

# **Paternity Leave & Pay**

## **Guidelines**

# Contents

<b>Introduction</b> .....	3
<b>Paternity Leave &amp; Pay Entitlements</b> .....	4
Entitlement and Length of Paternity Leave .....	4
Entitlement to Paternity Pay .....	4
Time Off to Attend Appointments .....	5
<b>Planning Paternity Leave</b> .....	5
Letting us know of the pregnancy and intention to take paternity leave .....	5
Formal Notification .....	5
What we will do once we receive notification.....	5
Change in circumstances following formal notification.....	5
<b>The Procedure at a Glance</b> .....	7
<b>Statutory Paternity Leave –Form SPL 1</b> .....	8

# Introduction

The University of the West of Scotland is committed to supporting employees through times where additions are being made to their family. We recognise the importance of the father taking time off to bond with the baby and to support the mother in the early stages after giving birth. Employees are entitled by statute to take up to two weeks paternity leave and are also entitled to statutory paternity pay subject to satisfying the eligibility criteria. The University offers enhanced pay options for eligible employees.

Mothers now have the opportunity to curtail their maternity leave and opt into '**Shared Parental Leave**' where up to 50 weeks' leave can be shared between the mother and the father. Please refer to the University's Shared Parental Leave & Pay Procedure and associated guidelines for further information.

Paternity Leave & Pay is a statutory entitlement available to employees who meet the eligibility criteria. The purpose of these guidelines is to:

- Help employees to understand their entitlements in relation to paternity leave and pay;
- Inform employees of their rights and responsibilities during paternity leave;
- Ensure that employees are treated fairly and consistently during paternity leave and their return to work.

There is a wide variety of legislation governing paternity leave and pay. Most of the relevant legislation includes:

- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2002
- Work & Families Act 2006
- The Maternity & Parental Leave (Amendment) Regulations 2008
- Children & Families Act 2014

These guidelines and associated procedure have been developed in conjunction with, and agreed by our recognised trade unions and incorporates all relevant legislation, statutory entitlements and offers enhanced benefits to eligible employees.

# Paternity Leave & Pay Entitlements

## ACAS Key Points

Employees may be entitled to Paternity Leave and Pay if their partner is having a baby, adopting a child or having a baby through a surrogacy arrangement.

Paternity leave is available to employees who:

- have or expect to have responsibility for the child's upbringing
- are the biological father of the child or the mother's husband or partner (including same sex relationships)
- have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child (UK adoption), or the date the child enters the UK (overseas adoptions).

## Entitlement and Length of Paternity Leave

Individuals may qualify for paternity leave if they meet the following criteria:

- They are the biological father of the baby; or
- Their partner<sup>1</sup>, spouse or civil partner has a baby;
- Their partner, spouse or civil partner adopts a child and is classified as the 'primary adopter'; or
- Their partner, spouse or civil partner becomes a parent through surrogacy and has applied for a parental order or intends to do so within 6 months of the child's birth; and
- They expect to have responsibility for the child's upbringing.

The individual must also have worked for the University for at least 26 weeks at:

- The 15<sup>th</sup> week before the expected week of childbirth (birth or surrogacy); or
- The end of the week that their partner spouse or civil partner is notified that they have been matched with a child for adoption (UK adoptions);
- The date the child enters the UK (overseas adoptions).

Individuals who meet the eligibility criteria will be entitled **to up to two weeks** of paternity leave following the birth of a child or placement of a child for adoption. This leave can be taken in blocks of one or two weeks. Leave can start on the day the child is born and must be taken within 56 days of this date.

**Paternity leave can start** when adopting a child:

- On the date of placement (UK adoptions);
- Within 2 months of the child's placement (UK adoptions);
- On the date the child arrives in the UK or an agreed number of days after that (overseas adoptions).

Paternity leave can only be taken in blocks of a week (i.e. not individual days).

## Entitlement to Paternity Pay

<sup>1</sup> Partner includes a person of a different sex or the same sex who lives with the mother or primary adopter

in an enduring family relationship but who is not an immediate family relative.

