



BRASENOSE COLLEGE PATERNITY LEAVE GUIDANCE

(This document applies to all academic and non-academic staff)

(Matches the University of Oxford Guidance)

Approved at Governing Body 14 February 2018

This guidance is structured to give you all the information you need to know about your entitlement to paternity leave.

What do I need to know?

- Paternity Leave and Pay
- Shared Parental Leave

There is also:

- The Paternity Leave Plan, which you will need to complete with your manager.

WHAT DO I NEED TO KNOW?

It is essential to read all the guidance to ensure you are aware of all the provisions of the Paternity Leave and Pay scheme, especially those relating to contractual entitlements. The statutory arrangements can be complex: examples are provided to clarify how the policy applies in practice.

- **Paternity Leave and Pay:** two weeks' leave at full pay in the first 56 days following the birth or adoption. A week is the same amount of days that you normally work in a week, e.g. if you only work on Tuesdays and Wednesdays, a week is two days.
- **Shared Parental Leave:** eligible parents can share up to 50 weeks of leave and 37 weeks of pay as they see fit. The arrangements for this scheme are very complex and the full guidance can be found in the Policies section on the BNC staff website.
- In addition you may be eligible for statutory unpaid parental leave and/or to apply for flexible working. Please speak to HR to discuss your entitlement.

For some periods of paternity leave only statutory payments may be due (Statutory Paternity Pay) and for others statutory and contractual pay may be due. Note that **contractual pay will only apply where you have a current contract of employment with College**. Therefore if your contract with Brasenose College is due to end during your planned period of Paternity Leave, the right to any contractual payments will end on the contract end date. If you are in any doubt about your entitlement to pay and leave, contact HR for clarification.

Who is eligible to claim?

In line with statutory provisions, the 'paternity' leave arrangements apply to any employee who meets the eligibility criteria regardless of gender or marital status, i.e. any employee who is either:

- married to
- the civil partner of
- or the partner of

an expectant mother or adoptive parent (or the joint adopter who will not have the main caring responsibilities for the child).

For simplicity this guidance refers to 'father' and 'paternity'.

To be eligible for the College's paternity leave and pay scheme(s) you must:

(a) have been employed by the College for at least 26 weeks by the end of the qualifying week. The qualifying week is:

- for newborns, the 15th week before the expected week of childbirth (as confirmed on the mother's MAT B1 form);
- for adoptions from within the UK, the week in which the adoptive parents receive notification that they are matched with a child;
- or for adoptions from overseas, the week in which the adopter receives official notification or the week at the end of which the employee has been continuously employed for at least 26 weeks, whichever is later; AND

(b) continue to hold a contract of employment with the College for the whole period of the leave; AND

(a) have, or expect to have, the main responsibility (apart from the birth mother/adopter) for bringing up the child.

My personal circumstances are not covered in this guidance, where can I find more information?

If you cannot find all the information which relates to your personal situation, please contact Human Resources for further information in the first instance.

PATERNITY LEAVE AND PAY

What is Paternity Leave and pay?

Under the College's contractual scheme, employees who meet the qualifying conditions have a right to take two weeks' Paternity leave **on full pay** on the birth or adoption of a child. The leave must be used to provide care and support to the mother/primary adopter and/or the child and not for any other purpose. Full pay means the employee's normal full pay which includes any statutory paternity pay.

The leave can be taken between the date on which the child is born or placed with the adopter and 56 days after that date.

Only **one period** of leave is permitted even in the case of multiple births or adoption placements.

Leave must be taken in either one or two week blocks. It cannot be taken in individual days. Although there is no statutory entitlement to take two separate blocks of one week, your manager has discretion to allow you to take your leave as two separate, one-week blocks, subject to operational needs.

What notice do I have to give to take up the College's Paternity Leave and Pay Scheme?

You must tell your manager about your plans to take Paternity leave at the latest during the qualifying week. You should complete the Paternity Leave Plan and return it to your manager in good time. If that is not possible (for example if the baby is born prematurely), then you should tell your manager about your situation and complete the Plan as soon as is reasonably practicable. When you complete the Plan you will be asked to confirm:

- (i) that your partner/spouse is pregnant, or is due to adopt a child;
- (ii) the date of the expected week of childbirth or of adoption; and
- (iii) when you want to start Paternity leave. This does not need to be a specified calendar date, and can be noted as 'the date of birth' or the 'date of placement' or a specified number of days after the birth/adoption; and
- (iv) that you meet all the criteria.

