

*Wellbeing and Health & Safety are at the heart of the Being Me, Being Westminster experience and all colleagues are encouraged to take responsibility for their own wellbeing and that of others. The University aims to support colleagues in achieving a healthy work/life balance, believing that it ensures a more effective and efficient workforce and enables each of us to bring our whole and best self to work. The University is committed to providing support for colleagues and in many cases provides benefits over and above the statutory provisions for family-related leave.*

## **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 qualify 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 Human Resources once completed.

## Procedure

### 1. Eligibility for Statutory Paternity Leave (SPL)

To qualify 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 qualify for SPL (see above) **and** must have:

- a. earned at least the Lower Earnings Limit to qualify for Statutory Paternity Pay (SPP);
- b. be employed by the University up to the date of birth or placement;
- c. notified the University of when they want to take their paternity leave by the 15th week before the EWC, 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 colleague will be paid the first week of SPL 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 form SPP1 explaining why they are not eligible.

### 3. Notification

The colleague who intends to take paternity leave must notify their line manager of their intention to take paternity leave as soon as is practicable and 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 of the change (unless this is not reasonably practicable).

## **Specific notification requirements are set out below under (a) and (b)**

- a) 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 no later than by the 15th week before the EWC. Paternity leave can start on or after the date of the baby's birth. Paternity leave must be taken within 8 weeks of the actual date of birth and cannot be taken as odd days or as 2 non-consecutive weeks.
- b) 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 8 weeks of the placement/child's arrival in the UK (overseas adoptions)/birth (surrogacy arrangement) and cannot be taken as odd days or as 2 non-consecutive weeks.

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 father/ partner of the birth parent will be entitled to take unpaid time off work to accompany their partner to up to 2 of their ante-natal 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 email to HR ([HR-Services@westminster.ac.uk](mailto:HR-Services@westminster.ac.uk)), so 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 or injury, 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.

## **7. Stillbirth or miscarriage**

If the colleague qualifies 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 or sickness absence leave.

## **8. Further Information**

On [www.gov.uk](http://www.gov.uk) you will find paternity leave and pay guides.

Date created: 30 January 2015

Last reviewed and updated: August 2020

Next review date: August 2023