



## **Paternity Leave Policy**

Approved by Trust Board on 11 September 2018  
Applicable from 01 December 2018

# Paternity Leave Policy

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## 1.0 Introduction

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.

The right to take Paternity Leave and Pay is a statutory entitlement subject to meeting certain eligibility criteria.

The right to undertake Additional Paternity Leave has been replaced with Shared Parental Leave, and employees should refer to the Trust's Shared Parental Leave Policy.

## 2.0 Eligibility for Statutory Paternity Leave

2.1 To be eligible, you must:

- Be the biological father, and have, or expect to have, responsibility for the child's upbringing, or
- Be the spouse or partner of the mother and have, or expect to have, the main responsibility for the child's upbringing. Same sex partners are eligible.
- Have worked continuously for Co-op Academies Trust ("the Trust") for 26 weeks leading into the 15<sup>th</sup> week before the baby is due – and from the 15<sup>th</sup> week before the baby is due up to the date of birth.
- Provide notice at least 15 weeks prior to the baby's due date of the intention to take leave.

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

- Have at least 26 weeks continuous service 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.

2.3 The employee will be required to confirm that they are taking time off in order to provide care and support to their partner and child. The employee will be requested to submit evidence in the form of a copy of the MATB1 form or matching certificate prior to leave and pay being authorised.

## 3.0 Statutory Paternity Pay

3.1 Paternity Pay is paid at the rate of Statutory Paternity Pay, which is set by the government each tax year.

3.2 Employees are eligible for Statutory Paternity Pay providing that they meet the following criteria:

- Have at least 26 weeks continuous service with the Trust by the end of the 15<sup>th</sup> week before the expected week of childbirth (known as the 'qualifying week')
- Be employed up to the date of birth of the child
- Have earnings that are not less than the lower earnings limit for National Insurance Contributions.

3.3 Statutory Paternity Pay is offset with your normal rate of pay whilst on Paternity Leave and it is not paid in addition.

## 4.0 Taking Paternity Leave

4.1 You must give your employer notice of your intention to take paternity leave by the end of the 15<sup>th</sup> week before the expected week of the birth. Notice must be provided by completing the “Request for Paternity Leave and Pay Form” (Annex 1), and this must be returned to your line manager by the end of the 15<sup>th</sup> week before the Expected Week of Childbirth.

4.2 If the Paternity Leave is related to an adoption then notification must be within the 7 days of being told a ‘match’ has been made with a child. This must include the date the child is expected to be placed, the intended start date of paternity leave and the length of the intended leave and the date on which the adopter was notified of having been matched with the child.

4.3 The form asks you to provide the following information:

- The length of the leave requested
- The date you intend to start the leave
- A declaration from yourself that you will be responsible for the child’s upbringing and will be taking time off to support the child’s mother or care for the child.

4.4 You can choose to take 1 week’s leave or 2 consecutive weeks’ leave and must take the leave within 56 days (8 weeks) of the child being born.

4.5 A week is classed as the number of days that an employee would usually be in work over a calendar week.

4.6 Leave cannot be taken in odd days or as two separate weeks. If you elect to take only one week’s leave, a further weeks’ leave cannot be taken at a later stage.

4.7 You can choose to start your leave on

- The date the child is born (whether this is earlier or later than expected)
- A certain number of days after the child is born (within 56 days / 8 weeks of birth); or
- On a predetermined date after the first day of the EWC

4.8 During your paternity leave you will be entitled to receive two weeks paid leave at your normal rate of pay.

4.9 You have the option to change your mind about the dates for your paternity leave, provided that you give 28 days’ notice to your line manager.

4.10 If you do change your mind, remember to complete and return a new “Request for Paternity Leave and Pay Form” Appendix One. The leave will start on the date specified in the last notice.

4.11 Where you have chosen to take your leave or deploy to the place on a predetermined date but the baby has not been born by that date, you can choose another date. You must give notice of the change as soon as is reasonably practicable. It is possible for you to vary your notice more than once.

4.12 In the case of multiple births or multiple adoptions in the same period, there is only entitlement to one period of leave regardless of the number of children born as a result of the pregnancy or adoption.

4.13 Where a child is born prematurely i.e. before the first day of the EWC, the leave must be taken within 56 days (8 weeks) of the week the baby was due. This allows colleagues of very premature babies to take leave when the child is brought home from hospital.

