**Additional Paternity Leave and Pay**

From 5 April 2015, Additional Paternity Leave (APL) will be abolished and will be superseded by the Shared Parental Leave (SPL) scheme for parents whose children are or were due to be born or placed for adoption on or after 5 April 2015. Parents whose children are or were born before 5 April 2015, may continue to be eligible for APL and APLP.

**What is Additional Paternity Leave and pay?**

Where both parents of a baby or newly-adopted child work, and wish to continue working after the birth of the child, the Additional Paternity Leave and Pay (APLP) scheme gives parents the option to share the care of their child during its first year, or its first year with new adoptive parents. The amount of APL and APL the father can take depends on the amount of maternity leave and pay the mother takes.

Under the statutory Maternity Leave scheme, new mothers may take up to 52 weeks’ maternity leave. This is made up of 39 weeks’ leave paid at the rate of Statutory Maternity Pay (SMP) (supplemented under the University’s contractual scheme so that the first 26 weeks are at the rate of full pay), followed by 13 weeks' unpaid leave.

Under the APLP provisions, when mothers choose to return to work before their entitlement to pay and leave ends, their partner may take up to a maximum leave entitlement of 26 weeks, which may be paid at the rate of statutory paternity pay or unpaid, depending upon how much pay the mother has taken at the point she returns to work. APLP may not commence earlier than the 20th week from birth or date of placement.

Under the University's contractual scheme (see below) a maximum of six weeks may also be payable to the father at the rate of full pay.

**What additional eligibility criteria apply to APLP?**

The scheme does not allow for both parents to be on leave at the same time: APLP may only be claimed once a mother has returned to work, and the length of the leave and pay entitlements are dependent upon the period of leave taken by the mother, and the mother’s entitlements to maternity leave and pay.

To qualify for APLP your partner must:

- have been entitled to either maternity leave, SMP, Maternity Allowance (MA), or Statutory Adoption Leave or Pay (SAL/SAP); and

- have returned to work within the first 37 weeks of the SMP/MA/SAP period (under Additional Statutory Paternity Pay (ASPP) rules there needs to be a minimum of two weeks of the partner’s remaining entitlement to statutory pay remaining for the employee to be entitled to take ASPP).

In addition, you must earn at least the lower earnings limit for National Insurance contributions at the relevant qualifying week.
If your child's mother was not entitled to any of the statutory schemes outlined above and/or returns to work after 37 weeks, you are only entitled to unpaid APL.

What are the benefits of the APLP scheme?

**APL**: if eligible, you may take up to 26 weeks' leave which must be taken:

- in one period of leave
- for a minimum period of two weeks, and maximum period of 26 weeks (complete weeks only, odd days are not allowed)
- in the period beginning not earlier than 20 weeks after the birth or placement for adoption and ending 12 months after the birth or placement for adoption

There may be a gap between the end of the mother's statutory maternity/adoption leave, and the beginning of APL, but the period of APL leave may not extend beyond 26 weeks in total or beyond 12 months from the date the child was born or placed for adoption.

**Additional Paternity Pay**: if eligible, payments during the APL will be made under the ASPP scheme. The mother or adopter must have been entitled to SMP, SAP or MA; have returned to work; and have a minimum of two weeks of her entitlement to SMP, SAP or MA remaining. The number of weeks for which ASPP is payable will depend on the number of weeks remaining of the mother or partner's entitlement.

**ASPP**:

- is only payable once the mother/primary adopter has returned to work
- is payable whether or not the mother works for the University
- may not commence earlier than 20 weeks after the date on which the child is born/placed for adoption
- must end no later than the child's first birthday or 12 months after the date of placement
- is payable at the lower of SMP/SAP flat rate or 90% of average weekly pay (see also contractual Paternity Pay during APL below)
- is only payable during any remaining period of the mother's/primary adopter's 39 week statutory pay entitlement as long as they have returned to work with a minimum of two weeks’ entitlement to statutory pay remaining. (So if the mother/primary adopter returns to work having taken 26 weeks maternity/adoption leave, you may claim up to 13 weeks of ASPP, with a further 13 weeks unpaid leave.)
- in some limited situations, may be supplemented up to the rate of full pay for a maximum period of 6 weeks (see contractual Paternity Pay during APL below).

