



UNIVERSITY
OF SUSSEX

Human Resources

PATERNITY LEAVE & PAY

1. INTRODUCTION

- 1.1 This is a guide to paternity leave and pay eligibility when you take time off because your partner's having a baby, adopting a child or having a baby through a surrogacy arrangement. It covers members of staff who are one of the following:
- the father
 - the husband, wife or partner of the mother or adopter - this includes same-sex partners
 - the child's adopter
 - the intended parent (if you're having a baby through a surrogacy arrangement)
- 1.2 These provisions apply to all staff regardless of gender, sexuality or marital status.
- 1.3 Paternity leave and pay are provided to enable a partner to take time out from work to care for a new baby or adopted child and/or to support your partner following birth or following the adoption of a child.
- 1.4 Paternity leave cannot be taken in addition to adoption leave. If you and your partner are jointly adopting a child, you will have to decide who takes adoption leave and who takes paternity leave.
- 1.5 If you have any queries about your right to paternity leave and pay, please contact your HR Business Partner.
- 1.6 The University has separate guidance in relation to maternity leave and pay, adoption leave and pay, shared parental leave and pay, parental leave and time off to care for a dependent and flexible working. All these [carer support policies](#) are available on the Human Resources website.
- 1.7 Definitions of abbreviations and terms used in this document are given in the following glossary.

2. GLOSSARY

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| Average weekly earnings | For statutory paternity pay purposes, average weekly earnings are calculated on the pay received in the period between: (a) the last normal payday before the end of the qualifying week, and (b) the last normal payday falling at least eight weeks before the payday at (a). |
| EWC | Expected Week of Childbirth (for births only) - the week in which your baby is expected to be born, beginning on a Sunday. This is important in terms of when you can start your Ordinary Paternity Leave |
| Matching Week | Adoptions only. The week (beginning with the Sunday and ending with the Saturday) in which the adopter is notified of having been matched with the child. It is important as it determines whether you are entitled to paternity pay. N.B For adoptions under Brighton and Hove Council's "Concurrent Adoption" scheme, the matching week will be replaced with the actual date of adoption. |
| Mother | For the purposes of this guidance only mother is the person who is taking maternity leave or adoption leave. |
| Partner | A person who lives with the mother of the baby/adopter in an enduring family relationship but is not an immediate relative. This includes married and unmarried partners regardless of sexual orientation or gender. |
| <u>Paternity Leave:</u> | |
| SPL | Statutory Paternity Leave – this is a period of 52 weeks made up of 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave |
| OPL | Ordinary Paternity Leave – A period of two weeks which can either be taken consecutive or in two separate blocks of one week.. OPL cannot be taken before the baby's birth (or date of placement for adoptions) and can be taken at any time up to 52 weeks after the birth of the child(or date of placement for adoptions) |
| <u>Paternity Pay:</u> | |
| OSPP | Ordinary Statutory Paternity Pay (OSPP) - This is pay you receive while on OPL which is paid according to the statutory scheme which guarantees the minimum rights and benefits required by law. This is two consecutive weeks paid at a rate equivalent to the standard rate of statutory paternity pay (which is reviewed annually in April) or 90% of your average weekly earnings if that is the lower. |
| OPP | Occupational Paternity Pay (OPP) - The University's OPP provisions allow for the two weeks of OPL to be paid on full pay, which includes OSPP where appropriate. N.B. For staff who do not receive regular salary payments, full pay will be calculated as either the average pay over the 12 months leading up to the qualifying week, or in the same way as for statutory paternity pay (see definition of 'average weekly earnings' above), whichever is the greater. |
| Qualifying Week | For births only. This is the 15th week before the expected week of childbirth. It is important as it determines whether you are entitled to statutory paternity pay. |

3. **SUMMARY**

3.1 All eligible staff (see 1.1) are entitled to two weeks' ordinary paternity leave on full pay. This cannot start until the baby's birth and can be taken at any time up to 52 weeks after the birth of the child or date of placement for adoptions. Please see paragraph 4 below for full conditions.

3.2 If the mother/adopter returns to work or opts to end their maternity leave or their adoption leave early the remainder of the maternity/adoption leave entitlement can be converted to Shared Parental Leave, which can be shared flexibly between both parents up to the child's first birthday. Similarly, any outstanding entitlement to statutory maternity/adoption pay can be converted to shared parental pay. For more information, please see the [University's Shared Parental Leave & Pay Procedure](#) on the Human Resources webpages.

4. **ORDINARY PATERNITY LEAVE AND PAY**

4.1 The University's paternity scheme provides for two weeks' ordinary paternity leave (OPL) on full pay regardless of length of service (but see glossary for definition of full pay under 'occupational paternity pay').

4.2 Ordinary Paternity Leave cannot start until the baby's birth/date of placement for adoption and can be taken at any time up to 52 weeks after the birth of the child or date of placement for adoptions. A member of staff can choose to start their OPL from:

- the date of a child's birth or date of placement; or
- a specified number of days or weeks after the child is born or placed; or
- a chosen date as notified to the University, after the first day of the expected week of childbirth or expected date of placement. If the baby has not been born by the chosen date, the member of staff must change the date or choose to take paternity leave from the actual date of birth or a specified number of days after the birth.

4.3 The OPL period can be taken in a two-week block or two separate blocks of one week. The individual period(s) must be continuous, i.e. it may not be broken by a period of return to work or of sickness.

4.4 In addition to being eligible (see 1.1), to receive OPL and pay you must: -

- give your manager and Human Resources as much notice as possible of your intention to take OPL.

