

ROYAL HOLLOWAY
University of London

PATERNITY POLICY

(For Employees where the expected week of childbirth is on or before 3rd April 2011)

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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 Ordinary Paternity Leave

Ordinary Paternity Rights fall into two categories:

- Time off around the time of the birth of a child;
- Pay during this time.

Ordinary Paternity leave is also available to adoptive parents where a child is matched or new 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).

Ordinary 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,
- an employee can take either 1 or 2 consecutive weeks’ paternity leave and be entitled to SPP during this time,
- the leave cannot be taken as odd days or as 2 separate weeks,
- 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 the 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 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 leave

If the employee joins the College before the baby is born but after qualifying, they will not be eligible for 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 leave if their baby is still-born after twenty-four 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 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 after the date on which the child is born (whether this is earlier or later than expected) as the employee notifies to the College,
- on a chosen date as notified to the College which falls after the first day of the expected week of childbirth.
- 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 leave and they are at work on that day, their leave will begin on the next day.

Paternity leave can start on any day of the week, as long as the required notice has been given. 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. Ordinary Paternity Pay

Currently, the College offers one week of paternity leave at full pay and the second week at the rate of SPP or 90% of the member of staff's average weekly earnings, whichever is the lesser.

3.1 Statutory Paternity Pay

In addition to the qualifications for leave, to qualify for Statutory Paternity Pay (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.

3.2 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.

4.0 Applying for Ordinary Paternity Leave and SPP

4.1 How to apply for Paternity Leave

To qualify for Paternity Leave and SPP, an employee must give the College the required notice of their leave (form OPL1 <http://www.rhul.ac.uk/personnel/Policydocs/OPL1.doc>).

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.

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 1st 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.

4.2 Completing the Self-Certification Form

In addition, to claim SPP, a declaration must be made through submitting a completed self-certificate. The employee must also tell the College when the baby was actually born as soon as is reasonably practicable after the birth.

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.

4.3 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.

4.4 Changes to paternity leave after notice is given

An employee can change the date on which they want their leave to start (but not the length of time they are taking) as long as they give the Human Resources Department the required notice (form OPL2 <http://www.rhul.ac.uk/personnel/Policydocs/OPL2.doc>) 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.

If any changes are made, the employee should complete a new self-certificate (form SC3 Inland Revenue form SC3 <http://www.hmrc.gov.uk/forms/sc3.pdf>).

4.5 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 on the self-certificate as soon as 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.

4.6 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.

5. 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 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 Department.

6. General Entitlements

6.1 Ante-natal appointments

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