

# Paternity Leave and Pay Policy

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## 1. Introduction

Eligible employees have a statutory right to ordinary paternity leave (OPL), with statutory paternity pay where applicable.

Ordinary paternity leave (OPL) is leave that may be taken around the time of the birth/adoption. The University has enhanced the statutory provision for staff who meet certain qualifying criteria - the details of this scheme are outlined in section 2 below.

The provisions outlined in this policy apply to births and adoptions (including adoptions both from within the UK and overseas).

The statutory right applies to fathers as well as spouses and partners (of any sex) of the child's mother, or in the case of adoption, to spouses and partners (of any sex) of the main adopter (i.e. the person who has elected to take adoption leave).

## 2. University enhanced provision for ordinary paternity leave and pay

It is the policy of the University to provide all staff with a maximum of two weeks paid 'ordinary' paternity leave in any leave year on full contractual pay, providing they have 12 months<sup>1</sup> continuous service with the University at the date of the expected week of their spouse or partner's childbirth (or for adoptions, 12 months continuous service before the week the child is placed with them). Any statutory paternity pay will be incorporated into full pay.

In the case of adoptions, this provision applies only where the child is newly placed (i.e. it does not cover circumstances where a step-parent is adopting a partner's child/children).

This leave can only be taken in order to care for the new baby or support the mother or adopter of the baby.

In order to receive the University's entitlement, the member of staff should have, or expect to have, responsibility for the child's upbringing and be:

- The biological father of the child, and/or
- The spouse or partner<sup>2</sup> (of any sex) of the child's mother or main adopter.

The leave must be taken around the time of the birth/adoption or when the mother returns home after the birth. The leave cannot be taken later than three months after the date of childbirth or placement for adoption, nor will pay in lieu be given.

The leave can be taken on separate occasions with a minimum of half a day's absence at a time. The exact arrangements for absence will be agreed between the member of staff and their manager.

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<sup>1</sup> Where continuous service with the University is less than 12 months, the member of staff may still be entitled to ordinary statutory paternity leave and pay. For details, please refer to [www.gov.uk](http://www.gov.uk).

<sup>2</sup> A partner is someone who lives with the child's mother or main adopter in an enduring family relationship but is not an immediate relative.

The leave may be granted in the case of miscarriages where the circumstances justify it and at the discretion of the Head of Unit. Ordinary paternity leave will be granted in the case of still births.

### **3. Shared parental leave and pay**

The right to take shared parental leave and pay was introduced for babies born or children adopted from 5<sup>th</sup> April 2015 onwards. Additional paternity leave and additional statutory paternity pay have been replaced by the Shared Parental Leave Regime, which applies to England, Wales and Scotland only.

Further guidance on shared parental leave and shared parental pay is available via Ask People Services or on the People Services Intranet.

### **4. Guidance**

The Paternity Leave and Pay Procedures explain how to apply for ordinary paternity leave and give further detail on the provisions.

Further guidance in relation to the right for fathers and partners of a pregnant woman to take time off to accompany her to two ante-natal appointments can also be found in the Paternity Leave and Pay Procedures available via Ask People Services or on the People Services Intranet.

### **5. Equality, diversity and inclusion**

Policies are inclusive of all Open University staff, regardless of age, care experience, caring status or dependency, civil status, disability, family status, gender, gender expression, gender identity, gender reassignment, marital status, marriage and civil partnership, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background or trades union membership status.

### **6. Useful references**

Paternity Leave and Pay Procedures  
Maternity Leave and Pay Policy  
Adoption Leave and Pay Policy  
Shared Parental Leave and Pay Policy  
[www.gov.uk](http://www.gov.uk)