



SWANSEA UNIVERSITY

PATERNITY/PARTNER LEAVE & PAY PROCEDURE

P1415-1505

1. Introduction

Swansea University is committed to supporting employees who wish to care for a child after birth or adoption. This procedure is designed to ensure that all members of staff are treated fairly and consistently and in line with the relevant legislation.

This procedure sets out the provision for paternity/partner leave and rights for members of staff:

- 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, who will be subject to a Parental Order
- who are prospective parents fostering a child under the “Fostering for adoption” scheme

2. Eligibility

A member of staff is eligible to take paternity/partner leave if they:

- in the case of childbirth – has or expects to have responsibility for the upbringing of the child and is either the biological father, is married to, is the partner or civil partner of the child’s mother/primary carer.
- in the case of UK adoption – has or expects to have responsibility for the upbringing of the child and is married to, the partner or civil partner of a person who has adopted a child, or is a member of a couple adopting jointly and the member of staff has chosen not to take adoption leave. The member of staff must also have twenty six weeks continuous service prior to the end of the week they were matched with a child and must also be in continuous employment on the date the child is placed.
- in the case of an overseas adoption – has or expects to have responsibility for the upbringing of the child and is married to, is the partner or civil partner of a person who has adopted a child, or a member of a couple adopting jointly and has not chosen to take adoption leave.
- In the case of surrogacy – be the intended parent and has applied or intends to apply for a parental order in the 6 months after the baby’s birth.

3. Pay Entitlement

If you meet the eligibility criteria in section two and you are employed by the University at the estimated date of childbirth (EDC) or date of matching week in the case of adoptions and you have completed the following service requirements you will be entitled Statutory Paternity Pay:

| In the case of: | service requirement for SPP |
|-------------------|--|
| childbirth | 26 weeks continuous service prior to the expected week of childbirth and be in continuous employment on the date the child is born. |
| UK adoption | 26 weeks continuous service prior to the end of the week they were matched with a child and must also be in continuous employment on the date the child is placed. |
| overseas adoption | 26 weeks continuous service by either the date the child arrives in the UK or when they want their leave to start. |
| surrogacy | 26 weeks continuous service by the end of the week before the expected week of childbirth and be in continuous employment on the date the child is born. |

Statutory Paternity Pay for eligible employees is either £139.58 a week (as at April 2015) or 90% of average weekly earnings (whichever is lower). The standard rate of SPP is reviewed every April. You can check up the latest rate for SMP and calculate your SMP entitlements on the following web site: <https://www.gov.uk/maternity-pay-leave/pay>.

(to be eligible for SPP your average earnings must be equal to the lower earnings limit 8 weeks prior to the EDC or the week of matching for adoption)

You can choose to take either one week or two consecutive weeks' leave. You cannot take odd days or two separate weeks. A week is the same amount of days you normally work e.g. if you work on Mondays and Tuesdays, each week is two days.

Employees can only take one period of paternity/partner leave at a time even if more than one baby is born as a result of the same pregnancy or if more than one child is being adopted at the same time.

3.1 Enhance Paternity/Partner Pay

The University recognises the benefit to staff to improving the balance between work and family commitments. In support of this it has agreed to enhance Paternity/Partner Pay for eligible staff. If you have completed one year's service by the date that the child is born and/or is placed with you, you will be entitled to two weeks leave on full pay, this will include your entitlement to SPP.

4. How to apply

Employees wishing to take paternity/partner leave must complete the Swansea University Application for Paternity/Partner Leave form (P1415-1505) stating when you expect your leave to start.

This information will need to be submitted:

- In the case of childbirth - by no later than the end of the 15th week before the expected week of childbirth, or, if this is not possible, as soon as is reasonably practicable
- In the case of adoption - within 7 days of the co-adopter or partner being matched with a child

5. Leave Start Date

A member of staff can choose to start their paternity/partner leave on any day of the week either:

- from the date of the child's birth or placement
- an agreed number of days after the date of birth or placement
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoption only)

Leave must be taken within 56 days (8 weeks) of the birth or placement or, in the case of overseas adoption, the child's arrival in the UK.

