**Paternity/Partner Leave**

**Procedure Owner: People & Culture**

This guidance is reviewed at least every 3 years and approved by University Executive Board
Statutory/minor changes approved by Director of People & Culture

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| **Version** | **Effective From** | **Amendments** | **Equality Analysis** | **Stakeholder Consultation** | **Approval Date** | **Author** |
| 1. | 06/04/2024 | Statutory change to increase flexibility of when leave may be taken. For children born/placed after 6 April 2024 staff will be able to take one week, two weeks together or two separate weeks at any time from the birth/ placement/ arrival date and end within 52 weeks of this date.New procedure split from combined ‘Maternity, Spouse or Partner and Adoption Leave Policy’ to improve access and clarity. | Improved flexibility for parents, more likely to positively affect men partners in adoption or same sex couples. | TUs - JSCNC, ASIG, SSIG informed of changesConsultation within People and CultureP&C SLT Approved by Director of People & Culture | 25/06/2024 | Head of Strategic Policy Development |

Paternity/Partner Leave

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# 1. Introduction

1.1 It is our intention to be fully inclusive and supportive of all types of family arrangements. We recognise that colleagues have busy and varied lives both in and out of work and we wish to encourage and support colleagues who are, or who wish to become, parents to balance their home and work commitments without detriment.

1.2 Paternity/Partner Leave is an entitlement to time off that may be taken by the biological father or the mother's partner (regardless of gender or marital status) following the birth or adoption of their child. Paternity/Partner Leave is intended to support parents in the early stages of a child's life/adoption.

1.3 If the primary carer chooses to end their Maternity or Adoption Leave early, both parents can share the remaining weeks leave and pay entitlement by opting in to Shared Parental Leave.

# 2. Definitions

2.1 **Adopter** - the person with whom the child has been or is to be placed for adoption. Where two people have been matched jointly, whomever has elected to be the child's adopter for the purposes of Adoption Leave.

2.2 **Expected week of childbirth** - the week, starting on a Sunday, during which the mother's doctor or midwife expects them to give birth.

2.3 **Matched for adoption** - an adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been "matched for adoption" with a child on the date on which the person receives notification of the adoption agency's decision.

2.4 **Official notification** - written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue, or has already issued, a certificate to the overseas authority concerned with the adoption of the child, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

2.5 **Partner** - someone, regardless of gender, who lives with the mother, expectant mother or adopter of the child in an enduring family relationship but who is not the mother's or adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

2.6 **Placed for adoption** - placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").

# 3. Scope

3.1 This procedure applies to employees of the University

* whose partner is pregnant.
* who are adopting a child and have been notified of having been matched with a child.
* who are intended parents of a child born through a surrogacy arrangement and who will be subject to a Parental Order.
* who are prospective parents fostering a child under the ‘Fostering for Adoption’ scheme.

3.2 This procedure does not apply to workers, contractors, consultants or any self-employed individuals working for the University. It does not form part of your contract of employment and we reserve the right to amend it at any time.

# 4. Entitlement to Paternity/Partner Leave (birth)

4.1 You can take Paternity/Partner Leave for the purpose of caring for the child or supporting the child's mother if:

* you have at least 26 weeks' continuous employment with UEL/UELPS at the end of the 15th week before the expected week of childbirth;
* you are the child's biological father and have or expect to have responsibility for the child's upbringing; or
* you are the spouse, civil partner, or partner of the child's mother and have or expect to have the main responsibility (apart from the mother) for the child's upbringing.

4.2 To exercise your right to take Paternity/Partner Leave in a birth situation, you must comply with the notification procedure in clause 8.

4.3 If you apply for Paternity/Partner Leave and are not entitled to Statutory Paternity Pay the University will provide you with a copy of the HMRC Non-payment of Statutory Paternity Pay (SPP1) form giving the reason for this decision.

# 5. Entitlement to Paternity/Partner Leave (adoption)

5.1 You can take Paternity/Partner Leave for the purpose of caring for the adopted child or supporting the child's adopter if:

* you have at least 26 weeks' continuous employment with UEL/UELPS at the end of the week in which the child's adopter is notified of being matched for adoption (or received the official notification for adoptions from overseas); and
* you are the spouse, civil partner, or partner of the child's adopter, and have or expect to have the main responsibility (apart from the adopter) for the child's upbringing.