Individuals may be entitled to receive up to two weeks of Statutory Paternity Pay (SPP), subject to meeting the following requirements:

- They qualify for paternity leave; and
- Have average earnings at or above the lower earnings limit for payment of National Insurance Contributions – calculated over the eight weeks leading up to the 15<sup>th</sup> week before EWC (birth or surrogacy) or the week that their partner, spouse or civil partner is notified that they have been matched with a child for adoption.

The Government sets the lower earnings limit and SPP rates on a yearly basis. These figures can be found on the [Government's website](#).

We offer enhanced paternity pay for employees who qualify for SPP. This enhanced benefit is as follows:

- First week of paternity leave – full normal pay (inclusive of SSP);
- Second week of paternity leave – SPP only.

### Time Off to Attend Appointments

Individuals are entitled to take paid time off to attend up to 2 ante-natal, adoption or surrogacy appointments.

Individuals must gain approval from their line manager to attend appointments.

We reserve the right to request evidence of these appointments.

## Planning Paternity Leave

### Letting us know of the pregnancy and intention to take paternity leave

We would advise individuals to advise their line manager that they will be becoming a dad. This will ensure that the line manager can provide support if and when required.

### Formal Notification

Individuals must notify the University no later than the 15<sup>th</sup> week before the expected week of childbirth, within 7 days of an adoption match, or within 28 days if it is an overseas adoption. Individuals should complete **Form SPL1**.

Individuals must also complete one of the following forms and return to their line manager and POD within this timeframe:

- [Form SC3](#) – where an individual is becoming a birth parent; or
- [Form SC4](#) – where an individual is becoming a parent through adoption.

### What we will do once we receive notification

Once we have received formal notification, People & OD will write to the individual confirming the dates of the paternity leave and any adjustments to pay.

Any adjustments to pay will be done in the period following the paternity leave.

### Change in circumstances following formal notification

As we know, not all things in life go to plan. If the baby is born early and the individual needs to start the paternity leave earlier than planned, they must notify their line manager and P&OD as soon as practical.

# During Paternity Leave

## Terms and Conditions during paternity leave

During paternity leave, there will be no change to the individuals core contractual rights or terms and conditions except for pay. All other terms and conditions remain unchanged.

### **Pension**

Individuals will continue to pay pension contributions in the normal way during paid leave. We will also continue to make pension contributions on the individual's behalf during this time.

There is the option to agree to continue these contributions whilst on unpaid leave.

Further information on the options available under each pension plan is available on the [intranet](#).

Alternatively, you can contact the University's Pensions Officer.

### **Annual Leave and Public Holidays**

Contractual annual leave and public holiday entitlement will continue to accrue throughout your paternity leave.

# Returning from Paternity Leave

## Rights on returning to work

Individuals have the right to return to the same role as they did before paternity leave.

