



PATERNITY LEAVE AND PAY POLICY

Introduction

Father's-to-be, or employees jointly responsible with the mother for bringing up the child, have the right to paid paternity leave, providing they meet certain conditions. Ardingly College offers statutory and occupational paternity leave assuming that certain conditions are met.

Notification of paternity leave

To qualify for leave, employees must tell their Head of Department in writing at least 15 weeks before the beginning of the week when the baby is due:

- when the baby is due
- whether they want one or two weeks' leave
- when they want the leave to start

A simple way to give notice is to fill in a self-certificate Form SC3 "Becoming a Parent" which can be downloaded from the website www.direct.gov.uk or by contacting the HR or Bursary Department.

Employees can change the date that the leave starts, as long as they give 28 days notice.

What happens if proper notice for leave or pay cannot be given?

If employees can't give the full notice period for a valid reason (e.g. if the baby arrives early), they should still give as much notice as possible. They may still receive leave and pay if they meet the other conditions. If there is no valid reason (e.g. they simply forgot) they may lose their entitlement.

Occupational Paternity Leave

Employees are eligible for occupational paternity leave if they:

- are an employee, with a contract of employment
- are the biological father of the child, or are the mother's husband or partner (including a mother's partner in a same sex relationship) or are the partner of someone who has been matched with a child by an adoption agency
- have been employed for at least 26 weeks by the end of the 15th week before the beginning of the week when the baby is due, or in adoption cases, the week in which you or your partner are notified by an adoption agency that you/they have been matched with a child
- will be fully involved in the child's upbringing and are taking the time off to support the mother or care for the baby.

- The intended leave period is for the purpose of caring for the child or supporting the child's mother, adopter or co-adopter in caring for the child

How much Occupational Paternity Leave can be taken?

Employees who meet the criteria above will be able to take up to two weeks paternity leave on full pay. One week (five days) of this entitlement may be taken immediately after the birth of the baby and the other week may be taken in separate days within the first year following the baby's birth, assuming operational feasibility and on prior approval of the relevant Head of Department. Where a baby's birth takes place during non-working days (eg school holidays for teaching staff) the entitlement will be restricted to up to five days of paid leave during the baby's first year. This provision is offered on a pro-rata basis for part-time staff.

Statutory Paternity Leave

Employees are legally entitled to statutory paternity leave if they:

- are an employee, with a contract of employment
- are the biological father of the child, or are the mother's husband or partner (including a mother's partner in a same sex relationship) or are the partner of someone who has been matched with a child by an adoption agency
- have been employed for at least 26 weeks by the end of the 15th week before the beginning of the week when the baby is due, or in adoption cases, the week in which you or your partner are notified by an adoption agency that you/they have been matched with a child
- will be fully involved in the child's upbringing and are taking the time off to support the mother or care for the baby.
- Your intended leave period is for the purpose of caring for the child or supporting the child's mother, adopter or co-adopter in caring for the child
- Have decided not to take occupational paternity leave and pay as described above.

This leave is paid if the employee:

- earns at least the lower earnings limit (LEL) for NI contributions, (Currently £112 per week until April 2016).
- Employees who meet the lower earnings limit (LEL), will be paid statutory paternity pay (SPP) during Ordinary Paternity Leave (OPL). The amount of SPP (until April 2016) is currently £139.58 or 90% of average weekly earnings if this is lower. Employees will pay tax and NI in the same way as on regular wages. To qualify for SPP employees must pay tax and NI as an employee.

Father's-to-be are also entitled to take leave on full pay to attend the birth of their baby.

Employees can take either one or two weeks of Ordinary Statutory Paternity Leave (OSPL). OSPL cannot be taken in odd days, it needs to be taken as either one or two consecutive weeks.

Employees can choose to start the leave:

- on the day after the baby is born
- a number of days or weeks after the baby is born

- from a specific date after the first day of the week in which the baby is expected to be born

Leave can start on any day of the week (but not before the baby is born), but has to finish within 56 days of the baby being born, or, if the baby is born before the week it was due, within 56 days of the first day of that week.

If the partner has a multiple birth, employees are only allowed one period of paternity leave.

Benefits and pension during statutory paternity leave

During paternity leave, employees will continue to be entitled to receive non-cash benefits provided under the contract of employment. For the avoidance of doubt, non-cash benefits do not include wages or salary.

Shared Parental Leave

Subject to eligibility requirements, employees may be entitled to take shared parental leave (SPL) following the period of ordinary statutory paternity leave. Further details can be found in the Shared Parental Leave Policy.

What happens if the baby is still-born or dies shortly after birth?

Provided all the other conditions are met, employees can still take paternity leave if their baby is:

- stillborn after 24 weeks of pregnancy
- born alive at any point of the pregnancy

Returning to work

Employees are normally entitled to return to work following Ordinary Paternity Leave to the same position held before commencing leave. The terms of employment will be the same. However, where the paternity leave is combined with a period of shared parental leave (SPL) or parental leave of more than four weeks and it is not practicable to return to the same position, a suitable and appropriate alternative position will be offered. Employees wishing to postpone return to work following OPL would need to either:

1. request shared parental leave (SPL) in accordance with the Shared Parental Leave Policy
2. request unpaid parental leave in accordance with the Time Off Work policy
3. request paid annual leave in accordance with their employment contract, at their line manager's discretion

Flexible Working

Requests made by employees to change their working patterns (such as working part-time) after paternity leave will be considered on a case by case basis in accordance with the College Flexible Working Policy

Resignation

Employees not wishing to return to work after paternity leave, shared parental leave need to submit their resignation in accordance with the notice period set out in their employment contract

Further information

For further information, please contact Nicola Smart in the HR Department.

Other Relevant Policies:

Shared Parental Leave and Pay Policy

Adoption Leave and Pay Policy

Maternity Leave Policy

Flexible Working Policy

Time Off Work Policy

Last Reviewed: 01.09.15

Next Review: 01.04.16

Policy Owner: Human Resources