



## **Paternity Policy**

Policy Code:	HR14
Policy Start Date:	March 2014
Policy Review Date:	March 2017

Please read this policy in conjunction with the policies listed below:

- HR8 Equal Opportunities and Diversity Policy
- HR10 Redundancy Policy
- HR11 Pay Policy
- HR13 Special Leave Policy
- HR15 Time Off for Dependants Policy
- HR18 Staff Sickness and Absence Policy
- HR19 Maternity Policy
- HR20 Parental Leave Policy
- HR21 Adoption Policy
- HR25 Flexible Working Policy



## 1 Policy Statement

- 1.1 This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it.
- 1.2 No-one will be subjected to a detriment for taking or seeking to take paternity leave in accordance with this policy.
- 1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.4 This policy does not apply to agency workers, consultants or self-employed contractors.

## 2 Definitions

- 1.5 The definitions in this paragraph apply in this policy.

**Partner:** someone (whether of a different sex or the same sex) with whom the employee lives in an enduring family relationship, but who is not their parent, grandparent, sister, brother, aunt or uncle.

**Expected Week of Childbirth:** the week, beginning on a Sunday, in which their doctor or midwife expects the employee's spouse, civil partner or partner to give birth.

**Expected Placement Date:** the date on which an adoption agency expects that it will place a child into the employee's care with a view to adoption.

## 2 Roles, Responsibilities and Implementation

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Pay, Performance and HR Committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Head of Human Resources.
- 2.2 Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.



### 3 Entitlement to Paternity Leave

- 3.1 Certain employees can take paternity leave in relation to the birth or adoption of a child. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave. Further details of adoption leave are set out in the Trust's Adoption Policy.
- 3.2 Employees are entitled to ordinary paternity leave (OPL) if they meet all the following conditions:
- (a) the employee has been continuously employed by the Trust for at least 26 weeks ending with:
    - (i) the 15th week before the baby is due; or
    - (ii) in adoption cases, the week in which the employee or their partner are notified by an adoption agency that they have been matched with a child.
  - (b) The employee is the:
    - (i) biological father of the child;
    - (ii) spouse, civil partner or partner of the child's mother; or
    - (iii) spouse, civil partner or partner of someone who has been matched with a child by an adoption agency.
  - (c) The employee:
    - (i) expects to have main responsibility (with the child's mother, co adopter or adopter) for the child's upbringing; or
    - (ii) is the child's biological father and expects to have some responsibility for the child's upbringing.
  - (d) The intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.
- 3.3 The employee is entitled to additional paternity leave (APL) if, in addition to the conditions in paragraph 3.2 above:
- (a) The employee remains employed by the Trust until the week before the first week of their APL;



- (b) The child's mother or the co-adopter, as the case may be, has been entitled to statutory leave:
    - (i) in birth cases, the child's mother has been entitled to maternity leave, statutory maternity pay or maternity allowance in respect of her pregnancy, or
    - (ii) in adoption cases, the child's adopter has been entitled to one or both of adoption leave or statutory adoption pay in respect of the child's adoption; and
    - (iii) The child's mother or the co-adopter, as the case may be, has returned to work.
- 3.4 Statutory Paternity Pay (SPP) is treated as pay and will be subject to deduction e.g. tax and National Insurance.
- 3.5 Employees will be eligible for SPP if the employee has:
- (a) been continuously employed by the Trust for at least 26 weeks by the end of the 15th week before the baby is due;
  - (b) average weekly earnings of over the lower limit for National Insurance contributions.

#### **4 Timing and Length of Paternity Leave**

- 4.1 OPL must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.
- 4.2 OPL can be taken from the date of the child's birth or adoption placement, but must end:
- (a) in birth cases, within 56 days of the child's birth, or if they were born before the first day of the child's birth due date, within 56 days of the first day of the child's birth due date; or
  - (b) in adoption cases, within 56 days of the child's placement.
- 4.3 APL must be taken as multiples of complete weeks and as one period. The minimum amount of APL that can be taken is two weeks and the maximum is 26 weeks.
- 4.4 APL must be taken in the period beginning 20 weeks after the child's date of birth, or adoption placement, and ending 12 months after that date of birth or



adoption.

