



Heythrop College

Paternity Benefits Policy and Procedure

Introduction

- 1 The College recognises the right of members of staff to take paternity leave and receive paternity pay in accordance with legislation. The College also offers eligible staff two weeks leave on full pay which includes any statutory paternity pay due.
- 2 In addition to statutory paternity pay, if the birth mother or primary adopter of the child has not used all his/her maternity or adoption leave, *additional* statutory paternity pay can be made to the eligible staff.
- 3 Eligible staff may also be entitled to additional paternity leave which is up to 26 weeks to be taken within the first year of the child's life, provided the mother of the child has returned to work before using her full entitlement to maternity leave.
- 4 A paternity leave planner is available on the GOV.UK website: <https://www.gov.uk/plan-paternity-leave>. This helps employees work out their Statutory Paternity Leave, earliest leave start dates and when they can take Additional Parental Leave.

Ordinary Paternity Leave

- 5 A member of staff 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' ordinary paternity leave, provided the member of staff has 26 weeks' continuous services by the 15th week before the expected week of confinement/childbirth.
- 6 Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with the parents for adoption. Where one of the adoptive parents has elected to take adoption leave, either the adoptive father or adoptive mother may take ordinary paternity leave. If the child is adopted, the member of staff must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.
- 7 To qualify for ordinary paternity leave, the member of staff must also have, or expect to have, responsibility for the upbringing of the child, and be making the request to either help care for the child or to support the child's mother.
- 8 Staff will still be entitled to their normal annual leave when they take ordinary paternity leave.
- 9 A member of staff wishing to take ordinary paternity leave will need to take it in a single block of one or two weeks, and within eight weeks of the birth or adoption of child. Where a child is born early, the leave must be taken from the time of the birth but still within eight weeks of the expected date of childbirth.

Notification Procedure for Ordinary Paternity Leave

- 10 A member of staff wishing to request ordinary paternity leave in respect of a birth child must give his/her line-manager at least 15 weeks' notice of the date 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 to take the leave from.
- 11 If the child is adopted, the member of staff must give written notice of his/her intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the start date of the leave, the length of the proposed leave and the date on which the adopter was notified of having been matched with the child.
- 12 If the member of staff wishes to change the time of the ordinary paternity leave, he/she will need to give written 28 days' written notice of the new dates.
- 13 Staff wishing to take ordinary paternity leave must complete and sign a self-certification declaring that he/she is entitled to ordinary paternity leave and ordinary paternity pay.

Ordinary Statutory Paternity Pay

- 14 Ordinary statutory paternity pay will be paid as part of the member of staff's weekly salary, provided the member of staff's weekly earnings are higher than the lower earnings limit for national insurance contributions.
- 15 Statutory paternity pay is subject to PAYE and national insurance deductions, and can be paid from any day of the week, in accordance with the start date of the ordinary paternity leave.

Additional Paternity Leave

- 16 Staff who are eligible may take up to 26 weeks of additional paternity leave within the first year of their child's life, provide the mother has returned to work. Adoptive parents can also take additional paternity leave within the first year after the child's placement for adoption, provide that child's adopter who elected to take adoption leave (the primary adopter) has returned to work.
- 17 Additional paternity leave can only start 20 weeks after the child's birth date, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after this date.
- 18 Additional leave can only be taken as a single block in multiples of complete weeks with a minimum period of two consecutive weeks and a maximum period of 26 weeks.

- 19 During the period of additional paternity leave, the member of staff's contract of employment remains in force and he/she is entitled to receive all his/her contractual benefits, except for salary. Therefore contractual annual leave will accrue during this period.
- 20 If the member of staff is eligible to receive it, the salary may be replaced by statutory paternity pay for some, or all of the additional leave period, depending on the length and timing of the additional paternity leave.
- 21 Pension contributions will continue to be made during any period when the member of staff is receiving statutory paternity pay but not during any period of unpaid additional paternity leave.
- 22 Members of staff are encouraged to take any outstanding annual leave due to them before the commencement of additional paternity leave as the annual leave must be taken in the year it is earned (and the College has a policy of only allowing staff to carry over five days to the next year).

Eligibility for Additional Paternity Leave

- 23 In order to be eligible for additional paternity leave, a member of staff must satisfy the following criteria:
 - a) 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;
 - b) 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;
 - c) He/she must remain in continuous employment until the week before the first week of additional paternity leave.
 - d) 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.

