



# Paternity Leave Policy and Procedure – Teachers

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<b>Document Control</b>	
Title	Paternity Leave Policy and Procedure - Teachers
Date	April 2020
Supersedes	Previous Paternity Leave policies and procedures
Amendments	Reviewed to ensure compliance with current employment guidance and regulations.  New policy previously only referred to within the leave of absence policy
Related Policies/Guidance	Employment Rights Act 1996, Employment Relations Act 1999, Employment Act 2002, Work and Families Act 2006, Children and Families Act 2014, other “family friendly” policies, Attendance Management Policy, Equalities guidance.
Review	Every 2 years
Author	HR and People, One Education Ltd
Date adopted by Trust Board	

**Equality Statement:** - Under the public sector equality duty (PSED), all schools/academies must have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it and to foster good relations across all protected characteristics. This means schools/academies must take into account equality considerations when policies are being developed, adopted and implemented.

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## 1. Introduction

- 1.1 Paternity Leave is available to eligible teachers in order for them to provide support to their partner and child following the birth or in cases of adoption, placement, of a child.
- 1.2 The right to statutory Paternity Leave and pay is subject to meeting certain [eligibility](#) criteria.
- 1.3 A previous right to take Additional Paternity Leave has been replaced by Shared Parental Leave, and employees should refer to the school's Shared Parental Leave policy.

## 2. Scope

- 2.1 This policy applies to all teachers employed in maintained schools and those to whom the conditions of the Burgundy Book (Conditions of Service for School Teachers in England and Wales) apply. This includes teachers employed in academies and free schools who were subject to transfer under TUPE Regulations unless alternative terms and conditions have since been agreed. It may also be adopted for use in schools such as academies and free schools where the conditions of the Burgundy Book are being applied.

## 3. Paternity Leave

### Non Statutory Paternity Leave

- 3.1 Teachers are able to request up to 3 days paid leave following the birth or placement of a child,
- 3.2 This is not a statutory entitlement and is subject to approval from the Academy Lead. If approved, this leave can be taken in addition to or instead of statutory paternity leave.
- 3.3 Teachers must request such leave in line with the school's Leave of Absence Policy.

### Statutory Paternity Leave

- 3.4 Eligible teachers are entitled to take one or two week's Paternity Leave. A week is classed as the number of days that a teacher would usually be in work over a calendar week period.
- 3.5 If a teacher chooses to take two weeks leave, these must be consecutive weeks. It is not permissible for a teacher to take one week's leave, return to work and then take a second weeks' leave at a later date. Paternity Leave cannot be taken in blocks of less than a week.
- 3.6 A teacher can choose when to take their Paternity Leave, within the 56 days following the birth of the child.
- 3.7 Paternity Leave cannot commence before the birth or placement of the child.
- 3.8 If a baby is born prematurely, paternity leave must be taken in the period between birth and up to 56 days following the Expected Week of Confinement (EWC).
- 3.9 Teachers can change the date of their Paternity Leave, providing they give 28 days' notice prior to the date of the leave commencing.

## 4. Eligibility for Statutory Paternity Leave

- 4.1 Statutory Paternity Leave is available to;
  - The child's biological Father

- Husband or Partner of the mother, with caring responsibilities for the child if not the natural Father,
- Child's adopter (and they are not the main adopter),
- Intended parent (for surrogacy arrangements)

4.2 In order to be eligible for Statutory Paternity Leave, teachers must:

- Have at least 26 weeks continuous service at the 15<sup>th</sup> week before the Expected Week of Confinement (EWC)
- Provide notice at least 15 weeks prior to the baby's due date of the intention to take leave, the EWC and how much leave they intend to take and when. Notice should be in writing.

4.3 Teachers who are adopting a child must meet the following eligibility criteria:

- Have at least 26 weeks continuous service at the Matching Week, or for overseas adoptions, the date the child arrives in the UK
- Provide notice within 7 days of being matched with a child of the expected date of placement, when they intend to take leave and how much leave they will be taking.

4.4 The teacher is required to confirm that they are taking the time off in order to provide care and support to their partner and child. The teacher must submit evidence by providing of a copy of the MATB1<sup>1</sup> form or matching certificate prior to leave and pay being authorised.

