



# Paternity Policy

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## **1. INTRODUCTION**

1.1 This document gives employees information about their rights covering:

- Eligibility for Ordinary and Additional Paternity Leave for births & adoptions;
- Ordinary and Additional Paternity Leave entitlement;
- Entitlement to pay.

## **2. EMPLOYMENT RIGHTS**

2.1 Continuous service rights accrue during Ordinary and Additional Paternity Leave.

2.2 All contractual benefits, apart from remuneration, continue throughout Ordinary and Additional Paternity Leave. In accordance with HM Revenue and Customs guidance, non-cash benefits (such as childcare vouchers) will continue whereas cash benefits (such as first aid allowances) will not be paid. Essential car user allowance provided under the NJC for Local Government Services is not considered as simply cash that is a transferrable benefit (i.e. insurance, road tax etc) and therefore will continue to be paid.

2.3 An employee who returns at the end of Ordinary Paternity Leave is entitled to return to the same job on the same terms and conditions.

2.4 An employee who returns during or at the end of Additional Paternity Leave, has the right to return to the same job on the same terms and conditions, or, if this is not reasonably practicable (for a reason other than redundancy) to a job that is both suitable and appropriate for the employee. The new job must itself be on terms and conditions no less favourable than those which would have applied had the employee not been absent.

2.5 Should a redundancy situation arise during additional paternity leave, the employee must be consulted, along with other employees in the team. Managers should be aware that, under the Additional Paternity Leave Regulations 2010, employees who are on additional paternity leave and who are made redundant have the right to an offer of a suitable alternative post, where one is available, without competition, even if there are other suitably qualified or better qualified candidates.

## **3. ORDINARY PATERNITY LEAVE**

3.1 Ordinary Paternity Leave is to be used to support a child's mother or adopter or care for the child at or around the time of the birth or placing.

3.2 The Head of School may request evidence of an employee's eligibility for Ordinary Paternity Leave.

## **Entitlement**

- 3.3 Eligible employees are entitled to either one week or two consecutive weeks' Ordinary Paternity Leave. The leave cannot be taken in odd days or as non consecutive weeks.
- 3.4 An employee is only entitled to one period of Ordinary Paternity Leave regardless of the number of children born as a result of a pregnancy, or adopted under the same adoption arrangement.

## **Eligibility for Ordinary Paternity Leave**

- 3.5 To qualify for Ordinary Paternity Leave, employees must:
- Have been employed continuously by their employer for 26 weeks ending with the 15<sup>th</sup> week before the date the baby is due or, in the case of adoption, the date the adopted child is expected to be placed.
  - Be the biological father of the child or the mother's husband, partner or civil partner or, in the case of adoption, be married to, the partner of or civil partner of the child's adopter.
  - Have, or expect to have, responsibility for the child's upbringing.
- 3.6 The one or two week block of Ordinary Paternity Leave can start on any day of the week and can be taken from the date of the child's birth or adoption placement.
- 3.7 The Ordinary Paternity Leave must be completed within 56 days of the date of the child's birth or adoption placement.

## **4. NOTIFICATION OF ORDINARY PATERNITY LEAVE**

- 4.1 To claim Ordinary Paternity Leave, an employee should inform his/her Head of School in writing no later than the end of the 15<sup>th</sup> week before the expected week of childbirth. In the case of adoption, an employee should inform his/her Head of School in writing within seven days (or as soon as is reasonably practicable) of being notified of matching by an approved adoption agency.
- 4.2 The notice should contain:
- The expected week of childbirth (EWC) or, in the case of adoption, the date on which the child is expected to be placed.
  - Whether they intend to take one or two weeks Ordinary Paternity Leave.
  - The start date of Ordinary Paternity Leave.
- 4.3 This notification can be done using the form at Appendix 1.

### **Changing the start date of Ordinary Paternity Leave**

- 4.4 An employee may change the start date of Ordinary Paternity Leave by notifying his/her Head of School in writing 28 days' before the new or original start date, whichever is the earlier.
- 4.5 If it is not reasonably practicable to give this length of notice, e.g. if the baby is born early, the employee must give as much notice as possible.