If you subsequently decide that you wish to change the date on which the leave and pay begins you should give your manager 28 days' notice of the new date, or as much notice as is reasonably practicable.

In the event that your baby is born early the notice periods may be waived (see below notes on miscarriage and still birth).

Once the birth or placement has occurred, you should also inform your manager of the actual date of birth/placement, as soon as is reasonably practicable.

What happens to my entitlement to Paternity leave if my partner has a miscarriage or our child is stillborn?

In the sad event of a child being stillborn after the mother had reached her 24th week of pregnancy the employee is still entitled to Paternity Leave and Pay provided they meet the eligibility criteria. If the still birth or miscarriage occurs before the 24th week, paternity leave pay is not available, but your manager may consider granting compassionate leave.

Staying in touch during periods of Paternity Leave?

Managers and their employees will find it helpful, before paternity leave starts, to discuss arrangements for staying in touch in case this might be necessary.

Your manager should, in any event, keep you informed of any information relating to your employment that you would normally be made aware of if you were working.

Will I be required to provide any evidence of my child's birth/placement?

College has the right to request a copy of your child's birth certificate/adoption notification. If you are asked for this information you have 28 days in which to respond.

PATERNITY LEAVE PLAN

Please read the full guidance on Paternity Leave and Shared Parental Leave (SPL) on the BNC staff website before completing this form.

Eligible employees of the College may be entitled to:

- up to a two-week period of Paternity Leave and;
- up to 50 weeks' leave and 37 weeks' pay under the Shared Parental Leave scheme (24 weeks on full pay and 13 weeks at statutory rates). This scheme is very complex. For eligibility criteria and all further information, such as notices required, please read the full guidance notes in the Shared Parental Leave policy in the Policies section of the BNC staff website and discuss your plans with HR.

Paternity leave schemes apply to any employee who meets the eligibility criteria regardless of gender or marital status. An employee who is either:

- married to
- the civil partner of
- or the partner of

an expectant mother or adoptive parent (or the joint adopter who will not have the main caring responsibilities for the child) is entitled to claim Parental Leave and/or SPL, if they meet the eligibility criteria. The entitlement applies regardless of staff group, grade or hours worked.

Telling your manager you wish to take Paternity leave / SPL

Paternity Leave: you must tell your manager about your plans to take Paternity leave at the latest by the 15th week before the expected week of childbirth (the 'qualifying week') or the week in which you are notified of having been matched with a child for adoption. If that is not possible (for example if the baby is born prematurely), you should tell your manager about your situation and complete the Plan as soon as is reasonably practicable.

Your manager will confirm the arrangements for your leave within 28 days of receiving your completed plan.

Shared Parental Leave (SPL): if you are eligible and wish to take SPL, you will need to follow separate notification requirements set out on the BNC staff website.

If you subsequently wish to change the date on which you start the period of Paternity leave you must give your manager 28 days' notice of the new date by filling in a new Paternity Leave plan.

Complete Part A to work out whether you qualify for Paternity Leave and Pay. Complete the rest of the form in full if you wish to apply for Paternity Leave.

Keep a copy for your own use. A copy will be kept on your personnel file.

IMPORTANT: please note that if your contract of employment is due to terminate during any period of paternity or shared parental leave, your entitlement to benefits under the College's contractual schemes will end on the contract end date. However, you will continue to be paid any remaining **statutory** paternity pay to which you may be eligible. Your contract of employment will not automatically be extended because you are on paternity or shared parental leave.

PART A – ELIGIBILITY FOR PATERNITY LEAVE

This form should be completed **no later** than the qualifying week (see question 4 below). Complete questions 1-6 to see whether you are eligible for Paternity leave.

COMPLETE THESE SECTIONS	GUIDANCE NOTES
<p>Personal Details</p> <p>1. Name</p> <p>Department</p>	<p>Name of manager:</p>
<p>When the child is due (complete 2 <i>or</i> 3 below)</p>	
<p>2 (a) The baby is due on: (date) or 2 (b) The child was matched for adoption on: (date) 2 (c) The child is due to be placed on: (date)</p>	<p>2 (a) is the date on the MATB1 form which the mother receives. <i>Please provide a copy of the MATB1</i></p> <p>2 (b) and 2 (c) is the date notified to you by the adoption agency</p>
<p>3. (a) If the baby has been born, the actual date of birth was: (date) 3. (b) If the child has been placed, the actual date of placement was: (date)</p>	

Qualifying for the College's Paternity scheme

Filling in questions 4-6 below will enable you and your manager to see if you qualify for the College's Paternity leave scheme.

