

Working Time and Leave Framework Element 6: Paternity Leave

1 Introduction

This Policy is part of the Working Time and Leave Framework which is made up of a number of elements which together encompass all formal policy, procedure and statement documents, including associated forms, relating to Working Time and Leave Framework in Abertay University.

If you would like this document in a different format (e.g. large print, braille) or need any assistance to access or understand the policy/procedure please contact your School/Service designated HR Partner.

2 Purpose and Scope

This policy applies to all employees.

The University is committed to comply with current paternity pay and leave legislation and also to establish a best practice culture which supports employees through the paternity process.

This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave.

Further information relating to Maternity Leave and Adoption Leave can be found under the relevant policy headings.

3 Role and Grading Framework

The Working Time & Leave Framework is made up of a number of elements which together encompass all formal policy, procedure and statement documents, including associated forms, relating to working time and leave of Abertay University Dundee, this includes:

Element 1	Flexi Time Scheme
Element 2	TOIL (Time off in Lieu)
Element 3	Adverse Weather Policy
Element 4	Special Leave
Element 5	Maternity Leave
Element 6	Paternity Leave
Element 7	Adoption Leave
Element 8	Parental Leave

Element 9 Flexible Working Policy

If you have difficulty at any stage of this Procedure/Policy because of a disability or because English is not your first language, you should discuss your situation with the School/Service designated HR Partner as soon as possible.

4 Ordinary paternity leave

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' paternity leave provided that he/she has 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

To qualify for ordinary paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

Ordinary paternity leave is granted in addition to an employee's normal annual holiday entitlement. Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

4.1.1 Notification of ordinary paternity leave

Where an employee wishes to request ordinary paternity leave in respect of a birth child, he/she must give his/her line manager 15 weeks' written notice of the date on which his/her partner's baby is due, the length of ordinary paternity leave he/she wishes to take and the date on which he/she wishes the leave to commence. The employee must complete the PL1 Form (Appendix 1) and submit an SC3 form.

If an employee subsequently wishes to change the timing of the ordinary paternity leave, he/she must give 28 days' written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that he/she is entitled to ordinary paternity leave and ordinary statutory paternity pay.

4.2 Additional paternity leave

Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother has returned to work.

The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.

Additional paternity leave will generally commence on the employee's chosen start date specified in his/her leave notice, or in any subsequent variation notice.

During the period of additional paternity leave, the employee's contract of employment continues in force and he/she is entitled to receive all his/her contractual benefits, except for salary. In particular, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

If the employee is eligible to receive it, salary may be replaced by statutory paternity pay for some, or all, of the additional paternity leave period, depending on the length and timing of the additional paternity leave. Additional guidance and support can be received from Human Resources and/or Payroll.

Pension contributions will continue to be made during any period when the employee is receiving statutory paternity pay but not during any period of unpaid additional paternity leave. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had he/she not gone on additional paternity leave.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of additional paternity leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during additional paternity leave, the employee should take his/her outstanding entitlement before starting his/her additional paternity leave.

4.2.1 Eligibility for additional paternity leave

In order to be eligible for additional paternity leave, an employee must satisfy each of the following criteria:

- He/she must be the father of the child or married to, the civil partner of, or the partner of, the child's mother, or married to, the civil partner of, or the partner of, the primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility). In the case of adoption, he/she must have been matched with the child for adoption. In both cases, he/she must be taking the leave to care for the child.
- He/she must have a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which he/she was notified of having been matched with the child.
- He/she must remain in continuous employment until the week before the first week of additional paternity leave.
- The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay. The mother or primary adopter must have returned to work.

4.2.2 Notification of additional paternity leave

Where an employee wishes to request additional paternity leave and pay, he/she must give his/her line manager eight weeks' written notice of the date on which he/she wishes to take the leave and, if applicable, additional statutory paternity pay to commence. Individuals must use form PL2 (Appendix 2) for their request.

The employee is permitted to bring forward his/her additional paternity leave start date, provided that he/she advises the University in writing at least six weeks before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her additional paternity leave start date, or cancel his/her additional paternity leave altogether, provided that he/she advises the University in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The University will formally respond in writing to the employee's notification of his/her additional paternity leave plans within 28 days, confirming the relevant start and end dates of additional paternity leave and pay.

4.2.3 Additional statutory paternity pay

Additional statutory paternity pay may be payable during some or all of additional paternity leave, depending on the length and timing of the leave. An employee is entitled to additional statutory paternity pay if:

- he/she is the father of the child or married to, the civil partner of, or the partner of, the child's mother, or married to, the civil partner of, or the partner of, the child's primary adopter, and, in the case of a birth child, expects to have the main responsibility for the upbringing of the child (apart from the mother's responsibility) or, in the case of adoption, has been matched with the child for adoption, and in either case intends to care for the child during the additional statutory paternity pay period;
- he/she has a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which he/she was notified of having been matched with the child (the "relevant week");
- he/she remains in continuous employment until the week before the additional statutory paternity pay period begins;
- his/her average weekly earnings for the period of eight weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions;
- the mother is entitled to statutory maternity pay or maternity allowance or, in the case of adoption, the primary adopter is entitled to statutory adoption pay, and the mother or primary adopter has returned to work;
- the mother or primary adopter has at least two weeks of his/her maternity or adoption pay period that remains unexpired; and
- he/she gives proper notification in accordance with the rules set out above.

