



HR: Paternity Leave Policy

Review Due:	September 2023
Last Review	September 2020
Applicable to:	All Trust Schools
Reviewed By:	ZD
Approved By:	Trust Board

Comments:

This policy has been reviewed and includes guidance on paternity leave.
Draft approved by external solicitors.

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1. Policy Statement

- 1.1 This policy outlines when an employee may be entitled to paternity leave and paternity pay, and sets out the arrangements for taking it.
- 1.2 You will not be discriminated against or subjected to a detriment for taking leave in accordance with this policy.
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time, ensuring it is in line with statutory requirements.
- 1.4 You may be entitled to time off to accompany your partner to antenatal appointments or to attend adoption appointments. For more information see the Time Off for Antenatal Appointments Policy or the Adoption time off for Appointments Policy.
- 1.5 In some cases you and your partner may be eligible to opt into the shared parental leave (SPL) scheme which gives you more flexibility to share the leave and pay available in the first year. This is in addition to your right to paternity leave. For information about SPL, see our Shared Parental Leave (Birth) and Shared Parental Leave (Adoption) Policies.

2. Entitlement to paternity leave

- 2.1 Paternity leave is available on the birth of a child if you have been continuously employed by us for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth and either:
 - (a) you are the biological father and will have some responsibility for the child's upbringing; or
 - (b) you are the partner (that is, spouse, civil partner or cohabiting partner) of the mother, and will have the main responsibility (with the mother) for the child's upbringing; or
 - (c) the child is born to a surrogate mother where you are, or your partner is, one of the child's biological parents, and you expect to obtain a parental order giving you and your partner legal responsibility for the child.
- 2.2 Paternity leave is available where a child is placed with you for adoption by an adoption agency, if you have been continuously employed by us for at least 26 weeks ending with the week in which the agency notifies you that you have been matched with a child.
- 2.3 In adoption or surrogacy cases you may be entitled to take adoption leave instead (see our Adoption Policy). However, adoption leave may only be taken by one parent. Paternity leave is available to the other parent (of either sex).

3. Taking paternity leave

- 3.1 Paternity leave is a period of one or two weeks' consecutive leave taken when a child is born or placed with you for adoption. You can start your leave on the date of birth or placement, or later, provided it is taken within eight weeks (56 days) of the birth or placement. (If the baby is premature the period ends eight weeks after the start of the Expected Week of Childbirth.)
- 3.2 To take paternity leave you must give us written notice by the end of the 15th week before the Expected Week of Childbirth (or no more than seven days after the adoption agency notified you of being matched with a child), or as soon as you reasonably can, stating:
 - (a) the Expected Week of Childbirth;
 - (b) whether you intend to take one week or two weeks' leave; and
 - (c) when you would like your leave to start.
- 3.3 Please complete the notice of intention to take paternity leave form at the end of this policy.
- 3.4 You can change the intended start date by giving us 28 days' notice or, if this is not possible, as much notice as you can.

4. Paternity pay

- 4.1 Statutory paternity pay (SPP) is payable during paternity leave provided you have at least 26 weeks' continuous employment ending with the Qualifying Week (the 15th week before the Expected Week of Childbirth or the week in which the adoption agency notified you of a match) and your average earnings are not less than the lower earnings limit set by the government each tax year. The rate of SPP is set by the government each tax year.
- 4.2 You will qualify for occupational paternity pay if you have been continuously employed during the 12 month period ending with the Qualifying Week and have not received any company paternity pay, maternity pay, adoption pay or shared parental pay from our employment during the 12 month period ending with the Qualifying Week. This will be paid at the rate of your normal basic salary during the first week of paternity leave and includes any SPP that may be due for that period.
- 4.3 In order to receive occupational paternity pay you must first confirm in writing that you intend to return to work for at least six months after your paternity leave (and any shared parental leave in respect of the same child), and that you agree to repay any company paternity pay (but not SPP) if you later decide not to work this minimum period.

5. During paternity leave

- 5.1 All the usual terms and conditions of your employment remain in force during paternity leave, except for the terms relating to pay.
- 5.2 If you are a member of the pension scheme, we will make employer pension contributions during paternity leave, based on your normal salary, in accordance with the scheme rules. Any employee contributions you make will be based on the amount of any paternity pay you are receiving, unless you inform Human Resources that you wish to make up any shortfall.

Appendix – Intention to take Paternity Leave Form

Notice of intention to take Paternity leave on the birth of a child

Please complete and return to the HR department.

Name	
Job Title	
School	

I give notice of my intention to take paternity leave. I confirm:

- The expected week of childbirth:
- I would like to take one week / two weeks of paternity leave (delete as applicable)
- I would like my paternity leave to start:
 - On the date on which the child is born
 - (insert number) days after the date on which the child is born
 - On (insert date). Note: this date must be later than the first day of the expected week of childbirth)

Signed	
Date	