## 5 Notification (Birth)

- 5.1 If an employee wishes to take OPL in relation to a child's birth, they must give the Trust notice in writing of their intention to do so and confirm:
- (a) the Expected Week of Childbirth;
  - (b) whether they intend to take one week's leave or two consecutive weeks' leave; and
  - (c) when they would like to start their leave.
- 5.2 The employee can state that their leave will start on:
- (a) the day of the child's birth;
  - (b) a day which is a specified number of days after the child's birth; or
  - (c) a specific date later than the first date of the Expected Week of Childbirth.
- 5.3 The employee must give notice under paragraph 6.1 by the end of the 15th week before the Expected Week of Childbirth (or, if this is not possible, as soon as they can).
- 5.4 The Trust may require a signed declaration from the employee that they are taking OPL for a purpose for which it is intended; namely, to care for the child or to support the child's mother in caring for the child.
- 5.5 If the employee wishes to take APL in relation to a child's birth, they must provide the Trust with the following, at least eight weeks before the date on which they would like to start their leave:
- (a) A written "leave notice" stating the:
    - (i) Expected Week of Childbirth;
    - (ii) child's date of birth; and
    - (iii) dates on which the employee would like their APL to start and finish.
  - (b) A signed "employee declaration" confirming that:



- (i) the employee is either the child's father or that they are the spouse, partner or civil partner of the child's mother;
  - (ii) apart from the child's mother, the employee has or expects to have the main responsibility for the upbringing of the child; and
  - (iii) the employee wishes to take APL in order to care for the child.
- (c) A written "mother declaration" from the child's mother stating:
- (i) her name, address and National Insurance number;
  - (ii) the date she intends to return to work;
  - (iii) the employee's relationship with the child;
  - (iv) that, to her knowledge, the employee is the only person exercising an entitlement to APL in respect of the child; and
  - (v) that she consents to the Trust processing the information she has provided.
- 5.6 The combined leave notice, employee declaration form and the mother declaration form are available from the Headteacher's PA on each Academy site or, in the case of Federation employees, from the Head of Human Resources.
- 5.7 The Trust will write to the employee to confirm the start and finish dates of their APL within 28 days of receiving their leave notice, the employee declaration and the child's mother's declaration.
- 5.8 The employee may be required to submit a copy of the child's birth certificate and the name and address of the mother's employer or, if she is self-employed, her business address.
- 6 Notification (adoption)**
- 6.1 If an employee wishes to take OPL in relation to the adoption of a child, they must give the Trust notice in writing of their intention to do so and confirm:
- (a) The date on which the employee and/or their spouse, civil partner or partner were notified of having been matched with the child, together with the Expected Placement Date;



- (b) whether they intend to take one week's leave or two consecutive weeks' leave; and
  - (c) when they would like to start their leave.
- 6.2 An employee can state that their leave will start on:
  - (a) the day on which the child is placed with them or the adopter;
  - (b) a day which is a specified number of days after the child's placement;  
or
  - (c) a specific date later than the Expected Placement Date.
- 6.3 An employee must give notice under paragraph 7.1 no more than seven days after they and/or their spouse, civil partner or partner were notified of having been matched with the child (or, if this is not possible, as soon as they can.)
- 6.4 The Trust may require a signed declaration from the employee stating that they are taking OPL for a purpose for which it is intended; namely, to care for the child or to support their spouse, civil partner or partner in caring for the child.
- 6.5 If an employee wishes to take APL following a child's adoption, they must provide the Trust with the following at least eight weeks before the date on which they would like to start their leave:
  - (a) A written "leave notice" stating:
    - (i) the date on which the employee was notified that they have been matched with the child;
    - (ii) the date on which the child was placed with them; and
    - (iii) the dates on which they would like their APL to start and finish.
  - (b) A signed "employee declaration" confirming that the employee:
    - (i) has been matched for adoption with the child;
    - (ii) is either the spouse, partner or civil partner of the child's co-adopter; and
    - (iii) wishes to take APL in order to care for the child.
  - (c) A written "adopter declaration" from the child's adopter stating:



- (i) their name, address and National Insurance number;
- (ii) the date they intend to return to work;
- (iii) that the employee is their spouse, partner or civil partner; and
- (iv) that they consent to the Trust processing the information they have provided.

