

Title:	Statutory & University Paternity Leave and Pay
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POLICY & GUIDELINES

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1. Introduction to paternity rights

This document sets out the rights and responsibilities of all employees who wish to take paternity leave.

All employees regardless of hours of work or length of service (who meet ii below) have an entitlement to request the agreed 'one-week' Brunel paternity leave and pay (BPLP).

All employees who meet all of the eligibility requirements set out in 3 below are entitled to a period of Ordinary Paternity Leave (OPL), which includes BPLP. The majority of employees who are eligible for OPL will also be eligible for Ordinary Paternity Pay (OPP).

2. Glossary

OPL Ordinary Paternity Leave APL Additional Paternity Leave EWC Expected week of Childbirth	OPP Ordinary Paternity Pay ASPP Additional Paternity Pay SPP Statutory Paternity Pay UPP University Paternity Pay BPLP Brunel paternity leave and pay (1 wk)
Primary Adopter - The child's adopter who elected to take adoption leave.	
"Head" - Means the Head of Department/School/Special Research Institute/Area or their nominee.	
Child's placement – Date adopted child is placed with adoptive parent/s	
"Qualifying week" - Means the 15 th week before the expected week of childbirth.	

Section One: Ordinary Paternity Leave and Pay

3. Who is eligible for Ordinary Paternity Leave (OPL)?

- i) To qualify for OPL employees must have been continuously employed by Brunel 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 that the employee is notified that s/he is matched with a child for cases of adoption
- ii) In addition, employees must be the:
 - Biological father of the child

- Mother's husband or partner (who is not the baby's father but has responsibility for the child's upbringing)
- A partner in a same-sex relationship
- Child's adopter
- Husband or partner (including same-sex relationships) of the child's adopter

Duration of Ordinary Paternity Leave

Ordinary paternity leave is granted in addition to normal annual leave entitlement and eligible employees can choose to take one or two weeks of Ordinary Paternity Leave which would include BPLP. Employees cannot take paternity leave as odd days; if two weeks are taken they must be taken consecutively.

A week is based on the employees' normal working pattern so if an employee works Mondays and Tuesdays only, a period of one weeks leave week would be considered to be two days.

4. Who is eligible for Ordinary Paternity Pay (OPP)?

OPP is payable to Brunel employees who are eligible for Ordinary Paternity Leave and who are earning at least the Lower Earnings Limit to qualify for Statutory Paternity Pay (the Department of Working Pensions would be able to advise further).

If an employee qualifies for ordinary paternity leave but not ordinary paternity pay, the employee may qualify for income support while on ordinary paternity leave.

Ordinary Paternity Pay amounts

Brunel will pay for the first week of OPP at full pay (pro rata for part time staff). This amount includes Statutory Paternity Pay and is not an additional sum.

The second week of OPP will be paid at the standard rate of Statutory Paternity Pay or 90% of average weekly earnings, whichever is the lesser amount.

5. When Ordinary Paternity leave can be taken

Paternity Leave can start on any day of the week, on or following the child's birth or adoption and must be taken in either one or two consecutive weeks (not odd days or two separate weeks), as long as the employee has given the required notice.

It must be completed:

- Within 56 days of the actual date of birth or placement of the adopted child; or
- If the child is born earlier than expected, between the birth and 56 days from the first day of the expected week of childbirth

The leave must be taken in multiples of complete weeks and must be taken as one continuous period.

Only one period of ordinary paternity leave will be granted irrespective of whether more than one child is born or adopted.

NB: Either option may be extended in circumstances of “serious developments” such as premature birth, stillbirth, or other complications arising from birth difficulties either to the mother or child. This is under the section of “special leave” in the “Conditions of Service” and not an extension to paternity leave.

6. Giving notice of ordinary paternity leave

To qualify for ordinary paternity leave employees must give Human Resources (copied to the line manager) 15 weeks written notice (wherever practicable) of the date on which his or her partner’s baby is due, the length of the paternity leave he or she wishes to take and the date on which she/he wishes the leave to commence.

