

## Paternity Leave Policy

Policy Code:	HR14
Policy Start Date:	July 2020
Policy Review Date:	July 2023

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 Leave Policy
- HR20 Parental Leave Policy
- HR21 Adoption Leave Policy
- HR25 Flexible Working Policy
- HR31 Shared Parental Leave 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 who takes time off in accordance with this policy will be subjected to any detriment.
- 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.
- 1.5 References to the Trust or Academy within this policy specifically include all Primary, Secondary and Special Educational Needs academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Training, Priory Apprenticeships, Lincolnshire Teaching School Alliance and Lincolnshire Teaching School Alliance SCITT.
- 1.6 The Trust is committed to leading a mentally healthy organisation, which includes a commitment to and promotion of emotional wellbeing and mental health. Therefore, all Trust policies and procedures ensure this commitment is incorporated in order to support all staff and students. Members of staff are encouraged to speak to their line managers, and students are encouraged to speak to any member of staff, if they feel any part of this policy would affect their emotional wellbeing and mental health. Any such comments should be passed to the Trust's HR department (via [FederationHR@prioryacademies.co.uk](mailto:FederationHR@prioryacademies.co.uk)) for appropriate consideration at the next available point in the policy review cycle.

## **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 Human Resources Director.
- 2.2 The Head of Academy/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 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 child to be born.

**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.

### 4 Entitlement to Paternity Leave

4.1 Paternity leave is available to employees of either gender, for caring for a child, or supporting the child's other parent, in the following cases:

- a) On the birth of a child, where either:
  - i. the employee is the biological father and expect to have some responsibility for the child's upbringing; or
  - ii. the employee is the mother's Partner and expects to have main responsibility with the mother for the child's upbringing.
- b) On the birth of a child to a surrogate mother where the employee is, or their Partner is, one of the child's biological parents, and the employee expects to obtain a parental order giving them and their Partner responsibility for the child.
- c) Where an adoption agency places a child with the employee and/or their Partner for adoption and the employee expects to have main responsibility (with their Partner) for the child's upbringing.
- d) Where a local authority places a child with the employee and/or their Partner under a fostering for adoption arrangement and the employee expects to have main responsibility (with their Partner) for the child's upbringing.

4.2 To qualify for paternity leave the employee must have been continuously employed by the Trust for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth or the week in which the employee or their

Partner are notified by the adoption agency or local authority that the employee/they have been matched with a child.

- 4.3 In adoption, fostering for adoption, and surrogacy cases, the employee may wish to consider adoption leave instead (see the Adoption Leave Policy). Only one parent can take adoption leave so the employee should discuss this with their Partner. The employee cannot take both paternity leave and adoption leave.
- 4.4 An employee cannot take paternity leave if they have already taken shared parental leave in respect of the same child. The employee may be eligible to take shared parental leave after paternity leave (see the Shared Parental Leave Policy).

## **5 Entitlement to Paternity Leave**

- 5.1 Paternity leave must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.
- 5.2 Paternity leave can start on the date of the child's birth or adoption placement, or a later date of the employee's choosing but must end within 56 days (eight weeks) of birth or placement, or within 56 days of the first day of the Expected Week of Childbirth (if the child was born early).

## **6 Notification (Birth)**

- 6.1 To take paternity leave the Employee must give the Trust written notice by the end of the 15th week before the Expected Week of Childbirth or no more than seven days after they and/or their Partner were notified of having been matched with the child, or as soon as you reasonably can, stating:
- a) the Expected Week of Childbirth or the Expected Placement Date;
  - b) the date the employee would like the leave to start (which may be a specified date after the start of the Expected Week of Childbirth or the Expected Placement Date, the actual date of birth or a specified number of days after birth); and
  - c) whether the employee intends to take one week or two weeks' leave.
- 6.2 The Trust may require a signed declaration from the employee that they are taking paternity leave to care for the child or to support the child's other parent in caring for the child.

## **7 Changing the Dates or Cancelling Leave**

7.1 The employee may vary the start date of their paternity leave if they give notice as follows:

- a) If the employee wishes to start their leave on the day of the child's birth or on the day that the child is placed with them or the adopter, they are required to inform the Trust at least 28 days before the first day of the Expected Week of Childbirth.
- b) If the employee wishes to start their leave a specified number of days after the child's birth or placement, they are required to inform the Trust at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth.

If the employee wishes to start their leave on a specific date that is different to the original start date they advised the Trust, they are required to inform the Trust at least 28 days before that date.

7.2 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 do so as soon as possible.

## **8 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.

If an employee takes paternity leave in accordance with this policy, they will be entitled to statutory paternity pay (SPP) 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 at the rate of their normal basic salary for the first week (inclusive of any SPP that may be due for that period) and statutory paternity pay for the second week.

8.2 SPP 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 Human Resources Director.

8.3 SPP is treated as pay and will be subject to the required deduction e.g. tax and National Insurance.

8.4 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.

## **9 Terms and Conditions During Paternity Leave**

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

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

## **10 Annual leave**

10.1 Where applicable (depending on the employee's contract of employment), during paternity leave, annual leave will accrue at the rate provided under the employee's contract of employment.

## **11 Pensions**

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

## **12 Returning to Work**

12.1 An employee is normally entitled to return to work following paternity leave 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.

However, if the employee has combined their paternity leave with a period of parental leave of more than four weeks and it is not reasonably practicable for them to return to the same job, they may be offered a suitable and appropriate alternative position on terms and conditions that are not less favourable.

- 12.2 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.
- 12.3 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.

### **13 Policy Change**

This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.

## **The Priory Federation of Academies Trust Paternity Leave 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.