

UNIVERSITY OF ABERDEEN

PATERNITY/PARTNER LEAVE PROCEDURE

1. INTRODUCTION

The University is committed to fully supporting members of staff whose partners are pregnant, have just given birth, who are adopting children or having a baby through a surrogacy arrangement. This Procedure outlines your rights and responsibilities and the paternity/partner leave and pay benefits you can expect to receive. We recognise that this procedure can apply to people of all genders and have specifically considered the needs of trans staff when developing this. If you need more information about how this procedure might apply to you, please speak to HR.

2. SCOPE

This procedure applies to all University staff.

3. DEFINITIONS

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 (or the surrogate mother) to give birth
- **Matching Week** – the week, starting on a Sunday, in which you and your partner were informed by the adoption agency that you have been matched with a child for adoption
- **Paternity Leave (PL)** – a period of up to 2 weeks paid paternity/partner 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 4.5.

(Please note that PL and SPP are used in this instance as they refer to statutory leave and pay and that is the terminology currently used).

4. PATERNITY/PARTNER/ LEAVE AND PAY ENTITLEMENTS

4.1 Eligibility

You can take paternity/partner leave if you have or expect to have responsibility for the child's upbringing. You must also be the:

- child's biological parent who has not given birth, or
- spouse, civil partner, or partner of the birth parent/main adopter or
- Intended parent (if you are having a baby through a surrogacy arrangement)

you must also:

- have been continuously employed by the University for at least 26 weeks up to any day in the 'qualifying week' (the qualifying week is the 15th week before the baby is due) or by the Matching Week (in cases of adoption) or by the due date of the child (in the case of surrogacy arrangement).
- For overseas adoptions, have been continuously employed by the University for at least 26 weeks by either the date the child arrives in the UK or when you want your

leave to start.

- be earning a minimum amount set by the Government. The weekly rate of SPP 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 SPP is available online.](#)
- be making the request for leave to care for the child and/or to support the birth parent or the main adopter of the child
- give the correct notice

4.2 Paternity/Partner Leave

You can take up to 4 weeks leave, one week at full pay inclusive of SSP and one week at SSP the remaining weeks would be unpaid. For more detail please see section 4.6.

You can take only four weeks' paternity/partner leave per pregnancy or adoption, 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.

4.3 Time off to attend Antenatal Appointments

Those who are pregnant will have regular appointments with their midwife or GP throughout their pregnancy. You can take time off to attend two of these appointments. You should discuss with your manager the dates and times of any appointments you'd like to attend, and it is helpful to give your manager as much notice as possible.

4.4 Time off to attend Adoption Placement Meetings

You can take time off to attend two adoption placement meetings. You should discuss with your manager the dates and times of any appointments you'd like to attend, and it is helpful to give your manager as much notice as possible.

4.5 Paternity/Partner Pay

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

The weekly rate of SPP 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 SPP is available online at [https://www.gov.uk/paternity-pay-leave/pay\(check\)](https://www.gov.uk/paternity-pay-leave/pay(check))

The University provides different options for paternity/partner leave and pay entitlements, with varying levels of benefits. The options are outlined in Section 4.6 and 4.7..

4.6 Paternity/partner Benefits

Your Paternity//Partner leave cannot begin before the baby is born or the child is placed with you (in cases of adoption/surrogacy). Leave can be taken at any point in the first year after the birth/placement of the child.
(no longer the case from 6 April 24)

You can take up to four weeks' paternity leave. You do not have to take your leave in one single period, but the leave must be booked in blocks of at least one week.

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

- One week at full pay (inclusive of SPP)

- One week at the appropriate rate of SPP
- Two weeks unpaid

You can choose how you take this leave but must take it in a maximum of two non-consecutive blocks.

Once your paternity/partner leave dates have been agreed upon, 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 is due to start.

4.7 Less than 26 weeks service

If you have not been employed continuously by the University for 26 weeks at the qualifying week (15th week before the baby is due) or matching week/ due date of the child (in the case of a surrogacy arrangement), you are not entitled to receive Statutory Paternity Leave. Therefore, the University cannot pay you SPP and is required to issue you with form SPP1 (on behalf of HM Revenue & Customs), which outlines why you are not entitled to receive it.

5 PROCEDURE FOR REQUESTING PATERNITY/PARTNER LEAVE

5.1 Prior to Commencing Paternity/Partner Leave

If you wish to take Paternity/partner leave you should provide at least 15 weeks' notice of the baby's due date (EWC) by completing a Paternity/partner Leave Application Form. This will assist the University to help you in making appropriate arrangements to support you during your leave.

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 you wish your paternity/partner leave to begin. In the case of surrogacy, you should advise the due date of the child.

In circumstances beyond 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 or the surrogate mother gives birth (depending on location). For example, if you are required to leave work to take your partner to hospital and support them during the birth or to assist with the transfer to another hospital after the birth.

5.2 Pregnancy Loss

If you and your partner experience pregnancy loss you may still be entitled to time off. For more information on time off and leave in this situation please speak to your HR Adviser. Your HR Adviser will also be able to tell you about the support that is available to you. For more information and on compassionate and bereavement leave please see the Arrangements for Special Leave or speak to your HR Adviser.

6 SHARED PARENTAL LEAVE and PAY

You may be able to take more time off to care for your child in the first year after their birth or placement by taking Shared Parental Leave (SPL).[\(INSERT LINK\)](#)

If you plan to take SPL, you must take all Paternity/Partner leave first as your entitlement to this leave will end when SPL starts.

7 TERMS AND CONDITIONS OF EMPLOYMENT DURING PATERNITY/PARTNER LEAVE

All the terms and conditions of your employment remain unchanged during your paternity/ partner leave, with the exception of those relating to normal pay and pension benefits.

7.1 Continuity of Service

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

7.2 Pay

You will continue to receive all pay awards and any increments which are due to you during your paternity/partner 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.

7.3 Annual Leave

Your contractual annual leave entitlement will continue to accrue throughout the period of your paternity/partner leave. You can, with your line manager's agreement, add your annual leave entitlement onto the beginning or end of your paternity/partner leave.

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

7.4 Pensions

During any paid period of paternity/partner 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/partner leave. The period during which you receive paid paternity/partner leave also counts towards your pensionable service.

During unpaid paternity/partner 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/partner leave does not count as pensionable service.

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

7.5 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

8 RETURNING to WORK

You will have given notice of the date you plan to return to work on your Paternity/partner Leave Application Form and therefore do not need to give notice again of your return date unless you wish to return **before** the date stated on your form.

If you wish to return to work earlier than had been agreed prior to the start of your P/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 available in the Policy Zone](#).

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.

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 available in the Policy Zone 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 SPP will not be affected as it is based on your earnings prior to your Paternity/partner Leave period.

Links to other relevant policies and guidance

- [Maternity/Birth Parent](#)
- [Shared Parental Leave](#)
- [Parental Leave](#)

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