The start date of paternity/partner leave can be changed providing you give, wherever practicable, 28 days notice in writing

6. Exceptional Circumstances

If a miscarriage occurs earlier than the 25th week of pregnancy, you will not qualify for paternity/partner leave.

In the event of a still birth from the 25th week of pregnancy onwards, you would be eligible for paternity/partner leave in the normal way

7. Leave for Antenatal Appointments/adoption meetings

You are entitled to take paid time off to accompany your partner (or surrogate mother) to attend 2 ante-natal appointments

If you are adopting a child, you are entitled to take paid time off to attend 2 adoption appointments after you have been matched with a child

You should provide your Head of College/Directorate (or nominee) with as much notice of these appointments as possible. You may be asked to provide evidence of the appointment.

8. Probation

Probationary periods will not be affected by absences due to paternity/partner leave.

9. Terms of Employment

All terms and conditions of service will continue to apply as though you had not been absent

10. Shared Parental Leave

If the mother/primary carer chooses to end their maternity, adoption or surrogacy leave early, both parents can share the remaining weeks leave and pay entitlement by opting in to **Shared Parental Leave**. Details of the University's Shared Parental Leave procedure can be found at <http://www.swansea.ac.uk/personnel/current-staff/leave-flexible-working-and-absence/family-friendly-leave-arrangements/shared-parental-leave/>

Paternity/Partner Leave Application form

Please refer to the Swansea University Paternity/Partner Leave Procedure for details of eligibility.

Please discuss your leave requirements with your College/Directorate nominee before submitting this form to the Human Resources Department by no later than the 15th week before the Expected Date of Childbirth (EDC), or within 7 days of receiving a matching certificate, in the case of adoption.

| Personal Details | |
|---------------------------|--|
| Full Name: | |
| Job Title: | |
| College/Department: | |
| Start date of employment: | |
| Employee Number: | |

| I declare that: | √ |
|---|---|
| I have completed 26 weeks continuous service with the University prior to the week before the birth or adoption: | |
| I have notified my College/Directorate that I would like my paternity/partner leave and pay to start on the date noted above: | |
| I am the biological father of the child: | |
| I am married to or in a civil partnership with the mother/primary carer: | |
| I am living with the mother/primary carer in an enduring relationship, but am not an immediate relative: | |
| have been matched with a child for adoption (UK Adoption): | |
| am an intended parent of a child born through a surrogacy arrangement: | |
| am a prospective adopter fostering a child under the 'Fostering for Adoption' scheme: | |
| I will have responsibility for the child's upbringing: | |
| I will take this period of time off work to support the mother/primary to care for the child: | |

| In the case of births: | |
|--|--|
| Expected date of birth: | |
| Copy of MAT B1 attached : | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If the baby has been born, the actual date of birth: | |
| Baby's birth certificate attached : | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| In the case of adoptions: | |
|--|--|
| Date advised of being a match with the child: | |
| Expected date of placement: | |
| Or, if the child has been placed, the date of placement: | |
| Documentary evidence attached: | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| In the case of adoptions from overseas: | |
|--|--|
| Date the child entered the UK: | |
| Documentary evidence attached: | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| Dates of leave: | | |
|---|---------|--------------------------|
| I would like my paternity/partner leave to start on: | | |
| I would like to take my paternity/partner leave as follows (please tick): | 1 week | <input type="checkbox"/> |
| | 2 weeks | <input type="checkbox"/> |

I understand that I can change the start date of my leave providing I give, wherever practicably possible, 28 days' notice in writing.

| Declaration | |
|--|-------|
| I confirm that I wish to apply for paternity/partner leave and pay on the terms set out in the University's Paternity/Partner Procedure. | |
| I confirm that the information I have provided is correct. I understand that penalties may be charged against me if I either fraudulently or negligently give incorrect information or make a false statement or declaration for the purposes of claiming entitlement to University Paternity Leave/Pay and Statutory Paternity Leave/Pay. | |
| Signed: | Date: |

| Head of College / Department | |
|-------------------------------------|-------|
| Signed: | Date: |
| HR Department : | |
| Signed: | Date: |

Please send the original of this form to Central HR once leave has been agreed.