



## **St George's, University of London POLICIES AND PROCEDURES**

### **PARTNER'S LEAVE RELATED TO MATERNITY**

#### **1. General Information**

1.1 This policy outlines the existing provision of Ordinary Partner's Leave Related to Maternity and also outlines the provision for Additional Partner's Leave Related to Maternity which will be available for eligible employees who become parents on or after 3<sup>rd</sup> April 2011.

1.2 Partner's Leave Related to Maternity, and pay, will be available to a co-habiting partner of the birth mother (or adopter) regardless of their sex, so long as they have or expect to have, responsibility for the upbringing of the child.

Partner's Leave Related to Maternity formerly known as "Paternity" leave therefore will be available to women (as well as men) if they meet this definition.

1.3 Equivalent provisions will therefore apply to both opposite and same sex parents.

#### **2. Ordinary Partner's Leave Related to Maternity Provisions**

2.1 An employee wishing to take leave following the birth of his/her child will be entitled to take a single period lasting up to 1 whole week or 2 consecutive weeks' Ordinary Partner's Leave Related to Maternity. (This will be pro rated for part time workers). The maximum length is 2 weeks which cannot be taken in separate one week periods.

2.2 Ordinary Partner's Leave Related to Maternity can start on any day of the week (but not before the baby is born). It must finish within 56 days of the birth. If the baby is born before the week it was due, it must finish within 56 days of the first day of that week.

2.3 Employees must have 26 weeks' continuity of employment (with the same employer) by the end of the 15th week before the start of the Expected Week of Childbirth (EWC) to qualify for Ordinary Statutory Partner's Leave Related to Maternity and Pay.

2.4 Members of staff satisfying the service qualification noted in 2.3 will receive pay at their normal contractual rate during a period of Partner's Leave Related to Maternity. This includes Statutory Paternity Pay which is the lesser of £128.73 per week or 9/10ths of average weekly salary.\*\*

2.5 An employee wishing to take Ordinary Partner's Leave Related to Maternity leave must give notice to their supervisor and the Human Resources Department of the start date of the leave and length of the leave at least 15 weeks prior to the beginning of the EWC.

2.6 Any change to the above dates requires 28 days notice.

2.7 Employees will be expected to complete form SC3 (Ordinary Statutory Partner's Leave Related to Maternity leave/Statutory Paternity Pay). This includes a declaration that the employee meets certain eligibility conditions and provide the information specified as part of the notice requirements.

2.8 An employee on Ordinary Partner's Leave Related to Maternity has a right to return from leave to the job in which he or she was employed prior to his or her absence, in accordance with the provisions for ordinary maternity and adoption leave.

### **3. Additional Partner's Leave Related to Maternity**

3.1 Both opposite and same sex parents of children due or adopted on or after 3<sup>rd</sup> April 2011 may be able to take Additional Partner's Leave Related to Maternity within the first year of their child's life (or the first year of adoption) provided that the mother/primary adopter has returned to work prior to using the full entitlement to maternity/adoption leave.

#### **3.2 Length of Additional Partner's Leave Related to Maternity**

Provided that the child's mother/primary adopter has returned to work, the earliest that Additional Partner's Leave Related to Maternity (APL) can commence is 20 weeks after the date on which the child is born or adopted, and must end no later than 12 months after that date. Additional Partner's Leave Related to Maternity must be taken as a single block in complete weeks. The minimum period is two weeks and the maximum period is 26 weeks.

#### **3.3 Additional Paternity Pay**

During Additional Partner's Leave Related to Maternity the employee may receive additional statutory paternity pay in place of any unused SMP/SAP by the mother/adopter (i.e.) additional statutory paternity pay will be payable only during the period that the mother would have received statutory maternity/adoption pay or maternity allowance had she not returned to work.

The remaining period of Additional Partner's Leave Related to Maternity Leave is unpaid.

