

Working at Westminster as a community of colleagues is a big part of our lives and we will do so in an environment that places wellbeing front and centre of those around us, as well as ourselves. The University is committed to providing a supportive and inclusive environment for working parents and carers, and to supporting all colleagues to have a healthy work-life balance, enabling colleagues to focus on the fewest things that matter the most. We will continue to champion equality and create an inclusive culture by retaining, attracting, employing and developing the most diverse and talented colleagues, so that we become a truly inclusive University.

Paternity Leave Policy and Procedure

Policy Statement

The University encourages colleagues to have a healthy balance between their work and family commitments. The University as a compassionate and supportive employer is committed to family friendly policies. The University is committed to embracing diversity and promoting equality and this policy applies to all colleagues who are expectant fathers/partners and are employees of the University. It sets out their entitlement to take paid time off to support their partner and care for their child following birth or adoption, and the procedure to follow.

The colleague may take either one or two weeks' Statutory Paternity Leave (SPL), if their partner is having a baby, adopting a child or having a baby through a surrogacy arrangement, provided they meet certain qualifying conditions. Subject to eligibility requirements, the colleague may also be entitled to receive Occupational Paternity Pay (OPP), which is one week at full pay and one week at the lesser of the Statutory Paternity Pay (SPP) rate or 90% of normal weekly earnings.

Colleagues have a responsibility to:

- Ensure that they are eligible for paternity leave before making an application, and provide documentary evidence where this is requested; and
- Meet the notification requirements as set out under this Procedure.

Line managers have a responsibility to:

- Be familiar with this Paternity Leave Policy & Procedure in order to signpost colleagues to it where necessary;
- Respond to applications for paternity leave in a timely manner; and
- Submit the Paternity Leave application to the People, Culture and Wellbeing Team once completed.

Procedure

1. Eligibility for Statutory Paternity Leave (SPL)

To be eligible for SPL a colleague must:

- a. be either the baby's biological parent (who is not taking Statutory Maternity Leave) or the partner of the birth parent, or the secondary adopter (the main adopter will be eligible for Statutory Adoption Leave);
- b. have or expect to have responsibility for the child's upbringing;
- c. have worked continuously for the University for 26 weeks ending the 15th week before the Expected Week of Childbirth (EWC), or if adopting, for 26 weeks by the 'matching week' which is:
 - the end of the week the main adopter is matched with the child (UK adoptions) or
 - the date the child enters the UK or when you want your pay to start (overseas adoptions)
- d. have given the necessary notice and information as set out in this Policy and Procedure.

2. Eligibility for Occupational Paternity Pay (OPP)

To be eligible for OPP, which includes Statutory Paternity Pay (SPP), the colleague must meet the eligibility requirements for SPL (see above) **and** must have:

- a. earned at least the Lower Earnings Limit¹ to be eligible for Statutory Paternity Pay (SPP);
- b. be employed by the University up to the date of birth or adoption placement;
- c. notified the University of their intention to take paternity leave no later than the 15th week before the baby is due and confirm the planned date/s of when they want to take their paternity leave no later than 28 days prior to the start date of the paternity leave, or in the case of adoption (UK) within seven days of being notified of a match by the adoption agency or in the case of adoption (overseas) no later than 28 days prior to the start date of paternity leave, using the Application for Paternity Leave Form.

The first week of SPL is paid at full pay and the second week at the lesser of the SPP rate or 90% of normal weekly earnings. The University's Payroll Department will calculate 'normal weekly earnings' using the average of the last 2 months salary before the end of the qualifying week.

A colleague who is not entitled to OPP/SPP will be sent an SPP1 form explaining why they are not eligible.

3. Notification

The colleague who intends to take paternity leave is encouraged to notify their line manager of their intention to take paternity leave as soon as is practicable and no later than the 15th week before the baby is due (the planned date/s of when they want to take their paternity leave must be confirmed at least 28 days prior to the start date of paternity leave) by using the Application for Paternity Leave Form. The colleague can change their mind about when they would like to commence their paternity leave provided they give at least 28 days' notice

¹ The current Lower Earnings Limit can be found on gov.uk

of the change (unless this is not reasonably practicable).