Does the University have a contractual Paternity Pay scheme during periods of APL?

Under the University's contractual maternity and adoption pay schemes, eligible employees may take up to 26 weeks' leave at full pay. APL can commence at any point 20 weeks after the birth or placement for adoption. Thus, where a mother/primary adopter ends their maternity/adoption leave period and returns to work after 20 weeks, they may still have up to six weeks of their entitlement to full pay remaining under the University's contractual schemes.

Where the mother/primary adopter chooses to return to work at any point between 21 and 26 weeks' maternity/adoption leave, and their partner chooses to take over childcare, under the
APL scheme they are entitled to claim up to six weeks' leave at the rate of **full pay**. If you choose to take a longer period of leave than the remaining full pay leave period 'transferred' to you by the child's mother/primary adopter, any additional leave will be paid at the statutory rates set out above.

The examples below explain how this would work.

**Example 1**
The mother began her maternity leave 1 week before the baby was born. She takes 30 weeks' statutory maternity pay and then returns to work. Had she remained on maternity leave she would have been entitled to a further 8 weeks' statutory maternity pay. The father/partner may then start APL and will receive up to 8 weeks' ASPP during the period of APL. Any further APL up to the anniversary of the baby's birth or date of adoption would be unpaid.

**Example 2**
The mother began her maternity leave 2 weeks before her baby was born and then returned to work when the baby was 20 weeks old. The father/partner begins APL immediately on her return, ie at the start of week 23 of the mother's 26-week entitlement to full pay under the University scheme. The father is entitled to full pay for four weeks, ie to the end of week 26. Any further leave would be paid at the statutory paternity pay level until week 39 and then would be unpaid.

**What notice do I have to give that I intend to take APL?**

You are required to give a minimum of 8 weeks' notice of your intention to take APL. In order to assist planning in your department, you are encouraged to talk to your Departmental Administrator (or equivalent) as soon as you know you would like to take APL. You and the child's mother/primary adopter should complete the Additional Paternity Leave section of the *Paternity leave plan* (109kb) together and return it to your department. Your entitlement to APL will be confirmed as soon as possible but in any event no later than 28 days after your department receives your request.

**Will I be required to provide any evidence of my child's birth/placement, or the mother's employment?**

The department has the right to request a copy of your child's birth certificate/adoPTION notification, and the name and address of the mother's/primary adopter's employer. If you are asked for this information you have 28 days in which to respond.

**Can I stay in touch with my department during periods of Paternity Leave?**

During any paternity leave period, your department may make reasonable contact with you and, in the same way you may make contact with your department. The frequency and nature of the contact will depend on a number of factors, such as the length of leave and the nature of your work. Departments and their employees will find it helpful, before paternity leave starts, to discuss arrangements for staying in touch. This might include agreements on the way in which contact will happen, how often and who will initiate the contact. It might also cover the reasons for making contact and the types of issues that might be discussed.
Your department 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.

**Keeping in Touch (KIT) Days:** an employee on APL may, by agreement with the department, work for up to ten KIT days without bringing the APL period to an end or losing the entitlement to the relevant level of pay.

Any work carried out during APL will count as a whole KIT day, up to the ten-day maximum. If you come in for a one-hour training session and do no other work that day, you would have used one of your KIT days. Any work over the ten-day limit will automatically bring the APL and pay periods to an end.

You and your department should therefore agree in advance any hours to be worked and the pay for those hours.

**What about my other University benefits?**

During the whole period of APL, you are entitled to receive all your contractual benefits, eg annual leave, with the exception of remuneration. This includes all non-cash benefits such as childcare vouchers. However, if you participate in a salary sacrifice for a nursery place, you will have to meet the full cost of the place during periods of statutory pay or unpaid leave. Further information is available at on the [Childcare Services](#) website.

**What notice do I have to give before returning to work?**

If you intend to return to work at the agreed date set out in your Paternity Leave Plan, no further notification is required. However, if your plans change and you would like to return to work early, you must give at least six weeks’ notice of the proposed date of early return. If you do not give appropriate notice your department may postpone your return to ensure that six weeks’ notice is given, provided that this is not later than the end of the agreed APL period.