

**Paternity/Partner's Leave and Pay
Policy and Procedure**

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1 Purpose and aims

- 1.1. This policy sets out entitlements to paternity/partner's leave and paternity pay and how university employees should plan for their paternity/partner's leave.
- 1.2. The university is committed to the wellbeing of its staff and aims to foster an inclusive culture. This policy is compliant with employment law and aims to ensure employees are supported in understanding their right to take paternity/partner's leave and are not subjected to any detriment for taking, or planning to take, paternity/partner's leave.

2 Scope

- 2.1. This policy and its procedures apply to university employees, including those on fixed term contracts, regardless of the employee's or their partner's gender. It does not apply to agency workers or self-employed contractors.
- 2.2. Providing an individual meets the eligibility criteria, paternity/partner's leave and pay is available to civil partners, partners, or spouses regardless of their gender.
- 2.3. This policy is for employees who wish to apply for paternity/partner's leave and pay following the birth of a child, adoption of a child or parental order of a child (surrogacy).
- 2.4. This policy outlines neonatal care (leave and pay) provisions for employee's (see Neonatal Care Leave and Neonatal Care Pay).
- 2.5. This policy does not form part of any employee's contract of employment.

3 Definitions

- 3.1. PL – Paternity/Partner's Leave
- 3.2. EWC – Expected Week of Childbirth

4 The Public Sector Equality Duty

- 4.1. The Equality Act (2010) requires public bodies such as the University of Greenwich to consider how their decisions and policies affect people with different protected characteristics (or a combination of these).
- 4.2. The university is committed to promoting equality of access and outcome for all, celebrating diversity, and providing an inclusive learning and work environment for all students, staff, and visitors. The university will ensure they pay 'due regard' to the need to:
 - a) eliminate discrimination, harassment, and victimisation.
 - b) advance equality of opportunity.
 - c) foster good relations between people, irrespective of their age, disability, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation'.
- 4.3. Paying 'due regard' means the university will consciously consider or think about the need to do the above.

5 Eligibility for paternity/partner's leave

5.1. Birth

5.1.1. An employee will meet the eligibility criteria for PL following the birth of a child if they:

- a) are the child's father, the mother's husband, or partner (whether of the same or different sex).
- b) have been continuously employed and performed work for the University of Greenwich for at least 26 weeks by the end of the 15th week (the 'qualifying week') before the baby's expected week of childbirth (EWC), and
- c) have or expect to have responsibility for the child's upbringing, or care of their partner.
- d) provide correct notice of their intention to take PL and, where requested, have provided evidence.
- e) Have not previously taken shared parental leave for the same child.

5.2. Adoption

5.2.1. An employee will meet the eligibility criteria for PL following the adoption of a child if they:

- a. are married to the child's adopter or the partner of the child's adopter (whether the same or different sex)
- b. **(for a UK adoption)** have been continuously employed and performed work for the University of Greenwich for at least 26 weeks by the end of the 'matching' week (the week they are notified of being matched with a child for adoption).
- c. **(for an overseas adoption)** have been continuously employed and performed work for the University of Greenwich for at least 26 weeks by the date the child enters the UK.
- d. Are taking the leave to care for the child or support their partner.
- e. Provide correct notice of their intention to take PL and, where requested, have provided evidence.
- f. Have not previously taken shared parental leave for the same child.

5.2.2. The employee is not eligible for paternity leave and pay if they have taken paid time off to attend adoption appointments.

5.3. Parental Order (Surrogacy)

5.3.1. If an individual is using a surrogate parent to have a baby and they or their partner have a genetic link to the child, they can apply for a 'parental order' (surrogacy). A

parental order transfers the parental rights from the surrogate to the 'intended parents' by law.

5.3.2. If they are eligible, one of the intended parents can take adoption leave and one can take PL.

5.3.3. An employee will meet the eligibility criteria for PL as the intended parent if they:

- a. Intend to apply for a parental order in the 6 months after the baby's birth and expect it to be granted or have a parental order already.
- b. Are married to, or the civil partner or partner of the other intended parent (whether the same or different sex).
- c. Have the main responsibility for the care of the child together with the other intended parent.
- d. Provide correct notice of their intention to take PL and, where requested, provide evidence.
- e. have been continuously employed and performed work for the University of Greenwich for at least 26 weeks by the end of the 15th week (the 'qualifying week') before the baby's expected week of childbirth (EWC).
- f. Continue to be employed by the University of Greenwich until the birth of the child.

