



Paternity Leave Policy and Procedure – School Support Staff

Statutory terms & conditions plus reference to additional local agreements.

Reviewed By	R. Leonard
Last Reviewed	September 2020
Approved by/when	Trust Board October 2022
To be reviewed	October 2024

Document Control	
Title	Paternity Leave Policy for School Support Staff October 2022
Amendments	Added adoption policy as linked policy (page 7)
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	2 years October 2024
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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 employees 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 Paternity Leave and pay is a statutory entitlement subject to meeting certain [eligibility criteria](#).
- 1.3 Employees may also be entitled to take Shared Parental Leave, and should refer to the school's Shared Parental Leave policy.

2. Scope

- 2.1 This occupational provisions of this policy are applicable to support staff employed in maintained schools and those to whom the National Joint Council (NJC) (Green Book) Conditions of Service apply. This includes support staff 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 NJC (Green Book) are being applied.
- 2.2 Academies and Free schools may choose to adopt this policy without adopting the NJC Conditions of Service.
- 2.3 This policy is applicable to eligible fathers/partners/parents/secondary adopters ([see paragraph 4](#))

3. Statutory Paternity Leave

- 3.1 Eligible employees are entitled to take one- or two-week's Paternity Leave. A week is classed as the number of days that an employee would usually be in work over a calendar week period.
- 3.2 If an employee chooses to take two weeks leave, these must be consecutive weeks. It is not permissible for an employee 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.
- 3.3 An employee can choose when to take their Paternity Leave, within the 56 days following the birth of the child.
- 3.4 Paternity Leave cannot commence before the birth or placement of the child.
- 3.5 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.
- 3.6 Employees 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 (who is not the main adopter),

- Intended parent (for surrogacy arrangements)

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

- Have at least 26 weeks continuous service with their employer at the 15th 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 provided in writing.

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

- Have at least 26 weeks continuous service with their employer 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 employee is required to confirm that they are taking the time off in order to provide care and support to their partner and child. The employee must submit evidence in the form of a copy of the MATB1¹ form or matching certificate prior to leave and pay being authorised.

4.5 Employees who are not eligible for Statutory Paternity Leave may choose to apply for Maternity Support Leave. Please refer to the Trust's Leave of Absence Policy for details. Please note that employees **cannot** take both Paternity Leave and Maternity Support Leave.

5. Paternity Pay

5.1 Statutory Paternity Pay (SPP)

5.2 Employees are eligible for Statutory Paternity Pay, paid at the rate set by the government each tax year, providing that they meet the following criteria:

- have at least 26 weeks continuous service 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; and
- have earnings that are not less than the lower earnings limit for National Insurance contributions

5.3 Occupational Paternity Pay (OPP)

5.4 Occupational Paternity Pay is non-statutory and is paid in accordance with the NJC Green Book conditions of service.

5.5 For employees with less than 26 weeks continuous local government service at the beginning of the 11th week before the Expected Week of Childbirth (EWC);

- The first week will be paid at the employee's normal rate of full pay (inclusive of Statutory Paternity Pay (SPP) where eligible);
- The second week (for eligible employees) will be paid at the rate of SPP only.

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

5.6 For employees with at least 26 weeks continuous local government service at the beginning of the 11th week before the Expected Week of Childbirth (EWC):

- the 2 weeks' leave will be paid at the normal rate of the employee's full pay (inclusive of (SPP).

5.7 SPP and OPP and treated as income and are therefore subject to deductions for Income Tax, National Insurance and pensions (where applicable).

6. Relationship with Shared Parental Leave

6.1 Employees 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 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.

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

6.4 Please refer to the school's Shared Parental Leave policy for further information.

7. Antenatal Appointments

7.1 Employees 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 Employees should 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 Employees have the right to return to their job following a period of Paternity Leave.

9.2 If an employee 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 as a conduct issue.

9.3 If an employee 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 Employees 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.

10.1 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.

11. Continuous service

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

11.2 In accordance with the NJC Green Book conditions of service, continuous service is calculated as service as a support staff employee with one or more local authorities without a break in service.

11.3 Academies and Free Schools that have not adopted the NJC Conditions of Service may not recognise continuous service unless this forms part of a TUPE transfer agreement.

11.4 During the time that an employee is receiving Paternity Pay, National Insurance, Income Tax and pension contributions (where applicable) will be deducted from the gross pay.

12. Further advice

12.1 The Academy Lead (or nominee) should seek advice from One Education HR&People if they have any queries about the content or implementation of this policy.

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

13. Relevant Associated Policies

- Attendance Management Policy
- Leave of Absence Policy
- Flexible Working Policy
- Parental Leave Policy
- Shared Parental Leave Policy
- Adoption Policy

Appendix A – Support Staff 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

Tel: 0844 967 1112