

ROYAL HOLLOWAY
University of London

PATERNITY POLICY

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1. Background Information

This policy is open to all employees whose wife, civil partner or partner gives birth to a child. All rights described in this policy apply equally to both part-time and full-time employees, providing they meet any qualifying conditions.

1.1 Who qualifies as a partner?

For the purposes of deciding eligibility for paternity leave, the definition of “partner” includes same-sex partners and is someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative.

1.2 Rights to Paternity Leave

Paternity Rights fall into 3 categories:

- Ordinary Paternity Leave – the right to take 1 or 2 weeks leave in a single block within 8 weeks of a child’s birth;
- Additional Paternity Leave – the right to take one continuous period of leave in multiples of complete weeks starting with a minimum of 2 consecutive weeks up to a maximum of 26 weeks;
- Pay during these periods subject to any qualifying conditions.

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 paternity leave where the other adoptive parent has elected to take adoption leave. (Please see separate policy in respect of adoption leave).

Paternity leave is granted in addition to an employee’s normal annual holiday entitlement.

1.3 Rates

The College will apply current rates of Statutory Paternity Pay as given by the Inland Revenue.

1.4 Definition of Phrases

‘Expected week of childbirth’ means the week, beginning with midnight between Saturday and Sunday, in which it is expected that the baby will be born.

2. Ordinary Paternity Leave

2.1 Ordinary Paternity Leave Details

The rights to ordinary paternity leave state that:

- an eligible employee can take paid leave to care for their baby or to support the mother giving birth,
- Ordinary paternity leave is granted in addition to an employee’s normal annual holiday entitlement. Ordinary leave must be taken in a single block of 1 or 2 weeks within 8 weeks of the birth of the baby.
- an employee may be entitled to SPP during this time,
- employees can only take one period of leave even if more than one baby is born as the result of the pregnancy,
- the leave cannot start until the birth of the baby at the earliest.

It is College policy that this entitlement will generally start from the day of the birth of the baby.

2.2 Who is entitled to Ordinary Paternity Leave?

An employee is eligible for paternity leave if they have or expect to have responsibility for the baby's upbringing and is either or both:

- The biological father of the baby;
- The mother's husband, civil partner or partner

In addition, an employee must be expected to have worked for the College for at least 26 weeks by the end of the 15th week before the baby is due.

An employee must also be taking the time off either to support the mother or to care for the new baby. This leave is not to be used for any other purpose.

2.3 Exceptions to the qualifying conditions for Ordinary Paternity Leave

If the employee joins the College before the baby is born but after qualifying, they will not be eligible for ordinary paternity leave or pay unless the College is associated with the previous employer (e.g. part of the University of London).

2.4 Stillborn birth or death of child following birth

A qualifying employee will still be entitled to paid ordinary paternity leave if their baby is still-born after 24 weeks of pregnancy. If the baby is born alive at any point in the pregnancy but dies later, the employee will be entitled to paid ordinary paternity leave in the usual way.

2.5 When can employees take leave?

The earliest an employee can take leave is on the birth of the baby. However, an employee can choose to start their leave:

- on the date of the baby's birth (whether this is earlier or later than expected),
- on a date falling such number of days or weeks after the date on which the child is born (whether this is earlier or later than expected) as the employee notifies to the College (but within 8 weeks of the birth),
- on a chosen date as notified to the College which falls after the first day of the expected week of childbirth (but within 8 weeks of the birth),
- This College policy states that this entitlement will generally start from the day of the birth of the baby.

If an employee specifies the date of birth as the day they wish to start their ordinary paternity leave and they are at work on that day, their leave will begin on the next day.

Ordinary Paternity Leave can start on any day of the week, as long as the required notice has been given. Ordinary Paternity Leave must be completed:

- within 8 weeks of the actual date of birth of the child, or
- if the child is born earlier than expected, between the birth and 8 weeks from the first day of the expected date of birth.

3. Applying for Ordinary Paternity Leave and SPP

3.1 How to apply for Ordinary Paternity Leave

To qualify for Ordinary Paternity Leave and SPP, an employee must give the College the required notice of their leave.