6 Paternity/Partner's leave entitlement

6.1. Eligible employees are entitled to take PL following the birth of a child, adoption of a child, or a parental order (surrogacy), in one of the following ways:

6.1.1. two non-consecutive weeks, or

6.1.2. a single period of either one week or two weeks

6.2. A week is defined as the same number of days that an employee normally works in a week.

6.3. PL must be taken within 52 weeks of the birth (or due date if the baby is early), or within 52 weeks of the date of adoption, or child's arrival in the UK (for overseas adoptions)

6.4. Only one period of PL is available, even in the case of a multiple birth (such as twins) or if more than one child is adopted under the same arrangement.

6.5. PL is also available to an eligible employee where the baby is sadly stillborn after 24 weeks' pregnancy, or born alive at any stage of the pregnancy, but has sadly not survived.

7 Notification of paternity/partner's leave (How to apply)

7.1. Birth

7.1.1. Unless it is not reasonably practicable, the employee must provide the university with 28 days (or four weeks) notice of the intended start date of their PL prior to the expected week of childbirth (EWC). In the first instance the employee should notify their line manager in writing of their intention to take PL followed by a request in Horizon by selecting:

Time and Absences > Add Absence > Type > Paternity Leave

The request should include:

- a) The expected date of childbirth.
- b) Planned start date and end date of PL.

7.1.2. Where birth takes place later than the date previously provided by the employee, they should update their line manager and Horizon with the revised PL date as soon as is reasonably practicable.

7.1.3. The employee can change their mind about the intended start date, provided they notify the university at least 28 days in advance, unless this is not reasonably practicable.

7.2. Adoption

7.2.1. Unless it is not reasonably practicable, the employee must provide the university with notice that they intend to take PL (**for a UK adoption**) within seven days of the date the matching notification is given to the child's adopter, or,

7.2.2. (**for an overseas adoption**) within 28 days of the child entering the UK. Where this is not reasonably practicable, they must provide notice to the university as soon as possible

7.2.3. In the first instance the employee should notify their line manager in writing of their intention to take PL followed by a request in Horizon by selecting:

Time and Absences > Add Absence > Type > Paternity Leave

The request should include:

- a) The expected date of placement.
- b) Placement match date.
- c) Planned start date and end date.

7.2.4. Where adoption takes place later than the date previously provided by the employee, they should update their line manager and Horizon with the revised PL date as soon as is reasonably practicable.

7.2.5. The employee can change their mind about the intended start date, provided they notify the university at least 28 days in advance, unless this is not reasonably practicable.

7.3. Parental Order (Surrogacy)

7.3.1. Unless it is not reasonably practicable, the employee must provide the university with 28 days (or four weeks) notice of the intended start date of their PL prior to the expected week of childbirth (EWC).

7.2.6. In the first instance the employee should notify their line manager in writing of their intention to take PL followed by a request in Horizon by selecting:

Time and Absences > Add Absence > Type > Paternity Leave

The request should include:

- a) The anticipated date of childbirth.
- b) Planned start and end date of PL.

7.3.2. The employee can change their mind about the intended start date, provided they notify the university at least 28 days in advance, unless this is not reasonably practicable.

8 Paternity Pay

8.1. Eligible employees are entitled to paternity pay for the period of their PL. Paternity pay is paid at the employee's normal pay rate and includes any statutory paternity pay rate. Paternity pay is paid in the same way as the employee's normal salary and therefore subject to the usual deductions.

9 Time off for appointments

9.1. An eligible employee can take unpaid time off to attend up to two pregnancy-related ('antenatal') or adoption placement appointments of a maximum of six and a half hours for each appointment. The employee should provide as much notice as possible and the employee may be asked for evidence of the appointment.

10 Annual leave

10.1. Annual leave will accrue during PL at the rate provided under the employee's contract of employment, including public holidays.

11 Returning to work

11.1. Employees are normally entitled to return to work after PL to the same position as they held before commencing leave. The act of requesting or taking PL will not cause the employee to suffer any disadvantage in the workplace.

11.2. Any request to change the employee's working pattern following PL will be considered under the university's formal Flexible Working Policy and Procedure. However, if an employee has taken PL straight after or straight before a period of shared parental leave of more than four weeks, and it is not reasonably practicable for the university to permit them to return to the same job, the employee has a right to return to another suitable job on terms and conditions that are not less favourable.