6.6 A combined leave notice and employee declaration form and an adopter declaration form are available from the Head of Human Resources.

6.7 The Trust will write to the employee to confirm the start and finish dates of their APL within 28 days of receiving their leave notice, the employee declaration and the adopter's declaration.

6.8 The Trust may require the employee to provide the following:

- (a) the name and address of the adopter's employer or, if they are self-employed, their business address.
- (b) documentary evidence issued by the adoption agency that matched the employee with the child which confirms the:
  - (i) name and address of the adoption agency;
  - (ii) date on which the employee was notified that they have been matched with the child; and
  - (iii) date on which the agency expected to place the child with the employee.

## **7 Changing the Dates of OPL or APL**

7.1 Where an employee is to take OPL in respect of a child's birth, they are able to give their line manager written notice to vary the start date of their leave from that which they originally specified in the notice given under paragraph 6.1. This notice should be given where the employee wishes to vary their leave to start:

- (a) the day of the child's birth, at least 28 days before the first day of the Expected Week of Childbirth.
- (b) a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth.





- (c) on a specific date (or a different date from that they originally specified), at least 28 days before that date.
- 7.2 Where an employee is to take OPL in respect of a child's adoption, they are able to give their line manager written notice to vary the start date of their leave from that which they originally specified in the notice given under paragraph 7.1. This notice should be given where the employee wishes to vary their leave to start:
  - (a) on the day that the child is placed with them or the adopter, at least 28 days before the Expected Placement Date.
  - (b) a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the Expected Placement Date.
  - (c) on a specific date (or a different date from that they originally specified), at least 28 days before that date.
- 7.3 If the employee is unable to give 28 days' written notice of their wish to vary the start of their leave as set out above, they should give written notice of the change as soon as they can.
- 7.4 Where the employee is to take APL, following either the birth or adoption of a child, they are entitled to give their line manager written notice to cancel or vary the start and/or finish dates that they previously detailed in accordance with paragraph 6.4 or paragraph 7.4. The employee must do this:
  - (a) at least six weeks before the date they originally indicated was the date on which they wanted to start their APL; or
  - (b) if they want to start their APL earlier than that original start date, at least six weeks before the date on which they now wish their APL to start.
- 7.5 If an employee is unable to give six weeks' notice, they must give their line manager written notice of their wishes as soon as possible. However, in these circumstances, if it is not possible to accommodate the employee's request there may be a requirement to take a period of APL of up to six weeks starting on either the original or revised start date. If the employee wishes to discuss varying or cancelling their APL in these circumstances, they should speak to the Head of Human Resources.



## 8 Statutory Paternity Pay

8.1 In this paragraph, Relevant Period means:

- (a) in birth cases, the eight-week period ending with the 15th week before the Expected Week of Childbirth.
- (b) in adoption cases, the eight-week period ending with the week in which the employee or their spouse, civil partner or partner were notified of being matched with the child.

8.2 If an employee takes OPL in accordance with this policy, they will be entitled to ordinary statutory paternity pay (OSPP) if, during the Relevant Period, their average weekly earnings are not less than the lower earnings limit set by the government. The Trust policy is that employees will be paid full salary for the first week and statutory paternity pay for the second week.

8.3 If an employee takes APL in accordance with this policy, they may be entitled to additional statutory paternity pay (ASPP). Whether and, if so, for how long they may be entitled to ASPP will depend on:

- (a) the employee's average weekly earnings being not less than the lower earnings limit set by the government during the Relevant Period; and
- (b) the child's mother or the co-adopter, as the case may be, having returned to work with at least two weeks of their maternity allowance, maternity pay or adoption pay period remaining.

8.4 An employee's entitlement to ASPP will equate to the number of weeks of unexpired maternity allowance, maternity pay or adoption pay that remained when the child's mother or the co-adopter returned to work.

8.5 OSPP and ASPP are paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of the employee's average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact the Head of Human Resources.

## 9 Terms and conditions during OPL and APL

9.1 All the terms and conditions of an employee's contract of employment remain in force during OPL and APL, except for the terms relating to pay. In particular:

- (a) benefits in kind, such as life insurance, health insurance, gym membership and use of a company vehicle if applicable, shall continue;



- (b) annual leave entitlement under their contract of employment shall continue to accrue; and
- (c) pension benefits shall continue (see paragraph 11).