## **5. PAY DURING ORDINARY PATERNITY LEAVE**

### **Statutory Paternity Pay (SPP)**

- 5.1 To qualify for SPP, an employee must have:
- At least 26 weeks' continuous service up to the end of the 15<sup>th</sup> week before the EWC or, in the case of adoption, up to the week in which the adopter is notified of matching. The employee must also declare that they have elected to claim SPP and not Statutory Adoption Pay.
  - Average earnings at least equal to the lower earnings limit in the eight weeks prior to the end of the 15<sup>th</sup> week before the EWC or, in the case of adoption, the eight week period ending with the week in which the adopter is notified of matching.
- 5.2 SPP is payable for one week or two consecutive weeks. The amount paid per week is:
- The standard rate of SPP, or
  - 90% of average weekly earnings, whichever is the lower.

### **Occupational Paternity Pay (OPP)**

- 5.3 To qualify for OPP, the employee must satisfy the same qualifying requirements as for SPP.
- 5.4 The total amount of OPP payable is:

Week 1: Normal weekly earnings (inclusive of SPP if eligible)

Week 2: Statutory paternity pay only, or  
90% of average weekly earnings, whichever is the lower.

## **6. RETURN TO WORK FROM ORDINARY PATERNITY LEAVE**

- 6.1 An employee must return to work on the date agreed when the request was granted.

## **7. ADDITIONAL PATERNITY LEAVE**

- 7.1 For children due on or after 3 April 2011 or, in the case of adoption, expected to be placed on or after this date, mothers and adopters will be able to transfer a portion of their maternity or adoption leave to the child's father, or their spouse, partner or civil partner.
- 7.2 Additional Paternity Leave can only be taken when the mother or adopter has returned to work. The Additional Paternity Leave aims to give families more choice in child care responsibilities and a more equitable sharing of leave entitlements.

### **Entitlement**

- 7.3 Eligible employees are entitled to a minimum of two and a maximum of 26 weeks Additional Paternity Leave. The leave must be taken in multiples of complete weeks and be one continuous period. The leave can commence any time from 20 weeks after the child is born or adopted and must end by 12 months after the child is born or adopted.

### **Eligibility for Additional Paternity Leave**

- 7.4 To qualify for Additional Paternity Leave:
- The employee must have been employed continuously by their employer for 26 weeks ending with the 15<sup>th</sup> week before the date the baby is due or, in the case of adoption, the week the adopter is matched with the child for adoption.
  - The employee must still be employed by the school the week before the start of Additional Paternity Leave.
  - The employee must have responsibility for the upbringing of the child.
  - The mother must have been eligible for maternity leave and Statutory Maternity Pay or Maternity Allowance. In the case of adoption, adoption leave and Statutory Adoption Pay.
  - The mother or adopter must have signed a declaration and returned to work.

## **8. NOTIFICATION OF ADDITIONAL PATERNITY LEAVE**

- 8.1 To claim Additional Paternity Leave, an employee must notify their Head of School not less than eight weeks before the start date of the leave.
- 8.2 The notice must include:
- Details of the EWC, or the date the adopter was matched with the child.
  - The actual date of the child's birth, or the date of placing.
  - The start and end dates of Additional Paternity Leave.
  - Confirmation that the employee is the child's father or the husband, partner or civil partner of the child's mother. Or, in the case of adoption, the spouse, partner or civil partner of the adopter.

- Confirmation that the employee has responsibility for the upbringing of the child and is taking leave for the purpose of caring for the child.
- Name and address of the mother or adopter and their return to work date and National Insurance number.
- Name and address of the mother or adopter's employer for verification purposes.
- A declaration from the mother or adopter that the other information is correct, that the named person is the only person taking Additional Paternity Leave and giving permission for the school to process the information.
- The Head of School is also entitled to request sight of the birth certificate or documents from the adoption agency showing dates of matching and placing.

8.3 This notification can be done using the form at Appendix 2.

### **Changing the start date of Additional Paternity Leave**

8.4 An employee may change the start date of Additional Paternity Leave by notifying their Head of School in writing six weeks before the new or original start date, whichever is the earlier.

8.5 If it is not reasonably practicable to give this length of notice, the employee must give as much notice as possible.

## **9. PAY DURING ADDITIONAL PATERNITY LEAVE**

### **Additional Statutory Paternity Pay (ASPP)**

9.1 To qualify for ASPP:

- The child's mother must have been entitled to Statutory Maternity Pay or Maternity Allowance or, in the case of adoption, the child's adopter must have been entitled to Statutory Adoption Pay.
- The child's mother or adopter must have returned to work.
- The employee must have average earnings at least equal to the lower earnings limit in the eight weeks before the 15<sup>th</sup> week before the baby is due or, in the case of adoption, the week the adopter is matched with the child.