## 5. Paternity Pay

5.1 The rate of Statutory Paternity Pay is set by the government each tax year.

5.2 Teachers are eligible for Statutory Paternity Pay providing that they meet the following criteria:

- have at least 26 weeks continuous service with the school or Local Authority by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week')
- be employed up to the date of birth of the child
- have earnings that are not less than the lower earnings limit for National Insurance contributions

## 6. Relationship with Shared Parental Leave

6.1 Teachers who wish to take additional leave following their ordinary Paternity Leave may be eligible to take Shared Parental Leave.

6.2 Providing the mother/main adopter has curtailed their maternity/adoption leave, and meets the eligibility criteria, their partner can share the remainder of the leave and pay entitlement during the 52 weeks following the birth/placement of the child.

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<sup>1</sup> The MATB1 certificate will be issued no earlier than 20 weeks before the Expected week of confinement (EWC)

- 6.3 Eligible teachers are **not** required to take ordinary Paternity Leave prior to taking Shared Parental Leave.

(Please refer to the school/academy's Shared Parental Leave policy for further information).

## 7. Antenatal Appointments

- 7.1 Teachers who are the father, partner or civil partner of a pregnant woman, are entitled to take unpaid time off work to attend up to 2 antenatal appointments.
- 7.2 Partners of main adopters are entitled to take reasonable time off to attend up to 2 pre-adoption appointments, which will be unpaid.
- 7.3 Teachers must make their requests to attend appointments to the Academy Lead, providing as much notice of the appointment as possible.

## 8. Multiple Births

- 8.1 There is no additional entitlement to Paternity Leave or Paternity pay, should the partner give birth to more than one child.

## 9. Returning to work

- 9.1 Teachers have the right to return to their job following a period of Paternity Leave.
- 9.2 If a teacher does not return to work on the expected date after a period of Paternity Leave, this may be recorded as unauthorised absence and may be considered a conduct issue.
- 9.3 If a teacher cannot return to work on the expected date of return due to sickness, the conditions of the sick pay scheme and the school's Attendance Management Policy will apply.

## 10. Flexible working

- 10.1 Teachers have the right to request a variation to their contract so that they can work more flexibly and thereby balance their childcare responsibilities with their work commitments.
- 10.2 There is no automatic right to return to work following Paternity Leave on an adjusted working pattern, however careful consideration will be given on receipt of a request in accordance with the school's Flexible Working Policy.
- 10.3 Teachers should refer to the school's Flexible Working Policy and Procedure.

## 11. Continuous service

- 11.1 Paternity Leave is regarded as continuous service and does not constitute a break in service.

**Notifications of entitlement to pay and leave may be undertaken on behalf of the school by the school's payroll provider. The school must ensure that all relevant documentation is provided in a timely manner to the payroll provider.**

## 12. Relevant Associated Policies

- ✓ Attendance Management Policy
- ✓ Leave of Absence Policy
- ✓ Maternity Leave Policy

- ✓ Flexible Working Policy
- ✓ Parental Leave Policy
- ✓ Shared Parental Leave Policy

## Appendix A -Teacher Request for Paternity Leave

### Personal Details

Surname or family name	
First name(s)	
National Insurance Number	

### Requested Dates for Pay and Leave:

Has the baby been born yet?	YES - Date of birth <DD/MM/YYYY> NO - Due Date <DD/MM/YYYY>
When do you wish Paternity Leave to start? (eligibility permitting)	<DD/MM/YYYY>
Do you wish to take one week or two weeks leave?	1 week / 2 weeks <i>(delete as appropriate)</i>

### Declaration:

***(You must be able to tick all 3 boxes below to be eligible for Statutory Paternity Pay (SPP) and Paternity Leave).***

- I am the child's biological father or the mother's spouse, civil partner or a partner (including same sex partners) who lives with the mother and child in an enduring family relationship.
- I will have responsibility for caring for the child.
- I will take time off work to support the mother and/or care for the child.

Signed

Date

Depending on your circumstances you may not qualify for Statutory Paternity Pay and/or paternity leave. If this is the case you will be provided with form SPP1.

## Appendix B – Template letters

Academy Leads should contact the HR and People Advisory Service for relevant templates and further advice or guidance.

[hrpeople@oneeducation.co.uk](mailto:hrpeople@oneeducation.co.uk)

**Tel: 0844 967 1112**