5.2 If you are one of a couple jointly adopting a child, only one of you will be entitled to take adoption leave and the other parent may elect to take a period of Paternity/Partner Leave, provided that the relevant qualifying conditions are met.

5.3 You are not entitled to take Paternity/Partner Leave if you have taken paid time off to attend an adoption appointment in respect of the same child.

5.4 To exercise your right to take Paternity/Partner Leave in an adoption situation, you must comply with the notification procedure in clause 9.

# 6. Amount of Paternity/Partner Leave you can take

6.1 You can take up to two weeks' Paternity/Partner Leave. You can take the leave in one single block of one week, one single block of two weeks, or two separate blocks of a week each. A week of Paternity/Partner Leave is the same duration as your normal working week.

6.2 You can take only two weeks' Paternity/Partner Leave per pregnancy or adoption (including surrogacy adoptions), even if more than one child is born as a result of the pregnancy or more than one child is placed under the same adoption arrangement.

# 7. Timing of Paternity/Partner Leave

7.1 You can start your Paternity/Partner Leave on any day from the child's birth, but it must end within 52 weeks of the birth (or the expected week of childbirth if the child is born early).

7.2 In the case of an adopted child, the 52-week period runs from the date on which the child was placed for adoption with the adopter (or the child's entry into Great Britain for adoptions from overseas).

7.3 If you intend to take Shared Parental Leave, you must take your Paternity/Partner Leave first. You cannot take Paternity/Partner Leave if you have already taken a period of Shared Parental Leave for the same child.

# 8. Notice to take Paternity/Partner Leave (birth)

8.1 Before you can take paternity leave, you will need to give your manager notice in writing, at least 15 weeks before the expected week of childbirth, of:

* the expected week of childbirth; and
* your declaration confirming that you meet the eligibility requirements to take paternity leave.

8.2 You should submit your notice and declaration using the Request for Paternity/Partner Leave form (Appendix 1) to provide notice of entitlement to Paternity/Partner Leave.

8.3 For each occasion that you wish to take a period of Paternity/Partner leave, you must give your manager further notice in writing of:

* when you want to start your leave (you can choose to take this in one single block or two separate blocks);
* whether you wish to take one or two weeks' leave; and
* your declaration that the purpose of the leave is to care for the child or support the child's mother.

8.4 You have three options for when to start a period of Paternity/Partner Leave:

* On the date of your child's birth: Your period of leave notice should be received by us at least 28 days before the first day of the expected week of childbirth.
* A set number of days after your child's birth: Your period of leave notice should be received by us at least 28 days before the date falling on that set number of days counted from the first day of the expected week of childbirth.
* On a predetermined date (which has to be no earlier than the first day of the expected week of childbirth): Your period of leave notice should be received by us at least 28 days before that predetermined date.

# 9. Notice to take Paternity/Partner Leave (adoption within the UK)

9.1 Before you can take paternity leave, you will need to give your manager notice in writing, within seven days after the date on which the child's adopter is notified that they have been matched for adoption, of:

* the date on which the adopter was notified that they have been matched for adoption;
* the date on which the child is expected to be placed for adoption with the adopter (or, if they have already been placed for adoption, the date of the placement); and
* your declaration confirming that you meet the eligibility requirements to take Paternity/Partner Leave.

9.2 You should submit your notice and declaration using the Request for Paternity/Partner Leave form (Appendix 1) to provide notice of entitlement to Paternity/Partner Leave.

9.3 For each occasion that you wish to take a period of Paternity/Partner Leave, you must give your manager further notice in writing within seven days after the date on which the child's adopter is notified of having been matched for adoption, of:

* when you want to start your leave (you can choose to take this in one single block or two separate blocks);
* whether you wish to take one or two weeks' leave; and
* your declaration that the purpose of the leave is to care for the child or support the child's adopter.

9.4 You have three options for when to start a period of Paternity/Partner Leave. You can start the leave:

* on the date on which the child is placed for adoption;
* a set number of days after the child is placed for adoption; or
* on a predetermined date, which has to be no earlier than the first day of the child's placement for adoption.