In order to receive statutory paternity pay, an employee must have 26 weeks of continuous service at the beginning of the 15<sup>th</sup> week before the expected date of childbirth and have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

Average weekly earnings shall be calculated in accordance with the SPP Regulations that may at that time apply. \*\*

#### **3.4 Eligibility**

3.4.1 To qualify for Additional Partner's Leave Related to Maternity an employee must:

a) have worked continuously for the University for 26 weeks by the 'relevant week', (i.e. end of the 15<sup>th</sup> week before the week in which the child is expected; or in the case of adoption within the UK, by the end of the week he/she is notified of being matched with a child; or if adopting from overseas, by the end of the week he/she receives official notification).

b) must remain in continuous employment until the week before the first week of additional Partner's Leave Related to Maternity leave.

c) be the biological father of the child, or be the husband or wife, opposite sex or same sex partner, or civil partner of the child's mother, or in the case of adoption, be an adoptive parent or the primary adopters spouse, civil partner or opposite sex or same sex partner.

d) expect to have the main responsibility for the upbringing of the child (apart from the mother's/primary adopter's responsibility) and be requesting leave to care for the child

The baby's mother/primary adopter must also:

a) be entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance

b) and, return to work with at least two weeks of unexpired statutory maternity/adoption leave entitlement remaining.

3.4.2 A return to work means the mother/primary adopter has resumed working. A period of annual, sick or parental leave directly after the maternity/adoption leave but during the mother's statutory maternity/adoption pay or maternity allowance period is not a return to work. However, once the mother/primary adopter has returned to work any subsequent period of leave does not affect entitlement to Additional Partner's Leave Related to Maternity or pay.

***\*\*Employees who have an entitlement to SPP/ASPP and make their pension payments as a salary sacrifice, known as PensionsPlus, will have their adjusted average salary topped-up by the University to the pre-adjusted salary so that they receive the same level of SPP/ASPP they would have received if they had not sacrificed part of the salary for pension purposes only.***

### **3.5 Terms and Conditions during Additional Partner's Leave Related to Maternity**

3.5.1 During the period of Additional Partner's Leave Related to Maternity the employee's contract of employment continues in force and he/she is entitled to receive all his/her contractual benefits, except for salary.

3.5.2 Throughout APL, employees will continue to accrue contractual annual leave.

### **3.6 Contact during Additional Partner's Leave Related to Maternity**

3.6.1 Shortly before an employee's Additional Partner's Leave Related to Maternity starts, the University will discuss and agree the arrangements for keeping in touch during their leave. The University reserves the right to maintain reasonable contact with the employee from time to time during their leave. This may be to discuss return to work arrangements or to communicate important information, such as promotion opportunities relevant to their job or news of changes at the workplace that might affect the employee on his/her return.

### **3.7 Keeping-in-touch days during Additional Partner's Leave Related to Maternity**

3.7.1 An employee may with the agreement of her Head of Division, carry out up to 10 days work during the APL without bringing Partner's Leave Related to Maternity to an end. In accordance with legislation, any work carried out on any day shall constitute a full day's work.

3.7.2 Work means any work done under the contract of employment and may include training, attending meetings and committees or any activity undertaken for the purposes of keeping in touch with the workplace.

3.7.3 It should be noted however, that this provision does not confer any right on St George's to require any work to be carried out during the statutory Partner's Leave Related to Maternity period, nor any right on an employee to request work during this period. There is also no obligation on either side to make use of these days.

3.7.4 Any days' work carried out will not have the effect of extending the total statutory Partner's Leave Related to Maternity period.

### **3.8 Returning to work after Additional Partner's Leave Related to Maternity**

3.8.1 At the time that an employee gives notice of their wish to take APL, they must tell their managers and the HR Department the date they expect to return to work.

3.8.2 The employee is expected to return at the end of the agreed period of additional leave, unless he/she notifies their Line Manager otherwise. If he/she is unable to attend work at the end of additional Partner's Leave Related to Maternity due to sickness or injury, the University's normal arrangements for sickness absence will apply.

3.8.2 If the employee wishes to return to work earlier than the expected return date, he/she must give the Line manager at least six weeks' notice in writing of his/her date of early return. If he/she fails to do so, the Line Manager may postpone his/her return to such a date as will give the University six weeks' notice, provided that this is not later than the expected return date.

3.8.3 On resuming work after Additional Partner's Leave Related to Maternity (that was an isolated period of leave), the employee is entitled to return to the same job as he/she occupied before commencing Partner's Leave Related to Maternity on the same terms and conditions of employment as if he/she had not been absent.