9.2 ASPP is only paid during the maternity or adoption pay period, which is the 39 weeks following the start date of Statutory Maternity Pay or Statutory Adoption Pay.

9.3 The amount payable is:

- The standard rate of ASPP or
- 90% of average earnings, whichever is the lower.

9.4 To claim ASPP, the following additional evidence must be provided not less than eight weeks before the date when ASPP is due to commence:

- The date ASPP is to begin.

- The date ASPP is expected to end.
- Confirmation from the mother or adopter of the start date of their maternity pay (or allowance) or adoption pay period.
- Confirmation from the mother or adopter that the employee is the only person applying for ASPP and giving permission for the school to process the information.
- A declaration from the mother or adopter that they intend to return to work and have given their employer notice.

## **10. KEEPING IN TOUCH (KIT) DAYS**

- 10.1 An employee can work for up to a maximum of ten days during Additional Paternity Leave, subject to Head of School agreement. These are known as Keeping in Touch (KIT) days. Working for part of a day counts as one day.
- 10.2 There is no obligation or automatic right for an employee to work these days.
- 10.3 The KIT days can be worked at any stage during the Additional Paternity Leave.
- 10.4 The type of work undertaken during Keeping in Touch Days should be agreed between the Head of School and the employee and should be work normally carried out under the terms of the contract. These days can be particularly useful, for example when they involve training or attendance at a team meeting.
- 10.5 The employee will be paid at their hourly rate (or at an average based on the most recent 12 weeks' pay if the rate of pay varies) for the hours actually worked. The employee is still entitled to ASPP, if eligible, for the week in which any KIT day is worked.
- 10.6 Working KIT days does not extend the leave period.

## **11. RETURN TO WORK FROM ADDITIONAL PATERNITY LEAVE**

- 11.1 An employee is entitled to change the original return to work date as long as the start and end parameters of 20 weeks and 12 months from birth or adoption are met.
- 11.2 If an employee wishes to change the return to work date, they are required to give six weeks notice to their Head of School. If this notice is not provided, the Head of School is entitled to delay the return date accordingly.

## **12. PATERNITY LEAVE AND MATERNITY SUPPORT LEAVE**

- 12.1 Employees taking paternity leave are not eligible for maternity support leave.



# Notification of Ordinary Paternity Leave

## Personal information

Full name:

Address:

Post Code

## Employment information

School:

Post title:

Employee number:

Continuous Service Start Date:

## Ordinary Paternity Leave

I wish to start my Ordinary Paternity Leave on: .....(date)

Date of EWC or placement .....

I wish to take Ordinary Paternity Leave lasting

Tick as appropriate

1 week

OR

2 weeks

I enclose evidence of my eligibility for paternity leave & pay.

Tick box if enclosed

In the case of adoption, I declare that I have chosen to receive SPP and not statutory adoption pay (SAP).

Tick box if appropriate

Signed..... Date.....

Copy to: Schools HR

## Notification of Additional Paternity Leave and claim for Additional Statutory Paternity Pay (ASPP) (if applicable)

<b>Personal information</b>	
Full name: .....	
Address: .....	
Post Code .....	
<b>Employment information</b>	
School: .....	Post title: .....
Employee number: .....	Continuous Service Start Date: .....
<b>Additional Paternity Leave – to be notified not less than eight weeks before the start date of the leave.</b>	
Additional Paternity Leave start date:..... end date:.....	
Actual date of birth or placement .....	
If applicable: ASPP start date: ..... ASPP expected end date: .....	
<b>Mother or adopter's details:</b>	
Name: ..... National Insurance number.....	
Address: ..... Return to work date: .....	
Employer's name and address: .....	
.....	
<b>Declaration</b>	
I confirm that I am the child's father or the spouse, partner or civil partner of the child's mother or adopter.	
I confirm that I have responsibility for the upbringing of the child and wish to take Additional Paternity Leave for the purpose of caring for the child.	
Signed: ..... Date: .....	
<b>To be completed by the mother or adopter</b>	
I declare that the information on this form is correct and that the person who has signed above is the only person claiming Additional Paternity Leave and (if applicable) ASPP.	
If ASPP is being claimed, I confirm that I was eligible for Statutory Maternity Pay / Maternity Allowance / Statutory Adoption Pay (delete as applicable).	
Start date of this pay: .....	
I confirm that I intend to return to work on the date given above and have given my employer notice as such.	
I give permission for the school to process this information accordingly.	
Signed..... Date.....	
<b>Submit to:</b>	<b>Schools HR</b>