4 (a) The 15th week before the expected week of childbirth (the 'qualifying week') is:

The week beginning Sunday
(date)

or

4 (b) The date I received notification of having been matched with a child is:

..... (date)

4 (c) The date that my child will be placed for adoption (if known) is:

..... (date)

The qualifying week for UK adoptions is the week in which the employee is notified of having been matched with the child.

If adopting from overseas different rules apply. Please ask your manager for information.

5. On the date given in 4 above I will have worked continuously for the College for at least 26 weeks, as an employee

Yes tick box (continue to 6)

or

No tick box (see box below)

Your length of employment runs continuously from the first day you started work with the College, as an employee, to the present day. Any gaps in your employment of over one week will normally create a break in continuity of service, and any length of time worked for the college in another capacity (e.g. as a casual worker, not as an employee) will not contribute to continuity of service as an employee.

NB: your eligibility is also dependent upon your remaining in employment with the College until at least the end of any period of leave you plan to take.

If you have ticked '**No**' to Q5, you do not qualify for the College Paternity Leave Scheme as you have insufficient service with the College.

6. I hold a contract of employment which will cover the whole of my intended period of Paternity Leave:

Yes tick box (continue to 7) or

No tick box (see box below)

My contract of employment is:

Permanent

Open-ended

Fixed-term

If fixed-term please note the current end date

Check your contract of employment to confirm the end date.

Please note: If you have ticked 'No' any entitlement to contractual Paternity Leave will end upon the expiry of your contract. You should discuss the expiry of your contract, and possible redeployment, as soon as possible with your manager or HR.

PART B – PATERNITY LEAVE AND PAY

Complete this section only if you qualify for (and want to take) Paternity Leave.

Starting Paternity leave	Guidance notes
<p>I intend to start my paternity leave on</p> <p>7. (date)</p> <p>8. or from the date of the child’s birth (date)</p> <p>9. I intend to return to work on (date)</p>	<p>You can choose to take up to two weeks' leave any time from the expected week of childbirth, or placement date, until 56 days after the date of the birth/placement. You do not have to take two weeks but you cannot treat the leave as individual days. Your manager may agree to your taking two separate weeks, if this meets operational requirements. The leave can start on any day. A week is the same amount of days that you normally work in a week, e.g. if you only work on Tuesdays and Wednesdays, a week is two days.</p> <p>You can specify a start date, or you can state that you intend to start your leave on the date of the child is born or placed for adoption. If the baby is born early you can choose to start your leave when the baby is born.</p>

Contact during paternity leave

<p>10. I would like to be told about changes happening at work during my Paternity Leave</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>If yes, I would like to be contacted by:</p> <p>Email: <input type="checkbox"/></p> <p>Telephone: <input type="checkbox"/></p> <p>Letter: <input type="checkbox"/></p> <p>If you do not mind how your manager contacts you please tick here <input type="checkbox"/></p>	<p>You and your manager may make reasonable contact during your Paternity Leave.</p> <p>Even if you choose not to be told about changes happening at work during your paternity leave, your manager will still contact you about any matters relating to your employment.</p> <p>If you have a fixed-term contract which is due to end during your Paternity Leave you need to agree with your manager how you wish to be contacted so that you are fully involved in the end of fixed-term contract procedure.</p> <p>Please ensure we have the correct email address, mobile number and home address.</p>
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Employee Declaration:

11. I declare that:

I intend to take time off work in order to support the mother or primary adopter and care for the child; and

I am the child's father or I am the spouse, partner or civil partner of the mother; and

I have or expect to have the main responsibility (apart from the mother) for the upbringing of the child; and

The information I have provided on this form is correct.

I have read the Shared Parental Leave Policy and ***I do / do not*** wish to take up this option

I have enclosed a copy of the MATB1

Signed: _____ Date: _____

Full Name: _____

Manager: _____

You and your manager should sign this form and pass it to HR, keeping a copy for your records.