3.8.4 If it is not reasonably practicable for the employee to return to the same post (e.g., for reasons of reorganisation or redundancy) they are entitled to return to a job which is both suitable for them and appropriate for them to do in the circumstances and which provides terms and conditions of employment which are not substantially less favourable to them than if they had continued to be employed under the previous contract.

#### **4.9 Additional Partner's Leave Related to Maternity in the event of the death of the mother/primary adopter**

4.9.1 In the event of the death of the mother/primary adopter during the first year of the child's life/adoption, the employee must inform their Line Manager or Human Resources team as soon as is reasonably practicable but at least within 8 weeks of the death.

4.9.2 If the death occurs before or during the Additional Partner's Leave Related to Maternity period the employee may be eligible to take extended Additional Partner's Leave Related to Maternity of up to a maximum of 52 weeks within the first 12 months of the child's life/adoption.

The employee may also be entitled to Additional Statutory Paternity Pay during the extended Additional Partner's Leave Related to Maternity Leave. This is paid during the 39 weeks the mother/primary adopter would have received Statutory Maternity/Adoption Pay or Maternity Allowance.

4.9.3 Human Resources will provide guidance in these circumstances.

#### **4.10 Additional Partner's Leave Related to Maternity in the event of the death of the child**

4.10.1 In the event of the child dying or returning to the adoption agency, Additional Partner's Leave Related to Maternity will end 8 weeks after the week in which this occurs, or on the date Additional Partner's Leave Related to Maternity was due to end if this is earlier than 8 weeks.

#### **4.11 How to apply**

4.11.1 Employees must submit the 'Notice of intention to take Additional Partner's Leave Related to Maternity (Appendix A) to their Line Manager and their HR Administrator at least 8 weeks prior to the date they wish the leave to start.

4.11.2 Employees will be able to bring forward their Additional Partner's Leave Related to Maternity start date, provided that they inform their Line Manager and their Human Resources team in writing at least six weeks before the new start date. Employee may also

postpone their start date, or cancel their leave altogether, provided that they inform their Line Manager and their Human Resources team in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

4.11.3 The Human Resources team will formally respond in writing to the employee's application, confirming the relevant start and end dates of Additional Partner's Leave Related to Maternity and pay.

## 5 Parental Leave

5.1 Eligible employees may choose to take a period of parental leave immediately following a period of maternity leave or paternity leave. Further details are provided in the policy on Parental Leave.

*April 2008*

*(Amended December 2007 to reflect change from Personnel Office to Human Resources Department)*

*(Amended March 2011 to reflect changes in legislation with effect from 3rd April 2011)*

*(Amended June 2012 to incorporate PensionsPlus statement)*

*(Amended August 2012 to meet Stonewall's WEL criteria)*

*(Amended July 2014 to take account of the new law introducing same sex marriage)*

## APPENDIX A

### CONFIDENTIAL

#### APPLICATION FOR ADDITIONAL PARTNER'S LEAVE RELATED TO MATERNITY

***This form is to be sent to the HR Administrator not later than 8 weeks before the expected start date of Partner's Leave Related to Maternity*** I confirm that I have received a copy of St George's Partner's Leave Related to Maternity Arrangements Policy.

I confirm that: (tick boxes)

I am:

the baby's biological father, or -

married to the mother, whether same sex or opposite sex spouse, or -

the mother's partner whether same sex or opposite sex partner, or -

the mother's civil partner

I have responsibility for the child's upbringing

I will take time off work to support the mother or care for the child (ordinary leave) or

I will take time off to care for the child (additional leave)

I wish to start my APL on:

The date on which I intend to return from APL is:

I confirm that if I wish to postpone or cancel the start date for Partner's Leave Related to Maternity that I will give 6 weeks notice prior to the original date, or if this is not possible, as soon as practically possible.

Will you please accept this notification as an application for Partner's Leave Related to Maternity.

I have contacted my HR Administrator to make an appointment to discuss my Partner's Leave Related to Maternity options and arrangements in more detail.

\* (please delete as appropriate)

Signed \_\_\_\_\_  
NAME (IN BLOCK CAPITALS) \_\_\_\_\_  
DEPARTMENT \_\_\_\_\_ Ext. \_\_\_\_\_  
DATE \_\_\_\_\_

***N.B. Please return this form to xxx, HR Administrator, HR Department, Ground Floor, Hunter Wing, SGUL, as soon as possible.***