



Dated 30th November 2016

St Hilda's C of E Primary School

Paternity Policy



1 SCOPE AND PURPOSE

- 1.1 This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it.
- 1.2 No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.
- 1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2 WHO IS COVERED BY THE POLICY

- 2.1 This policy covers all employees at all levels and grades including senior managers, employees, trainees, part-time and fixed term employees (referred to as **employees** in this policy).
- 2.2 It does not apply to agency staff and self-employed contractors.

3 WHO IS RESPONSIBLE FOR THE POLICY?

- 3.1 The Governing Body has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Governing Body has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Head Teacher.
- 3.2 The Senior Leadership Team has 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.

4 DEFINITIONS

The definitions in this paragraph apply in this policy.

Partner means spouse, civil partner or someone (whether of a different sex or the same sex) with whom an employee lives in an enduring family relationship, but who is not their parent, grandparent, sister, brother, aunt or uncle;

Expected Week of Childbirth means the week, beginning on a Sunday, in which their doctor or midwife expects an employee's spouse, civil partner or Partner to give birth;

Expected Placement Date means the date on which an adoption agency expects that it will place a child into an employee's care with a view to adoption;

Job means the nature of the work an employee is employed to do and the capacity and place in which they are so employed.



5 ENTITLEMENT TO PATERNITY LEAVE

- 5.1 Paternity leave is available when a child is born or placed with an employee for adoption. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave. Further details of adoption leave are set out in the Trust's Adoption Policy.
- 5.2 Employees are entitled to ordinary paternity leave (**OPL**) if they meet all the following conditions:
- 5.2.1 they have been continuously employed by the School for at least 26 weeks ending with:
 - 5.2.1.1 in birth cases, the week immediately before the 15th week before the Expected Week of Childbirth.
 - 5.2.1.2 in adoption cases, the week in which the employee or their Partner are notified by an adoption agency that they have been matched with a child.
 - 5.2.2 An employee:
 - 5.2.2.1 is the biological father of the child;
 - 5.2.2.2 has been matched with a child by an adoption agency;
 - 5.2.2.3 is the spouse, civil partner or Partner of the child's mother; or
 - 5.2.2.4 is the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency.
 - 5.2.3 An employee:
 - 5.2.3.1 expects to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
 - 5.2.3.2 is the child's biological father and expects to have some responsibility for the child's upbringing.
 - 5.2.4 The intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.



6 SHARED PARENTAL LEAVE (SPL)

6.1 From 1 April 2015 a new entitlement to Shared Parental Leave (SPL) came into force. SPL will be available to eligible parents of children who are born or placed for adoption on or after 5 April 2015. Eligible parents will be able to share up to 50 weeks leave and 37 weeks statutory pay. Full details of this entitlement and the procedure eligible parents are required to follow are contained in the Trust's Shared Parental Leave (Birth) Policy or Shared Parental Leave (Adoption) Policy respectively.

7 TIMING AND LENGTH OF PATERNITY LEAVE

7.1 OPL must be taken as a period of either one working week or two consecutive working weeks. It cannot be taken in instalments.

7.2 OPL can be taken from the date of the child's birth or adoption placement, but must end:

7.2.1 In birth cases, within 56 days of the child's birth, or if they were born before the first day of the Expected week of Childbirth, within 56 days of the first day of the Expected Week of Childbirth.

7.2.2 In adoption cases, within 56 days of the child's placement.

8 NOTIFICATION (BIRTH)

8.1 If an employee wishes to take OPL in relation to a child's birth, they must give Head Teacher (or in the case of the Head Teacher all references to Head Teacher within this policy should be read as though reference to the Chair of the Governing Body) notice in writing of their intention to do so and confirm:

8.1.1 The Expected Week of Childbirth;

8.1.2 Whether they intend to take one week's leave or two consecutive weeks' leave; and

8.1.3 When they would like to start the leave. An employee can state that the leave will start on:

8.1.3.1 the day of the child's birth;

8.1.3.2 a day which is a specified number of days after the child's birth; or

8.1.3.3 a specific date later than the first date of the Expected Week of Childbirth.

