



Paternity Leave and Pay

1. Scope and Purpose

This policy applies to all employees of the University.

The purpose of this policy and associated procedures is to:

- Outline the statutory entitlements for paternity leave and pay in relation to benefits for new parents
- Ensure managers¹ are aware of their responsibilities to employees who are covered by this policy
- Provide clear guidance on employee rights and responsibilities prior to, during and after Paternity Leave

2. Paternity Leave

Paternity Leave is leave to support the mother (in relation to maternity) or primary carer (in relation to adoption or surrogacy) at or after the birth or adoption of a child.

2.1 Eligibility for Paternity Leave

There is no length of service requirement for an employee to be eligible for Paternity Leave. However they should have or expect to have responsibility for the child's upbringing.

Additionally, the employee must be either:

- The biological father of the child, or the mother's spouse or partner (including same-sex relationships)
or
- The spouse or partner of the primary carer in relation to adoption or surrogacy (including same-sex relationships)

2.2 Period of Paternity Leave

An employee who meets the above criteria is entitled to take up to 2 weeks leave (based on their normal working week). Leave may be taken either as one period of two full weeks, or two blocks of one week.

¹ For the purposes of this policy the term 'manager' will be defined so as to include the nominated or line manager or another designated person of suitable seniority and responsibility within the relevant work unit or group

The employee may choose to start their Paternity Leave on any day of the week but it must be taken between the date of the birth/adoption and 56 days thereafter. Partners planning to take Shared Parental Leave (SPL) should consider taking their statutory 2 weeks' paternity leave and pay before taking SPL as paternity leave/pay is lost once SPL starts.

2.3 Notification of Intention to take Leave

Employees wishing to take Paternity Leave should, wherever reasonably practicable, notify their manager and local HR Team either:

- By the 15th week before the baby is expected (Maternity or Surrogacy)
or
- Within seven days of the Adopter being notified by the Adoption Agency that they have been matched with a child (Adoption)

The employee must indicate the date on which they wish to start the period of leave, the length of the period(s) of leave and either:

- The week the baby is due (Maternity or Surrogacy)
or
- When the child is expected to be placed (Adoption)

Where the employee wishes to change the date on which they wish to start their leave they should give at least 28 days notice, wherever possible.

In addition, they must provide their manager and local HR Team with a completed self-certificate as evidence of their entitlement to Paternity Leave. An application form can be found at: http://www.docs.csg.ed.ac.uk/HumanResources/forms/Paternity-Statutory_Leave_Application.doc

2.4 Payment during Paternity Leave

Employees are entitled to two weeks of Paternity Leave. The first week will be paid at full pay (inclusive of any entitlement to Statutory Paternity Pay (SPP)). The second week will be paid at the lower of:

- 90% of their average weekly earnings
or
- The current rate for SPP as set by the UK Government

2.5 Stillbirths

If an employee's child is stillborn at 24 weeks or more of pregnancy, they are still entitled to the same paternity leave and pay they would have received had the baby been born alive.

3. Rights during Paternity Leave

3.1 Continuity of Employment

Continuity of employment is maintained during Paternity Leave, which means there is no break in service during the employee's absence from work.

The employee is entitled to return to work to the same job after their leave. However, in exceptional circumstances, such as a redundancy situation, it may not be possible to return to the original role. However, every effort will be made to offer the employee a suitable alternative post.

Specific queries relating to this matter should be directed to the employee's local HR Team.

3.2 Salary and Pensions Arrangements

All terms and conditions of employment remain in force during an employee's period of leave except for those terms relating to pay.

Employees will receive all pay awards and incremental awards that apply during their leave and those on lower rate of paternity pay or unpaid leave when such awards are due will have their salary adjusted when they return to work.

Employees are entitled to continue to receive all non-cash benefits applicable to them during their leave, such as Childcare Vouchers and accrual of annual leave.

During their leave, a member of either the USS or SBS scheme is fully covered for pension benefits, based on the pensionable salary they would have been paid had they not been on leave, provided that they continue to make contributions based on the pay they are receiving.

