



# UNIVERSITY OF PLYMOUTH

**Paternity Leave Procedure**  
01.01.2016

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| <b>Document</b>              | Paternity Leave Procedure |
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## 1. Purpose

- 1.1 The purpose of this procedure is to provide guidance on the entitlement to ordinary and additional paternity leave which will enable managers to support the paternity leave absence of employees.
- 1.2 This procedure ensures that employees are informed about the correct procedures and their entitlement so that they are able to make the appropriate arrangement regarding their paternity leave.

## 2. Contents of this procedure

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## 3. Legislation

The full list of relevant legislation is detailed in the Paternity Leave Policy.

## 4. Responsibilities

- 4.1 The **Manager** (person with responsibility for the outputs of the individual) is responsible for:
  - Referring the individual to this policy and associated procedure
  - Discussing with the individual their entitlements and arrangements
  - Ensuring HR are notified as detailed in the procedure
  - Keeping in touch as agreed with the individual
  - Providing support as required
  - Considering any arrangement for temporary cover

4.2. The **Individual** is responsible for:

- Notifying the manager and HR of their arrangements
- Checking their eligibility to the entitlement
- Providing notice as detailed in the procedure
- Providing evidence as detailed in the procedure and agreed with their manager
- If eligible for Additional Paternity Leave complying with the requirement to provide information
- Agreeing Keeping in Touch arrangements with their manager
- Keeping HR and their manager informed of any changes to their arrangements

4.3 The **Human Resources Directorate** is responsible for:

- Providing easy access and clear guidelines to employees and managers regarding the paternity leave process, procedures and associated policies and procedures
- Providing advice and guidance to managers regarding ordinary and additional paternity leave entitlements
- Providing assistance to individuals regarding their entitlements

## 5. Procedure

### 5.1 Ordinary paternity leave

5.1.1 An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks ordinary paid paternity leave provided that they have 26 weeks continuous service by the end of the 15<sup>th</sup> week before the week in which the child is expected.

5.1.2 Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. A separate policy is available in respect of adoption leave. In respect of an adopted child, the employee must have 26 weeks continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

5.1.3 To qualify for ordinary paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

5.1.4 Ordinary paternity leave is granted in addition to an employee's normal annual holiday entitlement. Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

## **5.2 Notification of ordinary paternity leave**

- 5.2.1 Where an employee wishes to request ordinary paternity leave in respect of a birth child, they must give their department manager at least 15 weeks written notice of the date on which the partner's baby is due, the length of ordinary paternity leave they wished to take and the date on which they wished the leave to commence.
- 5.2.2 In the case of an adopted child, the employee must give written notice of their intention to take ordinary 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 ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.
- 5.2.3 If an employee subsequently wishes to change the timing of the ordinary paternity leave, they must give 28 days written notice of the new dates. The employee must complete and sign a self-certificate declaring that they are entitled to ordinary paternity leave and ordinary statutory paternity pay.
- 5.2.4 At its discretion, the University may also request a copy of the MATB1 certificate or adoption papers.

## **5.3 Starting Ordinary Paternity Leave**

- 5.3.1 Before the employee departs on paternity leave, the manager should discuss with the amount of contact with the University they would find helpful whilst they are absent. There are certain circumstances, such as a proposed major restructuring, in which the manager would be required to contact the employee whilst absent, but the employee should decide whether or not they would also welcome social contact and updating on day-to-day matters.
- 5.3.2 When the employee commences paternity leave the manager should confirm in writing to Human Resources that the period of planned leave has started, so that the absence can be recorded and action taken for pay purposes.

## **5.4 Paternity Pay Entitlement**

- 5.4.1 Paternity Leave will be paid as follows:-

Ordinary Paternity Leave SPP: Subject to eligibility an employee may take up to 2 weeks ordinary paternity leave. Ordinary paternity pay entitlement is the statutory weekly rate or 90% of average weekly earnings whichever is lower.

The statutory rate information is located on the payroll pages within the HR Community.

- 5.4.2 Employees with sufficient continuous service will be entitled to occupational paternity pay:
- 2 weeks at full pay inclusive of SPP

- 5.4.2 The costs of paternity pay are covered by a central budget and do not therefore fall to the department.
- 5.4.3 However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for ordinary statutory paternity pay.
- 5.4.4 Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.
- 5.4.5 Statutory paternity pay can start from any day of the week in accordance with the date the employee starts paternity leave.

## **5.5 During Ordinary Paternity Leave**

- 5.5.1 Conditions of Service and Contractual terms - All except for pay continue to apply during paternity leave, for example continuous service, annual pay awards, incremental progression (subject to conditions being met) and annual leave entitlement.
- 5.5.2 Annual Leave - This continues to accrue during paternity leave, but is subject to the normal carry-over rules. A manager may agree to a period of annual leave being taken immediately prior to or following a period of paternity leave.
- 5.5.3 Pension Contributions – contributions will be made as normal.

## **5.6 Returning From Ordinary Paternity Leave**

- 5.6.1 On return from paternity leave, employees will return to their current job.
- 5.6.2 It should be noted that where parental leave is taken immediately following paternity leave, the terms of the parental leave policy will apply in deciding which job an individual returns to.
- 5.6.3 The manager should confirm in writing to Human Resources on the first day of return to work that the individual has either returned, or is on approved leave or sick leave. This will help to ensure that no under or over payment of salary is made.

## **5.7 Shared Parental Leave**

Employees who wish to opt into Shared Parental Leave, must give eight weeks' notice to their Manager. The employee should refer to the Shared Parental Leave Policy to confirm eligibility and entitlement before confirming their intentions. Statutory Paternity Leave must be taken before any application for Shared Parental Leave.

## **5.8 Transferring from Paternity Leave to Parental Leave**

- 5.8.1 An employee may apply to transfer from paternity leave to parental leave provided they meet the qualifying criteria by the time the parental leave would be due to start. The details are contained in the Parental Leave Policy. Prospective parents should take particular note of the advance notice required.

## **6. Requirements**

- 6.1 The manager is to ensure that the new recruit/current employee is familiar with the Paternity Leave Policy, guidelines and associated policies and procedures.

## **7. Implementing this procedure**

- 7.1 All managers should familiarise themselves with this procedure and associated policy.
- 7.2 Managers should support individuals as required.
- 7.3 For further help and advice please contact Human Resources.

## **8. How you can inform the continuous review of this procedure**

- 8.1 It is particularly important to continue making improvements in the way we lead and develop people. The university is committed to ensuring this procedure remains fit for purpose at individual, team and organisational level. Please feedback your thoughts and comments in relation to any improvements to this procedure by email to [hr@plymouth.ac.uk](mailto:hr@plymouth.ac.uk).
- 8.2 The Paternity Leave policy and procedure will be reviewed regularly, taking into account feedback from within the organisation, evaluation mechanisms and any changes in statutory regulations that may be relevant.