8.2 An employee must give notice under paragraph 8.1 before the 15th week prior to the Expected Week of Childbirth (or, if this is not possible, as soon as they can).



- 8.3 The Head Teacher may require a signed declaration from an employee that they are taking OPL for a purpose for which it is intended; namely, to care for the child or to support the child's mother in caring for the child.
- 8.4 The Head Teacher may require an employee to provide a copy of the child's birth certificate and the name and address of the mother's employer or, if she is self-employed, her business address.

9 NOTIFICATION (ADOPTION)

- 9.1 If an employee wishes to take OPL in relation to the adoption of a child, they must give the Head Teacher notice in writing of their intention to do so and confirm:
- 9.1.1 The date on which they and/or their spouse, civil partner or Partner were notified of having been matched with the child, together with the Expected Placement Date;
- 9.1.2 Whether they intend to take one week's leave or two consecutive weeks' leave; and
- 9.1.3 When they would like to start the leave. An employee can state that their leave will start on:
- 9.1.3.1 the day on which the child is placed with them or the adopter;
- 9.1.3.2 a day which is a specified number of days after the child's placement; or
- 9.1.3.3 a specific date later than the Expected Placement Date.
- 9.2 An employee must give notice under paragraph 9.1 no more than seven days after they and/or their spouse, civil partner or Partner were notified of having been matched with the child (or, if this is not possible, as soon as they can).
- 9.3 The Governing Body may require a signed declaration from an employee that they are taking OPL for a purpose for which it is intended; namely, to care for the child or to support their spouse, civil partner or Partner in caring for the child.
- 9.4 The Head Teacher may require an employee to provide the following:
- 9.4.1 The name and address of the adopter's employer or, if they are self-employed, their business address.
- 9.4.2 Documentary evidence issued by the adoption agency that matched them with the child which confirms:
- 9.4.2.1 the name and address of the adoption agency;



9.4.2.2 the date on which they were notified that they had been matched with the child; and

9.4.2.3 the date on which the agency expected to place the child with them.

10 CHANGING THE DATES OF OPL

10.1 Where an employee is to take OPL in respect of a child's birth, they can give written notice to vary the start date of the leave from that which they originally specified in the notice given under paragraph 8.1. This notice should be given:

10.1.1 Where an employee wishes to vary the leave to start on the day of the child's birth, at least 28 days before the first day of the Expected Week of Childbirth.

10.1.2 Where an employee wishes to vary the leave to start a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth.

10.1.3 Where an employee wishes to vary the leave to start on a specific date (or a different date from that they originally specified), at least 28 days before that date.

10.2 Where an employee is to take OPL in respect of a child's adoption, they can give written notice to vary the start date of the leave from that which they originally specified in the notice given under paragraph 9.1. This notice should be given:

10.2.1 Where an employee wishes to vary the leave to start on the day that the child is placed with them or the adopter, at least 28 days before the Expected Placement Date.

10.2.2 Where an employee wishes to vary the leave to start a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the Expected Placement Date.

10.2.3 Where an employee wishes to vary the leave to start on a specific date (or a different date from that they originally specified), at least 28 days before that date.

10.3 If an employee is unable to give us 28 days' written notice of the wish to vary the start of the leave as set out above, they should give the Head Teacher written notice of the change as soon as they can.

11 STATUTORY PATERNITY PAY

11.1 In this paragraph, **Relevant Period** means:

11.1.1 In birth cases, the eight-week period ending immediately before the 15th week before the Expected Week of Childbirth.



11.1.2 In adoption cases, the eight-week period ending immediately before the week in which an employee or their spouse, civil partner or Partner were notified of being matched with the child.