## 10 Annual leave

10.1 During OPL and APL, annual leave will accrue at the rate provided under the employee's contract of employment.

## 11 Pensions

11.1 During OPL and APL, the Trust will continue to make any employer contributions that are usually made into a money-purchase pension scheme, based on what the employee's earnings would have been if they had not been on paternity leave, provided that the employee continues to make contributions based on the paternity pay they are receiving. If the employee wishes to increase their contributions to make up any shortfall from those based on their normal salary, they should contact the Trust's Finance and Pensions Assistant and/or the Head of Human Resources.

11.2 The period of OPL and any further period of paid paternity leave counts towards the Trust's final-salary pension scheme as pensionable service, provided the employee makes the necessary minimum contributions based on the adoption pay they are receiving.

11.3 During any unpaid APL, the Trust will not make any payments into a money-purchase scheme and the time will not be counted as pensionable service under the final-salary scheme. The employee does not have to make any contributions but may do so if they wish, or they may make up for missed contributions at a later date.

## 12 Redundancies During APL

12.1 In the event that an employee's post is affected by a redundancy situation occurring during paternity leave, the Trust will write to inform them of any proposals and will invite the employee to a meeting before any final decision is reached as to their continued employment. Employees on APL will be among those given priority with regard to suitable alternative vacancies that are appropriate to their skills.

## 13 Keeping in Touch During APL

13.1 The Trust may make reasonable contact with the employee from time to time during their APL.



- 13.2 An employee may work (including attending training) for up to 10 days during APL without bringing their paternity leave or their ASPP to an end. The arrangements, including pay, would be set by agreement with the employee's line manager or the Head of Human Resources. Employees are not obliged to undertake any such work during paternity leave.
- 13.3 Shortly before an employee is due to return to work, they will be invited to have a discussion, either in person or by telephone, about the arrangements on their return. This may cover:
- (a) updating the employee on any changes that have occurred during their absence;
  - (b) any training needs they might have; and
  - (c) any changes to working arrangements (for example, that they may have requested come into effect on their return.)

## 14 Returning to Work

- 14.1 An employee is normally entitled to return to work following either OPL or APL to the same position they held before commencing leave. Their terms of their contract of employment will be the same as they would have been had they not been absent.
- 14.2 However, if the employee has combined their OPL or APL with a period of:
- (a) additional maternity leave;
  - (b) additional adoption leave; or
  - (c) parental leave of more than four weeks,
- and it is not reasonably practicable for them to return to the same job, they will be offered a suitable and appropriate alternative position.
- 14.3 If an employee wishes to return early from APL, they must give at least six weeks' prior notice. The employee's ability to do so is subject to the matters set out in paragraph 8.
- 14.4 If an employee wishes to postpone their return from APL, they should either request:
- (a) unpaid parental leave in accordance with the Trust's Parental Leave Policy, giving as much notice as possible but not less than 21 days; or



- (b) paid annual leave in accordance with the employee's contract of employment, which will be at the Trust's discretion.

14.5 If an employee is unable to return to work from APL as expected due to sickness or injury, this will be treated as sickness absence and the Trust's Sickness Absence Policy will apply.

14.6 In any other case, a late return will be treated as unauthorised absence.

14.7 Requests by employees to change their working patterns, such as working part-time, after paternity leave will be dealt with on a case-by-case basis, in accordance with the Trust's Flexible Working Policy. Unless there is a justifiable reason for refusal, bearing in mind the needs of the organisation, the Trust will try to accommodate employee's wishes. Requests must be made as early as possible.

14.8 If an employee does not intend to return to work or is unsure, they should discuss this with their line manager as early as possible. If an employee decides not to return, they should submit their resignation in accordance with their contract of employment. Once they have done so, the employee will be unable to change their mind without the agreement of the Trust. This does not affect the employee's right to receive SPP.

## **15 Procedures**

This procedure may only be amended or withdrawn by The Federation.



## **The Priory Federation of Academies Paternity Policy**

This Policy has been approved by the Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.