

# WEST DUNBARTONSHIRE COUNCIL

## Report by Director of Corporate Services

Corporate and Efficient Governance Committee – 27 January 2010

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**Subject: Statutory Paternity Pay and Leave**

### **1. Purpose**

- 1.1** To update Committee and seek approval for an amendment to the current arrangements for Paternity Pay and Leave to ensure legislative criteria is met to enable the Council to claim back the Statutory Paternity Pay (SPP) element.

### **2. Background**

- 2.1** Fathers or partners of an expectant mother who have worked for the Council for 26 continuous weeks at the start of the 15<sup>th</sup> week before the baby is due are entitled to Statutory Paternity Leave and Pay if qualifying criteria is met.
- 2.2** Up to 2 weeks statutory paternity leave can be taken and, in line with legislation, this leave must be taken in consecutive weeks and cannot be taken in odd days. The leave can commence from the date of the child's birth, or from a later date, but must be taken within 56 days of the actual birth.
- 2.3** Eligible employees receive the SPP allowance (currently £123.06) which the Council has enhanced and employees can take 2 weeks paternity leave at full pay. The Council is entitled to claim back the SPP element.

### **3. Main Issues**

- 3.1** Arrangements for paternity pay and leave are outlined in the Council's Scheme of Maternity Allowances. This Scheme allows eligible employees to take their 2 weeks leave at different times and not as 2 consecutive weeks, as outlined in the legislation. The Scheme further allows employees to take this leave within 6 months of the date of the birth, which falls outwith the 56 days outlined in legislation.
- 3.2** Whilst the intention of the Scheme was to provide fathers or partners with a degree of flexibility in taking paternity leave, current enhanced arrangements for leave could have a detrimental effect on the Council. If leave is taken outwith the legislative criteria then the Council cannot claim back the SPP element from the government. Further, if the Council did make a claim for leave taken outwith the legislative timescales (56 days and 2 consecutive weeks) this would be an invalid claim.
- 3.3** A review of Paternity Support applications indicate that most fathers or partners have opted to take leave at or around the time of birth, however there

has been an odd occasion when the 2 weeks have been taken at separate times and not as consecutive weeks.

- 3.4** To ensure that the Council can legally claim back the SPP element it is proposed to update the Scheme of Maternity Allowances to outline that leave must be taken within 56 days and must be taken as 2 consecutive weeks. This will not have a detrimental effect on employees as there has been no change to the enhanced SPP element and eligible employees will still receive normal pay for the 2 weeks paternity leave.

#### **4. Personnel Issues**

- 4.1** The Scheme of Maternity Allowances will be updated to reflect this amendment and will be available to employees from their departmental HR section or from the intranet. An employee information note on paternity leave will also be circulated.

#### **5. Financial Implications**

- 5.1** If the legislative criteria is not met this would have financial implications as the Council would not be able to claim back the SPP element and would be liable to bear this cost.

#### **6. Risk Analysis**

- 6.1** Failure to amend the Scheme will result in a risk to the Council of inadvertently submitting a fraudulent claim for SPP, or result in some cases of not being able to claim back the SPP element.

#### **7. Conclusions & Officers' Recommendations**

- 7.1** The current paternity arrangements do not reflect legislative criteria for statutory paternity pay and leave and Committee is asked to approve the proposed amendments:
- 1.** Paternity leave must be taken within 56 days (amended from 6 months)
  - 2.** Paternity leave must be taken in 2 consecutive weeks (amended from separate weeks)
- 7.2** Committee is also asked to note that the amendments do not have any detrimental effect on employees.

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**Appendices:** N/A

**Background Papers:** Scheme of Maternity Allowances

**Wards Affected:** Not applicable