This request should be made in writing by completing the paternity leave form (available on the web or from Human Resources).

Requests made in writing **must** include:

- The expected week of childbirth (to include a copy of the mother’s MAT B1 form to confirm dates – available from the mothers midwife normally between 20 to 26 weeks of the pregnancy)
- The length of leave (block of one or two consecutive weeks)
- The date they intend to start their leave

Employees **must** declare that they:

- Are the baby’s biological father, or partner/husband who may not be the biological father
- Will be responsible for the child’s upbringing
- Are taking time off work to support the mother and/or care for the child

In the case of an adopted child, the employee must give written notice of his or her intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start paternity leave, the length of the intended paternity leave period and the date on which the adopter was notified of having been matched with the child.

7. Changing the date of ordinary paternity leave

Should the employee subsequently wish to change the start date of the paternity leave, he/she must give at least 28 days written notice (before the first day of the week the baby is due) to Human Resources (copied to the line manager) of the revised start date, unless this is not reasonably practicable.

Section Two: Additional Paternity Leave and Pay

1. Additional Paternity Leave

Provided that the mother returns to work before the end of her maternity leave period, her partner may be eligible for Additional Paternity Leave (APL) in addition to their entitlement to Ordinary Paternity Leave. If the mother returns to work before the end of her statutory maternity pay or maternity allowance period, her partner may be eligible for Additional Statutory Paternity Pay (ASPP).

Additional paternity leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's primary adopter has returned to work.

2. Who is eligible for Additional Paternity Leave (APL)?

Additional Paternity Leave is available to employees who take APL to have primary responsibility for the care for their child during their partner's Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period.

The mother must have returned to work no sooner than 2 weeks after the birth of her child but with at least 2 weeks of unexpired statutory maternity leave entitlement remaining for her husband or partner to be eligible for additional paternity leave. A return to work means the mother has resumed working. A period of annual, sick or parental leave directly after the maternity leave but during the mother's statutory maternity pay or maternity period is not deemed to be a return to work. However, once the mother has returned to work any subsequent period of leave does not affect entitlement to additional paternity leave or pay.

In addition, to be eligible for additional paternity leave employees must:

- Be the father, partner or civil partner of a woman who has given birth
- Have been employed by Brunel for at least 26 continuous weeks into the 15th week before the baby's due date and remain in employment until the week before the APL begins.

An employee can only have one period of additional paternity leave regardless of the number of children resulting from a single pregnancy/adoption.

Duration of Additional Paternity Leave

Eligible employees can choose to take between 2 and 26 weeks (APL), up to the 39th week of the maternity leave period (in addition to the two weeks ordinary paternity leave). Leave can be started at any point after the baby is 20 weeks old and must be completed by the baby's first birthday, in cases of adoption leave must be taken within the first year of adopting.

The leave must be taken in multiples of complete weeks and must be taken as one continuous period.

3. Who is eligible for Additional Statutory Paternity Pay (ASPP)?

Additional statutory paternity pay is payable to eligible workers who meet the criteria for additional paternity leave and:

- They are taking time off to care for their child during their partner's 39 week statutory maternity pay, maternity allowance or statutory adoption pay period
- Their partners have returned to work with at least 2 weeks remaining of their statutory maternity pay, maternity allowance or statutory adoption pay
- Have average weekly earnings at or above the lower earnings limit for National Insurance contributions in force at the end of the qualifying week

Eligible employees are only entitled to be paid during the mother or co-adopter's statutory maternity pay, maternity allowance or statutory adoption pay period. This runs for 39 weeks from the date the mother or co-adopter started receiving their pay.

Additional Statutory Paternity Pay amounts

Additional paternity leave will be paid at the same rate as Statutory Maternity Pay or Statutory Adoption Pay and will be payable for the period of statutory maternity pay or statutory adoption pay that was not taken by the mother. In effect, the untaken pay period transfers to the child's father or partner of the mother or primary adopter.

