

**Paternity Policy
Work Life Balance (WLB)**

Title	Paternity Policy Work Life Balance (WLB)
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Version	Date	Description
0.1	N/A	Inherited policy
0.2		Policy updated in line with legislation
2.0	Feb 08	Policy updated with style guide, OD, IS control table and equality impact assessment

The Higher Education Funding Council for Wales (HEFCW) has statutory obligations in respect of paternity leave and statutory paternity pay (SPP). The organisation's paternity policy is set out below and accords with Employment Relations Act 2002, although it will be subject to amendment from time to time in accordance with that legislation.

1. Entitlement to paternity leave

Paternity leave can apply in three circumstances:

- to a male employee upon the birth of a child;
- to a female employee upon the birth of a partner's child; and
- to a male or female employee where they are adopting a child jointly.

"Adopter" means the person who has been matched with the child for adoption.

For ease of reference, paternity leave upon a birth and upon adoption are set out separately.

2. Paternity leave – birth

- 2.1 To qualify for fully paid paternity leave the employee needs to have been continuously employed for a period of not less than one year by the end of the fifteenth week before the expected week of childbirth (EWC) and have complied with the notice requirements in this policy.
- 2.2 To qualify for statutory paternity leave the member of staff must have been continuously employed for a period of no less than 26 weeks by the end of the 15th week before the EWC, providing he or she complies with certain notice requirements set out in this policy.
- 2.3 The purpose of paternity leave is supporting the child's mother/civil partner and caring for the child. Thus to qualify the employee must also either:
- be the 'father' of the child with responsibility or expect to have responsibility for the upbringing of the child;
 - be married to or the partner of the child's mother (not necessarily the father of the child) and have or expect to have main responsibility for the upbringing of the child; or
- 2.4 The employee will have to provide the HR Department with evidence of their entitlement to take paternity leave. A paternity leave form is available on request, which will require:
- the name of the employee;
 - the EWC of the child's birth and if the birth has already occurred, the date of the child's birth;
 - the length of the period of paternity leave to be taken by the employee (either one, two or three weeks);
 - the date on which the employee's paternity leave will begin; and
 - a declaration by the employee that he or she meets the relevant conditions as regards the relationship with the child and the child's mother and that they are entitled to take paternity leave.

This form must be given to the HR in or before the 15th week before the EWC or as soon as is reasonably practicable.

As soon as practicable after the notification is received by HR arrangements will be made for the employee to meet with a HR representative for an informal interview, the purpose of which is to confirm that:

- the individual's right to paternity leave are understood;
 - the right to return is explained, together with any potential opportunities for flexible working;
 - the employee understands his or her entitlement to payment during paternity leave.
- 2.5 Paternity leave is for a maximum period of 15 days leave. The employee can choose to take either one, two or three complete weeks of consecutive leave.

- 2.6 The paternity leave may only be taken during the period which begins with the date on which the child is born and ends 56 days after that date or, in a case where the child is born before the EWC, 56 days after that date.
- 2.7 If the employee is in work on the date the child is born and he or she had notified his or her intention to commence paternity leave on the birth date, the leave period will start on the next day.
- 2.8 An employee can vary either or both the notices he or she has given to the HR Department as to length of paternity leave or the start date for paternity leave. This is provided that he or she gives the employer at least 28 days notice in writing before the original start date of his or her intentions and they are within the rules in 2.4 and 2.5 above.
- 2.9 Entitlement is not affected if more than one child is born at the same time.

3. Payment – birth and adoption

Provided the employee qualifies according to the legislation from time to time in force, SPP will be paid at the lesser of the fixed statutory rate per week or 90% of average weekly earnings. Further information regarding how SPP operates can be obtained from HR. SPP will be paid into the employee's bank account on the same day as normal salary payment and subject to deductions of tax, national insurance and pensions contributions.

Employees who qualify for fully paid paternity leave, will receive one, two or three weeks full pay, which shall include SPP.

4. Paternity leave – adoption

- 4.1 To qualify for fully paid paternity leave upon adoption the employee must have been continuously employed for a period of not less than one year ending with the week in which the child's Adopter is notified of being matched with the child for the purposes of adoption (matching date) and have complied with the notice requirements set out in this policy.
- 4.2 To qualify for statutory paternity leave upon adoption the employee must have been continuously employed for a period of no less than 26 weeks ending with the week in which the matching date falls, providing he or she complies with certain notice requirements set out in this policy.
- 4.3 The purpose of paternity leave is supporting the child's adopter and caring for the child. Thus to qualify the employee must also either:-
- be married to the child's adopter and have or expect to have main responsibility for the upbringing of the child; or
 - be the partner of the child's adopter and have or expect to have main responsibility for the upbringing of the child.
 - be jointly adopting the child.
- 4.4 The employee will have to provide HR with evidence of their entitlement to take paternity leave and notice of his or her intention to take paternity leave. A paternity leave form is available on request, which will require:

- the name of the employee;
- the date on which the child is expected to be placed and if the placement has already occurred, the date of the child's placement;
- the length of the period of paternity leave to be taken by the employee (either one, two or three weeks);
- the date on which the employee's paternity leave will begin; and
- a declaration by the employee that he or she meets the relevant conditions as regards the relationship with the child and the child's mother and that they are entitled to take paternity leave.

This form must be given to the HR Department no more than seven days after the date on which the adopter is notified of having been matched with the child for the purposes of adoption, or as soon as is reasonably practicable.

As soon as practicable after the notification is received, HR will meet with the individual for an informal interview, the purpose of which is to confirm that:

- the individual's right to paternity leave are understood;
- the right to return is explained, together with any potential opportunities for flexible working;
- the employee understands his or her entitlement to payment during paternity leave.

- 4.5 Paternity leave is for a maximum period of three weeks leave. The employee can choose to take either one, two or three complete consecutive weeks of leave.
- 4.6 The paternity leave may only be taken during the period which begins with the date on which the child is placed and ends 56 days after that date or, in a case where the child is born before the EWC, 56 days after that date.
- 4.7 If the employee is in work on the date the child is placed and he or she had notified his or her intention to commence paternity leave on the placement date, the leave period will start on the next day.
- 4.8 An employee can vary either or both the notices he or she has given to HR, as to length of paternity leave or the start date for paternity leave. This is provided that he or she gives the employer at least 28 days notice in writing before the original start date of his or her intentions and they are within the rules in 4.4 and 4.5 above.

5. Terms and conditions during paternity leave – birth and adoption

- 5.1 An employee who is absent on paternity leave is entitled to the benefit of the terms and conditions of employment that would have applied if he or she had not been absent.
- 5.2 During the paternity leave period, continuity of employment is preserved. Pension contributions will be made, based on the appropriate level of pay.
- 5.3 The employee will continue to accrue holidays during the paternity period and normal holiday procedures will apply. Annual leave can only be taken after

paternity leave if express written permission has been obtained from the line manager.

6. Return to work

Both those who take paternity leave through adoption and the birth of a child, have the right to return to work with their continuity of employment preserved as if they has not been on paternity leave, on terms and conditions no less favourable than applied before the leave period.

7. Maternity, adoptive and parental leave

Please refer to the parental Leave, adoptive leave and maternity leave policies for details.

8. Records

HR will be responsible for keeping records relating to paternity leave on the HR/Payroll database for future reference.

9. Further information

HR will provide further information that may not be covered by this policy.