



Keele University

Staff Paternity / Partner Leave and Pay Policy

Human Resources Department

Lead Director: Director of Human Resources and Student Support
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Policy to be reviewed every 2 years.

Amendments:

8th October 2003

1st March 2010 (Pension/*Payflex*+))

April 2011 (Additional Paternity Leave/Pay)

March 2014 (Policy Review)

March 2016 – Policy Updated

September 2017 – Minor update to name and to increase pay to two weeks.

February 2018 – Removal of requirement to return to work for three months.

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1. Introduction

- 1.1 This Policy is designed to outline the provisions for paternity leave and paternity pay and should be read in conjunction with the University's Shared Parental Leave and Pay Policy and Procedure. This Policy may be changed from time to time in the interests of operational efficiency, to meet statutory requirements, or following consultation with Trades Unions.
- 1.2 This Policy applies to all employees of the University irrespective of funding source.
- 1.3 This Policy has been adopted after consultation with the recognised Trade Unions: UCU, UNITE and UNISON
- 1.4 Paternity rights arise from a number of sources, including UK and EC legislation and case law decisions, as well as the University's own Policy. The result is a complex set of rules, procedures and regulations that govern every aspect of the application of paternity arrangements. Employees are therefore advised to contact their Human Resources Administrator who will meet with them, in confidence, to explain their eligibility for paternity leave and pay and the procedures that should be followed. It should be noted that whilst this policy refers to "paternity", it is also inclusive of same sex relationships, i.e. it is applicable regardless of the gender of the partner.
- 1.5 There are two schemes in operation:
 1. The Statutory Paternity Provisions, which are based on the relevant legislation. They are available to all employees subject to eligibility criteria.
 2. The University Occupational Paternity Scheme, which offers enhanced provisions in relation to pay during Ordinary Paternity Leave and is available to all employees with one year's service, or greater, by Expected Week of Childbirth (EWC).
- 1.6 The right to paternity leave applies to fathers and the spouse/partner/civil partner of a woman who gives birth to a child for whom that individual intends to have a caring responsibility. The right to paternity leave also applies to adoptive parents.
- 1.7 Where employees are required to give any written information and/or notice to the University, this should be sent to the University's Human Resources Department. Employees should also ensure that their line manager is informed of their intention to take paternity leave and any subsequent changes to their leave dates.

2 Summary of Statutory Paternity Provisions

- 2.1 This is a summary of the University's understanding of the statutory provisions. Should there be any discrepancy between this summary and the statutory provisions, the statutory provisions will apply. Employees may wish to contact the Government Department of Work and Pensions for up to date information.

Ordinary Statutory Paternity Leave and Ordinary Statutory Paternity Pay

- 2.2 An employee who satisfies the statutory eligibility and notification criteria will be entitled to Ordinary Statutory Paternity Leave.

- 2.3 Whilst on Ordinary Statutory Paternity Leave, if the employee satisfies the eligibility and notification criteria, the employee may also be entitled to Ordinary Statutory Paternity Pay (OSPP) if average weekly earnings are at or above the Lower Earnings Limit for National Insurance.
- 2.4 Eligible employees can choose to take either one week or two consecutive weeks Ordinary Statutory Paternity Leave.
- 2.5 Employees must give the University written notice of their intention to take Ordinary Statutory Paternity Leave. This notice must be given by the end of the **15th week before the EWC** and must include the date of the EWC, whether they wish to take **one or two consecutive weeks leave** and when they wish the leave to start. The Notification of Ordinary Paternity Leave and Pay form may be used for this purpose. Employees are required to give at least 28 days written notice of when they wish OSPP to commence (this can be given at the same time as the notice for commencement of paternity leave). OSPP is only payable for the weeks in which the employee is on paternity leave.
- 2.6 In the case of an adopted child, the employee must give written notice of their intention to take Ordinary Statutory Paternity Leave no later than seven days after the date on which the notification of the match with the child was given by the adoption agency.
- 2.7 Employees can change their mind about the start date of their paternity leave by giving **28 days advance written notice**.
- 2.8 Ordinary Statutory Paternity Leave cannot commence before the date of the baby's birth or placement of an adopted child and must be completed within 56 days of the actual date of birth or the placement of the child in the case of adoption. If the child is born early, Ordinary Statutory Paternity Leave must be completed within 56 days of the first day of the EWC.
- 2.9 Employees can choose their leave to commence:
- from the start of the date of the child's birth or placement in the case of adoption (whether this is earlier or later than expected); or
 - from a chosen number of days or weeks after the date of the child's birth or placement (whether this is earlier or later than expected); or
 - from a chosen date later than the first day of the week in which the baby is expected to be born
- 2.10 Employees must satisfy all of the following conditions in order to qualify for Ordinary Statutory Paternity 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 husband or partner
 - or in the case of adoption, the spouse or partner of the child's primary adopter;
 - have worked continuously for their employer for 26 weeks ending with the 15th week before the EWC or the end of the week in which the adoption match is formally notified;
 - Submit a Notification of Ordinary Paternity Leave and Pay form as evidence that the eligibility conditions are met (the MATB1 or matching certificate must also be submitted). Employees should note that fraudulent submission of this documentation would be regarded as a serious disciplinary offence.

2.11 During paid Ordinary Statutory Paternity Leave employees are entitled to all normal terms and conditions of employment, with the exception of remuneration. Continuity of service continues to accrue throughout this period of paternity leave. During paid Ordinary Statutory Paternity Leave an employee's annual leave will continue to accrue as normal.

2.12 Pension rights and contributions shall be managed in accordance with the provisions of the relevant superannuation scheme in which the University participates, providing that these provisions do not conflict with any statutory requirements that may apply at the time.

2.13 For staff participating in **Payflex+**, no employee contributions will be deducted from pay and the University will maintain the same level of contributions and pension benefits for the paternity leave period. Further information on **Payflex+** can be found on the University website, or by contacting the link HR Administrator.

3 Occupational Paternity Scheme (Ordinary Paternity Leave/Pay)

3.1 In addition to the statutory provisions relating to Ordinary Paternity Pay, employees with one year's service by the EWC will be eligible for the provisions of the Occupational Paternity Scheme.

3.2 For the two weeks of Ordinary Paternity Leave employees will be entitled to receive their normal pay – i.e. the pay that would have been received under the contract of employment had the employee not been on Ordinary Paternity Leave.

3.3 In addition to the completion of the Notification of Ordinary Paternity Leave and Pay form required for claiming statutory benefits employees will be required to produce the MatB1Form or adoption matching certificate.

3.4 Employees will make normal pension contributions, (i.e. the same percentage) based on the pay they receive during their Ordinary Paternity Leave. Where employees are members of one of the superannuation schemes in which the University participates, the University will undertake to pay both employer and employee contributions (excluding AVCs) in respect of the difference between any paternity pay received and the employee's normal pay for the entire Ordinary Paternity Leave period.

3.5 For staff participating in **Payflex+**, no employee contributions will be deducted from pay. The salary exchange under **Payflex+** will continue for staff who are in receipt of sufficient occupational paternity pay but will cease for staff on Statutory Paternity Pay only. The University will maintain the same level of contributions and pension benefits for the paternity leave period. Further information on **Payflex+** can be found on the University website, or by contacting a HR Administrator.