

Paternity/Partner Leave Policy and Procedure

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This policy will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation. In the event that this policy or procedure is not compliant, the relevant legislation shall prevail.

Changes to this policy will be subject to consultation and agreement with the University's recognised Trade Unions before implementation

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1. INTRODUCTION

Brunel University London is fully committed to helping working parents balance the needs of work and family life and appreciates the importance of providing greater choice for parents in how they arrange parental care following the birth or adoption of a child.

In particular, this Paternity/Partner Leave policy and procedure sets out the support which is available to employees who: a) have a child; or b) adopt a child; or c) are the intended parent in a surrogacy arrangement and are eligible and intend to apply for a Parental Order within the six month time limit.

As part of its commitment to supporting good practice in relation to parental rights, the University provides enhanced paternity/partner benefits, such as pay, that are above the statutory minimum.

2. SCOPE

This policy and procedure applies to all eligible employees of the University, regardless of gender or the gender of an employee's partner.

The term 'partner' is used by the University in addition to 'paternity' to recognise that an employee who is the partner of: an expectant mother, or a child's primary adopter, or someone who has obtained a Parental Order, may be entitled to leave under this policy.

3. GENERAL PRINCIPLES

The following general principles apply:

- The University provides enhanced Paternity/Partner Leave benefits' which includes providing employees the opportunity of taking 3 weeks Paternity/Partner Leave, regardless of their length of service.
- Employees can take only one period of Paternity/Partner Leave per pregnancy/adoption even if more than one baby is born as the result of the same pregnancy or placed for adoption at the same time.
- Employees may be entitled to [Shared Parental Leave](#) in addition to Paternity/Partner Leave however employees cannot take Paternity/Partner Leave once they have started Shared Parental Leave.

4. ENTITLEMENT AND ELIGIBILITY TO TAKE LEAVE

Employees are entitled to take up to 3 weeks paid Paternity/Partner Leave, regardless of their length of service with the University.

To be eligible to take Paternity/Partner Leave, the employee must:

- Be the partner of the person who will give birth; **or**
- Be the partner of the primary adopter*; **or**
- Be the intended parent (if they are having a baby through surrogacy arrangement) and are eligible and intend to apply for a Parental Order within the six month time limit.

Furthermore, the employee will need to:

- Have, or expect to have, responsibility for the child’s upbringing; **and**
- Complete the “Notice of Intention to Take Paternity/Partner Leave” form and submit this to the University within the required timescale (see section 6.1).

4.1 Antenatal/Pre-adoption appointments

In addition to 3 weeks Paternity/Partner Leave, up to 2 days unpaid leave will be granted to the employee to attend antenatal and childcare clinics or in the case of adoptions, to attend pre-adoption interviews, visits, court appearances and childcare clinics.

In order to be entitled to take time off, the employee should produce evidence of the appointment such as a medical certificate or appointment card if requested to do so. The employee should give their Manager as much notice as possible of appointments and wherever possible to try to arrange them as near to the start or end of the working day as possible.

5. ENTITLEMENT AND ELIGIBILITY TO PATERNITY/PARTNER LEAVE PAY

The University operates its own Paternity/Partner Pay Scheme, which is more generous than the Statutory Paternity Pay Scheme.

All employees, regardless of length of service, who provide the University with the appropriate notification (see section 6) will be entitled to 3 weeks full pay at their contractual rate of pay. If an employee receives variable pay, their Paternity/Partner Pay will be based on their average pay over the eight weeks up to and including the end of the 15th week before the expected week of childbirth or, if they are adopting, their average pay over the eight weeks up to and including the week the employee is matched with the child. Weeks where no work was carried out will be ignored for the purposes of this calculation, and earlier weeks used instead.

6. APPLYING FOR PATERNITY/PARTNER LEAVE

6.1 When can Paternity/Partner Leave be taken?

Paternity/Partner Leave can start on any day of the week, on or following the child’s birth or adoption and must be taken in one of the following ways:

	How leave will be taken	By when leave must be taken
Option 1	One block of three weeks’ leave	Within 56 days of birth/placement
Option 2	One block of two weeks’ leave Followed by: One block of one weeks’ leave	Within 56 days of birth/placement Within one year of birth/placement

Note: If employee is planning on taking Shared Parental Leave, the third week of Paternity/Partner Leave needs to be taken before commencing Shared Parental Leave.

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

Births – An employee can choose for their leave to begin on:

- the day the baby is born; or
- a certain number of days after the baby is born; or
- a specific date which is not earlier than when the baby is due.

