

Paternity Leave Policy (for babies due or children placed for adoption on or after 5 April 2015)

Responsibility for Policy:	Executive Director of Human Resources
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RELEVANT DOCUMENTS

- Paternity and Adoption Leave Regulations 2002 (SI 2002/2788)
- Shared Parental Leave Regulations 2014 (SI 2014/3050)
- Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014 (SI 2014/3054)
- Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)

RELATED POLICIES & DOCUMENTS

- Ordinary Paternity Leave Form (copies of which can be downloaded from the Human Resources website)
- Paternity Leave Policy (babies due or children placed for adoption before 5 April 2015)
- Shared Parental Leave Policy
- Adoption Leave Policy
- Keeping in Touch Policy
- General Data Protection Regulation (2016/679 EU)



Human Resources

Paternity Leave Policy (babies due or children placed for adoption on or after 5 April 2015)

Introduction

This policy sets out the statutory rights and responsibilities of employees whose baby is due on or after 5 April 2015 and who wish to take paternity leave. The policy also covers the entitlement of employees who wish to take paternity leave in an adoption situation, in relation to children placed for adoption on or after 5 April 2015. There is a separate policy in relation to babies due before 5 April 2015 and children placed for adoption before 5 April 2015.

The University recognises that, from time to time, 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. As the paternity provisions are complex, employees should clarify the relevant procedures with his/her Business Partner to ensure that they are followed correctly.

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 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.

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. A separate policy is available in respect of adoption leave. 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.

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.

Employees who wish to take shared parental leave (see relevant section below) must take their period of ordinary paternity leave first. An employee cannot take ordinary paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.

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 Business Partner 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.

In the case of an adopted child, the 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 the 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.

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.

Ordinary statutory paternity pay

Pay during ordinary paternity leave will be at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for ordinary statutory paternity pay.

It is, however, the University's policy to increase this statutory payment to either 1 or 2 full weeks of full pay (pro rata for part time staff) providing that the individual meets all the qualifying conditions for payment (see section on ordinary paternity leave).

Statutory paternity pay is treated as earnings and is therefore 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.

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. This time off will be unpaid.

To be eligible to take this form of time off, the employee could be the husband or civil partner of the pregnant woman, or could be living with the pregnant woman in an enduring family relationship. In addition, the employee will be eligible for the time off if he is the biological father of the expected child. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The University expects that normally no more than half a day is needed for an antenatal appointment, but the employee's leave includes the time needed to travel to 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.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should in the first instance contact their Business Partner.

The employee will be asked to fill in a form, which is available on the Business Partner, to declare that he/she is eligible for this form of time off work.

The employee should endeavour to give his/her line manager as much notice as possible of when he/she needs the time off for the antenatal appointment and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Time off to attend adoption appointments

From 5 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 of the appointment is to enable the employee to have contact with the child (for example, to bond with him/her before the placement) or for any other purpose connected with the adoption (for example, to meet with the 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 University will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

The University will ask the individual to sign a declaration confirming that he/she has elected to exercise his/her right under either s.57ZJ (up to 5 paid adoption appointments) or s.57ZL (up to 2 unpaid adoption appointments) of the Employment Rights Act 1996 to take time off to attend an adoption appointment. The University will ask for the declaration on the first occasion on which the individual asks for time off to attend an adoption appointment.

Shared parental leave

Shared parental leave is available in relation to babies due on or after 5 April 2015 (or, in the case of adoption leave, children placed for adoption on or after 5 April 2015). Shared parental leave enables mothers or adopters to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner. Refer to the Shared Parental Leave Policy for definition of the term partner.

An employee can choose to take both ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first. An employee cannot take ordinary paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.

Shared parental leave must be taken in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block (in which case the University is required to accept the request as long as the individual meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the individual needs the University's agreement).

To be able to take shared parental leave, an employee and his/her partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave, or adopter curtailing his/her adoption leave.

Employees can refer to the University's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the mother's maternity leave can be curtailed. The University's policy on shared parental leave sets out the notice periods with which employees must comply and what evidence they must provide to the University. The policy also contains more details on employees' entitlement to statutory/enhanced shared parental pay scheme.

The mother/adopter and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

Please refer to Shared Parental Leave Policy.

Adoptions from overseas

If an employee has adopted a child from overseas, he/she may still be entitled to ordinary paternity leave and shared parental leave. Special rules apply in these circumstances. For further information, please contact your Business Partner.

Data Protection:

When managing an employee's paternity leave and pay, the University processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs the University that he/she plans to take paternity leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing his/her paternity leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the University's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the University's disciplinary procedure.