12 Neonatal Care Leave

- 12.1. Neonatal care leave provides parents with additional time off with their newborn baby when they require medical care, without using their PL (paternity/partner's leave).
- 12.2. Employees will be eligible for neonatal care leave when their newborn baby is admitted to hospital up to 28 days after birth, for an uninterrupted hospital stay of seven days or more. Eligible employees will be entitled to take a minimum of one week and up to a maximum of twelve weeks of neonatal care leave, regardless of the number of times the baby is admitted to hospital. Neonatal leave must be taken in complete weeks which can be taken consecutively or non-consecutively. A complete week of leave is defined as the same number of hours that an employee normally works in a week. Fathers/partners must take their paternity/partner's leave before taking any neonatal leave and neonatal leave must be taken within 68 weeks of the birth.
- 12.3. Neonatal leave is applicable to each individually affected employee, whether they are the birth parent or partner/father. Each parent is entitled to neonatal care leave.
- 12.4. Eligible employees have the right to neonatal care leave from the first day of employment.
- 12.5. If the father/partner has taken all of their paternity leave from the day after their baby's birth and returned to work and their baby is then admitted to hospital in the period between their return to work and the eligible period of 28 days from birth, their neonatal leave entitlement will be triggered if the baby remains in hospital for an uninterrupted stay of seven days. The father/partner may wish to take unpaid leave or annual leave whilst their baby is in hospital, however if neonatal leave is triggered after seven days, the university will backdate the start of their neonatal leave and pay to the first day the baby was admitted, ensuring the employee is not out of pocket. Any annual leave taken during the seven days of admission must be credited back to the employee.
- 12.6. Where the employee is eligible for neonatal leave and planning to take shared parental leave, they should refer to the Shared Parental Leave Policy and Procedure.
- 12.7. Eligible employees must notify their line manager of their intention to take neonatal care leave as soon as is reasonably practicable.
- 12.8. Neonatal leave does not need to be approved by the line manager as it is a statutory entitlement providing the employee meets the eligibility requirements. However, the line manager must notify the People Directorate to ensure the leave is recorded correctly on Horizon.
- 12.9. With the employee's agreement, and considering the potential sensitivity of the situation, the line manager should maintain an appropriate level of contact with the employee during neonatal care leave. The line manager should also ensure the employee is aware of the Employee Assistance Programme provided by the university and how to access it. Further information can be found on the [university staff portal](#).
- 12.10. During neonatal care leave, holiday entitlement, including public holidays, will accrue at the rate provided under the employee's contract of employment.

- 12.11. Where there is an increase in pay during neonatal care leave, the employee's normal pay rate will be recalculated to reflect any increment or pay award applied during that period.
- 12.12. The university continues to pay the appropriate employer's pension contributions during neonatal care leave.
- 12.13. If the employee does not intend to return to work from neonatal care leave, or is unsure about returning, they should discuss this with their line manager as early as possible. If the employee decides they will not return, they must give the appropriate notice period of their resignation during their neonatal care leave, in accordance with their contract.

13 Neonatal Care Pay

- 13.1. Employees are entitled to a maximum of 12 weeks of neonatal leave at their normal pay rate (this includes Statutory Neonatal Care Pay (SNCP) entitlement).

14 Shared Parental Leave

- 14.1. Shared parental leave (SPL) is a statutory right that enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. An employee who has given birth to a child may reduce their maternity leave entitlement and then they and/or their partner may opt in to the SPL arrangements and take any remaining weeks as SPL up until their child's first birthday. See the *Shared Parental Leave Policy* for further details.

15 Other policies and guidance

All of the following policies can be found by searching the university staff portal.

15.1. Parental Leave Policy

15.2. Maternity Leave and Pay Policy

This policy also includes neonatal care (leave and pay) provisions for employees.

15.3. Shared Parental Leave Policy and Procedure

This policy also includes neonatal care (leave and pay) provisions for employees.

15.4. Sickness Absence Policy and Procedure

15.5. Special Leave

Special Leave sets out staff eligibility for discretionary leave for purposes such as a bereavement, or a funeral, Time off to care for family and dependants in an emergency and Carer's Leave. Special Leave guidance can be found on the university staff portal.

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Version No.	Purpose/Change	Author	Approved By	Date
1.0			Staffing Committee	2008 and Jan 2015
			VCG	April 2019
			JNC	February 2020
2.0	Updated to use gender-neutral language		N/A	4 th Oct 2021
3.0	Updated with the Paternity Leave Amendment Regulations 2024 from 6 April 2024		JNC	13 th March 2024
4.0	Updated to include Neonatal Care (Leave and Pay)	Vanessa Roots Senior Workforce Policy Officer	VCE	22 July 2024

This policy will be reviewed regularly.