Adoptions and Surrogacy Arrangements – An employee can choose for their leave to begin on:

- the date of the placement; or
- an agreed number of days after the date of placement;
- on the date the child arrives in the UK or an agreed number of days after (for overseas adoption);
- the day the child is born or the day after for surrogate parents.

6.2 Notifying Manager and Human Resources

For the purposes of planning, an employee is encouraged to have an early informal discussion with their Manager regarding their intention to take Paternity/Partner Leave.

To qualify for Paternity/Partner Leave, an employee must formally tell the University that they wish to take Paternity/Partner Leave by completing the "[Notice of Intention to Take Paternity/Partner Leave](#)" form and submitting this to their Manager and Human Resources by **no later than the end of the qualifying week**. These are:

- in the case of births, including surrogacy births, by the end of the 15th week before the baby is due;
- in the case of a UK adoption, this should be no later than seven days after receiving the notification of being matched for adoption;
- in the case of an overseas adoption, this should be no later than 28 days before you wish to receive Paternity/Partner Leave Pay.

Within the form, the employee will need to:

- confirm the date of birth and provide a copy of the mother's MAT-B1 form to confirm the expected week of childbirth (available from the mother's midwife normally between 20 to 26 weeks of the pregnancy), or
- confirm the date of adoption placement and provide a copy of the matching certificate.

The employee will also need to declare that they:

- Are the baby's biological father, or partner of the birth mother or primary adopter, or an intended parent in a surrogacy arrangement;
- Will be responsible for the child's upbringing; and
- Are taking time off work to support the mother/their partner and/or care for the child.

Refer to **Appendix A** for notification process.

Changing Paternity/Partner Leave start date:

If an employee wants to change their Paternity/Partner Leave start date once it has been notified, they should give their Manager and Human Resources **at least 28 days written notice** before either the new start date or the employee's original start date (whichever is sooner), or if this is not possible, as soon as reasonably practicable

If an employee experiences any difficulty in notifying the University inside the stated timeframe, they should contact Human Resources for advice. **The University reserves the right to refuse Paternity/Partner Pay if due notice is not given.**

Human Resources will write to the employee confirming their leave and pay arrangements **within 28 days** of receiving their 'Notice of Intention to take Paternity/Partner Leave' form.

7. EXCEPTIONAL CIRCUMSTANCES

In the very sad event that a pregnancy ends in miscarriage in the first 24 weeks of pregnancy, the employee will not be entitled to Paternity/Partner Leave or Pay. Instead, the arrangements for sick and compassionate leave may apply.

In tragic circumstances where the baby is stillborn after the twenty fourth week of pregnancy or if the baby is born alive and sadly dies at, or shortly after birth, the employee is entitled to full paternity/partner rights.

Supporting an employee with returning to work after such sad events should be handled sensitively and with compassion. A free, 24 hour, confidential advice service is available for employees from Carefirst who can be contacted by telephone on 0808 168 2143 or by going online: www.carefirst-lifestyle.co.uk. If an employee wishes to use this service, they should quote 'Brunel' as the username and 'employee' for the password.

8. EMPLOYMENT TERMS AND CONDITIONS DURING PATERNITY/PARTNER LEAVE

During Paternity/Partner Leave the following conditions will remain in place:

- A period of Paternity/Partner Leave counts as continuous service and an employee's continuous service rights are not affected.
- Employees are entitled to receive any increments and/or cost of living increases, which they would have been due, had they not been on Paternity/Partner Leave.
- Employees will continue to benefit from all their contractual terms and conditions throughout Paternity/Partner Leave.
- Employees will continue to accrue annual leave, including bank holidays whilst on Paternity/Partner Leave. However, annual leave cannot be taken during a period of Paternity/Partner Leave. Employees are encouraged to take any accrued annual leave in the year in which it was accumulated. Upon returning to work, the Head of Department can approve for the employee to carry forward up to a maximum of 5 days annual leave to the new holiday year.

9. PENSION CONTRIBUTIONS DURING PATERNITY/PARTNER LEAVE

During Paternity/Partner Leave, employee pension contributions will continue to be made and will be based on actual pay received.

Employer pension contributions will be calculated on the same basis as those applicable prior to taking Paternity/Partner Leave.

10. SICKNESS AT THE END OF LEAVE PERIOD

Should an employee be ill and unable to return to work at the end of a period of Paternity/Parental Leave, the normal contractual arrangements and reporting procedures for sickness absence will apply.

FLOWCHART: NOTIFICATION PROCESS

Responsibility Key

Employee

Manager

Human Resources