## Additional Leave

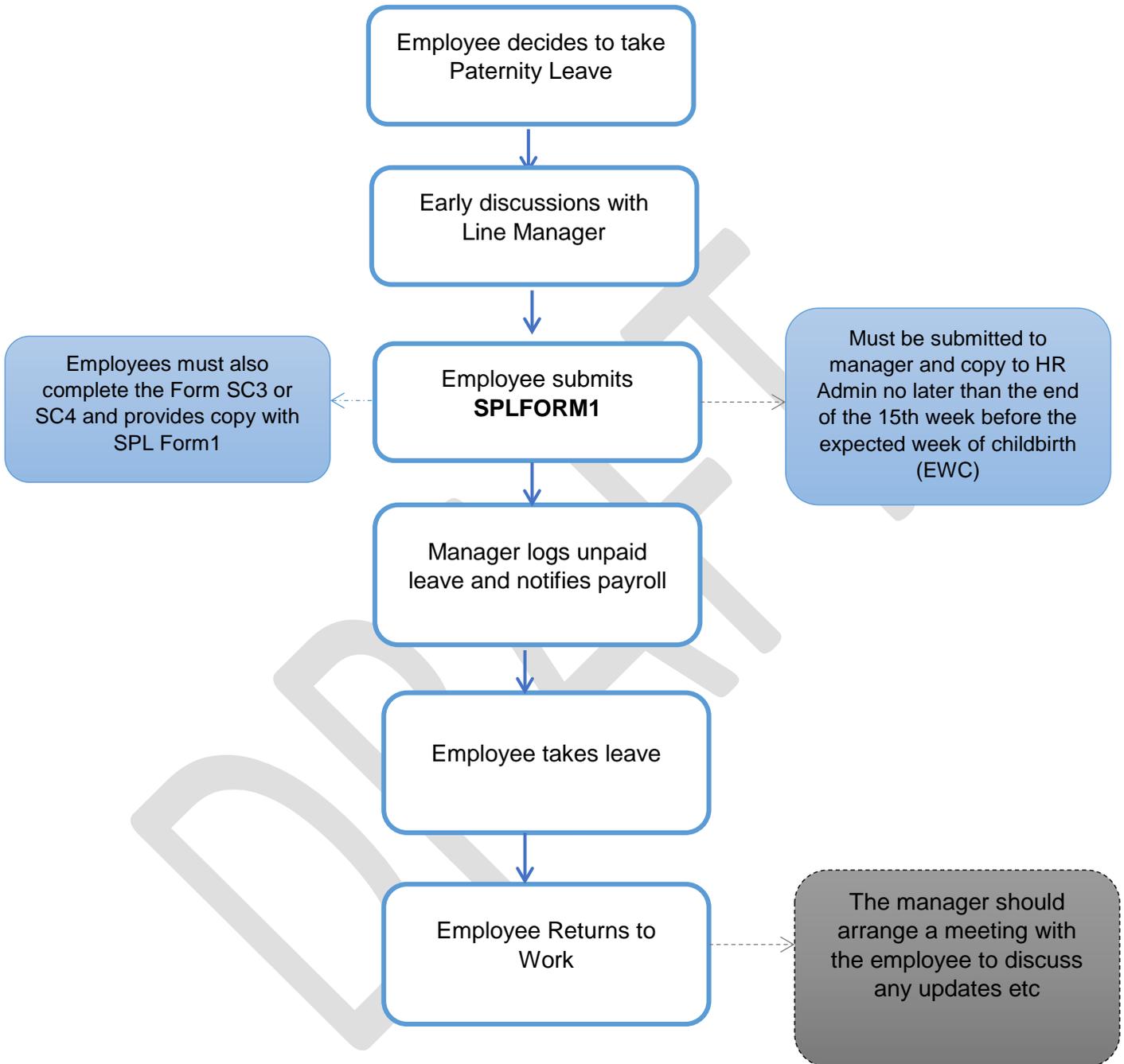
Individuals may feel that they need more than the two weeks paternity leave to support their partner and new baby. Eligible employees can refer to:

- Shared Parental Leave and Pay Procedure and Guidelines
- Paternity Leave Procedure
- (Purchase of Annual Leave Scheme)
- Career Break Scheme

## Flexible Working

Individuals may wish to change their contractual work pattern to support a better work-life balance. Eligible employees have the right to request flexible working and we will give due consideration to such requests. Further information is available in the University's **Flexible Working Procedure**.

# The Procedure at a Glance



## Statutory Paternity Leave –Form SPL 1

### APPLICATION FOR PATERNITY LEAVE FORM SPL1

Paternity Leave: Application	
Name:	
Job Title:	
Department:	
Section A: Your Dates for Leave & Pay	
The baby is due on:	
If the baby has been born, what is the baby's date of birth:	
I wish my paternity leave to start on:	
Please indicate if you would like 1 or 2 weeks' leave:	
Section B: Declaration	
I declare that: <ul style="list-style-type: none"><li>• I am the baby's biological father; or</li><li>• or the partner/husband of the mother (partner being a person whether of a different sex or the same sex who lives with the mother in an enduring family relationship but not an immediate family relative); and</li><li>• Expect to have responsibility for the baby's upbringing; and</li><li>• I will take the time off work to support the mother care for the child.</li></ul>	
Signed:	Date:

***Please give a copy of this form to your Line Manger & HR Service Support Team***