

# UNIVERSITY OF ULSTER

## PATERNITY LEAVE, ADOPTION LEAVE, AND PARENTAL LEAVE

The following forms of leave have been agreed as additional provisions which are applicable to all staff of the University.

### 1. PATERNITY LEAVE

A member of staff who has been in continuous employment with the University for a period of 12 months (full-time or part-time) will as the father of a child be entitled to a period of 5 days' paid paternity leave within 4 months of the date of the child's birth; and a further period of 5 days paid at the statutory rate<sup>1</sup> which must be taken within one year of the date of the birth. A member of staff who does not have one year's continuous service at the time of the birth but has 26 weeks<sup>1</sup> continuous service at the time of the 15<sup>th</sup> week before the baby is due will be entitled to 10 days<sup>2</sup> of leave paid at the statutory rate of pay<sup>1</sup>. To qualify for Statutory Paternity Pay (SPP) the employee must earn, on average, at least the lower earnings limit for NI contributions. This leave should be taken within 8 weeks of the child's birth. Members of staff should normally give 28 days' notice if they wish to take a block (i.e. more than 5 days) of paternity leave.

### 2. ADOPTION LEAVE

#### 2.1 OCCUPATIONAL ADOPTION LEAVE

Adoption leave will be available to all members of staff, whether full-time or part-time. Where two people adopt a child, one will be entitled to adoption leave and the other to paternity leave. If the parent employed by the University wishes to take adoption leave, and has one year's continuous service with the University at the time the child is placed with him/her, he/she will be entitled to a total of 52 weeks' continuous leave, comprising 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave. Whilst on adoption leave he/she will be entitled to 18 weeks' full pay, a further 21 weeks on statutory adoption pay and the final 13 weeks unpaid.

#### 2.2 STATUTORY ADOPTION LEAVE

Members of staff who do not have one year's continuous service but who have 26 weeks' continuous service will be entitled to 39 weeks' leave paid at a rate equivalent to the rate of statutory maternity pay<sup>1</sup> and up to 13 weeks' unpaid leave. Only one partner may take adoption leave – the other must take Paternity leave. Adoption leave may begin at earliest, 14 days before the expected date of placement of the child with the parent, and at latest, on the day in which the child is placed for adoption.

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<sup>1</sup> Current statutory rates of pay may be obtained from the Department of Human Resources

<sup>2</sup> Or pro-rata if the member of staff is not full time.

## 2.3 ALL ADOPTION LEAVE

In all cases, when a member of staff applies for adoption leave, the University will require confirmation that their partner is taking paternity leave only. The earliest date on which the adoption leave may commence is 14 days prior to the expected date of the placement of the child with the adoptive parents, and the latest date on which it can commence is the date of placement. The adoptive parent should give 28 days notice of the date on which she/he intends the adoption leave to start. If this is not possible, the adoption leave will start on the day the child is placed with the adoptive parent.

Superannuation contributions will be paid by the University and by the employee during paid adoption leave, and during the unpaid leave if the employee so wishes. Where the member of staff opts out of paying contributions for the unpaid period, a break in superannuable service will occur.

All adoption leave whether paid or unpaid, shall be given without loss of seniority, sick leave entitlement or incremental progression, and the period of employment will be deemed to be continuous

If a member of staff chooses to change their date of return they must give the University 8 weeks' notice.

Members of staff who adopt a child will also be entitled to parental leave. Please refer to section 3 - Parental Leave.

## 3. PARENTAL LEAVE

### 3.1 Introduction

The Parental Leave Regulations, which are contained within the Employment Relations Act 1999, came into force in December 1999. They entitle employees with at least one year's continuous service to take up to 13 weeks' parental leave if they have a child under the age of five. This will be extended to 18 weeks in the case of parents who have a disabled child in receipt of Disability Living Allowance. Parental Leave is also available to parents who adopt a child. This leave will be **unpaid**.

### 3.2 Who Can Take Parental Leave?

Both parents are entitled to take up to 13 weeks' leave<sup>3</sup>.

They must either be named on the child's birth certificate or have parental responsibility under the law for the child. Foster parents and step-parents and other staff, who have parental responsibility, will also be eligible. The reason for taking the parental leave must be to care for the child.

Employees who are adopting a child will be entitled to take parental leave because they will have parental responsibility when they adopt. If an employee has acquired legal parental responsibility for a child who was neither born to them nor adopted, they will also qualify for parental leave.

Parental leave is not transferable, so in other words, one parent cannot transfer their entitlement to the other parent.

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<sup>3</sup> For parents of a disabled child this is increased to 18 weeks' per child

### 3.3 How Much Leave Can an Employee Take?

An employee who qualifies for parental leave may take a maximum of 13 weeks' leave for each child<sup>3</sup>. Therefore, someone who has twins may take 26 weeks' leave. If someone adopted two or more children, they may take 13 weeks' leave for each child<sup>3</sup>.

One week's leave is equal to the length of time that an employee is normally at work. So for an employee who works Monday to Friday, it would be five days, and for a part-time employee who worked two days a week, a week's parental leave would be two days.

For employees whose working patterns vary, the average working week would need to be calculated as a fraction of the period which he/she is required to work in a year.

### 3.4 When Can Leave be Taken?

Parental leave can be taken up to the child's fifth birthday. Adoption parents can take parental leave up to the fifth anniversary of the date when the placement for adoption began, or up to the child's eighteenth birthday if this is earlier.

Parents of children who have been awarded Disability Living Allowance can take leave up to the child's eighteenth birthday.

Parental leave may be taken immediately after maternity leave. As there is currently provision in the University's Maternity Policy for unpaid maternity leave, it is assumed that parental leave will only be taken after unpaid maternity leave. In this case two weeks notice is required if the employee wishes to take a period of parental leave of one week or more.

### 3.5 How Can Parental Leave Be Taken?

Employees may choose to take individual days or half-days of parental leave when for example they wish to be with the child rather than rely on their normal childcare arrangements. This could be for many things including, by way of examples, taking the child for routine health check-ups, the child's first day(s) at a new nursery or with a new childminder, or accompanying the child on nursery excursions. Such leave is unpaid and should be applied for in the same way as annual leave.

If an employee chooses to take parental leave in blocks of a week or more, they should give the University at least 21 days' notice. This does not have to be in writing. They may take a maximum of four weeks in a year for each child.

If the line manager feels that the employee's absence at the requested time would unduly disrupt the service being provided; the University may postpone the leave for no longer than six months after the requested start date. The line manager should discuss the reasons for postponement with the employee and inform the employee in writing no later than seven days after the employee's request that the request has been denied. He/she should also give the reason for the postponement and set out agreed revised dates.

The University will not normally seek to postpone parental leave. However, it may be necessary to do so in certain circumstances, for example, if the period requested is a peak in the work of the department/section, or if a significant

proportion of the other staff in the department/section are going to be on leave.

Applications for parental leave immediately after childbirth will not be postponed. The employee is required to give 21 days' notice of the expected week of childbirth. (See Maternity Policy).

### **3.6 Terms and Conditions during Parental Leave**

The employment contract continues during a period of parental leave, unless either the employee or the employer terminates it. Parental leave is unpaid but otherwise, normal terms and conditions apply while the employee is on parental leave. If an employee does not wish to return to work after a period of parental leave he/she must give the normal period of notice required by the University.

If an individual wishes to continue to pay normal superannuation contributions whilst on parental leave the University will pay its contribution.

At the end of a period of parental leave the employee has the right to return to the same job as before.