



THE LEARNING PARTNERSHIP

Paternity Policy and Procedure

Policy lead:	Janet Robinson
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Next review date:	1 June 2024
Approval needed by:	Finance and Staffing Committee

Aims

To set out the statutory rights and responsibilities of employees who are eligible to take paternity leave, and give details of the arrangements for leave and pay where the expected week of childbirth begins on or after the 3 April 2011.

Policy

The Learning Alliance recognises that employees may have questions or concerns relating to their paternity rights. It is the Trust's policy to encourage open discussions with employees to ensure that questions can be answered as quickly as possible. The Trust will ensure that employees are afforded their full statutory paternity rights.

Principles

When an employee requires time off following the birth or adoption of a child in order to care for the child or to support the child's mother, the Trust will apply this policy in a fair and consistent manner.

Managers are responsible for:

- Ensuring that their employees are fully aware of their employee rights and paternity leave entitlements.
- Communicating regularly regarding any updates and changes via staff meetings.
- Agreeing and maintaining the correct amount of contact during an employee's paternity leave.

Employees are responsible for:

- Ensuring that the correct notification of their intention to take paternity leave is given and supplying the relevant documentation.
- Agreeing and maintaining the correct amount of contact during leave.
- Notifying their head teacher/manager in writing of any changes in circumstances.

Procedure

Paternity leave entitlement

An employee who satisfies the following criteria is entitled to two weeks of paternity leave:

- Their wife, civil partner or partner gives birth to a child, and/or,
- They are the biological father of the child; and
- They have 26 weeks' continuous service by the end of the qualifying week (the 15th week before the expected week of childbirth).

If the employee has less than 26 weeks' service by the end of the qualifying week (the 15th week before the expected week of childbirth), only one week of paternity leave may be taken.

The employee must also have or expect to have responsibility for the upbringing of the child and be making the request to help care for the child or to support the mother.

Paternity leave is in addition to annual leave entitlement and must be taken in a single block of one or two weeks within eight weeks of the birth of the child. If the child is born early, the leave must be taken from the time of birth but within eight weeks of the original expected date of childbirth.

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either parent may take paternity leave where the other parent has elected to take adoption leave. In the case of adoption, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with a child for adoption.

Notification of intent to take paternity leave

An employee who wishes to request paternity leave must give their manager 15 weeks' written notice of the date on which their partner's child is due, the length of leave they wish to take and the date they wish it to commence. Flexibility will be given where possible should the child be born early or late.

In the case of adoption, the employee must give written notice of their intention no later than 7 days after the date on which they are notified of a match with the child. The notice must specify the date they were notified that they had been matched with a child, the date the child is expected to be placed for adoption, the length of leave they wish to take and the date they wish it to commence. If the employee wishes to change this date, they must give 28 days' written notice of the new date.

Failure on the employee's part to comply with the above notification requirements may lead to the loss of their rights relating to paternity leave and paternity pay.

Paternity pay

The first week of paternity leave is paid at full pay, the second week is paid at Statutory Paternity Pay (SPP), the rate which is set by the Government for the relevant tax year, or 90% of the average earning whichever is lower. However, if the employee's average weekly earnings are lower than the earnings limit for NI contributions they will not qualify for SPP.

If the employee has less than 26 weeks' service by the end of the qualifying week (the 15th week before the expected week of childbirth), only one week of paternity leave may be taken. This will be paid at full pay. Shared Parental Leave (SPL) Shared Parental Leave enables the parents to share the leave to care for a child or children. This means that up to a maximum of 50 weeks of leave can be shared between the parents, subject to meeting specific eligibility criteria.

Further information about SPL can be obtained from the Shared Parental Leave Policy and Procedure.

Maternity Support Leave (MSL)

Maternity Support Leave is an entitlement for nominated carers to take leave at or around the time of the birth of a child, or children.

A nominated carer is the person named by the mother to assist in the care of the child and to be the primary provider of support to the mother at or around the time of the birth. In most cases the father or partner would provide such care and support; however, a relative may otherwise fulfil the role, or someone who has a caring relationship with the mother and/or the child.

Conditions which must be met by an employee to become a nominated carer are that he/she must be:

- named by the mother as the main/only provider of care, and;
- involved in the care of the new-born child, assisting the mother or caring for other children.

Examples of assistance to mother and child include:

- direct physical care;
- active support, including washing clothes, preparation of feeds, bathing the baby and taking the baby out.

An employee may also be a nominated carer in respect of an adopted child, and may receive the full provisions of the scheme. Maternity Support Leave will not be granted if the person having, or adopting the child already has someone undertaking the role of nominated carer.

Nominated carers are entitled to 5 working days paid leave at the time of the birth of a child. The employee should take this leave when the mother is in hospital or when she and the baby come home. Maternity

Support Leave may not be postponed until a later date. The employee may use part of the 5 days leave to attend antenatal clinics or classes with the expectant mother.

The employee should notify their manager of their intent to take MSL and return it to his/her manager as soon as possible, preferably giving 4 weeks' notice. The employee should give the expected date of birth/placement for adoption, how much leave he/she wishes to take and when he/she wants the leave to start. In the case of adoption, the employee will also need to confirm the adoption matching date and the actual date of placement.

Right to apply to work flexibly

The employee may wish to apply to return to work under a different work pattern. The head teacher/manager will consider each request on its merits. Further information is available in the Flexible Working Policy.

The employee may be required to attend meetings to discuss the application and it is recommended that should they wish to apply for a different work pattern that their application is received approximately 10 weeks in advance of their return to work.

Pensions

Support Staff

Employees on Paternity Leave who are in the pension scheme will continue to make contributions in the normal way.

Teaching Staff

If an employee is a member of the Teachers' Pension Scheme, or who would have qualified to join the scheme during their absence, the employee is urged to contact Teachers' Pension to obtain advice on their pension position during their Paternity Leave.

Redundancy or reorganisation during paternity leave

The Trust will contact all employees on Paternity Leave in the event of a redundancy or restructure situation where there may be a loss of jobs and ensure that they are kept up to date and consulted throughout the process. The employee will be advised of the procedure and the support available.

Pay rises during paternity leave

Any pay rises that take effect during the employee's Paternity Leave will be factored into their pay upon their return to work and back dated as appropriate. Childcare vouchers Paternity pay is calculated on the employees 'average weekly earnings'. For the purpose of calculating paternity pay the employee's lower salary (after childcare vouchers have been deducted) will be used. If the employee remains in the scheme throughout this time period, their paternity pay will be reduced but they will be entitled to receive childcare vouchers throughout their leave. To ensure that paternity pay is not reduced, the employee should consider whether to leave the childcare voucher scheme during the qualifying weeks.

EQUALITY

The Learning Alliance will ensure that, when implementing the Paternity Procedure, no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the procedure may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

Monitoring

Data relating to the operation of this procedure will be collated and monitored regularly to ensure that the policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

Review

The policy will be reviewed in the light of operating experience and/or changes in legislation.

Useful links:

- [Ordinary Parental Leave](#)
 - [Shared Parental Leave](#)
 - [Flexible Working Policy](#)
 - [Time off and Leave Policy](#)
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