

Paternity Leave and Pay

For parents of children due to be born or placed on or after 5 April 2015

1.0 Ordinary Paternity Leave

The Employment Act 2002 provides a statutory right to 1 or 2 weeks **Paternity Leave** for a new father, or partner or spouse of the mother (or child's adopter) who wishes to take time off work to care for the child or support the mother. Unless the employee's average weekly earnings are below the lower earnings limit for National Insurance purposes, leave will be paid at a specified rate of Statutory Paternity Pay (SPP).

These Guidance Notes incorporate these statutory rights with the University's established Paternity Leave entitlements for staff with one year's continuous service.

The Additional Paternity Leave and Pay Regulations for children due to be born on or before 4 April 2015 were revoked within the Children and Families Act 2014. Parents of children due to be born or placed on or after 5 April 2015 may qualify for Shared Parental Leave and Pay. Please see the separate guidelines available from the Human Resources web pages.

2.0 Qualifying for Paternity Leave

The Human Resources Division will confirm, upon application, whether an employee qualifies for Paternity Leave. As a general guide, to qualify for Paternity Leave the following rules should be satisfied:

- the employee must have been continuously employed for not less than 26 weeks ending with the 15th week before the expected week of childbirth (the 'qualifying week') and must continue to be employed from the qualifying week up until the birth of the baby (for Ordinary Paternity Leave); **or**
- in the case of adoption the employee must have been continuously employed for not less than 26 weeks before the end of the qualifying week and continue to work up to the date of the placement; and
- the employee is the biological father; or married to the mother; or partner¹ of the mother; **or**
- in the case of adoption be the primary adopter's spouse or partner; **and**

¹ by partner we mean a person whether of a different sex or the same sex who lives with the mother or primary adopter in an enduring family relationship but is not an immediate relative

- the employee is taking the time off to support the mother and/or care for the new child;
or
- in the case of adoption have, or expect to have, responsibility for the child's upbringing.

3.0 Duration of Paternity Leave

Paternity Leave can be up to 2 weeks and can only be taken in one continuous block. The employee can decide whether they wish to take 1 or 2 weeks leave, if choosing to take 2 weeks, these must be taken together.

4.0 University Paternity Leave Benefits

In addition to the **Ordinary Paternity Leave** entitlement, employees with **at least one year's continuous service** at the intended start date of the leave will be entitled to extend the period of ordinary Paternity Leave up to 4 weeks as part of the UEA's current Paternity Leave arrangements. It should be noted that in these circumstances the first week of SPP will be "topped up" to be a week's full pay (or full pay will apply in the first week if the employee is not eligible for SPP), however, leave other than that qualifying for SPP will be unpaid.

5.0 When paternity leave can be taken

Paternity Leave cannot start before the actual date of birth (or date of placement for adoption) and can only be taken during the 56 days after the actual date of birth (or placement), or if the child is born early, up to 56 days after the expected date of childbirth.

6.0 Paternity Pay

6.1 During the period of **Ordinary Paternity Leave**, most employees will be entitled to Statutory Paternity pay (SPP).

- To receive paternity pay, the employees' average weekly earnings must be at least as much as the lower earnings limit for National Insurance contributions, which applies at the end of their qualifying week.
- Employees not qualifying for SPP will receive Form SPP1 explaining why. Employees may qualify for other benefits and should contact the local Social Security/Jobcentre Plus Office to find out more.
- Where an employee qualifies for paternity leave and has at least one year's continuous service at the University, the first week of SPP will be "topped up" to be a week's full pay (or full pay will apply in the first week if the employee is not eligible for SPP).

6.2 The **rate of statutory paternity pay (SPP)** is a weekly State benefit, the conditions and amount of which are determined statutorily by the Department for Works and Pensions.

7.0 Notification and Claiming Paternity Leave and/or Pay

7.1 Where an employee qualifies for Ordinary Paternity Leave he or she should notify the Human Resources Division during the 15th week before the expected week of childbirth or, if this is not possible, as soon as is reasonably practicable. In the case of adoption, notification should take place at the latest during the notification period – which begins on the date the adopter receives notification of having been matched with the child and lasts for the following seven days. Employees will need to advise the Human Resources Division of:

- the date the baby is due (or the date the adopter was notified of being matched and the expected date of placement);
- the date they intend to start their paternity leave ;
- whether the employee wishes to take either 1 or 2 weeks leave (or the option to extend by a further 2 weeks, subject to service qualification).

The employee may choose to begin this period of leave on:

- the date on which the baby is born (or the date on which the child is placed with the adopter);
- the date falling a chosen number of days after the date the baby is born;
- a pre-determined date (which, in the case of adoption, must be later than the date on which the child is expected to be placed).

