

Paternity Leave and Pay (Birth)

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1. Definitions

- 1.1 **DEMAT** means the Diocese of Ely Multi-Academy Trust.
- 1.2 **Academy** means a constituent academy of DEMAT.
- 1.3 **Central Team** means Staff who are not employed within an Academy.
- 1.4 **Line Managers** refers to those with line management responsibilities including but not limited to Hub Directors, Head of Department and Headteachers.
- 1.5 **Staff** means any person employed by DEMAT, temporarily or permanently.
- 1.6 **Employee** means any person employed by DEMAT, temporarily or permanently.
- 1.7 **Support staff** means non-teaching staff within an academy.
- 1.8 **Expected week of childbirth (EWC)** means the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.
- 1.9 **Parent** means one of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
- 1.10 **Partner** means spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece, or nephew.
- 1.11 **Qualifying Week** means the fifteenth week before the EWC.
- 1.12 **OSPL** means Ordinary Statutory Paternity Leave.
- 1.13 **OSPP** means Ordinary Statutory Paternity Pay.

2. Application of this Policy

- 2.1 The policy is applicable to all employees (permanent and temporary) of DEMAT.
- 2.2 The above definitions are included for reference purposes for both School and Central Team staff to enable clarify and transparency when applying this policy.

3. Relationship with DEMAT Values

The application of this policy must be applied at all times in a way that reflects the values of DEMAT and our Christian Ethos:

Love – We engender love and tolerance between and for our staff, pupils and others to foster an inspiring atmosphere of mutual support.

Community – We are committed to ensuring our schools are a living part of the community and contribute positively to its needs.

Respect – We do everything to provide a caring, safe and secure place for our staff and pupils to be happy and respected in our schools so they may achieve their potential.

Trust – We acknowledge accountability and responsibility for our actions and ensure that we encourage each other to make brave decisions and then learn from any mistakes.

Ambition – We are determined that our schools offer a place for the joy of learning, enabling those of all abilities to thrive and go on to lead rewarding lives.

4. Associated Policies and Documents

This policy/procedure should be read in conjunction with the following DEMAT policies/procedures:

Shared Parental Leave
Flexible Working Policy

5. Version control

No.	Status of document/changes	Prepared by	Reviewed by	Approved by	Date of approval	Review Date
1.	Policy transferred into new format	Sarah Wylie	Helen Fisher	Helen Rothwell	Dec 23	Dec 24
2.	Content reviewed	Sarah Wylie	Helen Fisher	Helen Rothwell	Dec 23	Dec 24
3.	Statutory changes	Helen Fisher	Helen Fisher	Helen Rothwell	May 24	May 26

This document will be reviewed on a bi- annual basis. For all questions in relation to this policy please contact the HR Team on hrteam@demat.org.uk

6. Purpose and Scope

6.1 The following guidance sets out the statutory minimum required by regulation in respect of Ordinary Statutory Paternity Leave (OSPL) and Ordinary Statutory Paternity Pay (OSPP) rights,

which are applicable to all employees in the case of births. It also comments on relevant non-teaching contractual provisions.

6.2 In the case of multiple births, the term child may be read as children and the term birth as births.

6.3 In the cases of adoption, please refer to the Ordinary Paternity Leave and Pay (Adoption) Management Guidance Notes and Employee Application Form.

7. Policy Statement

7.1 The Trust is committed to establishing an inclusive environment where employees feel supported. The Trust recognises that helping new parents, to feel supported in the workplace is an important part of this. Furthermore, we want to encourage efforts to keep new parents who are away from work for a long period of time, connected with their workplace, and confident about their return to work.

8. Eligibility for OSPL

8.1 To be eligible for OSPL the employee must:

- have been continuously employed by the employer for at least 26 weeks up to any day in the 'qualifying week'. The 'qualifying week' is the 15th week before the EWC **and**
- Be either the:
 - biological father of the child; or
 - spouse, civil partner or partner; **and**
- Be taking the time off to support the mother or care for the child and have or expect to have responsibility for the child's upbringing; **and**
- Give written notice of their eligibility to paternity leave no later than the 15th week before the expected week of childbirth; **and**
- Give written notice no later than 28 days' before the requested leave date **or** The expected date of the child's birth if leave is to commence immediately on the birth of the child of:
 - When they want their OSPL to start
 - The duration of their OSPL, this can be either one week or two weeks.

8.2 If the employee is eligible and gives the required written notice they are entitled to take the leave; it cannot be refused or deferred by the employer.