Any statutory paternity pay due during additional paternity leave will be paid at the standard rate., or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than Statutory Paternity Pay.

Statutory paternity pay is payable whether or not the employee intends to return to work after his/her additional paternity leave.

4.2.4 Contact during additional paternity leave

Shortly before an employee's additional paternity leave starts, the line manager will discuss the arrangements for him/her to keep in touch during his/her leave, should he/she wish to do so. The University reserves the right in any event to maintain reasonable contact with the employee from time to time during his/her additional paternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease his/her return to work or simply to update him/her on developments at work during his/her absence.

4.2.5 Keeping-in-touch days during additional paternity leave

An employee can agree to work for the University (or to attend training) for up to 10 days during additional paternity leave without that work bringing the period of his/her additional paternity leave and pay to an end. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The University has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during his/her additional paternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the University and the employee. Any keeping-in-touch days worked do not extend the period of additional paternity leave. Once the keeping-in-touch days have been used up, the employee will lose any further entitlement to statutory paternity pay for any week in which he/she agrees to work for the University. It may also bring the additional paternity leave period to an end.

4.2.6 Returning to work after additional paternity leave

The employee will have been formally advised in writing by the University of the end date of his/her additional paternity leave. The employee is expected to return on the next working day after this date, unless he/she notifies the University otherwise. If he/she is unable to attend work at the end of additional paternity leave due to sickness or injury, the University's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, he/she must give the University at least six weeks' notice of his/her date of early return, preferably in writing. If he/she fails to do so, the University may postpone his/her return to such a date as will give the University six weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after additional paternity leave, he/she must give notice of resignation as soon as possible and in accordance with the terms of his/her contract of employment. If the notice period would expire after additional paternity leave has ended, the University may require the employee to return to work for the remainder of the notice period.

4.2.7 Rights on and after return to work

On resuming work after both ordinary and additional paternity leave (in the latter case where it was an isolated period of leave or taken with certain other types of statutory leave), the employee is entitled to return to the same job as he/she occupied before commencing paternity leave on the same terms and conditions of employment as if he/she had not been absent.

Form PL1 PATERNITY LEAVE

Section 1 – Applicant

NAME.....SCHOOL/SERVICE.....

I wish to apply for Paternity Leave of up to ten working days, such leave to commence on(Day and Date) and will conclude on(Day and Date

My relationship to the expectant mother is that of
(Please indicate whether husband or partner)

.....
.....
.....

Note: The information provided will be used to decide on the reasonableness of the request and will be treated as confidential.

I have read Abertay University’s Paternity Leave Policy and Procedure and understand my entitlement. I accept the conditions under which these provisions are granted and now wish to apply for pay/leave in accordance with the Procedure. I

.....(Signature of Applicant).....(Date)

The completed application form should be sent to Human Resources via the Head of School/Service. All applications will be acknowledged.

Form PL2 ADDITIONAL PATERNITY LEAVE APPLICATION

Section 1 – Applicant

NAME.....SCHOOL/SERVICE.....

I confirm that my wife, partner or civil partner gave birth to a child, or I am the biological father of the child, and I give notice of my intention to take additional paternity leave in respect of that child as follows:

.....(Day and Date) and will conclude on

.....(Day and Date)

The expected week of childbirth was:(Date)

The actual date of childbirth was:(Date)

My relationship to the expectant mother is that of

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.....
.....

Note: The information provided will be used to decide on the reasonableness of the request and will be treated as confidential.

I have read Abertay University's Paternity Leave Policy and Procedure and understand my entitlement. I accept the conditions under which these provisions are granted and now wish to apply for pay/leave in accordance with the Procedure.

.....(Signature of Applicant).....(Date)

The completed application form should be sent to Human Resources via the Head of School/Service. All applications will be acknowledged.

Document Information

Author	Human Resources
Equality Impact Assessment	Human Resources
Approved by	University Court
Approval date(s)	01 November 2012
Review by	01 November 2016
Version	20121113
Document Type	Framework, Procedure
Activity/Task	Policies & Procedures:
Keywords	Paternity
Document Location	This document is available via the HR Web/Intranet pages. It should be noted that any printed copies are uncontrolled and cannot be guaranteed to constitute the current version of the policy.
Confidentiality	Available via the HR Web/Intranet
Source	V:\HR\H2-Policy-Procedures

Version Control Table

Version No.	Purpose / Changes	Author	Date
	To collate documents into related framework of procedures and improvement of procedures	Human Resources	November 2012