This notice must be given in writing to the Human Resources Department* by the end of the 15th week before the baby is due or, if this is not possible, as soon as is reasonably practicable. (*Form OPL1 <http://www.rhul.ac.uk/personnel/Policydocs/OPL1.doc>).

The member of staff should tell the Human Resources Department of:

- the expected week of the baby's birth,
- whether they wish to take 1 or 2 weeks leave and
- when they wish to start their leave.

The options regarding the actual start date are:

- if it is intended to start the leave on the date of birth then the College should be notified of this,
- if it is intended to start leave on a particular date after the first day of the week the baby is due, the date must be specified,
- if it is decided take leave a certain number of days after the birth, the College should be notified of how many days that will be.

3.2 Completing the Self-Certification Form

In addition, to claim SPP, a declaration must be made through submitting a completed self-certificate. To do this, the employee should complete the self-certificate (Inland Revenue form SC3 <http://www.hmrc.gov.uk/forms/sc3.pdf> (sent on request by the Human Resources Department)) and return it to the Human Resources Department at least 28 days before the employee wants the paternity leave to begin.

3.3 When SPP cannot be paid – what happens?

If the College decides that the employee is not entitled to SPP for any reason, the Human Resources Department will give them a completed form SPP1.

3.4 Changes to Ordinary Paternity Leave after notice is given

An employee can change the date on which they want their ordinary paternity leave to start (but not the length of time they are taking) as long as they give the Human Resources Department the required notice* as follows:

- 28 days notice is needed, if a change to the leave is required so that it starts on the date of the birth;
- If a change to the leave is required so it starts a specified number of days after the birth, the employee needs to give at least 28 days notice before the new date of commencement of the leave.
- If a change to the leave is required so it starts on a particular date, 28 days notice is needed.

If this is not possible, the employee should tell the College as soon as reasonably practicable. However, without the 28 days notice, SPP may not be payable within that pay period.

(* Form OPL2 <http://www.rhul.ac.uk/personnel/Policydocs/OPL2.doc>). If any changes are made, the employee will also be requested to complete a new self-certificate (Inland Revenue form SC3 <http://www.hmrc.gov.uk/forms/sc3.pdf>).

3.5 What happens if the baby is born earlier?

If the baby is born before it is due, the employee may not be able to give the College the required notice of their leave. They should, however, give the information and declaration required by completing form OPL2 and a new self-certificate as soon as it is reasonably practicable if they want to claim leave and/or pay. They can take leave at any time between the birth and 8 weeks after the first day of the week the baby is due.

3.6 What if the baby is born later than the date given?

An employee cannot take paternity leave or be paid SPP before the birth of the baby. If the baby is not born by the date specified, then the employee must change the date or choose to take leave from the actual date of birth or a specified number of days after the birth. Whatever the employee chooses to do, they must give the College notice as soon as possible by completing form OPL2 and a new self-certificate as soon as it is reasonably practicable if they want to claim leave and/or pay.

4. Ordinary Paternity Pay

Currently, the College pays full pay for both the first and second week of Ordinary Paternity Leave. This payment will include Statutory Paternity Pay (SSP) if applicable.

4.1 Statutory Paternity Pay

In addition to the qualifications for ordinary paternity leave, to qualify for SPP, an employee must have average weekly earnings at or above the Lower Earnings Limit for National Insurance at the end of his qualifying week. An employee does not have to pay National Insurance to qualify.

4.2 How is SPP paid?

SPP will be paid into the employee's bank account through payroll on the same date that their salary would have been payable, and will be subject to deductions for tax, National Insurance and pension contributions in the usual way.

5. Additional Paternity Leave

5.1 Additional Paternity Leave Details

The rights to additional paternity leave state that:

- Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother has returned to work before using her full entitlement to maternity leave.
- The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born and it must end no later than 12 months after that date. Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is 2 consecutive weeks and the maximum period is 26 weeks.