8.3 non-teaching staff who are employed under Green Book conditions of service may be entitled to Maternity Support Leave, irrespective of length of service, and relationship to the mother or child, provided that they are the 'nominated carer of an expectant mother at or around the time of birth'. This provision does not apply to teachers.

9. Entitlement and Procedure

9.1 The minimum OSPP for the leave will be determined in accordance with the statutory requirements in place at the time. These can be accessed at www.gov.uk.

9.2 OSPL is not available if the employee has taken any Shared Parental Leave in respect of the child.

9.3 Any employee not entitled to OSPP will receive form SPP1 from their payroll provider explaining why they are not eligible; they may then be able to claim income support during OSPL.

9.4 The entitlement is to up to two weeks (as one single period of one or two weeks or as two non-consecutive periods of leave of a week each) paid leave, to be taken within 52 weeks of the birth date.

9.5 An employee can take their statutory paternity leave at any time in the first 52 weeks after the birth. They cannot start statutory paternity leave before the birth.

9.6 If the child is born earlier than expected, OSPL must be taken within 52 weeks of the date of birth.

9.7 If an employee specifies the date of birth as the day they wish to start their leave and they are at work on that day, their leave will begin on the next day.

9.8 If the employee wants to change the start date they must give the following written notice:

- If they want to change their leave so it starts on the date of birth, at least 28 days before the first day of the EWC.
- If they want to change their leave so it starts on a particular date, 28 days before that date.
- If they want to change their leave so it starts a specified number of days after the birth, at least 28 days (minus the specified number of days) before the first day of the EWC; e.g. if the employee wants to start their leave 14 days after the birth and the EWC begins on 16 July, they must notify you of the new date on 2 July i.e. 28 days before 14 days after 16 July.

9.9 When it is not possible to give the required written notice, for example when a child arrives late

or early, the employee should inform you as soon as reasonably practicable as to any date changes that may occur.

- 9.10 Where an employee has changed the start date of their leave, they should fill in a new application form.

10. Employment rights during leave

- 10.1 An employee who takes OSPL has the right not to be dismissed or subjected to any other detriment by reason of taking the leave. Continuous service will continue to accrue during paternity leave for, teaching and non-teaching school-based employees and those within the Central Team.
- 10.2 During OSPL an employee has a statutory right to continue to benefit from all the terms and conditions of employment which would have applied to them had they been at work, except for the terms relating to wages or salary.
- 10.3 The employee remains bound by their obligations of good faith, as well as any contractual terms relating to the giving of notice, disclosure of confidential information, acceptance of gifts and benefits and freedom to participate in another business/work elsewhere.

An employee who has exercised their right to take OSPL usually has the right to return to the same job that they were employed to do immediately prior to taking the leave. This right depends on the OSPL having been one of the following, under regulation 13:

- An isolated period of leave.
 - The last of two or more consecutive periods of statutory leave (maternity, adoption, shared parental leave, parental and paternity leave) which did not include any:
 - Period of parental leave of more than four weeks; or
 - Period of statutory leave which when added to any other periods of statutory leave (excluding parental leave) taken in relation to the same child means that the total statutory leave taken in relation to that child totals more than 26 weeks.
- 10.5 If the above does not apply, and it is not reasonably practicable for the employer to return the employee to the job they were doing before their OSPL, the employer is entitled to propose an alternative job for the employee to return to which is both suitable for them and appropriate for them to do in the circumstances.

The employee's right to return under regulation 13 is a right to return both:

- With their seniority, pension rights and similar rights:
 - In a case where the employee is returning from consecutive periods of statutory leave which included a period of additional maternity leave or additional

adoption leave, as they would have been if the period(s) of their employment prior to the additional maternity or adoption leave [as the case may be] were continuous with the period of employment following it; and

- In any other case, as they would have been had the employee not been absent.
- On terms and conditions not less favourable than those which would have applied had the employee not been absent on OSPL.

11. Informing EPM

- 11.1 Please ask the employee to complete the attached form [appendix A] retain the original signed copy on the employee's personnel file and send a copy of the completed form to HR.
- 11.2 Sections A to E are to be completed by the employee. Section F is to be completed by the Line Manager and must be signed by them, to enable processing.

