



REQUEST 18741

1. Does your Council's policy on paternity leave provide in excess of the statutory provision of 2 weeks leave? (yes/no)
2. Does your Council's policy on paternity leave exceed the Statutory Paternity Pay amounts for some/all of the paternity leave (yes/no)
3. If you have answered yes to any of the above, detail how your Council's policy differs from the statutory provision in either:
 - a. Pay (e.g., your Council may offer a higher rate of payment for some/all of the paternity leave subject to certain conditions)
 - b. Duration of paid paternity leave provided
4. Please provide your authority's paternity leave policy.

RESPONSE

No

Yes

Wigan Council employees are paid at their full rate of salary for a period of two weeks rather than statutory paternity pay.

Please see below.



Paternity Leave & Maternity Support Leave

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Introduction

The council promotes a healthy work-life balance for all employees and recognises the importance of providing time off work for new parents to spend time with each other and their new arrival.

The council provides either maternity support leave or paternity leave, depending on length of service, to help care for the baby and support the mother at the time of the birth or placement.

Maternity Support Leave

Maternity support leave is available to the father of the baby or the partner or nominated carer of an expectant mother. No minimum length of service is required for maternity support leave.

Employees will be allowed up to 5 days paid leave (pro rata for part time employees) at or around the time of the birth. Pay will be based on the employee's normal weekly pay.

Employees can be nominated by an expectant mother who may or may not be an employee of the Council.

For maternity support Leave, the primary carer may not always be the father of the child but could be another close relative, for example mother or sister, or someone else who has a caring relationship with the mother and/or child.

The employee will have been nominated by the mother to be the primary carer of the child and to provide support to the mother at or around the time of the birth. This information is requested on the maternity support leave application form.

Managers may request information as to the link between the person applying for Maternity support leave as prime carer and the mother.

Paternity Leave

Paternity leave may be available to the mother's husband or partner to take time off to support the mother at the time of the birth or adoption placement.

To qualify for paternity leave, employees must have at least 26 weeks continuous service at either the 15th week before the expected week the baby is due or the week they are notified of an adoption match.

The employee must:

- Intend to take time off to care for the child or support the mother at the time of the birth/placement.
- Be the mother or main adopters' partner. For adoption and surrogacy this must be the person who is not taking the adoption leave; and
- At the time of the birth or adoption have main responsibility, apart from the mother, for the care of the child.

Requests for Paternity Leave must be discussed with the employee's manager on or before the end of the 15th week before the baby is due.

Eligible employees will receive two weeks at their full rate of pay.

Employees cannot request both Maternity Support and Paternity Leave.

Paternity Leave for Adoption or Surrogacy

Paternity Leave may also be taken by the partner of a person adopting a child, or one member of a couple who are adopting jointly or the partner of the intended parent for surrogacy.

In line with Government Legislation, paid Paternity Leave will be granted if the following criteria are met.

The employee must:

- Have at least weeks continuous service as at the 15th week before the week in which a match is notified.
- Have chosen not to receive Statutory Adoption Pay (SAP) and adoption leave (if the employee is adopting the child together with their partner).
- Have or expect to have responsibility for the upbringing of the child.
- Be the father of the child or the mother's husband or partner (including same sex relationships).

Requests for Paternity Leave must be discussed with the employee's manager as soon as a match is made.

Eligible employees will receive two weeks at their full rate of pay.

Employees cannot request both Maternity Support and Paternity Leave.

Paternity Pay

If an employee is eligible for Paternity Leave, following a birth or adoption, they may also be eligible to receive Paternity Pay.

Under the legislation, Statutory Paternity Pay is paid for a period of 2 weeks (based on an employee's normal working week) at standard rate**.

Leave can be taken as one block of two weeks or as two separate weeks, it cannot be taken in days.

It cannot start before the birth, before an adoption placement or before the child arrives in the UK in the case of an overseas adoption.

It must end within 52 weeks of the birth (or 52 weeks of the due date if the baby is born early), 52 weeks of the adoption placement or 52 weeks of the arrival in the UK.

However, Wigan Council's Paternity Leave Scheme entitles employees to two weeks leave at full pay.

An employee cannot request maternity support leave around the time of the baby's birth and then request paternity leave.

A part-time employee would be entitled to leave based on the hours they normally work, as paternity or maternity support leave.

Statutory Paternity Pay cannot be paid without a signed declaration. You can sign the declaration by completing the relevant application form:

- Paternity Leave Application Form
- Adoption Paternity Leave Application Form

The application form must be submitted immediately after the leave has been taken.

