Departmental and/or statutory paternity leave from 6th April 2024 and replaces all previous Paternity guidance used across the Department.

2.2 This policy applies to all employees, including those on a Fixed Term Appointment (FTA) in the following Defra network organisations:

- a) Core Defra
- b) Veterinary Medicines Directorate (VMD).

2.3 This policy applies to all members of the Senior Civil Service (SCS) whether they work in core Defra or any of its Agencies.

2.4 Entitlement to paternity leave and pay varies depending on length of service. All entitlements are calculated pro rata for part time staff. This means that:

- Staff with at least one year's qualifying service are entitled to a total of 15 working days of Departmental Paternity Leave, which includes two weeks of statutory entitlement and an additional week of occupational entitlement.
- Staff with less than one year's service will be entitled to only nine working days.
- However, staff with more than 26 weeks service, at the 15th week before the baby is due, will be entitled to up to 10 days of statutory paternity leave which will run concurrently with Departmental Paternity leave.

In addition to the above, to qualify the individual must:

- have or expect to have significant responsibility for the child's upbringing; or be the biological father of the child, or the mother's husband or partner; or (where the child is being adopted), be the adopter's spouse or partner
- be taking the time off either to support the mother or to care for the new baby.

The term "partner" for the purposes of Departmental paternity leave is defined as a person (whether of a different sex or the same sex) who supports the mother (or the adopter) of the baby in an enduring family relationship but is not an immediate relative.

2.5 The amount of paternity leave staff are entitled to (as set out above) remains the same regardless of whether more than one child is born as a result of the same pregnancy or if more than one child is placed for adoption at the same time.

Paternity Pay

3.1 As noted above, entitlement to paternity pay varies depending on length of service. All entitlements are paid at the same rate, detailed below.

3.2 Departmental Paternity Pay is paid at the officer's normal rate of pay. Normal pay is salary appropriate to an officer's contract, contractual hours and grade or pay band at the time their paternity leave starts. Departmental Paternity Pay is not paid in addition to [Statutory Paternity Pay](#). Departmental Paternity Pay will be abated by Statutory Paternity Pay. Statutory Paternity Pay will be paid in addition to average salary if appropriate during the part-year non-working period.

Qualifying Criteria

4.1 To qualify for Departmental Paternity Pay individuals must be in paid service at the time the paternity leave begins. The following staff will be treated as if they were in paid service:

- Those in receipt of Sick Pay at Pension Rate (SPPR) (although Departmental Paternity Pay will not be paid whilst the individual is still absent due to sickness)
- Those who were on unauthorised absence due to an industrial dispute.
- Individuals on part-year appointments who have a non-working period immediately prior to the start of paternity leave.

4.2 Periods of unpaid special leave and unauthorised absence do not count towards the 26-week qualifying period, nor do periods of sickness at nil pay. For part year appointments, only working periods count towards the 26-week qualifying service for Departmental Paternity Pay.

4.3 Individuals who are on part year appointments are only entitled to Departmental Paternity Pay during periods when they would otherwise be working.

Taking Departmental Paternity Leave

5.1 You can choose to take either one or two weeks of your statutory paternity leave. If you choose to take two weeks, you can take them together or you can split them and take two separate blocks of one week each. The remaining five working days may be taken either as single days or as a block and can be taken before and or after the statutory one-week blocks. Staff entitled only to nine days must take those days in a single block of consecutive calendar days. For those also entitled to, and who take, statutory adoption leave of ten working days, one day will be paid at the statutory adoption pay rate.

5.2 Departmental Paternity Leave can be taken as follows:

- within 52 weeks of the actual date of birth/placement of the child; or
- if the child is born early, within the period from the actual date of birth up to 52 weeks after the expected date of birth.

- If you are jointly adopting a child, you will need to decide who will take adoption leave and who will take paternity leave.
- If you are adopting your child in Great Britain, you cannot start your paternity leave until your child comes to live with you and it must be taken within 52 weeks of this date.
- For overseas adoption, you cannot start your paternity leave until your child enters Great Britain and it must be taken within 52 weeks of this date

Notification of Intention to Take Paternity Leave and Pay

6.1 Staff are expected to notify their line manager of their intention to take paternity leave, on [form SC3](#). Normally this must be done no later than 15 weeks before the child's expected date of birth or on receipt of notification of the expected date of placement for adoption (or, in the case of an adoption from overseas, the date on which the adopter received the official notification and the date which the child is expected to enter Great Britain). Where this is not possible officers must notify their line manager as soon as is practical about when they will be seeking to take paternity leave so that the absence can be planned for. All staff are required to provide their line manager with a self-certificate SC3 (or SC4 in the case of adoption from overseas) as evidence of their entitlement to statutory paternity pay.

6.2 In addition to the above, staff should, wherever possible, give 28 days' notice to their manager before each planned period of paternity leave. Where this is not possible, staff should notify their line manager as soon as is practical.

Required Changes to Paternity Leave Start Date

7.1 Once the timing of paternity leave, both statutory and Departmental, has been agreed it usually cannot be changed unless the individual gives at least 14 calendar days' notice of a new date. If this is not reasonable or practicable then any required change to the timing of the leave should be notified as soon as is practicable thereafter.

Effect of Paternity Leave on Terms and Conditions

8.1 During the statutory Paternity Leave period individuals have a statutory right to all of their Departmental terms and conditions except salary.

8.2 This means they should be treated as though they are not actually absent. All of their rights are preserved. This includes the accrual of annual leave, for example. For those staff who are members of the Principal Civil Service Pension Scheme (PCSPS) the absence will be treated as reckonable service regardless of whether the individual qualified for **statutory paternity pay**.

8.3 Staff are protected from suffering detriment or dismissal as a result of taking or seeking to take paternity leave.

8.4 Staff on paternity leave continue to accrue annual leave in accordance with the annual leave policy.

Sick Absence and Paternity Leave

9.1 An individual cannot be paid Statutory Paternity Pay and Statutory Sick Pay at the same time. Therefore, staff who fall sick before starting their period of paternity leave should postpone it.

9.2 Staff who fall sick once they have started their paternity leave will remain on paternity leave unless they notify their line manager that they are ill, (for example, where the illness is of a duration and severity that means that the individual is unable to support the prime carer and care for the child) and subsequently provide a medical certificate.

9.3 Periods of sickness will not extend the 52-week period in which Departmental Paternity Leave can be taken. However, in cases of extreme illness the Department will consider extending the time limit. Staff will be expected to provide a medical certificate as evidence in such circumstances.

Returning to Work after Paternity Leave

10.1 Staff have a statutory right to return to work and to the same post they occupied before the Paternity Leave.

10.2 If an individual follows their paternity leave with a period of [unpaid parental leave](#) of up to four weeks they will still retain the right to return to the same post.

10.3 If an individual's contract is for a fixed term and this ceases during the paternity leave, then entitlements are only earned up to the end of the contract and there is no right to return to a job within the Department.