Appendix A

Application for Ordinary Statutory Paternity Leave (OSPL) and Pay (OSPP) [Births] and Maternity Support Leave and Pay	
Section A – Employee Details (to be completed by the employee)	
Employee name:	
Address for correspondence:	
Payroll reference:	
National Insurance No:	
Name of school/academy employing:	
Post title/s:	
Relevant service and notice week:	
Copy of evidence attached:	Yes: ☐ No: ☐

Section B – Application for OSPL and/or Maternity Support Leave (where applicable)	
I [insert name] _____ confirm that I meet the qualifying conditions for OSPL in that I: (You MUST be able to confirm all three conditions, please tick) (Child to be read as children in the case of multiple births)	
a) wish to take OSPL to care for the child and/or support the child's mother, and	☐
b) will be responsible for the child's upbringing (apart from the mother), and	☐

c) I am either: i) the biological father of the child; or ii) not the biological father, but the spouse or civil partner of the child's mother; or iii) not the biological father, but living with the child's mother in an enduring family relationship and am NOT the child's mothers parent, grandparent, sister, brother, aunt or uncle	☐ ☐ ☐
The mother has received a medical certificate confirming the EWC, (i.e. MAT BI Form) and the expected EWC is: Sunday date: _____ Actual date of birth: _____	
I would like to take [one week OR two consecutive weeks] (Please delete as appropriate) OSPL.	
I would like my OSPL to start (Please select and, where necessary complete one of the following):	
a) On the date of birth	☐
b) _____ [insert number] days after the date of birth	☐
c) On _____ [insert date] (note that this date must be later than the expected week of childbirth)	☐

Non-Teaching Employees and those working within the Shared Services Team – Maternity Support Leave
I will be the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. I wish to take 5 days paid maternity support leave in order to provide care for the child and support the mother commencing on [date] _____ I also meet the qualifying condition for OSPL indicated under 1 above and wish to take 1 week's OSPL following this to commence on [date] _____
I am not eligible for maternity support leave. I intend to take (please tick):

1-week OSPL	☐
2 consecutive weeks OSPL	☐
Commencing on [date] _____ which is:	
a) the date on which it is anticipated the child will be born; or	☐
b) _____ [insert number of days] after the date on which the child is expected to be born	☐
I understand that I must provide 28 days' written notice if I wish to change the start date of my OSPL.	☐
I understand that all my OSPL must be taken within 56 days of the date of birth (except where the child is born earlier than the EWC-see the entitlement to OSPL and how it can be taken)	☐
I understand that OSPL is not available if, in birth cases, I have taken any shared parental leave in respect of the child.	☐

Non-Teaching Employees and those working within the Shared Services Team – Maternity Support Leave	
c) I will be the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. I wish to take 5 days paid maternity support leave in order to provide care for the child and support the mother commencing on [date]_____ I also meet the qualifying condition for OSPL indicated under 1 above and wish to take 1 week's OSPL following this to commence on [date] _____	
I am not eligible for maternity support leave. I intend to take (please tick) :	
1-week OSPL	☐

2 consecutive weeks OSPL	☐
Commencing on date _____ which is:	
d) the date on which it is anticipated the child will be born; or	☐
e) _____[insert number of days] after the date on which the child is expected to be born	☐
I understand that I must provide 28 days' written notice if I wish to change the start date of my OSPL.	☐
I understand that all my OSPL must be taken within 56 days of the date of birth (except where the child is born earlier than the EWC-see the entitlement to OSPL and how it can be taken)	☐
I understand that OSPL is not available if, in birth cases, I have taken any shared parental leave in respect of the child.	☐

Section C – Application for Ordinary Statutory Paternity Pay (OSPP)	
Please refer to the attached guidance document 'the entitlement to OSPP' and tick the one applicable statement.	
a) I understand that I am not entitled to OSPP as I do not meet the earnings threshold. I am applying for OSPL only. (You will be sent form SPP1 to confirm)	☐
b) I understand that I am entitled to OSPP. Please arrange payment of my 1 week.	☐
c) I understand that I am entitled to OSPP. Please arrange payment of my 2 weeks.	☐
If you have elected under Section B to take your entitlement to maternity support leave this will be paid.	

Section D – Application for Contractual Paternity Pay (CPP) (where applicable)	
I understand that in accordance with my contract I am entitled to CPP. Therefore, please arrange payment of my entitlement to:	
1 week	☐
2 weeks'	☐
CPP	☐

Section E – Declaration	
All of the information I have provided on this form is accurate	
Print name:	
Signed:	
Date:	
Please return this form to your Line Manager.	
Section F – Authorisation (to be completed by the Line Manager)	
I authorise the paternity leave and pay as detailed above.	
Print name:	
Signed:	
Date:	
This form should be retained on the employee's personnel file with a copy given to payroll	