Time off for Appointments

The partner of the mother or main adopter is entitled to unpaid time off to attend two antenatal or adoption appointments.

In surrogacy arrangements both intended parents are entitled to unpaid time off to attend up to two ante-natal appointments with the birth mother.

As time off is unpaid, employees can request annual leave if they prefer.

General Information

Employees should:

- Request Maternity Support or Paternity Leave by completing the appropriate application form. Employees may use the attached table (Appendix A) to ensure they apply under the most appropriate scheme.

- Employees should return the completed application form to their manager and then meet with them to discuss the time off they are requesting.
- Employees should provide proof of the imminent birth or placement, such as a copy of the expectant mothers MAT B1/2 form or a copy of the Match Certificate (for adoptions), and appropriate leave dates required, with the appropriate application form.
- Employees should also provide proof of the birth or match along with a declaration from the mother or main adopter.

When approved by the employee's manager, line management will forward the application form to the employee's Service Manager for final approval.

Once finalised management will give the employee the finalised application form.

When the employee has taken the approved leave, the original form will be forwarded to HR Employment Services for action.

Neonatal Leave & Pay

On the 6th April 2025, the Government implemented The Neonatal Care (leave and Pay) Act which is intended to support parents of babies who are admitted into neonatal care within 28 days of birth.

Eligible employees will be able to take up to 12 weeks of paid leave in addition to their other family leave entitlements such as maternity, paternity, adoption, and shared parental leave.

A baby might receive neonatal care if they:

- Are born early.
- Are ill or injured when they are born.
- Have a low birth weight.
- The delivery was difficult.

What qualifies as Neonatal Care?

There are three categories of medical care which will count as neonatal care, these are:

1. Any medical care received in hospital.
2. care given to the baby after leaving hospital, under the direction of a consultant.
3. Ongoing monitoring and visits by healthcare professionals arranged by the hospital.

4. Palliative or end of life care.

It is important to note that any medical care which does not fall with the definition above will not qualify, nor will any medical care which does not begin within the first 28 days of the baby's birth.

Neonatal Care Leave (NCL)

Eligibility for Neonatal Care Leave

Neonatal Leave is a day-one right.

In order to qualify for NCL the following conditions must be met:

- The individual requesting this leave must be an employee.
- The baby must be born on or after the 6th April 2025.
- The newborn must be admitted to neonatal care within the first 28 days of birth and must remain in neonatal care for at least 7 continuous days. The first period of 7 days begins with the day after the day the baby first received neonatal care.
- NCL must be taken to provide care for the baby.
- NCL must be taken in blocks of a week.

Eligible Parents

Parents who have shared or sole responsibility for a child are eligible. This includes if they are:

- The mother or birth parent.
- The father.
- Married to, the civil partner of or partner of the mother or birth parent – this includes same-sex partners.
- Adopting a child, including fostering to adopt.
- Intended parents in a surrogacy.

Each eligible parent will be entitled to a separate amount of leave. This includes both parents who work for Wigan Council/school.

How much leave can be taken?

If eligible, parents can take one week's NCL in respect of each interrupted week (7days) that their baby received neonatal care. The maximum amount of leave is 12 weeks. The first qualifying period of 7 days begins with the day after the day the employee's baby first receives neonatal care (i.e., days 2-8 of neonatal care). Neonatal care Leave can be taken from the day after the first qualifying period. This means that employees are not able to start neonatal leave until day nine.

Leave must be taken within the first **68 weeks** of the baby's birth (or placement in the case of adoption). It will be common that employees will already be on some form of family leave while their baby is in neonatal care, neonatal leave will often be taken after neonatal care has ended and at the end of maternity/shared parental/paternity or adoption leave.

However, there will be instances where employees will take neonatal leave while their baby is still receiving neonatal care, for example partners whose paternity leave entitlement has run out while their baby is still receiving care.

There are two categories of neonatal leave depending on when the leave is taken, and these are referred to as Tier 1 or Tier 2 periods.

Tier 1 period leave applies to leave taken while an employee's baby is still receiving care and up to a week post discharge. Tier 1 leave can be taken in non-continuous blocks of a minimum of one week at a time. The Tier 1 period leave ends on the 7th day after the day an employee's baby stops receiving neonatal care.

Tier 2 period leave applies to all other leave and must be taken in one continuous block, there is no option to take more than one period of Neonatal Care Leave in the tier 2 period.

