

UNIVERSITY OF ABERDEEN
PATERNITY/CO-MATERNITY PROCEDURE

1. INTRODUCTION

The University of Aberdeen is committed to fully supporting members of staff whose partners (including same sex partners) are pregnant or have just given birth or who are adopting children. The Paternity/Co-Maternity Procedure outlines your rights and responsibilities and the paternity/co-maternity leave and pay benefits you can expect to receive.

The following definitions are used throughout this Procedure:

- **Expected Week of Childbirth (EWC)** – the week, starting on a Sunday, in which the doctor or midwife expects your partner to give birth
- **Matching Week** – the week, starting on a Sunday, in which you and your partner were advised by the adoption agency that you have been matched with a child for adoption
- **Ordinary Paternity Leave (OPL)** – a period of up to 2 weeks' paid paternity leave
- **Statutory Paternity Pay (SPP)** – a payment made to you by the University from the Government, if you meet certain qualifying criteria. Further information can be found in Section 2.2.

2. PATERNITY/CO-MATERNITY LEAVE AND PAY ENTITLEMENTS

2.1 Paternity/Co-Maternity Leave

In order to be eligible for paternity/co-maternity leave, you must:

- have been continuously employed by the University for at least 26 weeks at the end of the 26th week of your partner's pregnancy or by the Matching Week (in cases of adoption)
- be earning a minimum amount (set by the Government and reviewed annually)*.
- have, or expect to have, responsibility for your child's upbringing
- be making the request for leave to care for the child and/or to support the mother or carer of the child
- be either the child's biological father, or the spouse, civil partner or partner (including same sex partner) of the child's mother/primary adopter
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If you meet all the criteria, you are entitled to take Paternity Leave/Co-Maternity Leave. Once your paternity/co-maternity leave dates have been agreed, you can postpone or bring forward your chosen start date by informing your HR Adviser at least 28 days (or as soon as possible thereafter) before your leave was due to start.

** The weekly rate of OSPP and the minimum rate of earning required to qualify for it are set by the Government and reviewed annually. Information about the current rate of OSPP is available online at <https://www.gov.uk/paternity-pay-leave/pay>*

2.2 **Paternity/Co-Maternity Pay**

Ordinary Statutory Paternity Pay (OSPP) is paid at the rate of 90% of your average weekly pay or the standard rate of OSPP set by the Government (whichever is lower)*.

The University provides 5 options for paternity/co-maternity leave and pay entitlements, with varying levels of benefits. The options are outlined in Section 2.3 and 2.4 and summarised in Appendix 1.

2.3 **Ordinary Paternity/Co-Maternity Benefits (Options 1-4)**

Your Ordinary Paternity/Co-Maternity leave cannot commence before the baby is born or the child is placed with you (in cases of adoption) and it must have finished within 8 weeks of the birth/placement.

Ordinary Paternity/Co-Maternity leave must be taken in a block of complete weeks e.g. if you opt for a one week block (Option 1), you are not entitled to take another week at a later time.

The pay which you receive during this period will include any statutory entitlement to OSPP from the Government. You are entitled to choose from the following paternity pay options:

- Option 1** One week at full pay (inclusive of SSP)
- Option 2** One week at full pay (inclusive of SPP) followed by one week at the appropriate rate of SPP
- Option 3** One week at full pay (inclusive of SPP) followed by one week at the appropriate rate of OSPP as well as one week unpaid which must be taken consecutively
- Option 4** One week at full pay (inclusive of SPP) followed by one week at the appropriate rate of SPP as well as two weeks unpaid which must be taken consecutively

2.4 **Less than 26 weeks service (Option 5)**

If you have not been employed continuously by the University for 26 weeks at the 26th week of pregnancy or matching week, you are not entitled to receive Statutory Paternity Leave. Therefore, the University cannot pay you ASPP and is required to issue you with form ASPP1 (on behalf of HM Revenue & Customs), which outlines why you are not entitled to receive it.

3 **PATERNITY/CO-MATERNITY LEAVE PROCEDURE**

3.1 **Prior to Commencing Paternity/Co-Maternity Leave**

Ordinary Paternity/Co-Maternity Leave

In order for the University to assist you in making appropriate arrangements to support you during your Ordinary Paternity/Co-Maternity leave period, you should provide at least 21 days' notice of the EWC by completing a Paternity/Co-Maternity Leave Application Form. In cases of adoption, you should provide notice as soon as you have been given confirmation that the adoption is to go ahead and the date/s you wish your paternity/co- maternity leave to commence.

* The weekly rate of OSPP and the minimum rate of earning required to qualify for it are set by the Government and reviewed annually. Information about the current rate of OSPP is available online at <https://www.gov.uk/paternity-pay-leave/pay>

In circumstances out with your control, such as early birth or adoption, appropriate adjustments will be made.

You are entitled to a reasonable amount of time off to provide immediate assistance when your partner gives birth. For example, if you are required to leave work to take your partner to hospital and support her during the birth or to assist with the transfer to another hospital after the birth.

You are still entitled to paternity leave and pay if your baby is stillborn from the 24th week of pregnancy.

Coaching

You may wish to consider participating in the University's coaching programme, which aims to support you in planning for paternity/co-maternity leave. The programme aims to provide you with support in managing the transition between work and leave, particularly planning for going on leave and planning for returning to work.

