



**MULTI  
ACADEMY  
TRUST**

## **The Queen Katherine School Multi Academy Trust**

### **PATERNITY LEAVE POLICY**

*This policy does not form part of any employee's contract of employment and we may amend it from time to time.*

<b>Committee</b>	MAT Board
<b>Date of adoption:</b>	September 2018
<b>Date of next review:</b>	April 2022

**Document control sheet**

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any)

Version	Amended by	Purpose	Approved by Trustees (date)
I	Tracy Houlden	Review	Sept 2018

# Paternity Leave Policy

## 1. INTRODUCTION

There are no occupational entitlements to Paternity Leave with or without pay set out in the Conditions of Service for School Teachers in England and Wales (The Burgundy Book) or, for support staff, in the National Joint Council for Local Government Services National Agreement on Terms and Conditions of Service (The Green Book).

However, since 2003, eligible employees have had the statutory right to take 2 weeks paid paternity leave when a child is born or placed with an employee for adoption. Since April 2015, parents who meet the eligibility criteria have also been entitled to use the Shared Parental Leave scheme. More details of that scheme can be found in the Trust's Shared Parental Leave Policy.

## 2. PATERNITY LEAVE RIGHTS

An employee has a number of rights under the statutory paternity provisions. In summary, these are a right to:

- Fair Treatment
- Paternity leave
- Paternity pay

## 3. FAIR TREATMENT

An employee has the right not to be dismissed or be subjected to unfavorable treatment for taking, or requesting to take, paternity leave.

## 4. PATERNITY LEAVE

Qualifying employees are able to take 1 or 2 weeks paternity leave.

### ***Eligibility***

Only permanent employees qualify for Paternity Leave. Paternity Leave is not available to agency workers or self-employed staff.

An employee wishing to take Paternity Leave from the Trust can only do so for the purpose of supporting the mother or carer of the baby and if (s)he intends to be fully involved in the upbringing of the child.

Rights to Paternity Leave are extra to normal holiday allowance.

To qualify for Paternity Leave, an employee must have been employed by the Trust for at least 26 weeks by either:

- the end of the 15th week before the start of the Expected Week of Childbirth (the EWC);
- or, in the case of adoption, the end of the week you are notified you are matched with a child.

The employee must also be either the:

- biological father of the child
- mother's husband or partner (including same-sex relationships) of the child
- husband or partner (including same-sex relationships) of the child's adopter

Please note, in the case of adoption, paternity leave is not available to an employee who decides to take adoption leave. Paternity Leave is, however, available to the partner of someone who takes adoption leave. Further details of adoption leave are set out in the Trust's Adoption Leave Policy.

Paternity Leave will also be unavailable if an employee has already taken shared parental leave for the same child. Employees who are considering taking shared parental leave should ensure that any paternity leave is taken first or the right to that paternity leave will be lost.

### **Timing and length of leave**

The earliest point that an employee can take Paternity Leave is when the child is born. Leave can start on any day of the week and the employee has the option of starting leave on:

- The date the child is born
- A certain number of days after the child is born
- A date of your choosing after the first day of the Expected Week of Childbirth

The employee should note that if (s)he opts to take leave from the date that the child is born, and the employee is at work on this date, the paternity leave will start from the following day.

If an employee chooses a date to start leave and the child has not been born by this date, the employee should then choose either another date, or one of the other options, giving as much notice as possible.

Leave should be taken in one block of either 1 or 2 weeks and should be taken in the period up to 56 days (8 weeks) after the child's birth (*unless the child is born prematurely, in which case Paternity Leave can be taken within 56 days of the EWC rather than the actual birth date*).

An employee cannot take odd days off and if the employee wants to take two weeks they must be taken together.

The entitlement is for one period of leave regardless of the number of children born as a result of the pregnancy (i.e. an employee does not get 4 weeks leave if twins are born).

Appendix 1 shows a 'Summary of Entitlements' table, which gives an outline of what each entitlement is and explains the qualifying criteria for the entitlement.

### **Notification**

An employee who wants to take paternity leave, needs to notify the Trust's HR Manager by the end of the 15<sup>th</sup> week before the EWC.

In the case of adoption, the Employee should notify the Trust's HR Manager within seven days of being told by the adoption agency that (s)he has been matched with a child. See the Adoption Leave policy for more information.

The employee will need to provide supporting documentation and sign a declaration to confirm when the child is due to be born (or that the placement of the child in the case of adoption has

been confirmed) and that (s)he will be caring for the child/mother (further details of the information required is outlined in Appendix 1). The employee should also submit the notification form that is attached as Appendix 2 to the Trust's HR Manager to give details as to when (s)he expects to take his/her paternity leave.

### ***Informal Discussions***

Any employee who is considering taking paternity leave, is advised to have a discussion with the Trust's HR Manager, as early as possible, so that the employee can be advised of his/her entitlements and has an opportunity to raise any queries that (s)he may have, especially if (s)he is considering requesting a change to his/her working hours or pattern after paternity leave or at any other point during employment with the Trust.

### ***Starting Leave Early***

If the baby is born prematurely, the employee should inform the Trust at the earliest opportunity.

In the event of the death of a baby or a stillbirth, employees will be treated with the utmost sympathy.

In the event that the miscarriage or stillbirth takes place before the 24<sup>th</sup> week of pregnancy, the employee should contact the Trust's HR Manager as soon as possible to discuss the situation. An employee in these circumstances will be treated with sympathy and compassion but will not be entitled to any paternity leave. Nevertheless, (s)he should contact the Trust's HR Manager to discuss what support (s)he may need, if any, and what, if anything, the Trust is able to provide.

