

Paternity Leave Policy

Purpose and Context

This policy describes the entitlement and eligibility of members of staff to paternity leave and pay following the birth of a child or placement of a child for adoption.

Scope

This policy applies to all members of staff subject to the continuous service requirements regarding eligibility.

This policy applies to same-sex couples and is applicable regardless of the gender identity of the employee, or that of their partner.

1 Eligibility

1.1 Members of staff must satisfy the following conditions in order to qualify for paternity leave and pay:

- Have or expected to have responsibility for the child's upbringing
- Second parent on the birth certificate, regardless of gender
- Spouse or the partner of the birth parent/adopter, regardless of gender
- Intended parent in a surrogacy arrangement

In addition to the above, the member of staff must have worked continuously at the University for 26 weeks ending with the 15th week before the baby is due.

2. Leave Entitlement

2.1 Eligible members of staff can choose to start their paternity leave on one of the following dates:

- The date the baby is born
- From an agreed date within 8 weeks after the baby is born or was expected to be born.
- The day the adoption placement starts, or from an agreed date within 8 weeks after
- The date the adopted child arrives in the UK or an agreed date after, for an overseas adoption.
- The day the surrogate baby is born or the day after.

2.2 Eligible members of staff must take any period of Paternity Leave prior to any periods of Shared Parental Leave. Please refer to Shared Parental Leave Policy.

2.3 Eligible members of staff can choose to take either one week or two consecutive week's paternity leave.

2.4 Leave must be taken in either a single block of one week or a single block of two weeks.

- 2.5 Leave cannot begin before the birth of the baby or the child's placement for adoption
- 2.6 Only one period of leave is available to members of staff irrespective of whether more than one child is born as the result of one pregnancy/more than one child is placed together.

3. Pay Entitlement

- 3.1 Members of staff who meet qualifying criteria based on length of service and average earnings are entitled to receive Statutory Paternity Pay (SSP) and Contractual Paternity Pay (CPP).
- 3.2 SPP is payable to all member of staff who have been continuously employed by the University for 26 weeks by the end of the 15th week before the expected date of childbirth and have earned at least the equivalent of the lower earnings limit for National Insurance.
- 3.3 In adoption cases, SPP is payable to members of staff who have worked continuously at the University for 26 weeks before the end of the week when an employee is told that they have either been matched with a child for adoption in the UK or the date the child enters the UK, for overseas adoption.
- 3.4 Members of staff eligible for SPP will receive a maximum of 2 weeks at the flat rate or 90% of average weekly earnings if this is less.
- 3.5 CPP is payable to members of staff who have been continuously employed by the University for 1 year at the end of the 15th week before the expected date of birth. Members of staff eligible for CPP will receive a maximum of two weeks paternity leave on full pay. This pay includes Statutory Paternity Pay (SPP), which will be displayed separately on their payslip.
- 3.6 If a member of staff is not entitled to SPP, they may be entitled to receive Income Support.
- 3.7 Employer and staff pension contributions continue during Paternity Leave, as long as contractual pay or SPP is payable.

4. Notification

- 4.1 A member of staff must give notice of their intention to take paternity leave by the end of the 15th week before the expected date of birth/within 7 days of the adopter being notified by their adoption agency that they have been matched with a child unless this is not reasonably practicable.
- 4.2 Members of staff should download form SC3 (Ordinary Statutory Paternity Pay and Leave: becoming a birth parent) from www.gov.uk. This should be completed and returned to Human Resources by the end of the 15th week before the expected week of childbirth to satisfy the notice requirements and ensure payment of paternity pay. Members of staff should download form SC4 (Statutory Paternity Pay/Paternity Leave - becoming an adoptive parent/parental order parent) from www.gov.uk. This should be completed and returned to Human Resources at least 28 days in advance of taking paternity leave.
- 4.3 Where reasonably practicable, a member of staff must give 28 days' notice if they want to change the start date of their paternity leave.

