

PATERNITY LEAVE AND PAY

1. PURPOSE AND SCOPE

This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it. No one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.

This policy applies to all employees.

This policy does not form part of the employees' terms and conditions of employment. Chambers reserves the right to amend this policy from time to time.

2. ENTITLEMENT

If you:-

- (i) have been continuously employed by Chambers for a period of 26 weeks ending with the week immediately before the 14th week before the baby is due or, in the case of adoption, the week when you or your partner are notified of having been matched with a child; and
- (i) are the legal father of a child, or
- (ii) have been matched with a child by an adoption agency, or
- (iii) are the husband or partner of a mother of a natural or adopted child,

and have or expect to have responsibility for the child's upbringing and are taking leave to care for the child or support the child's mother, co-adopter or adopter, you will be entitled to a maximum of two weeks paid Ordinary Paternity Leave ("OPL") and may be entitled to take a period of Additional Paternity leave ("APL") (see below).

3. PATERNITY LEAVE

(a) OPL

OPL must be taken in blocks of either one or two weeks any time within 56 days of the child's birth, or in adoption cases, within 56 days of the child's placement.

(b) APL

If your baby is due on or after 3 April 2011 or you are notified of having been matched for adoption on or after 3 April 2011, you are entitled to APL if, in addition to the conditions set out above:

- 1. You remain employed by Chambers until the week before the first week of your APL;
- 2. The child's mother or your co-adopter, as the case may be, has been entitled to statutory maternity or adoption leave; and
- 3. The child's mother or your co-adopter, as the case may be, has returned to work.

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APL must be taken as multiples of complete weeks and as one period. The minimum amount of APL that can be taken is 2 weeks and the maximum is 26 weeks. APL must be taken in the period beginning 20 weeks after the child's date of birth, or adoption placement, and ending 12 months after that date of birth or adoption.

You may also be entitled to unpaid parental leave. For further details please see the separate Chambers guidelines on parental leave.

4. NOTIFICATION

You should give written notice to the Chambers' Administrator (or one of the Senior Clerks) of your wish to take OPL or APL. The period of notice to be given is as follows:

- (i) OPL: no later than the fifteenth week before the baby is expected to be born, or
- (ii) OPL (in the case of adoption): no more than 7 days after you and/or your partner have been notified of being matched with a child (or, if this is not possible, as soon as you can); or
- (iii) APL: at least 8 weeks prior to the date you would like your APL to commence.

We will write to you to confirm start and finish dates of your paternity leave.

Please note that we may require you to produce evidence relating to the child's birth and/or adoption. If you are taking a period of APL, we will also require you to complete a declaration confirming your entitlement to take APL, and may also require the child's mother or your co-adopter to sign a declaration which confirms that you are taking the period of APL to care for the child and that the mother or co-adopter is intending to return to work and that you will be the only person exercising entitlement to APL in respect of the child.

5. CHANGE OF LEAVE DATES

If for any reason you wish to change the start date of the leave period, you should give at least 28 days' notice of the change in the case of OPL and at least 6 weeks' notice in the case of APL, unless this is not reasonably practicable in which case you should give as much notice as possible.

6. RETURNING TO WORK

You are normally entitled to return to work following either OPL or APL to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.

However, if you have combined your OPL or APL with a period of:

- (a) additional maternity leave;
- (b) additional adoption leave; or
- (c) parental leave of more than four weeks,

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and it is not reasonably practicable for you to return to the same job, we will offer you a suitable and appropriate alternative position.

If you wish to return early from APL, you must give us at least six weeks' prior notice.

7. RETURN TO WORK – NOTIFICATION

If you intend to return before the end of a period of APL you must provide 6 weeks' written notice. Chambers may postpone your return should we not receive sufficient notice from you.

You do not need to give Chambers advance notice if you intend to return to work immediately after the end of your APL period or after the end of your OPL period if you do not take APL.

You must give contractual notice if you do not intend to return to work. Your contractual notice period is set out in your contract of employment.

8. DURING PATERNITY LEAVE

Chambers may make contact with you (and vice-versa) while you are on paternity leave, as long as the amount and type of contact is not unreasonable, to discuss a range of issues e.g. to discuss plans for returning to work, or to keep you informed of important developments at the workplace or relevant promotion opportunities or job vacancies that arise during your leave.

With prior agreement you can do up to 10 days' work during APL under your contract of employment. Before any work is done the nature of it and the rate to be paid must be agreed by both you and Chambers.

9. PATERNITY PAY

If you take OPL in accordance with this policy, you will be entitled to receive statutory paternity pay for up to a maximum of two weeks leave. Chambers will pay 100% of your salary for these two weeks if this is higher than the statutory rate.

If you take APL in accordance with this policy, you may be entitled to additional statutory paternity pay. Whether and, if so, for how long you may be entitled to additional statutory paternity pay will depend on your average weekly earnings, the child's mother or your co-adopter as the case may be having returned to work without having taken at least 2 weeks of their maternity allowance, maternity pay or adoption pay period. Additional statutory paternity pay is paid at a prescribed rate which is set by the government or at 90% of your average weekly earnings if this is lower.

10. CHAMBERS BENEFITS

- (a) Your contract of employment will continue during OPL and APL and you will continue to be bound by your normal contractual terms and to receive all your contractual benefits (such as holiday entitlement) with the exception of salary.
- (b) You will still qualify for the Chambers Staff Bonus Scheme but in the case of APL, on a pro rata basis for time spent at the workplace in each 6 month period between 1 October – 31 March and 1 April – 30 September. Your qualification is therefore suspended in your absence.

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- (c) Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during your paternity leave, you should ensure that you have taken the full year's entitlement before starting your paternity leave.
- (d) If you decide not to return to work, all benefits will cease from the date your resignation takes effect.

11. LOANS

If you have any outstanding loans (e.g. Season ticket loan), deductions from your salary and paternity pay will continue wherever possible. You will be expected to repay any outstanding balances before going on paternity leave if payments cannot be deducted from you during your leave.

12. ADOPTION LEAVE

The rules on adoption leave broadly mirror maternity leave provisions. The employee cannot take adoption leave if their spouse or partner is taking adoption leave, although they may be entitled to take paternity leave. If you would like further details of adoption leave or adoption pay you should speak to the Chambers Administrator (or one of the senior Clerks).