# 10. Notice to take Paternity/Partner Leave (adoption from overseas)

10.1 Before you can take Paternity/Partner Leave, you will need to give your manager notice in writing within 28 days after the date on which the child's adopter receives the official notification (or the date on which you complete 26 weeks' continuous employment with us if that is later), of:

* the date on which the adopter received the official notification;
* the date on which the child is expected to enter Great Britain (or, if they have already entered Great Britain, the date of entry); and
* your declaration confirming that you meet the eligibility requirements to take Paternity/Partner Leave and that the child's adopter has received the official notification.

10.2 You should submit your notice and declaration using the Request for Paternity/Partner Leave form (Appendix 1) to provide notice of entitlement to Paternity/Partner Leave.

10.3 For each occasion that you wish to take a period of paternity leave, you must give your manager further notice in writing of:

* when you want the leave to start (you can choose to take this in one single block or two separate blocks);
* whether you wish to take one or two weeks' leave; and
* your declaration that the purpose of the leave is to care for the child or support the child's adopter.

10.4 You have two options for when to start a period of Paternity/Partner Leave:

* On the date of your child's entry into Great Britain: Your period of leave notice should be received by us at least 28 days before the date on which the child is expected to enter Great Britain.
* On a predetermined date (which has to be no earlier than the date of your child's entry into Great Britain): Your period of leave notice should be received by us at least 28 days before that predetermined date.

10.5 You must also give your manager written notice of the date your child entered Great Britain within 28 days of entry, or written notice that the child will not be entering Great Britain as soon as possible after you become aware of this fact.

# 11. Late notice

11.1 If extenuating circumstances mean that it is not possible for you to meet the deadlines for giving notice, we may accept later notice. Examples of extenuating circumstances include if you have been absent from work on long term sick leave or if a pregnancy is discovered very late. In these circumstances, you should let us know that you would like to take Paternity/Partner Leave as soon as you reasonably can.

11.2 If there are no extenuating circumstances, you will be unable to take Paternity/Partner Leave. However, we will discuss other options with you, including you and your partner switching to Shared Parental Leave, taking annual leave or unpaid Ordinary Parental Leave.

# 12. Changing your Paternity/Partner Leave plans

12.1 If you have submitted a period of leave notice but wish to cancel or vary the timing of your Paternity/Partner Leave, you must inform your manager in writing at least 28 days before the original date stated in your period of leave notice, or the revised start date, whichever is earlier.

# 13. Paternity/Partner pay

13.1 You will continue to be paid your normal rate of pay, which is inclusive of Statutory Paternity Pay, while taking Paternity/Partner Leave provided:

* you are entitled to take Paternity/Partner Leave;
* you remain in continuous employment with UEL on the date the child is born (in a birth situation), is placed for adoption (for adoptions within the UK) or entered Great Britain (for adoptions from overseas); and
* you have complied with the notice and evidential requirements and provided the required declarations.

13.2 We may ask you to confirm the date of the child's birth, placement for adoption or entry into Great Britain if you have not already provided this information. You must respond to our request within 28 days, or as soon as is reasonably practicable.

# 14. Returning to work after Paternity/Partner Leave

14.1 During Paternity/Partner Leave, all terms and conditions of your contract continue as normal, including accrual of holiday and payment of pension contributions. Following your Paternity/Partner Leave, you have the right to resume working in the same job on the same terms and conditions. Your continuity of employment is not affected.

14.2 Should you decide not to return to work following Paternity/Partner Leave you must give notice of resignation in accordance with your terms and conditions of employment.

# 15. Time off to attend antenatal appointments

15.1 If you have a qualifying relationship with a person who is pregnant, you have a statutory right to take unpaid time off to accompany that person to up to two antenatal appointments.

15.2 A qualifying relationship means you are the spouse or civil partner of the pregnant person, or you are living with the pregnant person in an enduring family relationship (and you are not their parent, grandparent, sister, brother, aunt or uncle). In addition, you will be eligible for the time off if you are the biological parent of the expected child or the partner of the biological parent in a surrogacy arrangement.

15.3 To make a request for time off to accompany someone to an antenatal appointment, you will need to complete the Request to attend Antenatal/ Adoption Appointments form (appendix 2) and give this to your manager.

15.4 The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The right to time off work is limited to the maximum of your normal hours of work on the day of each appointment.