Further details about all pension schemes and their rules can be obtained from the University's Pensions Office, Charles Stewart House, 9-16 Chambers Street, Edinburgh or by email to Pensions@ed.ac.uk.

3.3 Annual Leave

An employee accrues contractual annual leave and public holidays throughout Paternity Leave. They can, with their manager's agreement, add their annual leave entitlement onto the beginning or end of their Paternity Leave. Arrangements for carrying over annual leave should be discussed and agreed with the employee's manager.

3.4 Resignation whilst on Paternity Leave

If an employee does not intend to return to work following their leave they should discuss the matter with their manager at the earliest opportunity. If the employee decides not to return, they should give notice of resignation in accordance with the terms of their employment contract.

The remaining amount of leave, when the employee gives notice, must be at least equal to their contractual notice period otherwise the University may require the employee to return to work for the remainder of their notice period.

The employee's decision to resign does not affect their right to receive paternity pay provided the baby has already been born before their employment ends.

If the employee changes their mind after submitting their resignation, they have no right to return to work without the University's agreement.

4. Shared Parental Leave and Pay

Fathers/partners wishing to take more time off to care for their child in the first year after its birth/placement may be eligible to take Shared Parental Leave. This enables a mother/lead adopter to curtail their maternity/adoption leave and to share any remaining leave and pay entitlement with their partner. Full details of the Shared Parental Leave Policy can be found at

http://www.docs.csg.ed.ac.uk/HumanResources/Policies/Shared_Parental_Leave_Policy_.pdf

5. Time off to attend Antenatal Appointments

The right to unpaid time off to attend up to two antenatal appointments is available to employees (including the mother's husband/ civil partner/ partner/ the father or parent of the child and intended parents under surrogacy arrangements). The time off is capped at six and a half hours for each appointment. Further guidance is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/351413/bis-14-1063-time-off-to-accompany-a-pregnant-woman-to-ante-natal-appointments-employer-guide.pdf

6. Policy History and Review

This policy takes effect from April 2016 and will be reviewed by 2019.

In the event of any significant change to the legal position on Paternity Leave, relevant statutory requirements or any other related matter, this policy will be subject to immediate review.

6.1 Change control record:

No.	Approval date:	Amendment made:	Approved by:
1.	6 Dec 11	Minor textual amendment Section 2.5 on Stillbirths included reflecting the Maternity Policy wording, and Section 3.1 making it clearer when additional statutory paternity pay applies.	HR Policy Development Working Group on behalf of CJCNC.
2.	21 Sept. 2012	Minor Textual Amendment at Section 2.2. Period of Leave to reflect the Government stipulation for tax purposes that periods of leave can now only be taken in 1 week or 2 consecutive weeks, but not single/odd days.	HR Policy Development Working Group on behalf of CJCNC.

3.	13 Dec. 12	Minor amendment to section 4.4. to clarify the process and arrangements for Keeping in Touch Days whilst on Paternity Leave.	HR Policy Development Working Group and CJCNC.
4.	28 Feb 14	Amendment to section 2.1, 3.1 and 3.2 removing the service requirement for an employee to be eligible for Statutory or Additional Paternity leave and pay. Effective immediately.	HR Policy Development Working Group, and CJCNC 17 March 2014.
5.	1 Oct. 2014	Legislative Amendment: Footnote added to Section 1 noting for information the right to unpaid time off to attend up to two antenatal appointments for the mother's 'partner' (or the father or parent of the child and intended parents under surrogacy arrangements).	HR Policy Development Working Group
6.	28 Apr.2015	Legislative Amendment: Reference added under Scope and Purpose to APL (contact HR Team) and SPL (link to SPL Policy) Section 3 and Section 4. Noting the abolition of Additional Paternity Leave which will be phased out following the introduction of Shared Parental Leave, for babies due on or after 5 April 2015.	HR Policy Development Working Group, and CJCNC.
6.	Apr.2016	Legislative Amendment: Policy amended to remove Additional Paternity Leave and replace it with Shared Parental Leave	HR Policy Development Working Group

6. Alternative Format

This document can be provided in alternative formats on request by email to UHRS@ed.ac.uk or by calling 0131 650 8127.