



## **Paternity Policy**

Policy Code:	HR14
Policy Start Date:	March 2014
Policy Review Date:	March 2017 (Reviewed July 2015 to incorporate Shared Parental Leave)

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

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.

## 3 Roles, Responsibilities and Implementation

- 3.1 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.
- 3.2 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.



#### 4 Entitlement to Paternity Leave

- 4.1 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 shared parental leave, takes paid time off to attend an adoption appointment or has already taken paternity leave in respect of that child. Further details of adoption leave are set out in the Trust's Adoption Policy.
- 4.2 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.



## 5 Timing and Length of Paternity Leave

- 5.1 OPL must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.
- 5.2 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

## 6 Notification (Birth)

- 6.1 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.
- 6.2 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.
- 6.3 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).
- 6.4 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.



## 7 Notification (adoption)

7.1 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.

7.2 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.

7.3 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.)

7.4 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.

## 8 Changing the Dates of OPL

8.1 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.
- 8.2 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.
- 8.3 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.
- 9 Statutory Paternity Pay**
- 9.1 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.
- 9.2 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.
- 9.3 OSPP is 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.



9.4 Statutory Paternity Pay (SPP) is treated as pay and will be subject to deduction e.g. tax and National Insurance.

9.5 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.

## **10 Terms and conditions during OPL**

10.1 All the terms and conditions of an employee's contract of employment remain in force during OPL, 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 12).

## **11 Annual leave**

11.1 During OPL annual leave will accrue at the rate provided under the employee's contract of employment.

## **12 Pensions**

12.1 During OPL 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.

12.2 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.



### **13 Returning to Work**

13.1 An employee is normally entitled to return to work following OPL 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.

13.2 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.

13.3 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.

13.4 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.

### **14 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.