Notification of Additional Paternity Leave

- 24 A member of staff wishing to request additional paternity leave and pay must give his/her line-manager at least eight weeks' written notice of the date on which he/she wishes to start the leave, and if applicable, the date on which the additional statutory paternity pay will start.

- 25 The written notice must specify, in the case of the birth child, the date on which the child was expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption. In both cases, the notice must state the intended start and end dates of the additional paternity leave and statutory paternity pay.
- 26 The member of staff wishing to take additional paternity leave submit a signed self-certification not less than eight weeks before the proposed start date of the additional paternity leave and pay stating that the purpose of the additional paternity leave and/or statutory paternity pay period is to care for the child and that he/she satisfies the relationship eligibility conditions for additional paternity leave and pay.
- 27 In addition to the above self-certification, the mother or primary adopter must submit a signed declaration stating:
- a) his/her name, address and national insurance number;
 - b) the date that he/she intends to return to work;
 - c) that he/she has given notice to his/her employer of returning to work;
 - d) that he/she is entitled to statutory maternity pay, maternity allowance or statutory adoption pay;
 - e) the start date of his/her maternity or adoption pay period;
 - f) confirmation that the employee satisfies the relationship eligibility conditions;
 - g) that he/she consents to the Company processing the information contained in the declaration form; and
 - h) that the employee is to his/her knowledge the sole applicant for additional statutory paternity pay and, in the case of a birth child, also that the employee is to his/her knowledge the only person exercising the entitlement to additional paternity leave in respect of the child.
- 28 The College will request that the member of staff produce the name and business address of the mother's or primary adopter's employer and a copy of the child's birth certificate or, in the case of an adopted child, evidence of the name and address of the adoption agency, the date on which he/she was notified of having been matched with the child and the date on which the agency expects to place the child for adoption. This information must be supplied within 28 days of it being requested.
- 29 A member of staff can bring forward his/her additional paternity leave start date, provided that he/she advises the College in writing at least six weeks before the new start date or, if that is not possible, as soon as reasonably practicable. He/she may also postpone his/her additional paternity leave start date, or cancel his/her additional paternity leave altogether, provided that he/she advises the College in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

- 30 The College will formally respond in writing to the member of staff'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.

Additional Statutory Paternity Pay

- 31 Additional statutory paternity pay may be payable during some or all of additional paternity leave, depending on the length and timing of the leave. A member of staff is entitled to additional statutory paternity pay if:
- a) 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;
 - b) 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");
 - c) he/she remains in continuous employment until the week before the additional statutory paternity pay period begins;
 - d) 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;
 - e) 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;
 - f) the mother or primary adopter has at least two weeks of his/her maternity or adoption pay period that remains unexpired; and
 - g) he/she gives proper notification in accordance with the rules set out above.
- 32 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 member of staff's average weekly earnings, if the figure is less than the statutory paternity pay.
- 33 Statutory paternity pay is payable whether or not the member of staff intends to return to work after his/her additional paternity leave.

Contact and Keeping-in-Touch Days during Additional Paternity Leave

- 34 The College will make arrangements with the member of staff to keep in touch during his/her leave, should he/she wish to do so. The College reserves the right to maintain reasonable contact with the employee while he/she is on paternity leave, for instance, to discuss plans to return to work, training opportunities or to update him/her on developments at work during his/her absence.

- 35 A member of staff can agree to work for the College (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.
- 36 The College 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 College and the member of staff.
- 37 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 member of staff will lose any further entitlement to statutory paternity pay for any week in which he/she agrees to work for the College. It may also bring the additional paternity leave period to an end.

Returning to work after additional paternity leave

- 38 The member of staff will have been formally advised in writing by the College of the end date of his/her additional paternity leave and is expected to return on the next working day after this date, unless he/she notifies the College otherwise. If he/she is unable to attend work at the end of additional paternity leave due to sickness or injury, the College's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 39 If the member of staff wishes to return to work earlier than the expected return date, he/she must give the College at least six weeks' notice of his/her date of early return, preferably in writing. If he/she fails to do so, the College may postpone his/her return to such a date as will give the College six weeks' notice, provided that this is not later than the expected return date.
- 40 If the member of staff 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 College may require the member of staff to return to work for the remainder of the notice period.

Rights on and after return to work

- 41 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.