

## Paternity/Partner Leave Policy

### 1. Policy

- a) St Mary's University ("the University") is committed to ensuring equality and diversity across the organisation. The aim of the University's Paternity/Partner Leave Policy is to set out the rights and entitlements of employees who are new fathers or employees who plan to adopt in relation to Paternity/Partner Leave and Pay.
- b) St Mary's Paternity/Partner Leave Policy incorporates statutory requirements in relation to paternity rights and offers a more generous provision in relation to Paternity/Partner Pay than that which is required by law.

### 2. Scope of the Procedure

This procedure applies to employees who are expecting a baby or a newly adopted child on or after 1 October 2015.

### 3. Roles and Responsibilities

- a) Employees have a responsibility to:
- Discuss their plans for Paternity/Partner Leave with their line manager as early as possible;
  - Clarify the relevant procedures and their entitlement with the HR Department;
  - Provide the correct notification, as detailed in this policy, and provide any additional evidence if requested by the University.
- b) Managers have a responsibility to:
- encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible;
  - make arrangements to cover the employee's period of absence

#### **4. Paternity/Partner Leave Entitlements**

Eligible employees may take up to 2 weeks of Paternity/Partner Leave, and may be entitled to 2 weeks of Paternity/Partner Pay.

Employees must satisfy the following conditions in order to be eligible to qualify for Paternity/Partner Leave. They must:

- have or expect to have responsibility for the child's upbringing
- be the biological father of the child or the mother's/primary adopter's husband or partner (including same sex relationships)
- have worked continuously for the University 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).

During the Paternity/Partner Leave period the employee's contract of employment continues and all contractual rights are maintained except basic pay which is replaced during the Paternity/Partner Leave period by Paternity/Partner Pay (see paragraph 6 below).

##### *Notification Requirements*

Employees must inform their line manager as early as possible of the date on which they want to commence their Paternity/Partner Leave. Employees must then inform the Human Resources Department of their intention to take Paternity/Partner Leave by the end of the fifteenth week before the baby is expected by completing an SC3 form (available from [www.gov.uk](http://www.gov.uk)) unless this is not reasonably practicable. They must tell the University:

- the week the baby is due
- whether they wish to take one or two weeks' Paternity/Partner Leave
- when they want their Paternity/Partner Leave to start.

Employees can change their mind about the date on which they want their Paternity/Partner Leave to start providing they tell the University at least 28 days in advance (unless this is not reasonably practicable).

The University will respond within 28 days of notification of Paternity/Partner Leave plans to confirm the arrangements for the employee's Paternity/Partner Leave.

##### *Length of Paternity/Partner Leave*

Eligible employees can choose to take either one week or two consecutive weeks' Paternity/Partner Leave (not odd days).

Only one period of Paternity/Partner Leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy / adoption arrangement.

#### *Start of Paternity/Partner Leave*

Paternity/Partner Leave can start:

- from the date of the child's birth (whether this is earlier or later than expected) or adoption placement, or
- from a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected) or adoption placement, or
- from a chosen date later than the first day of the week in which the baby is expected to be born or the date of the adoption placement.

Leave can start on any day of the week on or following the child's birth or placement for adoption but must be completed:

- within 56 days of the actual date of birth of the child or placement for adoption, or
- if the child is born early, within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

### **5. Time off Work for Antenatal Care / Adoption Appointments**

Eligible employees have the right to unpaid time off for up to two antenatal appointments. Similarly, the partner of an individual who adopts or the other member of a couple who are adopting jointly have the right to unpaid time off for up to two adoption meetings.

Employees must notify their line manager in writing advance of the appointment stating the date and time of the appointment and may be required to produce written evidence of appointments.

### **6. Pay During Paternity/Partner Leave**

In order to be paid during their period of Paternity/Partner Leave employees must inform the Human Resources department at least 28 days before they wish to commence Paternity/Partner Leave where reasonably practicable to do so; and provide a self-certificate (SC3) form (available at [www.gov.uk](http://www.gov.uk)).

The self-certificate includes a declaration that the employee meets certain eligibility conditions and provides the information the University requires as part of the notification requirements detailed under section 4:

## Paternity/Partner Leave Entitlements.

### *Occupational Paternity/Partner Pay*

Employees who have been employed by the University for a minimum of 52 weeks as at the 15<sup>th</sup> week before the expected week of childbirth are entitled to Occupational Paternity/Partner Pay as follows:

- (i) 1 week at full pay (including Statutory Paternity/Partner Pay (SPP\*))
- (ii) 1 week at flat rate SPP\* (or 90% of earnings if this is less than flat rate SMP)

\*In the event that a staff member qualifies for Occupational Paternity/Partner pay, but not Statutory Paternity/Partner pay then the employee will be paid Occupational Paternity/Partner Pay minus any SPP.

### *Statutory Paternity Pay*

Employees who do not qualify for Occupational Paternity Pay but who have been employed by the University for a minimum of 26 weeks as at the 15<sup>th</sup> week before the expected week of childbirth are entitled to SPP (provided that their earnings reach the Lower Earnings Limit for National Insurance Contributions. Further information on the National Insurance lower earnings limit is available at <https://www.gov.uk/>);

SPP is paid for either one or two consecutive weeks depending on the length of Paternity/Partner Leave chosen by the employee.

### *Employees not eligible to receive SPP*

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes do not qualify for SPP. Additional financial support may be available and employees should contact their local Jobcentre Plus office or Social Security office for further information.

## **7. Stillbirth and Miscarriage**

In the unfortunate event of a stillbirth after the occurring after the 24<sup>th</sup> week of pregnancy, he or she will be entitled to take Paternity/Partner leave and pay.

The University recognises that a situation such as stillbirth or miscarriage can be a shocking experience which may feel traumatic and employees may wish to contact the University's Employee Assistance Programme for further advice, support and counselling. Further information on the EAP can be found on staffnet - <http://staffnet/services-departments/HumanResources/Pages/employee-assistance-programme.aspx>

## 8. Shared Parental Leave

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption.

Further information is contained within the Shared Parental Leave Policy which is available on staffnet or from the Human Resources department.

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