Taking Neonatal Care Leave with other types of statutory leave

Employees must take Neonatal Care Leave after any Statutory Maternity or Adoption Leave.

If the baby is in neonatal care, or in the first week after, Neonatal Care Leave can be interrupted by other types of pre-booked parental leave (such as Paternity or Shared Parental Leave). The remaining period of Neonatal Care Leave can be tagged immediately onto the end of the other parental leave.

If leave is being taken later than the first week after the baby leaves neonatal care, it can only be taken in a single block, before or after any other existing parental leave entitlement.

Eligibility for Neonatal Care Pay (NCP)

In order to qualify for Neonatal Care Pay (NCP), the following additional conditions must be met:

- The employee must have been employed by the Council/school for a continuous period of at least 26 weeks ending with the relevant week (which is their 15th week before the week in which the baby is due (approximately the 25th week of pregnancy).

- The employees' average earnings must be at least equal to £123 per week.

Notice Requirements for Neonatal Care Pay and Neonatal Care Leave

As part of The Neonatal Care (leave and Pay) Act notice will need to be issued to receive NCP and to request NCL.

However, as a Council/school it is decided that any notice requirements will be waived.

Although, there is a requirement in order to Neonatal Care Leave and to receive Neonatal Car Pay employees must provide their line manager with the following:

- Name
- The baby's date of birth (or placement/entry to Great Britain if adopting).
- The start date or dates of neonatal care.
- The date neonatal care ended (if applicable).
- The date on which the employee would like to take the leave and pay.
- The number of weeks of neonatal care leave and pay.
- Confirmation that the leave is being taken to care for the baby.
- Confirmation that the employee is eligible to take the leave due to their relationship with the baby.

If employees wishes to take this leave & pay, then they will need to complete the Neonatal Leave & Pay form which is available on the Hub under Employment Forms.

The Council/school recognise that when a baby needs care it can be upsetting and stressful for parents, specifically in the first few weeks. As such, the Council/school is flexible when information needs to be provided to approve NCL and NCP. Employees can ask someone such as a friend or family member to speak on their behalf.

Bereavement

In the very unfortunate circumstances where a baby dies after NCL has accrued employees are still able to take the associated leave.

Further Information

If employees or managers have any questions, they can contact HR Employment Services on 01942 827333, or extension 2333.

** Standard rate of Paternity Pay (SPP) is equivalent to Statutory Maternity Pay (SMP), or Statutory Adoption Pay (SAP) unless this exceeds a week's pay for the employee. In this case a sum equal to 9/10 of the employee's pay is payable.

Appendix A – Maternity Support or Paternity Leave?

Please use the table below to decide on entitlement of either Maternity Support or Paternity Leave and/or pay.

Schemes	Maternity Support	Paternity	Adoption/Surrogacy Paternity
Minimum continuous service requirement	No requirement	26 weeks as at end of 15 th weeks before EWC, with Wigan Council	26 weeks as at end of 15 th weeks before date of match notification or placement, or for surrogacy, expected date of child birth, with Wigan Council
Relationship to mother/child or adopter	Primary carer of mother - may be close relative, such as mother or sister	Father of child, spouse or partner of child's mother and expecting to have responsibility for up bringing of child – NOT a relative of mother	Be the adopters or intended parents (surrogacy) spouse or partner and expecting to have responsibility for upbringing of child
Leave entitlement	Up to 5 days (pro rata for part time employees)	Two weeks based on the employee's normal working week	Two weeks based on the employee's normal working week
Pay entitlement	Paid at full rate of pay	Two weeks at full rate of pay	Two weeks at full rate of pay
Timing of leave	At or around the time of the child's birth	Must be taken within 52 weeks of the child being born or, if child is born prematurely, within 52 weeks of the EWC	Must be taken within 52 weeks of the birth or date of placement
Notice of application	Within a reasonable timescale on application form provided	Discuss plans with manager before the end of the 15 th week before the child is expected, application form must be submitted immediately after the leave has ended.	Discuss plans with manager as soon as a match is confirmed, the application form must be submitted immediately after the leave has ended

Proof of entitlement need	Copy of the MatB1/2 or equivalent	Copy of the MatB1/2 or equivalent	Copy of Match Certificate
Amendments to dates previously given	In writing, as soon as possible	In writing at least 28 days before the first day of the EWC, if practicable	In writing at least 28 days before the first day of the placement, if practicable

Please use this table to decide on entitlement of either Maternity Support or Paternity Leave and/or pay