If a child is stillborn or if the child dies after a pregnancy lasting at least 24 weeks, the employee will still be entitled to take his/her paternity leave as planned. If the employee wishes to change the dates of the leave (i.e. to bring it forward), the employee should contact HR to discuss whether it is possible to do so. Every effort will be made to comply with such a request.

### ***Changing the Dates***

If an employee decides before the birth that (s)he would like to change the start date of his/her paternity leave, the employee will be able to do so, but the employee should provide at least 28 days' notice of the change (and the new date on which the employee would like the leave to start) wherever possible.

Otherwise, paternity leave will begin on the date specified in the notification at Appendix 2.

## **5. PATERNITY PAY**

The Trust offers a choice between;

- one-week paternity leave paid at full pay
- OR
- two weeks' paternity leave paid at the current Statutory Paternity Pay rate

This is providing the qualifying criteria for statutory rights are met.

Statutory Paternity Pay (SPP) will be paid at the rate applicable in the year in which the leave starts, or at 90% of earnings, whichever is the lower amount.

As well as the notification requirements outlined in the previous section, to qualify for SPP the

employee's earnings in the 8 weeks up to the 15th week before the EWC must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, the employee should have paid National Insurance on his/her earnings for those 8 weeks). If the employee's earnings are not at this level, (s)he will still be entitled to take paternity leave but (s)he will not receive SPP.

If the employee does not qualify for SPP, (s)he may be entitled to receive Income Support. This is a statutory benefit paid by Social Security/Job Centre Plus offices and the amount that (s)he will receive will depend on his/her earnings. If the employee does not qualify for SPP, (s)he will receive a form from the Trust's HR Manager which will explain why the Trust cannot pay SPP and who (s)he should contact regarding other benefits.

The 'Summary of Entitlements' table in Appendix I gives an outline of what each entitlement is and explains the qualifying criteria for the entitlement.

### **TERMS AND CONDITIONS DURING PATERNITY LEAVE**

All the terms and conditions of employment will remain in force during any paternity leave taken except for the terms relating to pay. In particular, any benefits that the employee would normally receive will continue to be made available to the employee, any annual leave will continue to accrue as normal and pension benefits shall continue to be paid.

#### ***Keeping in touch***

The Trust may make reasonable contact with employees during paternity leave. However, only employees who take advantage of the Shared Parental Leave Scheme will be entitled to keeping in touch days. For more information about the Shared Parental Leave Scheme please see the Trust's Shared Parental Leave Policy.

#### ***Returning to work***

An employee's contract of employment continues throughout his/her paternity leave and (s)he has the right to return to work under his/her original contract of employment or on terms and conditions not less favorable than those, which would have been applicable to him/her if (s)he had not been absent.

If the employee's post is no longer in existence (e.g. because of redundancy or other exceptional circumstances) on the date of the employee's return to work, (s)he will have the right to be offered a suitable alternative post where one exists.

An employee who decides that (s)he does not want to return to work after a period of paternity leave should contact the Trust as early as possible. In such circumstances the employee will be required to give notice of resignation in accordance with his/her contract. The Employee will have to give the amount of contractual notice specified in that contract. Once the employee has given notice that (s)he will not be returning, (s)he cannot change his/her mind without the agreement of the Trust.

Deciding not to return to work will not affect an employee's right to SSP but the employee may be required to repay any enhanced contractual paternity pay that had been paid.

## **6. FLEXIBLE WORKING**

Employees who would like to return to work on a part-time basis following a period of paternity leave should consider making a flexible working request. There is no right to insist on flexible working, such as part-time working or reduced hours, and employees are encouraged to read the Trust's Flexible Working Policy before making a request.

## **7. SHARED PARENTAL LEAVE**

Parental leave, which is unpaid, should not be confused with Shared Parental Leave.

Shared Parental Leave gives eligible parents the right to choose how to share the care of a child during the first year of the child's birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. This could mean that the mother/adopter shares some of the leave with his/her partner, perhaps returning to work for part of the time and then resuming leave at a later date. An employee who would like to take shared parental leave will need to give at least 8 weeks' written notice of his/her intention to do so. The mother will need to end her maternity/adoption leave and to opt into shared parental leave scheme as well. Employees who are considering this option should look at the Trust's Shared Parental Leave Policy.

It is also important to note that employees who are eligible for both paternity leave and shared parental leave must take any paternity leave first otherwise the right to that paternity leave will be lost.

## **8. OTHER OPTIONS TO HELP WITH WORKLIFE BALANCE**

There are a number of other initiatives designed to support employees in balancing work and family life. These include:

Maternity Leave – this is paid leave for the mother after the birth of a child

Adoption Leave – this is paid leave for a parent after the placement of a child

Parental leave – this is unpaid leave for dealing with emergencies relating to a child's welfare.

Leave of Absence Policy - the school offers up to 3 working days paid leave in any one year for emergency care for a dependent (pro rata for part time staff).

If you would like information on any of the above please contact the Trust's HR Manager who will be able to provide you with further details or they can be found on the school's One Drive.



**APPLICATION FOR PATERNITY LEAVE AND PATERNITY PAY**

**Please complete in black ink**

**1. PERSONAL DETAILS**

Name:

Address:

National Insurance No:

Expected Date of Confinement: \_\_\_\_/\_\_\_\_/20\_\_\_\_

(please provide a copy of your wife/partners MATBI certificate in support of this date)

**2. APPLICATION FOR PATERNITY LEAVE AND PATERNITY PAY**

I have read The Queen Katherine School Multi Academy Trust Paternity Scheme and hereby give notice that:

Subject to satisfying criteria, I wish to (please tick):

- Take one Paternity Leave at full pay
- Take two consecutive weeks Paternity Leave and claim Statutory Paternity Pay

Date Paternity Leave is to begin \_\_\_\_\_  
(please state date of first day of leave)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_