4.14 In the sad situation that the child dies or is stillborn after 24 weeks of pregnancy you will still qualify for paternity leave.

## **5.0 Time off to attend ante-natal appointments**

5.1 Employees who are the father, partner or civil partner of a pregnant woman, are entitled to take paid time off work to attend up to 3 half day paid antenatal appointments. (Half day is maximum of 4 hours)

5.2 Partners of main adopters are entitled to take reasonable paid time off to attend up to 3 half day paid pre-adoption appointments. (Half day is maximum of 4 hours)

5.3 Employees should make their requests to attend appointments to the Headteacher / Principal, providing as much notice of the appointment as possible. The Headteacher / Principal may ask the employee for a declaration from the expectant mother stating the date and time of the appointment.

5.4 In exceptional circumstances (e.g. complications relating to underlying health condition of the expectant mother or the unborn baby) the Trust wishes to support colleagues, and Headteacher / Principal has the discretion to grant paid Special Leave for attendance at additional ante-natal appointments. The Trust's Special Leave Request Form should be used to request and record this.

## **6.0 Other terms and conditions of employment**

6.1 When paternity leave is followed by a period of parental leave (see Trust's Parental Leave Policy) or vice versa, if you take up to four weeks' parental leave, you are entitled to return to the same job on the same terms and conditions as if you had not been absent.

6.2 If you take more than four weeks' parental leave excluding Paternity Leave, you are still entitled to return to the same job on the same terms and conditions as if you had not been absent unless this is not reasonably practicable, in which case you are entitled to be offered a similar job.

6.3 Whilst you are on paternity leave you are still entitled to the same terms and conditions of employment which would have applied if you had not been absent.

6.4 A period of paternity leave counts towards a period of continuous employment for the purposes of statutory employment rights, including calculating a redundancy payment. Paternity leave also counts for contractually agreed arrangements based on the length of service such as pay increments and assessing seniority.

6.5 Employers' and Employee's pension contributions will be worked out as if you were working normally and being paid as usual for doing so.

6.6 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. There is no automatic right to return to work following Paternity Leave in an adjusted working pattern, however careful consideration will be given on receipt of a request in accordance with the Trust's Flexible working policy.

## **7.0 Sickness absence before or after paternity leave**

7.1 A colleague cannot be paid Statutory Paternity Pay and Statutory Sick Pay at the same time. If you are unwell before starting your period of paternity leave, you should postpone it. The 56 day (8 week) period within which you should take paternity leave is not extended under these circumstances.

7.2 If you cannot return to work at the end of your paternity leave because of illness, you should follow the normal procedure for notifying your line manager of sickness absence in accordance with the Trust's Supporting Attendance Policy.

## **8.0 Review**

8.1 The Trust will review this policy every three years and/or if any significant changes in legislation occur.

## Annex One

**Application for Paternity Leave - CONFIDENTIAL**

This form is to be used for any colleague requesting paternity leave and pay. Please refer to the Trust Paternity Leave Policy for further information.

**To qualify for Paternity Leave you must have 26 weeks continuous service with the Trust leading into the 15th week before the Expected Week of Confinement.**

<b>Full Name:</b>	
<b>Job Title:</b>	
<b>Department:</b>	
<b>Work Location:</b>	

**YOUR DATES FOR LEAVE:**

<b>Expected date of childbirth or actual date of birth</b> Or <b>Expected date of child placement (adoption)</b>	
<b>Date of start of paternity leave</b>	

I HEREBY APPLY for paternity leave in accordance with the Trust's paternity leave policy. In applying for this leave,

**I UNDERSTAND:**

- That I must notify my line manager in writing at least 15 weeks before the EWC that I wish to be absent for paternity leave.
- That if I wish to change my date to commence my paternity leave, it is necessary for me to notify my line manager, in writing, 28 days before my absence begins.
- **That I will notify my line manager in writing of the actual date of birth.**
- I wish to exercise my right to return to my post.

**I DECLARE THAT:**

- I am in an enduring family relationship with the mother.
- I will be responsible for the child's upbringing.
- I will be taking time off to support the child's mother or care for the child

<b>Signed</b> <b>(Colleague)</b>		<b>Date</b>	
<b>Print Name</b>			