

PERSONNEL SERVICES

University Offices, Wellington Square, Oxford OX1 2JD
Acting Director of Personnel and Related Services



To heads of departments and institutions, faculty board chairmen,
departmental administrators and faculty board secretaries

Ref. EMS/5, EMS/6

18 March 2011

cc. heads of division, divisional secretaries; Dr Gambles, Mr Shaw;
Mr Morgan, Ms Coldstream, Mrs Kinahan, Mrs McNish, Mr Quinn;
Principal Administrator of the Conference of Colleges

Additional Paternity Leave and Pay Guidelines

Changes in legislation will affect the University's family leave arrangements from April 2011.

1. The Additional Paternity Leave Regulations 2010 and the Additional Statutory Paternity Pay (General) Regulations 2010 give parents of babies due, or of children matched for adoption, on or after 3 April 2011 additional rights with regard to maternity and paternity leave and pay. In effect, parents will be able to share their maternity/paternity leave and pay: mothers will have the choice of either taking full maternity leave, or returning to work early and allowing their partner to take leave instead.

2. Full details of the University's revised arrangements in these areas may be downloaded at <http://www.admin.ox.ac.uk/ps/staff/family/paternity/patpack.shtml>

3. A copy of this circular is enclosed for display on departmental notice boards.

1. Action required of departments and divisions

- i. Note that details of the new arrangements for additional paternity leave and pay are summarised below and set out in full at <http://www.admin.ox.ac.uk/ps/staff/family/paternity/patpack.shtml>. Examples of how the new provisions would apply are set out in section 3 below.
- ii. Use the new Paternity Leave and Pay Plan for all employees applying for leave for a birth or adoption on or after 3 April 2011, and ensure that all relevant information is supplied and the appropriate declarations are signed.
- iii. Note the change of nomenclature from 'Paternity and Birth and Adoption Support Leave' to 'Ordinary Paternity Leave';
- iv. Seek advice from Personnel Services if there are any unusual circumstances which are not covered in the guidance. The statutory provisions, particularly in relation to adoptions, are lengthy and complex and have not been replicated in the general policy.

2. Key changes to Paternity Leave and Pay

Ordinary Paternity Leave (OPL)

- Under the University's existing arrangements, fathers and partners may take **two weeks' paternity/birth and adoption support leave on full pay** in the first 26 weeks of the baby's life/after the adoption. Arrangements for this leave are unchanged, except that in order to differentiate it from the new entitlement to Additional Paternity Leave it will be renamed Ordinary Paternity Leave, reflecting the new statutory terminology.

Additional Paternity Leave (APL)

- From 3 April 2011, eligible fathers may take up to **26 weeks' Additional Paternity Leave (APL)**, some of which may be paid, providing the mother has returned to work.
- These following provisions apply whether or not the mother works for the University.
- The earliest that Additional Paternity Leave can begin is the 20th week after the child's birth or placement for adoption.
- In order for the father to qualify for APL the mother or primary adopter must have returned to work **before** having exhausted her statutory entitlement to maternity leave (i.e. 52 weeks in total). The father is only entitled to the un-exhausted portion of the mother's maternity leave period, up to a maximum entitlement of 26 weeks, all of which must be taken within the first year of the child's birth or adoption.
- Statutory Maternity Pay, Maternity Allowance, or Statutory Adoption Pay are payable for the first 39 weeks of the maternity/adoption leave period. If a mother returns to work before exhausting entitlement to any of these, the father (or other eligible parent) may take additional **paid** paternity leave for the equivalent of the unclaimed maternity/adoption pay period. In such cases APL will be at the rate of Statutory Paternity Pay, which is a weekly rate of either 90% of the employee's normal weekly earnings or the prescribed statutory rate (currently £124.88 per week rising to £128.73 from 11 April 2011) whichever is the lower.
- The University's contractual maternity (and adoption) leave policy provides mothers/primary adopters with 26 weeks' leave at full pay, 13 weeks' statutory maternity pay, and 13 weeks' unpaid leave. Most women begin their maternity leave some weeks before the baby is born, and therefore by the earliest date that APL can begin (20 weeks after the baby is born) the mother will usually have exhausted her entitlement to full pay under the University's contractual maternity leave scheme. Even where the mother is **not** a member of university staff, it will be necessary for the University to provide full pay to the father/partner taking Additional Paternity Leave in the first 26 weeks of the mother's/primary adopter's leave period, providing the mother has returned to work after week 20 and has not yet taken 26 weeks' maternity leave. In effect, fathers/partners who take leave in weeks 21 to 26 of the mother's maternity leave period will be entitled to receive full pay.
- Any APL taken after one of the statutory pay periods has ended will be unpaid.
- In all cases, the cost of paternity leave will be met by the father's department, with the statutory portion reclaimable in the usual way.
- Eligible parents need only complete a formal request for Additional Paternity Leave and sign a declaration that the information provided is accurate. No further checking is required. However, departments are entitled, if they so wish, to ask for a copy of the

birth/adoption certificate, and details of the mother's employer. The revised **Paternity Leave and Pay Plan** has been designed to incorporate the necessary declarations.

3. Examples

Example 1

Mother (who may or not work for the University) starts maternity leave one week before the birth.

Father takes 2 weeks' ordinary paternity leave at the time of the birth at full pay.

Mother returns 30 weeks after the birth, having taken 31 weeks of maternity leave (i.e. at the start of week 32 of maternity leave.)

Father takes 20 weeks additional paternity leave from week 32: 8 weeks on statutory paternity pay; 12 weeks unpaid.

Example 2

Mother (who may or not work for the University) starts maternity leave 3 weeks before the birth.

Father takes 2 weeks ordinary paternity leave at the time of the birth at full pay.

Mother returns 20 weeks after the birth, having taken 23 weeks of maternity leave (i.e. at the start of week 24 of maternity leave).

Father takes 26 weeks additional paternity leave from week 24: 3 weeks at full pay, 13 weeks on statutory paternity pay, and then 10 weeks' unpaid leave.

MS A CROSS

Copy for noticeboards: YES
Website: <http://www.admin.ox.ac.uk/ps/managers/circular/>