

## **PATERNITY LEAVE POLICY AND PROCEDURE**

### **1 INTRODUCTION**

Whilst the University expects its employees and staff to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions. Breach of this policy may be addressed via the University's Disciplinary Policy and Procedure and Code of Conduct.

This policy will be reviewed by the Human Resources department on a 3-year basis or amended in response to changes in future legislation and/or case law.

### **2 OWNERSHIP**

The Human Resources department owns and manages this policy on behalf of The University of Northampton.

### **3 ORGANISATIONAL SCOPE**

This Paternity Leave policy is a corporate policy and applies to all employees (and workers, as applicable) of The University of Northampton including any wholly owned subsidiaries, unless an alternative policy exists, subject to any qualifying conditions.

### **4 POLICY STATEMENT**

- 4.1 The University recognises that employees who satisfy qualifying conditions, have a statutory right to take up to two weeks' paid paternity leave after their spouse/partner/ has had a baby, or after they and their spouse/partner adopt a child, providing the employee has not chosen to take adoption leave, and they expect to have responsibility for that child's upbringing.

In addition, a spouse/partner/ may qualify for shared parental leave if the parent giving birth chooses to share their entitlement to statutory maternity leave.

## **5 DEFINITIONS**

- 5.1 **Partner-** a person who is in a relationship with a child's birth parent or adopter (whether or not they are of the same sex) who lives with the birth parent or adopter and the child in an enduring family relationship, but is not a relative of the birth parent or adopter. Step-parents adopting their spouse/partners' child(ren) are not entitled to Paternity leave.
- 5.2 **Statutory Paternity Leave** - comprises 2 weeks and is made up of 1 week full pay and 1 week Statutory Paternity Pay (SMP) the amount of which is defined by the government.

## **6 KEY PRINCIPLES**

- 6.1 The University is committed to promoting equality and diversity by providing a supportive environment for staff who wish to integrate their working life, including the development of a career, with family responsibilities.

The Paternity Leave Policy and Procedure outline Paternity Leave and Pay entitlements for eligible staff, including those in same-sex relationships.

During the paternity leave period the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits. Contractual annual leave entitlement will continue to accrue

- 6.2 Unauthorised audio recording of conversations is prohibited. Anyone in breach of this may be subject to disciplinary action.

## **7 PROCEDURE**

### **7.1 Entitlement to Paternity Leave**

Paternity leave is available to employees who:

- have or expect to have responsibility for the child's upbringing; or
- are the biological father of the child or the mother's spouse or partner; or
- are the intended parent (if you are having a baby through a surrogacy arrangement)
- have worked continuously for the University for 26 weeks ending with the 15th week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child.

Eligible employees can choose to take the leave in blocks of one week or two consecutive weeks (not odd days). Paternity Leave entitlement remains the same for multiple births (eg twins).

### **7.2 Notification of Paternity Leave**

An employee who wishes to take paternity leave must inform their Line Manager that they wish to take paternity leave at least 15 weeks prior to the baby's due date. Or in the case of adoptions the employee must provide the University with as much notice as possible, but no later than 7 days after receiving the notification of the match with the child.

An HMRC SC3 form must be completed, a copy of which can be obtained from Human Resources. If you are adopting a baby then a HMRC SC4 or SC5 (overseas adoptions) form should be used.

Paternity leave cannot start before the baby is born and must be taken by the 56<sup>th</sup> day after the date of birth or date of placement or arrival in the UK for adopted children. If the baby is born early the employee can choose to take their leave any time between the actual date of birth and the end of an 8 week period starting from the Sunday of the week the baby was originally due.

In adoption situations paternity Leave can start on

the date of placement,  
an agreed number of days after the placement date, (usually up to 56 days)  
on the date the child arrives in the UK or an agreed date thereafter, or  
the day the child is born or thereafter in surrogacy arrangements.

In the case of adoption, the employee will need to provide a certificate of matching or a letter from the adoption agency.

Having given notice, the employee can change the date on which they wish to start their paternity leave by providing their Line Manager and Human Resources with at least 28 days written notice where possible.

An employee is entitled to take unpaid time off to accompany their spouse/partner to up to 2 antenatal appointments each one lasting a maximum of 6 ½ hours including travel.

### **7.3 Paternity Pay**

An employee who meets the qualifying criteria to take statutory Paternity Leave has an entitlement to Enhanced Paternity pay (EPP) of a total of 2 weeks paid Paternity Leave at full pay.

### **7.4 Special Circumstances**

You can still be eligible to receive Paternity Leave or pay if your baby is stillborn from 24 weeks of pregnancy, or born before reaching term. In these circumstances, an employee should keep their line manager informed. It is

recognised that the support offered in such circumstances may vary on a case by case basis and the University will endeavour to ensure that the correct level of support is provided.

## **7.5 Shared Parental Leave**

Subject to qualifying criteria, an employee may be entitled to take Shared Parental Leave which allows both parents to be on leave. Further details on this can be found in the Shared Parental Leave Policy and Procedure.

## **7.6 Parental Leave**

The employee may also have the right to 18 weeks unpaid “Parental Leave” for each child or adopted child, and is entitled to request that some of this is added to the end of their Paternity Leave period. Further details on this can be found in the Time Off and Special Leave Policy and Procedure.

## **7.7 Returning to work**

An employee is expected to return to work on the next working day after the advised end date unless they notify the University otherwise.

When a bank holiday or closed day (where applicable) falls during an employee’s Paternity leave period, they will be entitled to take the bank holiday or closed day (where applicable) directly after their Paternity leave period.

If they are unable to attend at the end of Paternity leave due to sickness, the University’s normal sickness notification arrangements apply.

## **8 ASSOCIATED DOCUMENTS**

- 8.1 The University of Northampton’s:
  - Adoption Leave Policy and Procedure
  - Maternity Leave Policy and Procedure
  - Time off and Special Leave Policy
  - Flexible Working Policy and Procedure

Shared Parental Leave Policy and Procedure  
Working Off Premises Policy and Procedure

## 9 EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment must accompany this document.

## 10 VERSION CONTROL

<b>Version Control</b>		<b>Approval record</b>	
Author:	HR	Approval:	Board Approval
Date written:	Spring 2015	Updates:	Jan 19 / October 2022
Current status:	Approved	Approval of revision	29/11/2022

### Record of Amendments

Date	Version number	Details of Change	Approval
October 22		<ol style="list-style-type: none"> <li>7.1 Addition of reference to surrogacy arrangements and reference to multiple births added.</li> <li>7.2 Applying for Leave expanded to provide clarity and additional information on adoption leave and the process for eligibility</li> <li>7.2 Removal of MATB1 as proof of pregnancy – not</li> </ol>	

		<p>required by law and SC3 suffices.</p> <p>4. 7.3 Change to Paternity Pay (2 weeks full pay (Enhanced Paternity Pay))</p> <p>5. Reference to forms SC4 / SC5 required for adoption leave.</p> <p>6. Minor tweaks to wording</p>	
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