

**ROYAL HOLLOWAY
University of London**

PATERNITY POLICY

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1. Background Information

This policy is open to all staff those partners give 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.

Please note, where the member of staff is referred to as 'his or he', the substitution of 'her or she' should be made where applicable.

Rights to Paternity Leave

Paternity Rights fall into two categories:

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

Rates

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

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. Policy

2.1 Paternity Leave (Cross-reference with section 2.2 for Paternity Pay)

Paternity Leave Details

The rights to paternity leave state that:

- an eligible member of staff can take paid leave to care for their baby or to support the mother giving birth,
- he can take either one or two consecutive weeks' paternity leave and be entitled to SPP during this time,
- the leave cannot be taken as odd days or as two separate weeks,
- members of staff 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. The College policy states that this entitlement will generally start from the day of the birth of the baby.

Who is entitled to the leave?

The rights apply to all staff, regardless of the hours they work, providing they satisfy all qualifying conditions.

A member of staff is eligible for paternity leave if he has or expects to have responsibility for his baby's upbringing and is either or both:

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

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

He 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.

Who qualifies as a partner?

For the purposes of deciding eligibility for paternity leave, a partner is someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative.

Exceptions to the qualifying conditions for leave

If the member of staff joins the College before the baby is born but after qualifying, he will not be eligible for leave or pay unless the College is associated with his old employer (e.g. part of the University of London).

Stillborn birth or death of child following birth

A qualifying member of staff will still be entitled to paid leave if his 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 member of staff will be entitled to paid paternity leave in the usual way.

When can employees take leave?

The earliest a member of staff can take leave is on the birth of his baby. However, he can choose to start his 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 employer notifies to his employer,
- on a chosen date as notified to his employer which falls after the first day of the expected week of childbirth.
- The College policy states that this entitlement will generally start from the day of the birth of the baby.

If he specifies the date of birth as the day he wishes to start his leave and he is at work on that day, his 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 fifty-six days of the actual date of birth of the child, or
- if the child is born earlier than expected, between the birth and fifty-six days from the first day of the expected date of birth.

2.2 Paternity Pay (Cross-reference with section 2.1 for Paternity Leave)

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.

Statutory Paternity Pay

In addition to the qualifications for leave, to qualify for Statutory Paternity Pay (SPP), the member of staff must have average weekly earnings at or above the Lower Earnings Limit for National Insurance at the end of his qualifying week. He does not have to pay National Insurance to qualify.

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.

2.3 Applying for Paternity Leave and SPP

How to apply for Paternity Leave

To qualify for Paternity Leave and SPP, staff 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 fifteenth 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 he wants to take one or two weeks' leave, and
- when he wants to start his leave.

The options regarding the actual start date are:

- if he intends to start the leave on the date of birth then he should tell the College this,
- if he intends to start leave on a particular date after the first day of the week the baby is due, he must specify the date,
- if he chooses to take leave a certain number of days after the birth, he needs to specify how many days that will be.

Completing the Self-Certification Form

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

To do this, the employee should complete the self-certificate (given on request by the Human Resources Department) and give it to the Human Resources Department at least 28 days before he wants his paternity leave to begin.

When SPP cannot be paid – what happens?

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

Changes to paternity leave after notice is given

A member of staff can change the date on which he wants his leave to start (but not the length of time he is taking) as long as he gives the Human Resources Department the required notice as follows:

- If he wants to change his leave so it starts on the date of the birth, twenty-eight days notice is needed,
- If he wants to change his leave so it starts a specified number of days after the birth, the employee needs to give at least twenty-eight days notice before the new date of commencement of the leave.
- If he wants to change his leave so it starts on a particular date, twenty-eight days notice is needed.

If this is not possible, he should tell his employer as soon as reasonably practicable. However, without the twenty-eight days' notice, SPP may not be payable within that pay period.

If any changes are made, the employee should complete a new self-certificate.

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 his employer the required notice of his leave. He should, however, give the information and declaration required on the self-certificate as soon as is reasonably practicable if he wants to claim leave and/or pay. He can take his leave at any time between the birth and fifty-six days after the first day of the week the baby is due.

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 his baby. If the baby is not born by the date he specified, then he 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 he chooses to do, he must give his employer notice as soon as possible.

2.4 General Entitlements

Ante-natal appointments

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

Occupational Pension Schemes: USS and SAUL

Paid Paternity Leave

During periods of paid paternity leave, the employer's pension contribution should be calculated as if the employee is working normally and receiving the normal remuneration payable for doing so.

Paid paternity leave is defined as being when the employee is in receipt of statutory paternity pay or contractual paternity pay (or a combination of both).

As both the USS and SAUL pension schemes require the employee to contribute towards the occupational pension, the contribution should be based on the amount of contractual pay of Statutory Paternity Pay that is being paid to him.

Accrual of pension rights during unpaid leave

Accrual of pensionable service continues during the period of paternity leave, providing that employees maintain their pension payments. Should they suspend them during the period of leave, there is normally an option to pay AVC contributions at a later date. This option should be confirmed with the appropriate scheme before deciding on action.