Specific notification requirements are set out below:

3.1 Biological parent/partner of birth parent

Where the colleague is either the baby's biological parent (who is not taking Statutory Maternity Leave) or the partner of the birth parent, they must notify their line manager of the start date no later than 28 days prior to the start date of the paternity leave. Paternity leave can start on or after the date of the baby's birth. Paternity leave must be taken within 52 weeks of the actual date of birth and can be taken as either:

- 2 consecutive weeks; or
- 2 separate blocks of 1 week of leave

3.2 Secondary Adopter

Where the colleague is the secondary adopter, in all cases, they must provide at least 28 days' notice of the date on which they wish their paternity leave to start (unless this is not reasonably practicable). Additionally, in the case of UK adoptions, the secondary adopter must provide the details of when they wish their leave to start within seven days of being notified of a match by the adoption agency. Paternity leave can start either:

- on or after the date of placement; or
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only); or
- the day the child is born or the day after if the colleague is working that day (surrogate parents).

It must be taken within 52 weeks of the placement/child's arrival in the UK (overseas adoptions)/birth (surrogacy arrangement) and can be taken as either:
can be taken as either:

- 2 consecutive weeks; or
- 2 separate blocks of 1 week of leave.

In cases of adoption, the colleague must attach a copy of either a letter from their adoption agency or the matching certificate to their Application for Paternity Leave Form.

4. Time off to attend antenatal/adoption appointments

An expectant biological parent/partner of the birth parent will be entitled to take unpaid time off work to accompany their partner to up to 2 of their antenatal appointments.

In cases of adoption, the secondary adopter is entitled to take unpaid time off for up to two adoption appointments.

Colleagues are entitled to take up to 6.5 hours for each appointment (this would include travelling and waiting time).

The colleague who wishes to take unpaid leave for this purpose, should discuss this with their line manager at least five days before the appointment is due. The line manager must

confirm the agreed unpaid time off by sending an email to the People, Culture and Wellbeing Team (HR-Services@westminster.ac.uk), so that the colleague's salary can be adjusted accordingly.

5. Returning to Work

The colleague is expected to return to work on the next working day after the end of SPL. If they are unable to attend work due to sickness, the University's normal arrangements for reporting and recording sickness absence will apply.

6. Shared Parental Leave

A colleague with a new baby and their partner may decide to take Shared Parental Leave and Pay. For full details, please see the Shared Parental Leave Policy. Paternity Leave entitlement must be used prior to the start of a period of Shared Parental Leave.

7. Stillbirth or miscarriage

If the colleague is eligible for paternity leave and the colleague's partner has a stillbirth and this occurs after the 24th week of pregnancy the colleague will still be entitled to paternity leave and pay.

If the colleague's partner has a miscarriage before the 24th week of pregnancy and there is no entitlement to paternity pay or leave, the University as a compassionate and supportive employer recognises that colleagues will still need support in these sad and difficult situations. Depending on the individual circumstances and the support required by colleagues, it may be appropriate to consider compassionate leave.

8. Further Information

On www.gov.uk you will find paternity leave and pay guides.

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Last reviewed and updated: April 2024

Next review date: April 2027

We are committed to ensuring our websites and content is digitally accessible according to the Public Sector Bodies Accessibility Regulations (2018). These guidelines are published on the intranet; and can be requested in a range of formats e.g. Word, PDF, plain text, alternative formats such as large print or Braille.

To implement these guidelines, users are asked to access other digital information or systems. For information on the accessibility of this system, the University has published an accessibility statement for each system which outlines accessibility issues we're aware of and how we are working to address them. You can access this from the system. These guidelines relate to the following digital systems with the following levels of accessibility:

- *Sharepoint – partially accessible – more on Sharepoint:*
<https://universityofwestminster.sharepoint.com/sites/00272/SitePages/University%20of%20Westminster%20Accessibility%20Statement%20for%20SharePoint%20.aspx>
- *Microsoft – partially accessible - more on Microsoft (including support from the Microsoft Disability Answer Desk):* <https://www.microsoft.com/en-gb/accessibility>

If you need an alternative to using the system to implement the guidelines, please contact People Advisory Support or People Services on hr-services@westminster.ac.uk and we will support you to do this.

This document has been designed to maximise usability - for example navigating by headings, meaningful hyperlinks, image descriptions, colour/contrast and display options such as magnification and reflow. Should you encounter an accessibility barrier, please report to People Advisory Support or People Services on hr-services@westminster.ac.uk