7.2 Annual leave continues to accrue during paternity leave.

7.3 Where Paternity Leave coincides with a day or days of customary or statutory leave, the dates of paternity leave will be extended by an equivalent number of days.

8.0 Self-Certification

8.1 Where an employee qualifies for SPP they will need to complete a self-certificate form SC3 (“becoming a parent”), confirming their eligibility. In the case of an adopter Form SC4 (“becoming an adoptive parent”) should be completed.

8.2 For Statutory Paternity Pay, 28 days’ notice of the start date of the SPP payments must be given. The employee must confirm to the Human Resources Division, in writing, the actual date of birth, or placement, as soon as is reasonably practicable in order that the Salaries Office may be notified.

10.0 Returning to work after Paternity Leave

10.1 When an employee returns to work after Paternity Leave, the employee will be entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, unless a redundancy situation has arisen. The employee will be entitled

to benefit from any general improvements to the rate of pay or other terms and conditions, which may have been introduced while they were away.

- 10.2 If the employee is unable to return to work at the end of their paternity leave because of sickness the contractual arrangements for sickness absence in the job apply.

11.0 Exceptional Circumstances

11.1 Premature birth

If the baby is born prematurely the employee will still be able to take paternity leave and pay if they were eligible for it had their child been born later.

11.2 Still birth

A still birth occurs if the baby is stillborn from the 24th week of pregnancy. The employee is entitled to Paternity Leave and pay if the baby is stillborn and the rules are the same as for a live birth.

11.3 Late birth

If the employee's baby is born after the expected week of childbirth the employee will be able to take Paternity Leave and pay if they qualify for it.

However, special notice arrangements will apply and the employee will be required to give 28 days' notice of their absence. This will mean that the employee will not automatically be entitled to leave or pay from the date of birth itself. However, it may be agreed that employees can start their leave before the end of the 28-day period.

12.0 Time off for Ante-natal Care

The Children and Families Act 2014 allows fathers and partners to take unpaid time off to attend up to two antenatal appointments, with each up to a maximum of 6½ hours.

The father or partner will be required to provide a signed declaration to his or her line manager stating:

- that the employee has a qualifying relationship with a pregnant woman or her expected child;
- that the employee's purpose in taking time off is to accompany a pregnant woman to an ante-natal appointment;
- that the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered nurse; and
- the date and time of the appointment.

13.0 Pensions contributions during Paternity Leave

- 13.1 If the employee is a member of the Universities Superannuation Scheme (USS) or the UEA Staff Superannuation Scheme (UEASSS) the employee will have the option of maintaining their contributions to the relevant scheme during a period of unpaid Paternity

Leave. The employee should contact the Pension Office on extension 2676 or extension 1081 to discuss the options available to them.

- 13.2 Where SPP applies, the employer's contributions for pensions purposes will be worked out as if the employee is working normally and receiving the normal remuneration payable for doing so. The employee's contributions for pension purposes will be based on the amount of statutory statutory paternity pay which is actually being paid to the employee.

14.0 General

- 14.1 An employee will continue to be employed during the period of Paternity Leave.
- 14.2 A Paternity Leave period counts towards the period of continuous employment for the purposes of an employee's entitlement to statutory employment rights and for assessing pension rights and other personal length of service payments such as pay increments under the contract of employment.
- 14.3 The contract of employment continues throughout Paternity Leave, unless either the employer or the employee expressly ends it or it expires.
- 14.4 Employees are not entitled to receive remuneration (i.e. wages and salary) during their Paternity Leave (unless they qualify for University Occupational Paternity Leave Benefits) but they have the right to benefit from all other terms and conditions of employment, which would have applied to them if they had been at work instead of on Paternity Leave.

15.0 Additional information for employees in research grant funded posts

Some funding bodies are prepared to suspend or extend grants to allow for maternity, adoption and paternity leave. The Principal Investigator should check the terms and conditions of the relevant funding bodies. Further advice may be sought from Research and Enterprise Services <https://intranet.uea.ac.uk/ren/contact-us>

For information, the Research Council (RCUK) Briefing on Maternity, Paternity and Adoption Leave and Pay is available from <http://www.rcuk.ac.uk/RCUK-prod/assets/documents/skills/RCUKMaternityBriefing.pdf>

This comprehensive briefing provides information from the Terms and Conditions of Grants and Training Grants; and the RCUK Training Grant Guide and Research Council Funding Guides.

It is intended primarily for Research Council funded researchers to assist their discussions with their supervisors and line managers.