

## University of Worcester

### **Overview of/Guide to Paternity Leave, Pay and Post Paternity Rights** - revised March 2011; July 2015; April 2016; Aug 2017

This guide outlines the Statutory and Contractual rights and responsibilities / procedures to follow for employees who wish to take paternity leave, where the expected week of childbirth begins on or after 5th April 2015. The policy also covers entitlement of employees who wish to take paternity leave in adoption situations, where the child has been placed for adoption on or after 5<sup>th</sup> April 2015. In addition this guide also provides details of post paternity rights and useful sources of information.

The University recognizes that employees may have questions or concerns relating to their paternity rights. It is the University's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. An employee should clarify the relevant procedures by contacting a HR Adviser to ensure that they are followed correctly.

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. A separate guide is available in respect of adoption leave.

#### **Shared Parental Leave**

Information on shared parental leave and pay is contained in a separate guide, available from the HR web pages, and applies to births or adoptions expected on or after 5<sup>th</sup> April 2015. This enables a mother/main adopter, having taken a minimum of two weeks' maternity leave, to choose to bring to an end her maternity leave and share the remaining leave and pay with the other parent or her partner (including same sex partner), so long as they meet certain eligibility criteria.

An employee can choose to take both ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first.

#### **1. Eligibility: 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' ordinary paid 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.
- is the baby's biological father or the partner/husband of the mother
- is making the request to take the leave for the specific purpose of caring for a newborn-child or to support the child's mother (or for the purpose of caring for a child newly-placed for adoption and supporting the adoptive parent)
- has, or expects to have, responsibility for the upbringing of the child

#### **2. Statutory Ordinary Paternity Pay**

An employee meeting the eligibility criteria above is entitled to two weeks paternity leave. Statutory Paternity Pay (SPP) is currently (April 2015) paid at £139.58 per week or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than £139.58 per week. For current SPP rates please contact the Payroll Manager. . Statutory paternity pay is treated as earnings and is subject to PAYE and national insurance deductions

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts his/her paternity leave.

An employee whose earnings are below the lower earnings limit for National Insurance purposes does not qualify for Statutory Paternity Pay, but may be entitled to other welfare benefits; please contact the Payroll Manager for advice.

**If an employee has less than 26 weeks service** - please see contractual paternity leave and pay section directly below.

### **3. Contractual paternity leave and pay –**

For an employee with 26 weeks continuous service by the end of the 15th week before the week in which the child is expected, they are entitled to 2 weeks contractual paternity leave:

- one which will be at full pay, and
- the other will be paid at Statutory Paternity Pay (SPP)

For employees with less than 26 weeks continuous service by the end of the 15<sup>th</sup> week before the week in which the child is expected, they are entitled to:

- 1 week's paternity leave paid at full pay

### **4. Paternity leave for adopters**

Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. The University has a separate policy for adoption, which is available on the HR web pages, or from the HR department. To be eligible for ordinary paternity leave the employee must have 26 weeks' continuous service ending with the week in which the child's adopter is notified of having been matched with the child for adoption.

### **5. Earliest start date of ordinary paternity leave**

Ordinary paternity leave can commence from the date of the baby's birth, or any day of the week following birth. Ordinary paternity leave must be taken in a single block of one or two weeks

If the baby is born earlier than expected, then the leave must be completed within the period from the actual date of birth up to 56 days/approx. 8 weeks after the expected date of birth,

### **6. Notification to take ordinary paternity leave**

An employee must advise his/her department manager / the University of their intention to take paternity leave by the end of the 15th week/approx 3 months before the baby is expected.

An employee must complete a self-certification form, available at <http://www.hmrc.gov.uk/forms/sc3.pdf> and give this to the University, detailing:

- The week the baby is expected to be born in, and
- The length of leave they intend to take; either one or two consecutive weeks, and
- The start date of the leave to be taken

**In the case of an adopted child**, an employee 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 date an employee intends to start ordinary paternity leave,

- the length of the intended ordinary paternity leave period, and
- the date on which the adopter was notified of having been matched with the child

### **7. Changing the start of ordinary paternity leave after giving notice**

An employee can do this so long as they give at least 28 days' notice before the new leave date. However in cases where a baby is born prematurely, and notice is not possible, then every reasonable effort will be made to accommodate such amended requests.

### **8. Time Off for antenatal care**

Employees have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments.

To be eligible to take this form of time off, the employee must be either the:

- husband or civil partner of the pregnant woman, or
- biological father of the expected child, or
- be living with the pregnant woman in an enduring family relationship

The antenatal appointment must be made on the advice of a registered medical practitioner, a midwife or nurse.

The university expects that generally no more than half a day is needed for an antenatal appointment, but the time off includes the time needed to travel to and from the appointment and any waiting time needed at the appointment, and can be for a maximum of six-and-a-half hours on each occasion.

### **Making a request for time off to accompany someone at an antenatal appointment**

Employees are required to contact their line manager to organise this, confirming that they are eligible to take this form of time off work.

