

Policy Circular

Document No 02/07

Owner: Strategy & Communications Directorate

Subject: Statutory Paternity Leave and Pay

Version: 2 of 2

Last Amended: 3 June 2010

Date Reviewed: 3 June 2010

Next Review: June 2012

1.0 Background

1.1 Paternity Leave

To qualify for Statutory Paternity Leave, you must have been with your employer for at least 26 weeks by either:

- the end of the 15th week before the start of the week when the baby is due
- the end of the week you are notified you are matched with your child

You must also be either the:

- biological father of the child
- mother's husband or partner (including same-sex relationships)
- child's adopter
- husband or partner (including same-sex relationships) of the child's adopter

Independent Living Fund

Equinox House, Island Business Quarter, City Link, Nottingham NG2 4LA

Tel: 0845 601 8815 or 0115 945 0700, Fax: 0115 945 0945, Textphone: 0845 601 8816

Email: funds@ilf.org.uk, Website: www.dwp.gov.uk/ilf

The Independent Living Fund is an Executive Non-Departmental Public Body of the Department for Work and Pensions

Employees can choose to take either one or two weeks consecutive leave but not odd days.

1.2 Statutory Paternity pay

Employees who earn over the Lower Earnings Limit (LEL) are eligible for Statutory Paternity pay for up to two consecutive weeks.

Employees who earn below the Lower Earnings Limit and do not qualify for Paternity Pay may be able to claim Income Support for the period of their leave.

1.3 Re-claiming Paternity payments

Small businesses where the National Insurance Contributions (NIC) are £45,000 or less in the relevant tax year, can recover 104.5 % of SPP payments made in the same tax month from HMRC. For 2010-11 this is made up of:

- 100% of the SPP
- 4.5% of the SPP - this is an additional amount as compensation for the employer's NIC paid on the SPP

Larger businesses where the NIC is more than £45,000 in the relevant tax year, can recover 92% of the total of all payments of SPP made in the same tax month.

2.0 Policy

In practice all ILF Users who employ personal assistants will fall into the category of small business employers (i.e. having an NI contribution of less than £45,000 per year) and will therefore be able to reclaim from HMRC the full amount of any paternity pay due to be paid to an employee.

In appropriate circumstances an advance payment can be requested from HMRC to whom any further queries should be addressed. ILF will make no contribution to these statutory payments or to any other (contractual) payments that a client may have agreed to make.

ILF monies can be used to pay for replacement care that is provided while the usual PA is on Paternity leave.

3.0 Procedure

Where information is sought regarding the ILF approach to paternity pay clients and social workers should be informed of the above policy. ILF staff should not act as advisers on paternity pay matters, Clients should be advised to contact the Inland Revenue for full advice and relevant documentation.

4.0 Source

Trustees meeting/away day December 2004
Trustees Meeting 13 September 2006
DTI and HMRC Websites

5.0 Cross References

Statutory Sick Pay policy
Statutory Maternity Leave and Pay policy
Statutory Adoption Leave and Pay policy

6.0 History Date Reviewed

February 2009
3 June 2010

Equality Impact Assessment

Screening Template

This preliminary impact assessment form is to help you screen your policy, project, function or new service. It should help you consider whether a full Equality Impact Assessment is required by looking at whether there is a potential negative or positive impact on any of the equality groups, if there is an opportunity to promote equality, and whether further data is needed.

Title of policy, project, function or service:

Statutory Paternity pay and leave policy

Short description of aims and objectives

The policy offers guidance to staff as to how to deal with queries regarding paternity pay and leave

Thinking about each group below, does (or could) the policy, project, service or function have an impact on members of each equality group? If so, how?

Equality Group	Yes – negatively	Yes – positively	Unclear	No impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

What information or research has been considered in judging these impacts?

This document merely confirms the statutory entitlements of paternity leave and pay and that the ILF will not contribute towards these costs as the monies can be reclaimed from National Insurance contributions that have been made.

You should consider a full Equality Impact Assessment (EIA) if:

- (a) you feel one or more equality groups will be negatively impacted by the policy, project or service, or
- (b) there is an opportunity to promote equality and eradicate discrimination.

You may also consider further research if it is unclear, at this stage, what the impact may be.

Based on your findings, is a full EIA required?

Yes

No

Please provide a short summary of your decision-making below:

This policy document merely states requirements of statutory paternity leave and pay as set by the government. The ILF does not make this policy.

Notes:

- The completed EIA Screening Template should be sent to Jon Duckworth, User Liaison Manager for approval by the Equality Impact Assessment Board (EIAB).
- We will contact you with any comments or queries about the completed form.

**This form was
completed by:**

Helen Sanderson