15.5 You should give your manager as much notice as possible of when you need the time off for the antenatal appointments and, wherever possible, try to arrange them at the start or end of the working day.

# 16. Time off to attend adoption appointments

16.1 If you are adopting a child jointly, one of you can elect to take paid time off to attend up to five adoption appointments. The other adoptive parent is entitled to take unpaid time off to attend up to two adoption appointments.

16.2 The parent who takes paid time off is not entitled, later on, to take paternity leave in respect of the child.

16.3 To make a request for time off to attend an adoption appointment, you will need to complete the Antenatal/ Adoption Appointments form (appendix 2) and give this to your manager.

16.4 The appointment must have been arranged by or at the request of the adoption agency. The right to time off work is limited to the maximum of your normal hours of work on the day of each appointment.

16.5 You should give your manager as much notice as possible of when you need the time off for the adoption appointments and, wherever possible, arrange them at the start or end of the working day.

# Appendix 1 – Request for Paternity/Partner Leave

|  |  |
| --- | --- |
| **Employee Name** | Click or tap here to enter text. |
| **School/Service** | Click or tap here to enter text. |
| **Job Title** | Click or tap here to enter text. |

|  |  |
| --- | --- |
| **Declaration**  | ü |
| I am the child’s biological father/ the birth mother’s partner |[ ]
| I have been jointly matched or am the partner of someone who has been matched with a child for adoption (UK Adoption) |[ ]
| I am the partner of someone who has received official notification of adoption (Overseas Adoption) |[ ]
| I am an intended parent of a child born through a surrogacy arrangement |[ ]
| **AND** |
| I have at least 26 weeks' continuous employment with UEL/UELPS at the end of the 15th week before the expected week of childbirth/date matched for adoption/dated received official notification (overseas adoption) |[ ]
| I will be responsible for the child’s upbringing |[ ]
| I am taking time off to look after the child and or support the child’s mother |[ ]

**In the case of births:**

|  |  |
| --- | --- |
| Expected date of birth | Click or tap to enter a date. |
| Or, if the baby has been born, actual date of birth | Click or tap to enter a date. |

**In the case of adoptions:**

|  |  |
| --- | --- |
| Date adopter advised of match with the child | Click or tap to enter a date. |
| Expected date of placement | Click or tap to enter a date. |
| Or, if the child has been placed, the date of placement | Click or tap to enter a date. |

**In the case of adoptions from overseas**

|  |  |
| --- | --- |
| Date the child entered the UK | Click or tap to enter a date. |

**Dates of leave**

|  |  |
| --- | --- |
| I would like my Paternity/Partner leave to start on | Click or tap to enter a date. |
| I would like to take my paternity/partner leave as  | 2 weeks together |[ ]
|  | 1 week only |[ ]
|  | 1 week on 2 occasions\* |[ ]
| \*week 1 date | Click or tap to enter a date. | \*week 2 date | Click or tap to enter a date. |

For my pay to be processed correctly, once the baby is born, I will confirm in writing the actual date the baby is born and the exact dates that I would like my paternity/partner leave and pay to commence.

I confirm that the information I have provided is correct.

|  |  |  |  |
| --- | --- | --- | --- |
| **Signed:** |  | **Date:** | Click or tap to enter a date. |

**Please email a copy of the completed form to the People Hub Team and copy to your line manager.**

# Appendix 2 – Request to attend Antenatal / Adoption Appointments

|  |  |
| --- | --- |
| **Employee Name** | Click or tap here to enter text. |
| **School/Service** | Click or tap here to enter text. |
| **Job Title** | Click or tap here to enter text. |

|  |  |
| --- | --- |
| I am requesting unpaid time off under the Paternity/Partner Leave procedure to attend  | ü |
| Antenatal appointments (up to two) |[ ]
| Adoption appointments (up to two) |[ ]

|  |  |
| --- | --- |
| Date of first appointment | Click or tap to enter a date. |
| Date of second appointment | Click or tap to enter a date. |

|  |  |  |  |
| --- | --- | --- | --- |
| **Signed:** |  | **Date:** | Click or tap to enter a date. |
| **Approving Manager:** |  | **Date:** | Click or tap to enter a date. |

**Please email a copy of the completed and approved form to the People Hub Team.**