

1. Introduction

1.1. Paternity leave is the right to take paid leave to care for a child or support the mother or primary adopter.

1.2 Paternity leave may be taken after the birth of a baby or the adoption of a child under the age of 18.

1.3 Paternity leave is open to employees in same-sex relationships as well as adoptive parents, biological and non-biological fathers.

2. Eligibility

2.1 The University offers five days full pay leave irrespective of length of service for all employees. You may also be eligible for an extra weeks leave at the statutory paternity pay rate if they have at least 26 weeks' continuous service by the end of the 15th week before the expected week of childbirth (EWC) or at least 26 weeks' continuous service by the end of the week in which you are formally informed by an approved adoption agency that you (or your partner) has been matched with a child for adoption.

2.2 To be eligible for paternity leave you must also be one of the following:

- the biological father of the child
- the mother's husband or partner (including civil partnerships)
- the child's adopter
- the husband or partner (including civil partnerships) of the child's adopter

2.3 The University may request you provide a signed declaration that you satisfy the conditions of entitlement to paternity leave, and that your absence from work will be for the purpose of caring for the child or supporting the child's mother or adopter.

2.4 Slightly different rules apply if the child is being adopted from overseas. In this case, the adoptive parent must have at least 26 weeks' continuous service and this must:

- end with the week in which the adoptive parent receives notification from the relevant domestic authority.
or
- commence with the week in which the adoptive parent's employment began.

2.5 To be eligible to receive Statutory Paternity Pay the employee must have average weekly earnings that equal or exceed the lower earnings limit for National Insurance contributions at the qualifying week.

2.6 You must ensure that you start and end Ordinary Paternity Leave within 56 days of the baby's arrival.

2.7 You must be with the same employer the week (Sunday to Saturday) before you want to start your Additional Paternity Leave.

3. What leave are you entitled to?

3.1 You will be entitled to take ordinary paternity leave which is 5 days on full pay and a further week on the basis of the statutory paternity pay rate. You can choose to take either one week or two consecutive weeks but the legislation does not make provision for you to take the leave over a number of non-consecutive days or weeks, and if you elect to take only one week's leave, you may not take a further weeks' leave at a later stage.

3.2 in addition to this, eligible staff will also be entitled to take up to 26 weeks' Additional Paternity Leave if the child's mother or adopter has returned to work and is no longer receiving (but nevertheless was entitled to) one or more of the following:

- Statutory Maternity Leave
- Statutory Maternity Pay
- Maternity Allowance
- Statutory Adoption Leave or Pay

3.3 If, however, your partner is entitled to any of the above and starts working part time or becomes self-employed, you will still be eligible for Additional Paternity Leave.

3.4 You will be entitled to statutory paternity pay during additional paternity leave if the child's mother or adopter has started working again and any relevant payment have stopped, with at least two weeks of the 39 week payment period remaining. You must intend to care for the child during your Additional Statutory Paternity Pay period. Additional Statutory Paternity Pay is only payable during the period of the 39 week Maternity Allowance, Statutory Maternity or Statutory Adoption Pay period. It cannot continue beyond the end of the statutory maternity pay, maternity allowance or statutory adoption pay period.

4. When can ordinary paternity leave start?

4.1 Ordinary paternity leave may begin on any day of the week, which may include the day on which your child is born or adopted.

4.2 As long as you take your entitlement to one or two weeks of ordinary paternity leave within 56 days of the birth or adoption of the child, you can choose when to start the leave. In general, ordinary paternity leave starts on the date specified in the employee's notice.

4.3 In the case of birth, an exception to this is when you choose to start your ordinary paternity leave on the day the baby is born and you are at work on that date. In such a case, the leave would start the next day.

4.4 In the case of birth, if the baby is born prematurely you may take ordinary paternity leave at any time from the actual date of birth up to the end of a period of eight weeks after the week the birth was expected.

4.5 Where the baby is born late, you must delay the start of the ordinary paternity leave until the baby is actually born.

4.6 The length of both ordinary and additional paternity leave is unaffected by multiple births or if more than one child is adopted as part of the same placement and ordinary paternity leave must be taken within 56 days of the birth of a child or, in the case of adoption, within eight weeks of the child's placement.

4.7 It is not possible for prospective fathers to take any paternity leave before the birth of a baby, e.g. for antenatal care.

5. When can additional paternity leave start?

5.1 You can start Additional Paternity Leave from 20 weeks after your child arrives and it must end by the child's 1st birthday (or 1 year after adoption).

6. How to request ordinary paternity leave

6.1 In order to take ordinary paternity leave after the birth of a child, you must notify your line manager in writing in Welsh or English of your intention to take ordinary paternity leave by the end of the 15th week before the mother's EWC, or as soon as is practicable thereafter.