The employee should aim to give their line manager as much notice as possible of when they need time off for the antenatal appointment, and where possible try to organise them as near to the start or end of their working day.

### **9. Time off to attend adoption appointments – see Adoption leave and pay guide**

From 5<sup>th</sup> April 2015 employees who are adopting a child are entitled to take time off to attend adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).

The purpose to the appointment is to enable the employee to have contact with the child to bond with them before the placement, or for other reasons connected with the adoption, e.g. to meet with professionals involved in the care of the child.

The appointment must have been arranged by or at the request of the adoption agency.

The time off must be taken before the date of the child's placement for adoption with the employee.

The employee will need to provide the university with proof of the date and time of the first appointment and that the appointment has been arranged by or at the request of the adoption agency, e.g. letter or email from the adoption agency.

### **10. Rights during and after ordinary Paternity Leave –**

During the period of ordinary paternity leave, the employee's contract of employment continues in force and he/she is entitled to receive all his/her contractual benefits, except

salary. Any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

On resuming work after ordinary paternity leave an employee is entitled to:

- return to the same job
- return to the same terms and conditions of employment
- not be subjected to a disadvantage, unfair treatment or dismissal

### **11. University Fixed Days and/or public holidays occurring during paid ordinary paternity leave**

An employee will be given additional days of leave, pro rata if the employee is part time, for any University Fixed Days and/or public holidays that occur during either his/her Ordinary paternity leave. These days of leave will be added to an employee's annual leave for the year in which they return to work, and can be booked through the normal system of requesting leave with their line manager.

### **12. Increments, Pay Awards and Contribution Related Pay during ordinary paternity leave**

Any Increments, Pay Awards or Performance Related Pay that become effective during an employee's paternity leave period will be actioned within the month they become effective, or if this is not practicable then as soon as reasonably possible.

### **13. Pension during paternity**

#### ***Local Government Pension Scheme***

An employee's pension contributions will continue to be made during paid paternity leave. However, during any unpaid paternity leave pension contributions will be suspended. An employee will therefore have a break in pensionable service unless they elect to make additional equivalent payments to fill the gap (for any unpaid leave of 31 days or more). You will have the options to buy back periods of unpaid leave and details can be found on the [www.lgps2014.org.uk](http://www.lgps2014.org.uk) Please contact the HR Department if you require any assistance with this. Please note under current regulations if you buy back any authorised unpaid leave within 30 days of returning to work, the University will cover the employer's corresponding contribution.

#### **Teachers Pensions**

An employee's contributions will continue to be made during paid paternity leave. During any period of unpaid leave, including unpaid paternity leave, both the employee's and employer's contributions will stop. On return to work the scheme provides a number of options to address any unpensionable service. Employees are advised to contact Teachers Pensions for further information [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

### **14. Additional rights following paternity leave**

#### **Right to request flexible working patterns**

- From 30<sup>th</sup> June 2014, changes brought in by the Children and Families Act 2014 mean that, employees are no longer required to have parental responsibility for a child under the age of 17 (or 18 where the child is disabled) or caring responsibilities for an adult aged 18 or over to make a request to work flexibly. The right is available to all employees who have at least 26 weeks' continuous service, and the University has a statutory duty to seriously consider an employee's application.
- This new legal right mirrors the approach the University has adopted over a number of years, in that the University will seriously consider flexible working requests from all staff no matter what their length of service, wherever reasonably practical. It is

important to note that any change agreed becomes a permanent change to an employee's contract, although parents have the right to make one request in each 12 month period.

- Any requests for such changes should be raised with your immediate line manager by completing the Flexible Working Request Form. The form and policy are available online from the HR web pages at: <http://www.worc.ac.uk/hr/684.htm> or from the HR Department.

### **Parental Leave, 18 weeks unpaid**

The right to parental leave entitles all parents who have one year's service with their employer to take a period of:

- up to **18 weeks unpaid leave** (in total, not per year) to care for each of their children, up to the child's eighteenth birthday, or up to eighteen years after the placement date of an adopted child; or
- Parental leave may be taken in blocks or multiples of one week only, subject to a maximum of four weeks' parental leave in any one year - unless the employee's child has been awarded disability living allowance, in which case the leave may be taken one day at a time or in blocks or multiples of one day.
- The right applies to mothers and fathers and to a person who has obtained formal parental responsibility for a child under the Children Act. Parents are able to start taking parental leave as soon as the child is born or placed for adoption, or as soon as they have completed the required one year's qualifying service with their employer, whichever is later.

### **Right to unpaid time off for Family Emergency – this right applies to all employees**

In many cases an employee has the right to take time off work to deal with an emergency involving someone who depends on them. A husband, wife or partner, child or parent, or someone living with them as part of their family can all be considered as depending on them. Others who rely solely on them for help in an emergency may also qualify. An employee can also take time off if a dependant dies and they need to make funeral arrangements or attend the funeral.