- Additional paternity leave will generally commence on the employee's chosen start date specified in his/her leave notice, or in any subsequent variation notice (see section 6 Applying for of Additional Paternity Leave).
- During the period of additional paternity leave, the employee's contract of employment continues in force and he/she is entitled to receive all his/her contractual benefits, except for pay. In particular, any benefits in kind (such as laptop, mobile phone) will continue and contractual annual leave entitlement will continue to accrue.
- Pay may be replaced by statutory paternity pay for some of the additional paternity leave period if the employee is eligible to receive it. The remaining period of additional paternity leave is unpaid.
- Pension contributions will be maintained in line with the Pension providers regulations. For further information regarding pensions and paternity leave/pay contact the College's Payroll and Pensions Officer.
- Employees are encouraged to take any outstanding annual leave due to them before the commencement of additional paternity leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during additional paternity leave, the employee should take his/her outstanding entitlement before starting his/her additional paternity leave.

5.2 Who is entitled to Additional Paternity Leave?

An employee is eligible for additional paternity leave if they have or expects to have responsibility for the baby's upbringing and is either or both:

- The biological father of the baby,
- The mother's husband, civil partner or partner.

In addition, an employee must be expected to have worked for the College for at least 26 weeks by the 15th week before the baby is due. The employee must remain in continuous employment until the week before the first week of additional paternity leave.

The mother of the baby must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance.

An employee must also be taking the time off either to support the mother or to care for the new baby. This leave is not to be used for any other purpose.

6. Applying for Additional Paternity Leave

6.1 How to apply for Additional Paternity Leave

Where an employee wishes to request additional paternity leave and pay, they must give the Human Resources Department 8 weeks written notice* of the date on which they wish to take the leave and, if applicable, additional statutory paternity pay to commence. The request notice* must be in writing and specify, in the case of a birth child, the date on which the child was expected to be born and the actual date of birth, The notice* must also specify the employee's name and intended start date and end date of additional paternity leave and

statutory paternity pay. (*Form APL1 <http://www.rhul.ac.uk/personnel/Policydocs/APL1.doc>)

The employee must also submit a written and signed self-certification form** not less than 8 weeks before the proposed start date of additional paternity leave and pay stating that the purpose of the additional paternity leave/statutory paternity pay period is to care for the child and that he/she satisfies the relationship eligibility conditions for additional paternity leave and pay. In addition, to claim ASPP, a declaration must be made, by both parents ,through submitting a completed Inland Revenue self-certificate*** *(Form APL2 and ***Inland Revenue Form SC7 www.hmrc.gov.uk/forms/sc7.pdf)

At the same time, the mother must submit a written and signed declaration form**** stating:

- her name, address and national insurance number;
- the date that she intends to return to work;
- that she has given notice to her employer of returning to work;
- that she is entitled to statutory maternity pay, maternity allowance;
- the start date of her maternity pay period;
- confirmation that the employee satisfies the relationship eligibility conditions;
- that she consents to the College processing the information contained in the declaration form; and
- that the employee is to her knowledge the sole applicant for additional statutory paternity pay and, in the case of a birth child, also that the employee is to her knowledge the only person exercising the entitlement to additional paternity leave in respect of the child.

(**** Form APL3 <http://www.rhul.ac.uk/personnel/Policydocs/APL3.doc>).

In addition, on request by the Human Resources Department, the employee must produce the name and business address of the mother's employer and a copy of the child's birth certificate. The employee must supply this information within 28 days of it being requested.

The employee is permitted to bring forward***** his/her additional paternity leave start date, provided that he/she advises the Human Resources Department in writing at least 6 weeks before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone* his/her additional paternity leave start date, or cancel***** his/her additional paternity leave altogether, provided that he/she advises the Human Resources Department in writing at least 6 weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable. (Forms *****APL4 <http://www.rhul.ac.uk/personnel/Policydocs/APL4.doc> and *****APL5 <http://www.rhul.ac.uk/personnel/Policydocs/APL5.doc>).

The Human Resources Department will formally respond in writing to the employee's notification of his/her additional paternity leave plans within 28 days, confirming the relevant start and end dates of additional paternity leave and pay.