7. How to request additional paternity leave

7.1 To request additional paternity leave you must advise your Head of Department in writing in Welsh or English at least 8 weeks before you want to start your additional leave. The University will ask for:

- a copy of the child's birth certificate or adoption matching certificate
- the employment details of the mother or adopter

and you will be obliged to provide this information within 28 days.

8. In the case of adoption

8.1 In order for an adoptive parent (who is not taking statutory adoption leave, or the partner of an adoptive parent) to be entitled to take ordinary paternity leave to care for an adopted child (adopted in the UK), you must:

- be the joint adopter of the child or be married to, or the partner of, the adopter, and have, or expects to have, the main responsibility for the child's upbringing, apart from the responsibility of the adopter;
- have formally informed the University of your intention to take ordinary paternity leave and provided documentary evidence supporting your right to take ordinary paternity leave, if requested

8.2 In order to take ordinary paternity leave after the adoption of a child in the UK, the employee must notify their line manager in writing in Welsh or English of his or her intention to take ordinary paternity leave no later than seven days after the date on which notification was received from the adoption agency of the match with the child.

8.3 If the adopted child is being placed from abroad, the employee must notify their line manager in writing of:

- the date the adoptive parent received official notification of the placement;
- the date on which the child is expected to enter the UK.

8.4 This notification must be done within 28 days of the adoptive parent receiving the official notification of the placement, or within 28 days of the employee completing 26 weeks' continuous service (whichever is later).

9. Returning to work after ordinary paternity leave

9.1 After a period of one or two weeks of ordinary paternity leave, there is no requirement for you to give the University notice of your return date.

10. If you want to return earlier during additional paternity leave

10.1 If you want to return to work early, you must tell the Head of Department and copy in HR at least 6 weeks before you come back. Employees can submit this notification in Welsh or English. If you fail to do so the University can refuse your return until whichever date is earlier:

- 6 weeks after you ask to return
- Your original return date (as entered on the Additional Paternity form)

11. If you are no longer eligible for additional paternity leave

11.1 You must tell your Head of Department and copy in HR straight away if you are no longer eligible for Additional Paternity Leave.

11.2 The University can insist that you take unpaid leave if:

- You do not give 6 weeks' notice
- Your change in circumstances is not practical for the Department

11.3 Your unpaid leave will start on the date your additional paternity leave was due to start and will end after 6 weeks or the date your additional paternity leave was due to end (whichever is earlier).

12. Working during additional paternity leave

12.1 You may work up to 10 days during your Additional Paternity Leave if both you and the University agree. You will need to agree with your Head of Department what work you will do. You will be paid your normal daily rate of pay for the work undertaken. The Head of Department will need to ensure the Keeping in Touch – Additional Paternity Leave form is completed and supplied to HR and Payroll to notify of these arrangements.

13. Variation of start date

13.1 If, having provided notification of your intention to take ordinary or additional paternity leave on a specified date, you wish to change the start date; you must make every reasonable effort to advise your line manager in writing (in Welsh or English) as soon as possible as to the revised start date.

13.2 In all cases, once the baby has been born or the child has been placed for adoption, you must inform the University in writing of the date of birth or placement.

14. Terms and conditions during ordinary paternity leave & additional paternity Leave

14.1 During ordinary paternity leave your contract of employment continues and, apart from remuneration, you are entitled to the continuation of all your terms and conditions of employment.

14.2 This means that you will be treated as if you were not absent from work and all benefits etc should continue. In the same way, you are bound by any obligations that arise under the contract of employment, eg confidentiality. You will obviously not be bound by any obligations that are inconsistent with taking paternity leave, e.g. the duty to turn up for work.

14.3 The University is entitled to make reasonable contact with you during Additional Paternity Leave, e.g. to let you know about changes at work such as job vacancies.

14.4 If you are returning to work after one or two weeks' ordinary paternity leave you have the right to return to the job that you held immediately before your leave began, on the same terms and conditions of employment.

14.5 The same right applies to you if you are returning to work after a period of paternity leave that was the last of two or more consecutive periods of leave (which includes additional maternity leave, adoption or parental leave) of more than four weeks. In these circumstances, if it is not reasonably practicable for you to return to the same job, you must be offered other suitable work.

14.6 If you are returning to work after a period of Additional Paternity Leave you have the right to return to your job on the same terms and conditions you were on before taking Additional Paternity Leave.

15. If things go wrong

15.1 If the worst happens and your partner dies before the child's 1st birthday (or before 1 year after adoption) you may be able to extend Additional Paternity Leave up to a total period of 52 weeks in consultation with the HR Department. You will not be able to do this if your leave has already ended and you have returned to work following the conclusion of your Additional Paternity Leave.

15.2 You have the right to take Ordinary Paternity Leave if the child is stillborn after 24 weeks of pregnancy or if your child is born alive at any point of the pregnancy.

16. Welsh Language – Employee Rights

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.

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