The rate of pay is therefore the lower of either:

- 90% of their average weekly earnings
- The standard rate of statutory maternity pay set by the UK Government

4. When Additional Paternity leave can be taken

Additional paternity leave can be started at any point after the baby is 20 weeks old and must be completed by the baby's first birthday.

Additional paternity leave for adoptive parents can be started at any point after 20 weeks of the child's placement or in the case of overseas adoption the child's arrival in Great Britain. Leave must be completed within the first year after the child's placement provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work.

The leave must be taken in multiples of complete weeks and must be taken as one continuous period.

Only one period of additional paternity leave will be granted irrespective of whether more than one child is born or adopted.

5. Contact and Keep in Touch (KIT) days during Additional Paternity Leave

Shortly before an employee's paternity leave starts, the line manager will discuss the arrangements for him/her to keep in touch during the leave period, should he/she wish to do so. The University reserves the right in any event to maintain reasonable contact with the employee from time to time during the paternity leave period. This may be to discuss the employee's plans for return to work, to discuss any special

arrangements to be made or training to be given to ease his/her return to work or simply to update him/her on developments at work during his/her absence.

Employees on additional paternity leave can agree to work for the University (or to attend training) for up to 10 days without that work bringing the period of his/her additional paternity leave to an end and without loss of a week's statutory additional paternity pay. These are known as 'keeping-in-touch' days. Any work carried out on a day shall constitute a day's work for these purposes.

The University has no right to require the employee to carry out any work, and the employee has no obligation to undertake any work, during his/her paternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the University and the employee. Any keeping-in-touch days worked do not extend the period of paternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SPP for any week in which he/she agrees to work for the University.

6. Giving notice of additional paternity leave

To qualify for additional paternity leave employees must give Human Resources (copied to the line manager) 8 weeks written notice of the date he/she wishes to take the leave and, if applicable, additional statutory paternity pay is to commence.

This request should be made in writing by completing the additional paternity leave and additional statutory paternity pay form (available on the web or from Human Resources).

At the same time the mother, or primary adopter must complete the details of the mother/joint adopter of the child form (also available on the web or from Human Resources).

The request submitted in writing **must** include the signed declaration.

7. Changing the date of additional paternity leave

With respect to additional paternity leave, employees must give at least six weeks' notice if they wish to change the dates of their additional paternity leave or if they do not wish to take it. If an employee does not give six weeks' notice Brunel is not obliged to accept the change if it cannot reasonably be accommodated.

Section Three: Additional Information

1. Continuation of Benefits during paternity leave

Employees taking paternity leave, whether ordinary and/or additional paternity leave, are still employed throughout the whole period of that leave and will continue to

receive the same contractual benefits as if they were at work, with the exception of pay.

1.1 Annual Leave

Annual leave will continue to accrue during the period of ordinary and/or additional paternity leave and employees are encouraged to take any outstanding annual leave prior to the commencement of additional paternity leave. Employees are reminded that annual leave must be taken in the year that it is accrued.

1.2 Occupational Pension during paternity leave

Occupational Pension contributions may continue to be paid during any period the employee is receiving statutory paternity pay but not during any period of unpaid additional paternity leave.

2. Returning from paternity leave

On returning from ordinary or additional paternity leave employees are entitled to return to a similar role to the one they occupied before the paternity leave, on the same terms and conditions as if they had not been away.

3. The role of Human Resources

Once Human Resources receive the request for paternity leave they will confirm the employee's entitlement to paternity leave and pay in writing within 28 days which will include the anticipated date of commencement of leave and the expected date of their return to work.

4. Protection from detriment and dismissal

Employees are protected from suffering unfair treatment or dismissal for taking, or seeking to take, ordinary and/or additional paternity leave.

5. Sickness at the end of a leave period

Should the employee be ill and unable to return to work at the end of the leave period, the normal contractual arrangements and reporting procedures for sickness absence will apply.