7. Additional Statutory Paternity Pay

Additional statutory paternity pay may be payable during some of additional paternity leave. An employee is entitled to additional statutory paternity pay if:

- he/she is the father of the child or married to, the civil partner of, or the partner of, the child's mother expects to have the main responsibility for the upbringing of the child (apart from the mother's responsibility) and intends to care for the child during the additional statutory paternity pay period;
- he/she has a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born;
- he/she remains in continuous employment until the week before the additional statutory paternity pay period begins;
- his/her average weekly earnings for the period of 8 weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions;
- the mother is entitled to statutory maternity pay or maternity allowance and the mother has returned to work before his/her full entitlement to statutory maternity pay/maternity allowance has been exhausted;
- the mother has at least 2 weeks of his/her maternity pay period that remains unexpired; and
- he/she gives proper notification in accordance with the rules set out above.

Any statutory paternity pay due during additional paternity leave will be paid at a current rate of statutory paternity pay, or at a rate equivalent to 90% of the employee's average weekly earnings, whichever is the lesser.

Statutory paternity pay is payable whether or not the employee intends to return to work after his/her additional paternity leave.

8. Contact during Additional Paternity Leave

Shortly before an employee's additional paternity leave starts, the College will discuss the arrangements for him/her to keep in touch during his/her leave, should he/she wish to do so. The College reserves the right in any event to maintain reasonable contact with the employee from time to time during his/her additional paternity leave. 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.

9. Keeping-in-touch days during Additional Paternity Leave

An employee can agree to work for the College (or to attend training) for up to 10 days during additional paternity leave without that work bringing the period of his/her additional paternity leave to an end and without loss of a week's statutory 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 College has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during his/her additional 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 College and the employee. Any keeping-in-touch days worked do not extend the period of additional paternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's statutory paternity pay for any week in which he/she agrees to work for the College. It may also bring the additional paternity leave period to an end.

10. Returning to work after Additional Paternity Leave

The employee will have been formally advised in writing by the Human Resources Department of the end date of his/her additional paternity leave. The employee is expected to return on the next working day after this date, unless he/she notifies the Human Resources Department otherwise. If he/she is unable to attend work at the end of additional paternity leave due to sickness or injury, the College's normal arrangements for sickness absence will apply. (See College's Absence Management Policy and Procedure <http://www.rhul.ac.uk/personnel/Policydocs/AbsenceManagementPolicyProcedure.pdf>). In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, he/she must give the College at least 6 weeks' notice of his/her date of early return, in writing. If he/she fails to do so, the College may postpone his/her return to such a date as will give the College 6 weeks notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after additional paternity leave, he/she must give notice of resignation as soon as possible and in accordance with the terms of his/her contract of employment. If the notice period would expire after additional paternity leave has ended, the College may require the employee to return to work for the remainder of the notice period.

11. Rights on and after return to work

On resuming work after both ordinary and additional paternity leave (in the latter case where it was an isolated period of leave or taken with certain other types of statutory leave), the employee is entitled to return to the same job as he/she occupied before commencing paternity leave on the same terms and conditions of employment as if he/she had not been absent.

12.0 Occupational Pension Schemes and SmartPension

Pension rights and contributions shall be dealt with in accordance with the provisions of the appropriate pension scheme providing that these provisions do not conflict with any relevant statutory requirements that may at the time apply. For further information regarding pensions and paternity leave/pay contact the College's Payroll and Pensions Officer.

It should be noted that pension contributions do not have to be paid by the employee during his/her paternity leave; in such a case the employer contribution will not be paid and the membership will be suspended for the period. Any election not to maintain pension scheme contributions should be made in writing to the College's Payroll and Pensions Officer prior to the commencement of paternity leave.

No contributions are due during unpaid paternity leave and membership of the pension is therefore suspended. If the employee elects to repay these as additional contributions

following their return from paternity leave, an application should be made to the College Payroll and Pensions Officer where the cost and method of payment will be determined. If the additional contributions are not made following the employee's return from paternity leave, the unpaid period will be treated as non-pensionable.

If an employee participates in any form of salary sacrifice, further advice and help can be sought from the College's Payroll and Pensions Officer or Human Resources.

13.0 General Entitlements

13.1 Ante-natal appointments

Partners are not entitled to paid time off to attend ante-natal appointments.