5. Terms and Conditions of Employment

- 5.1 All normal terms and conditions of employment apply throughout the period of paternity leave.
- 5.2 A member of staff on paternity leave is entitled to receive their normal annual increment, in line with their contract of employment

6. Annual Leave

- 6.1 A member of staff will accrue their contractual annual leave entitlement during paternity leave
- 6.2 In line with legislation, a member of staff cannot take annual leave during paternity leave.

7. Time Off for Appointments

- 7.1 Employees are entitled to attend two pregnancy-related ('antenatal') or adoption appointments with their partners, if they are:

- the biological father
- the secondary adopter and have been matched with a child
- to be a parent through surrogacy and will be applying for a parental order

This entitlement applies regardless of length of service with the University.

- 7.2 It is expected that, normally, no more than half a day will be needed for an antenatal appointment. Members of staff can take a maximum of six-and-a-half hours' leave for each appointment; this includes the time needed to travel to the appointment, and any waiting time needed at the appointment.
- 7.3 Where a member of staff wishes to take time off to accompany a pregnant woman to an antenatal appointment, they should contact their line manager, providing as much notice as possible of the appointment.

8. Additional Paternity Leave

- 8.1 For provisions of Additional Paternity Leave arising from 'sharing' maternity/adoption leave, please see the Shared Parental Leave Policy.
- 8.2 A member of staff may also be entitled to take up to 4 weeks of unpaid parental leave before or after their paternity leave, please see the Parental Leave Policy for further details.

9. Returning to Work after Paternity Leave

- 9.1 A member of staff returning to work after paternity leave will return to the same job on the same terms and conditions, wherever possible. Where terms and conditions are proposed to be changed during paternity leave, full consultation and agreement will take place.
- 9.2 If a member of staff returning to work after a period of paternity leave wishes to do so on a flexible basis they should complete a formal flexible working request and submit this to their line manager for consideration. Their line manager should treat the request seriously and sympathetically. The line manager must consider each request on its merits, and balance it against operational needs and requirements. See the Flexible Working Policy and Procedure for further details.

10. Exceptional Circumstances

- 10.1 In the sad event of a miscarriage after the start of the 24th week of pregnancy, or a baby is born alive at any point in the pregnancy but later dies, eligible members of staff will still qualify for paternity leave.
- 10.2 A member of staff may also be eligible to take Parental Bereavement leave and pay following their paternity leave, please see the Bereavement Leave and Pay Policy for further details.
- 10.3 Helpful Information:

[Miscarriage Association](#)

[Tommy's information on Stillbirth](#)

[Dad-to-be and early fatherhood](#)

11. Disrupted Placements

- 11.1 In the event that an adoption placement does not work out due to one of the following reasons, an eligible member of staff will still be entitled to receive full paternity leave and pay:
- placement does not go ahead
 - child has to return to the agency
 - child dies

POLICY SIGN-OFF AND OWNERSHIP DETAILS	
Document name:	Paternity Leave Policy
Version Number:	V2.1
Equality Impact Assessment:	11 October 2022
Approved by:	Director of HR
Date Approved:	January 2023
Date for Review:	October 2024
Author:	Head of HR
Owner (if different from above):	Director of HR
Document Location:	https://www.hud.ac.uk/media/policydocuments/Paternity-Leave.pdf
Compliance Checks:	HRG SMT regularly review to ensure compliance
Related Policies/Procedures:	Shared Parental Leave Policy Flexible Working Procedure Parental Bereavement Policy

REVISION HISTORY			
Version	Date	Revision description/Summary of changes	Author
V1.1	July 2019	Revisions to terminology following advice from Stonewall regarding LGBT inclusion and transference to new template.	Senior HR Officer (EDI)
V1.2	July 2020	Points from Paternity Leave & Pay – Adoption policy added where relevant to combine both policies into one (Paternity Leave policy)	Senior HR Officer (EDI)
V1.3	October 2021	Updated with ACAS legislative guidance	HR Manager
V2.0	October 2022	Updated to reflect increase in paternity pay	Head of HR
V2.1	January 2023	Typographical correction	HR Manager