



PATERNITY LEAVE & PAY POLICY

1.0 POLICY STATEMENT / PURPOSE

1.1 This document provides support to both employees and managers in understanding Durham University's Paternity Leave arrangements.

1.2 Paternity Leave provides up to two weeks of leave when a member of staffs' partner is having a baby or adopting a child, potentially with some statutory and / or occupational entitlement to pay.

1.3 Shared Parental Leave may also be applicable, allowing for flexibility to help support women's participation by ensuring non-gestational parents can participate in childcare duties.

2.0 SCOPE

2.1 Following the birth of a child or the placement of a child for adoption, eligible employees can take paid leave to care for the child or support the mother/adopter in the form of paternity leave.

2.2 Where a couple adopt a child jointly, adoption leave and pay is available to only one member of a couple, the other parent has the right to take paternity leave.

2.3 Where an individual adopts, they will be the parent eligible for adoption leave. The partner of a single adopter will be able to take paternity leave if eligible.

2.4 Adoptive Paternity Leave and pay is only available where a child is newly matched for adoption, it would not, for example, be available when a step-parent is adopting a partner's children.

2.5 Shared Parental Leave may also be applicable.

3.0 RESPONSIBILITIES

3.1 Line managers are responsible for supporting staff before, during and following paternity leave.

3.2 Line managers should read and understand this policy and the associated materials on the Hub of Resources, contacting People Services should they have any questions or wish to discuss or clarify any details. Many of the FAQs are designed for staff but are also highly applicable to, and provide further details of the responsibilities of, line managers.

3.3 Line managers should remember to establish if the member of staff wishes to keep knowledge of their intention to take paternity leave restricted only to those who need to know at the early stages. Depending on when they are notified, the staff member may not have made any firm decisions about the practicalities of the paternity leave.

3.4 Staff will need to comply with this policy and FAQs when applicable, including notification periods.

3.5 The Human Resources Department will work with Heads of Departments and Collages to ensure compliance with the application of University Policy in addition to providing advice to staff and managers.

3.6 The People Services team will ensure relevant payroll arrangements are in place for staff on paternity leave.

4.0 POLICY, PROCEDURES AND ENFORCEMENT

Eligibility

4.1 In order to qualify for Statutory Paternity Leave (SPL) a staff member you must:

be an employee

give the correct notice

have been continuously employed by the university for at least 26 weeks up to any day in the 'qualifying week'. The 'qualifying week' is the 15th week before the baby is due. This is different if you adopt.

4.2 A partner in this case is someone who is married to or living with the birth parent or adopter in an enduring family relationship but is not an immediate relative.

Antenatal/Adoption Appointments

4.3 Expectant fathers or partners of pregnant employees/main adopters have a right to take unpaid time off during working hours to accompany them to up to two antenatal appointments made on the advice of a Medical Practitioner, or to two adoption appointments.

4.4 The right is available to:

the father or partner of the pregnant employee expecting the child

the spouse or partner of the pregnant employee or main adopter.

4.5 The expectant father or partner may be requested to provide evidence of any appointments to their line manager by declaring the following:

The date and time of the appointment;

That they qualify for the time off through their relationship to the mother or child;

That the time off is for the purpose of attending an appropriate appointment with the expectant mother or main adopter

4.6 Where possible, appointments should be made at times which cause minimal disruption to the working day. Managers should try to allow for a degree of flexibility (e.g. allowing an employee paid time off to attend an appointment on the basis that the time will be worked back), if possible, where an employee wishes to attend an appropriate appointment but does not wish to take unpaid leave.

Leave

4.7 If the member of staff has 26 weeks or more service at the qualifying week (15 weeks before the expected week of childbirth), they will be entitled to up to two weeks statutory leave.

For adoption, the qualifying week is the 'matching week' i.e.:

- The end of the week they are matched with the child (UK adoptions).
- The date the child enters the UK (overseas adoption).

4.8 Only one period of leave is available irrespective of whether more than one child is born as the result of the same pregnancy or adopted.

4.9 Paternity leave must be taken in a block of one week or two separate weeks; it cannot be taken as odd days.

4.10 The earliest paternity leave can commence is the birth of the child or the date of placement for adoption (the date the child arrives in the UK for overseas adoptions) and can commence on any day of the week.

4.11 Leave must be taken either:

- Within 12 months of the actual date of birth of the child or for adoption the date of placement or the child's arrival in the UK (overseas adoption).
- If the child is born earlier than expected, between the birth and 12 months from the first day of the expected week of childbirth.

4.12 In order to qualify for Statutory Paternity Pay (SPP) you must have average weekly earnings at or above the Lower Earnings Limit for National Insurance at the qualifying week. The lower earnings limit can be found on the government site. You must also;

be an employee

give the correct notice

have been continuously employed by your employer for at least 26 weeks up to any day in the 'qualifying week'

The 'qualifying week' is the 15th week before the baby is due. This is different if you adopt.

4.13 You are entitled to 1 week of University Paternity Pay (UPP) from your first day of employment which includes any Statutory Pay you may be entitled to.

4.12 If a member of staff has less than 26 weeks service at the qualifying week or earns on average less than the lower earnings limit, they should seek advice from their local Social Security or Jobcentre Plus office, as they may be eligible for other allowances.

Notification

4.13 Please see the FAQs for notification requirements.

4.14 If you notify the University that you wish to take paternity leave from the birth of your child you will be able to do so whether or not your child is born on the expected date.

4.14 If you have given a fixed start date and wish to change the date of your paternity leave you must give 28 days' notice and fill in a new Paternity Certificate.

5.0 POLICY, PROCEDURES AND ENFORCEMENT

A full Equality Impact Analysis has been conducted on this policy and no negative impact has been identified. As part of the process of reviewing all of the family friendly policies, the use of gender neutral language and greater clarity around eligibility promotes EDI across a range of characteristics protected under the Equality Act.

VERSION CONTROL

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Contact for further information: Human Resources & Organisation Development (HROD)