11.2 If an employee takes OPL in accordance with this policy, they will be entitled to ordinary statutory paternity pay (**OSPP**) if, during the Relevant Period, their average weekly earnings are not less than the lower earnings limit set by the government.

11.3 OSPP are paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of an employee's average weekly earnings calculated over the Relevant Period if this is lower.

12 OCCUPATIONAL PATERNITY PAY (OPP)

ACADEMIES, FREE SCHOOLS AND PRIVATE SCHOOLS ARE NOT OBLIGED TO PAY IN ACCORDANCE WITH THE BURGUNDY OR GREEN BOOK (EXCEPT FOR EMPLOYEES WHO HAVE RELEVANT PROTECTION UNDER TUPE). HOWEVER, THIS MAY BE A USEFUL PROVISION FOR ALL SUCH SCHOOLS TO CONSIDER SHOULD THEY BE CONSIDERING PROVIDING A BENEFIT OF THIS NATURE

FURTHER EVEN UNDER THE BURGUNDY AND GREEN BOOKS MAINTAINED SCHOOLS HAVE DISCRETION AS TO WHETHER TO PROVIDE OCCUPATIONAL PATERNITY PAY OR NOT. IF YOU SHOULD CHOOSE TO PROVIDE SUCH OCCUPATIONAL PAY WE WOULD ADVISE THAT ONLY ORDINARY PATERNITY PAY, NOT ADDITIONAL PATERNITY PAY, NEED BE ENHANCED. THE WORDING BELOW IS INTENDED TO REFLECT THE RELEVANT MATERNITY PROVISIONS AND MAY BE RELIED UPON SHOULD YOU WISH TO PROVIDE A BENEFIT OF THIS NATURE. HOWEVER IF YOU DECIDE NOT TO PROVIDE OCCUPATION PATERNITY PAY THEN THIS CLAUSE 10 SHOULD BE DELETED]

12.1 To Qualify for OPP, an employee must satisfy the same qualifying requirements as for SPP.

12.2 The total amount of OPP payable is:

Week 1 full pay, inclusive of any payment made by way of SPP

Week 2 same as Week 1

13 TERMS AND CONDITIONS DURING OPL

13.1 All of an employee's terms and conditions of employment remain in force during OPL, except for the terms relating to their normal pay.



14 ANNUAL LEAVE

- 14.1 During OPL, annual leave will accrue. Annual leave cannot usually be carried over from one holiday year to the next.
- 14.2 The Governing Body's holiday year runs from 1 September to 31 August.
- 14.3 If the holiday year is due to end during an employee's absence on paternity leave, they should ensure that they have taken their full year's entitlement before the paternity leave starts.

15 PENSIONS

- 15.1 For details of the implication of OPL on an employee's individual pension please contact the School's Finance Officer who will advise further.

16 EXPECTED RETURN DATE

- 16.1 An employee will be expected to return to work on the agreed return date unless they tell us otherwise. It will help the Head Teacher if, during paternity leave, an employee is able to confirm that they will be returning to work as expected.
- 16.2 Shortly before an employee is due to return to work, the Head Teacher may invite them to have a discussion (whether in person or by telephone) about the arrangements for their return. This may cover:
 - 16.2.1 updating the employee on any changes that have occurred during their absence;
 - 16.2.2 any training needs the employee may have; and
 - 16.2.3 Any changes to working arrangements (for example, that the employee may have requested come into effect on their return).

17 DECIDING NOT TO RETURN

- 17.1 If an employee does not intend to return to work they should give as much notice as possible in order to facilitate workforce planning.
- 17.2 Once an employee has given notice that they will not be returning to work, they will be unable to change their mind without the Governing Body's agreement.
- 17.3 This does not affect an employee's right to receive SPP.

18 AN EMPLOYEE'S RIGHTS WHEN RETURNING

An employee is normally entitled to return to work following either OPL to the same job they held before commencing leave. An employee's terms of employment shall be the same as they would have been had they not been absent.