The amount of time an employee can take off is as long as it takes to deal with the immediate emergency. For example, if their child falls ill they can take enough time off to deal with its' initial needs, such as taking them to the doctor and arranging for their care. But an employee will need to make other arrangements if they want to stay off work longer to care for them themselves.

## **15. University Childcare Provision**

The University has a fee-paying nursery 'Unitots' which is available to all employees and students. The Nursery is located on the University St John's campus. It is self-contained and has a large outdoor area. The Nursery is registered with Ofsted to provide day care for 36 children aged from 3 months to 5 years. It is open Monday – Friday, 8am – 6pm, 50 weeks of the year, excluding bank holidays and University fixed holidays. For further information an employee should contact the nursery on: 01905 855277 or email: [unitots@worc.ac.uk](mailto:unitots@worc.ac.uk)

## **16. Childcare Vouchers – Salary Sacrifice**

The University operates the childcare voucher scheme where any University of Worcester employee who is a parent of a child under 16 can apply for childcare vouchers up to the current value of £243 per month/£55 per week (for each parent) free from NI and income tax. An employee's gross salary is reduced by the value of the vouchers they choose to take and employees are required to sign up for a 12 month period, though an opt out is provided for life changing events that may occur. The vouchers can be used for any childcare service,

provided they are officially registered. This includes the services provided at the University, e.g. the nursery and vacation schemes.

### **Potential Changes to Childcare Voucher Schemes**

The Government has indicated potential changes to Childcare Voucher Schemes and these have now been delayed until early 2017. In the meantime our existing Childcare Voucher scheme will continue to operate, and we will provide further information on the changes as they become available. You will find a link for childcare vouchers under item 29 of this document, 'Useful sources of information'.

### **17. Childcare Salary Sacrifice**

As the University operates a registered workplace nursery we are able to offer employees who use this facility the option for a free nursery place in return for taking a reduction in basic pay, usually equivalent to that of their nursery fees. The scheme works because under current legislation the provision of a free place at a qualifying workplace nursery does not give rise to a taxable benefit in kind – in effect the employee swaps taxable pay for a non-taxable benefit (the free nursery place) resulting in savings in tax and NI. The total tax and NI saving is shared between the employee and the University to produce the mutual benefits under the scheme. Because the scheme depends on tax savings it is therefore only suitable for an employee if they pay tax on their University salary.

### **18. University school vacation schemes**

The University offers an array of activities throughout the holiday periods, these include our own camps and those linked with our community partners. These include; Worcester Wolves Basketball, West Bromwich FC, Flics Gymnastics, Rhythmic Gymnastics, Netball and more. Employees can obtain details of these from the Sports Facilities Manager, please email [gemma.jones@worc.ac.uk](mailto:gemma.jones@worc.ac.uk) for more information.

### **19. Parking Permits**

Please note that during the period of any maternity/adoption or shared parental leave any monthly parking payments deducted from your salary will continue, unless you elect to withdraw via email or letter. Employees need to return their parking pass to Finance in order for deductions to cease. Further information is available on the finance pages at <http://www.worc.ac.uk/finance/38.htm>

### **20. Useful sources of information:**

**Benefits Agency** – local Worcester office 01905 684600 Haswell House, Sansome Street Worcester WR1 1UZ <http://local.dwp.gov.uk/worcester/>

**Childcare Vouchers** <http://www.moneysavingexpert.com/family/childcare-vouchers>

**Family Information Service (FIS)** – provides a wide range of free family information and advice to parents and carers of children aged 0-19, and up to 24 for those with a learning difficulty and/or disability. [www.whub.org.uk/cms/family-information-service.aspx](http://www.whub.org.uk/cms/family-information-service.aspx)

**Gov.UK** site provides Tailored Interactive Guidance on all employment rights including maternity, paternity, adoption and shared parental leave. <http://www.gov.uk>

**Health and Safety Executive** offer advice on maternity/pregnancy and health and safety 08701 545 500 (8am – 6pm) <http://www.hse.gov.uk>

**National Childbirth Trust** a registered charity which offer advice on pregnancy and baby care, and can be contacted on: 0870 444 8709 <http://www.nct.org.uk>

**HR Department** – please contact one of the HR Advisers to discuss any queries or concerns you have: **01905 85(5175)** or [hr@worc.ac.uk](mailto:hr@worc.ac.uk)

**The Advisory, Conciliation and Arbitration Service (acas)** offer free, confidential and impartial advice on employment rights issues. You can call the acas helpline on 08457 47 47 47 from 8.00 am to 6.00 pm Monday to Friday. [www.acas.org.uk](http://www.acas.org.uk)

**The Trade Union Council (TUC) publishes a series of free booklets explaining your rights at work, including maternity:** [www.tuc.org.uk](http://www.tuc.org.uk)

**Working Families** advice for parents, carers and employers on balancing work and family life, including a free parents and carers helpline 0300 012 0312  
[advice@workingfamilies.org.uk](mailto:advice@workingfamilies.org.uk)