The programme is provided by a fully qualified external coach and sessions do not have to be held on the University campus. The coaching is offered free of charge, it is completely confidential and no feedback on the content of any coaching session will be provided to the University.

Further information is available online at <http://www.abdn.ac.uk/staffnet/working-here/maternity-and-paternity-leave-coaching-2563.php>

4 Returning to Work

You do not need to give notice of your return to work date unless you wish to return **before** the date stated on your Paternity/Co-Maternity Leave Application Form.

If you wish to return to work earlier than had been agreed prior to the start of your PL period, you should advise your HR Adviser, in writing, giving at least 1 weeks' notice of the date you intend to return. If you wish to return to work later than had previously been agreed, you should either request paid annual leave or unpaid Parental Leave. Further information on the Parental Leave Procedure is accessible from the Policy Zone at <http://www.abdn.ac.uk/staffnet/governance/policies-procedures-plans-and-guidlines-399.php>

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence in line with the University's Sickness and Attendance Management Procedure, which is accessible from the Policy Zone at <http://www.abdn.ac.uk/staffnet/governance/policies-procedures-plans-and-guidlines-399.php>

In accordance with HMRC Regulations, SPP is payable in blocks of complete weeks. If you choose to return to work early and only utilise part of a week of SPP entitlement, you will not receive any SPP in that week (although you will receive your normal pay in respect of any hours worked).

If you wish to return to work on alternative working arrangements, you should refer to the Flexible Working Procedure (which is accessible from the Policy Zone at <http://www.abdn.ac.uk/staffnet/governance/policies-procedures-plans-and-guidlines-399.php>) and discuss your request with your Line Manager and/or HR Adviser. You should raise this as early as possible to allow full consideration to be given to your request. If you do return to reduced, part-time hours, your OSPP will not be affected as it is based on your earnings prior to your Paternity/Co-Maternity Leave period.

5 TERMS AND CONDITIONS OF EMPLOYMENT DURING PATERNITY/CO-MATERNITY LEAVE

All the terms and conditions of your employment remain in force during your paternity/co-maternity leave, with the exception of those relating to normal pay and pension benefits.

5.1 Continuity of Service

The date of your continuous service with the University is not affected by any period(s) of paternity/co-maternity leave which you take. This means that there will be no break in service during your absence on paternity/co-maternity leave.

5.2 Pay

You will continue to receive all pay awards and any increments which are due to you during your paternity/co-maternity leave. If you are on a period of unpaid leave when such awards become due, your salary will be adjusted upon your return to work.

5.3 Annual Leave

Your contractual annual leave entitlement shall continue to accrue throughout the period of your paternity/co-maternity leave. You can, with your Line Manager's agreement, add your annual leave entitlement onto the beginning or end of your paternity/co-maternity leave.

Where you do not return to work following your paternity/co-maternity leave, you will be paid for your accrued holidays.

5.4 Pensions

During any paid period of paternity/co-maternity leave, the University will continue to pay employer's contributions to your pension scheme for as long as you continue to make contributions. The percentage paid will be based on what your earnings would have been if you had not been on paternity/co-maternity leave. The period during which you receive paid paternity/co-maternity leave also counts towards your pensionable service.

During unpaid paternity/co-maternity leave, the University will not make employer's contributions into your pension scheme. You do not have to make any contributions, but you may do so if you wish. It should be noted that if you choose to make these contributions, you would be required to pay both employer and employee contributions to the scheme. If you choose not to make such contributions, your membership of the pension scheme will be suspended and the period of unpaid paternity/co-maternity leave does not count as pensionable service.

Further information about your pension benefits and how they will be affected by your paternity/co-maternity leave is available from the Pensions Office (pensions@abdn.ac.uk).

5.5 Resignation

If you choose to resign from your post, you will continue to accrue contractual benefits (excluding normal pay), until the end of your notice period

Approved by the University Court on 30 June 2015
Appendix amended April 2016

OPTION SUMMARY

The options for paternity/co-maternity leave and pay which are available to you are summarised as follows:

Options	Criteria	Paternity/Co-Maternity Leave Entitlement	Paternity/Co-Maternity Pay Entitlement
Paternity Leave (Option 1)	Continuously employed by the University for at least 26 weeks at the end of the 26 th week of your partner's pregnancy or by the Matching Week (in cases of adoption)	1 week	One week at full pay (inclusive of SPP)
Paternity Leave (Option 2)	Continuously employed by the University for at least 26 weeks at the end of the 26 th week of your partner's pregnancy or by the Matching Week (in cases of adoption)	2 weeks	One week at full pay (inclusive of SPP) followed by one week at the appropriate rate of SPP
Paternity Leave (Option 3)	Continuously employed by the University for at least 26 weeks at the end of the 26 th week of your partner's pregnancy or by the Matching Week (in cases of adoption)	3 weeks	One week at full pay (inclusive of SPP) followed by one week at the appropriate rate of SPP as well as one week unpaid which must be taken consecutively
Paternity Leave (Option 4)	Continuously employed by the University for at least 26 weeks at the end of the 26 th week of your partner's pregnancy or by the Matching Week (in cases of adoption)	4 weeks	One week at full pay (inclusive of SPP) followed by one week at the appropriate rate of SPP as well as two weeks unpaid which must be taken consecutively