- have given formal notice on [MyView](#) of your entitlement and intention to take Paternity Leave to Human Resources by the end of the Qualifying Week or within seven days of notification of an adoption match.
- have submitted notification of the date(s) that you wish to take OPL at least 28 days before the period(s) of OPL are due to start.
- advise Human Resources and your manager of any changes to your circumstances. You must give at least 28 days' notice of any change to your proposed OPL start date.
- remain employed by the University from the end of the Qualifying Week or Matching Week up to the day the baby is born or placed for adoption;
- be taking the time off to support either the mother or adopter or to care for the baby or newly placed child.

4.5 Paternity pay is subject to deductions for tax, National Insurance and any other lawful reason (e.g. pension contributions – but see section 7 on Pension contributions during paternity leave).

4.6 Any periods of time that you are not normally required to work but remain employed by the University (e.g. temporary stoppage periods), will count towards the 52 week period during which your paternity leave must be taken. Your normal terms and conditions of employment will apply during OPL.

4.7 If you specify the date of birth as the day you want to start your OPL and you are at work on that day, your paternity leave will begin on the following day.

4.8 You have the right to return to your existing post with the same terms and conditions which would have applied had you not been absent. If, however, you decide to take parental leave immediately after your period of paternity leave, you should refer to the University's parental leave guidelines about your right to return.

4.9 You should inform Human Resources of the date of birth (if appropriate).

5. **RETURN TO WORK DATES**

5.1 If taking OPL as one block of two weeks, your date of return to work after OPL will normally be the fourteenth day after your first day of paternity leave. If taking OPL in blocks of one week your date of return to work will normally be the seventh day after your first day(s) of paternity leave. Your start date and date of return can be any day of the week.

5.2 **Returning to work and sickness** – if you are unfit to return to work at the end of your paternity leave, you will need to send a doctor's certificate to Human Resources stating why

you are unable to return as previously notified. Your absence, with effect from your proposed date of return, will be treated as sickness. You will therefore receive sick pay from this date (if eligible).

- 5.3 **Part year working** – if you work during part of the year, and your date of return falls at a time when you are not required to be at work, your return date will be postponed until the first day you are required to work after your period of paternity leave. You will, however, revert to your full salary from the original return date.

6. **ANTENATAL CARE**

- 6.1 The University understands that you may want to attend some antenatal appointments with your partner and will seek to support you to do this. Staff eligible for paternity leave (except staff who are adopting a child) are entitled to take unpaid time off work to accompany the mother to up to two antenatal appointments.
- 6.2 If you would like to take time out of your working day to accompany your partner to an antenatal appointment, you should request this from your manager. As an alternative to unpaid time off, a manager may consider the feasibility of providing some flexibility in your working time to enable you to attend the appointment. If this cannot be accommodated, the time off, which should not exceed six and half hours, will be granted without pay.

7. **PENSION ARRANGEMENTS DURING PATERNITY LEAVE**

Paragraphs 7.1 to 7.2 apply if you are not in salary exchange Paragraphs 7.3 to 7.4 apply if you are in salary exchange Paragraphs 7.5 to 7.6 apply to all.

- 7.1 If you are a member of the Universities Superannuation Scheme (USS) or the University of Sussex Pension and Assurance Scheme (USPAS) your period(s) of paid paternity leave will count towards your pensionable service. You will automatically continue to pay pension contributions during your period of paid paternity leave. Pension contributions will be based on your paternity pay. The University will pay the balance of your contributions and the employer's contributions based on the pay you would have been earning had you not been on paternity leave. This period will count as pensionable service and you will be covered for early retirement on ill health grounds and death in service, subject to the rules of the relevant pension scheme.
- 7.2 If you are a member of the Sussex Group Stakeholder Scheme (SGSS) you will continue to contribute at your chosen percentage of salary during OPL. Your contributions will be based on your paternity pay. The University will pay employer's contributions based on the pay you would have been earning had you not been on paternity leave.

- 7.3 If you are a member of the USS or USPAS your period(s) of paid paternity leave will count towards your pensionable service. The University will automatically continue to pay pension contributions during your period(s) of paid paternity leave. Pension contributions will be based on your notional pay. The University will pay full contributions based on the pay you would have been earning had you not been on paternity leave. This period(s) will count as pensionable service and you will be covered for early retirement on ill health grounds and death in service, subject to the rules of the relevant pension scheme.
- 7.4 If you are a member of the Sussex Group Stakeholder Scheme (SGSS) the University will continue to contribute at your chosen percentage of salary during OPL. The University will pay full contributions based on the pay you would have been earning had you not been on paternity leave.
- 7.5 If you contribute to an Additional Voluntary Contributions (AVC) scheme, your AVC contribution during your period of paternity leave will be based on your full salary (and not your paternity pay). Appropriate arrangements for the payment of your AVC contribution will be made with you.
- 7.6 If you contribute to a personal pension scheme you should consult the manager of the scheme regarding the implications of your paternity leave and pay on your pension.

8 SICKNESS PRIOR TO OR DURING PATERNITY LEAVE

- 8.1 You cannot be paid OSPP and statutory sick pay (SSP) at the same time. If you become unwell before starting your period of OPL, you should postpone your OPL until you are fit to return to work. You should note that the 52-week period within which you must take your OPL cannot be extended due to sickness. The paternity leave period cannot be broken by other types of absence so if you fall ill during a period of OPL, your absence will be treated as part of your paternity leave.

| Review / Contacts / References | |
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| Date approved: | 12 March 2024 |
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| Related internal policies, procedures, guidance: | Carer Support Policies |
| Policy owner: | HR – Employee Relations |
| Lead contact / author: | Head of Employee Policy & Relations |