

Title	Paternity
Associated Policies	<ul style="list-style-type: none"> • Adoption (TPO/STA/01) • Maternity (TPO/STA/04) • Parental leave (TPO/STA/06) • Special leave of absence (TPO/STA/14) • Staff absence (Illness) (TPO/STA/13) • Shared Parental Leave – Adoption (TPO/STA/26) • Shared Parental Leave – Birth (TPO/STA/29) • Flexible Working (TPO/STA/28)

REVIEWED: JULY 2019

NEXT REVIEW: JULY 2022

1. Policy Statement

- 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 is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.

2. Who does this policy apply to?

- 2.1 The employee must be taking time off to look after the child and be one of the following:
 - The father
 - The husband or partner of the mother (or adopter) – this includes same-sex partners
 - In a long-term relationship with the expectant mother
 - The child’s adopter
 - The intended parent (if you’re having a baby through a surrogacy arrangement)

3. Who is responsible for carrying out this policy?

- 3.1 The implementation and application of this policy will be monitored by the Senior Leadership Team and governors of the Academy and will remain under constant review by Brooke Weston Trust.
- 3.2 Managers have 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. Brooke Weston Trust will share information relating to the application of this policy with recognised trade unions on an annual basis.

4. Definitions

- 4.1 The definitions in this paragraph apply in this policy:
 - **Partner:** someone (whether of a different sex or the same sex) with whom the employee lives in an enduring family relationship, but who is not their parent, grandparent, sister, brother, aunt or uncle
 - **Expected Week of Childbirth:** the week, beginning on a Sunday, in which their doctor or midwife expects their spouse, civil partner or Partner to give birth
 - **Expected Placement Date:** the date on which an adoption agency expects that it will place a child into the employee’s care with a view to adoption

5. Entitlement to paternity leave

- 5.1 Certain employees can take paternity leave in relation to the birth or adoption of a child. 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 our Adoption Policy.]
- 5.2 The employee is entitled to paternity leave if they meet all the following conditions:
- They have been continuously employed by the Trust for at least 26 weeks ending with:
 - In birth cases, the 15th week before the Expected Week of Childbirth
 - In adoption cases, the week in which they or their Partner are notified by an adoption agency that they have been matched with a child
 - They:
 - Are the biological father of the child
 - Have been matched with a child by an adoption agency
 - Are the spouse, civil partner or Partner of the child's mother; or
 - Are the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency
 - They:
 - Expect to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
 - Are the child's biological father and you expect to have some responsibility for the child's upbringing
 - 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
- 5.3 An agency worker may qualify for paternity pay if they meet the qualifying criteria. If an agency worker qualifies for paternity pay they should write to their agency at least 28 days before they want the payment to begin stating:
- the agency worker's name
 - when the baby is due
 - when the worker would like the payment to begin
 - whether they are requesting one or two weeks' pay.

An agency worker whose partner is pregnant has the right to attend two unpaid antenatal appointments with their partner once they have completed a twelve-week qualifying period with one hiring company.

Timing and length of paternity leave

- 6.1 Paternity Leave must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.
- 6.2 Paternity Leave must be taken from the date of the child's birth or adoption placement, but must end:

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

7. Notification (Birth)

- 7.1 If the employee wishes to take Paternity Leave in relation to a child's birth, they must give the Trust notice in writing of their intention to do so and confirm:
- The Expected Week of Childbirth
 - Whether they intend to take one week's leave or two consecutive weeks' leave; and
 - When they would like to start their leave. They can state that the leave will start on:
 - The day of the child's birth
 - A day which is a specified number of days after the child's birth; or
 - A specific date later than the first date of the Expected Week of Childbirth
- 7.2 The employee must give notice under paragraph 7.1 by the end of the 15th week before the Expected Week of Childbirth (or, if this is not possible, as soon as possible).
- 7.3 The Trust will require a signed declaration from the employee that they are taking paternity leave (see appendix 1).

8. Notification (Adoption)

- 8.1 The details of this can be found in the Adoption Policy.

9. Changing the dates of paternity leave

- 9.1 Where the employee is to take paternity leave in respect of a child's birth, they can give the Trust written notice to vary the start date of their leave from that which was originally specified in the notice given under paragraph 7.1. This notice should be given:
- Where the employee wishes to vary their 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.
 - Where the employee wishes to vary their 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.
 - Where the employee wishes to vary their leave to start on a specific date (or a different date from that they originally specified), at least 28 days before that date.
- 9.2 Where the employee is to take paternity leave in respect of a child's adoption, the Adoption Policy procedures should be followed.
- 9.3 If the employee is unable to give the Trust 28 days' written notice of the wish to vary the start of their leave as set out above, they should give the Trust written notice of the change as soon as they can.
- 9.4 Where the employee wishes to take Shared Parental Leave, the Shared Parental Leave procedure should be followed.

10. Statutory paternity rights

- 10.1 In this paragraph, **Relevant Period** means:
- In birth cases, the eight-week period ending with the 15th week before the Expected Week of Childbirth

- In adoption cases, the eight-week period ending with the week in which the employee or their spouse, civil partner or Partner were notified of being matched with the child
- 10.2** If the employee takes paternity leave in accordance with this policy, they will be entitled to statutory paternity pay, if, during the Relevant Period, the employees average weekly earnings are not less than the lower earnings limit set by the government.
- 10.3** Statutory paternity pay is paid at a prescribed rate which is set by the government for the relevant tax year, or at 100% of the employee's average weekly earnings calculated over the Relevant Period if this is lower.

11. Terms and conditions during Paternity Leave

- 11.1** All the terms and conditions of the employee's employment remain in force during paternity leave, except for the terms relating to pay. In particular:
- Benefits in kind [such as life insurance, health insurance, gym membership and use of a company vehicle if applicable] shall continue
 - Annual leave entitlement under the employee's contract shall continue to accrue; and
 - Pension benefits shall continue (see paragraph 13)

12. Annual Leave

- 12.1** During paternity leave, annual leave will accrue at the rate provided under the employee's contract.
- 12.2** Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during the employees' absence on paternity leave, the employee should ensure that they have taken their full year's entitlement before paternity leave starts.

13. Pensions

- 13.1** The period of Paternity Leave counts towards the final-salary pension scheme as pensionable service, provided the employee makes the necessary minimum contributions based on the paternity pay they are receiving.

14. Redundancies during Paternity Leave

- 14.1** In the event that the post is affected by a redundancy situation occurring during paternity leave, the Trust shall write to inform the employee of any proposals and shall invite them to a meeting before any final decision is reached as to continued employment.

15. Returning to work

- 15.1** Following their Paternity Leave the employee is entitled to return to the same position they held before commencing leave. The terms of employment will be the same as they would have been had the employee not been absent.
- 15.2** However, if the employee has paternity leave with a period of:
- Parental leave of more than four weeks,
- and it is not reasonably practicable for them to return to the same job, the Trust will offer a suitable and appropriate alternative position.
- 15.3** In any other case, a late return will be treated as unauthorised absence.
- 15.4** The Trust will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis. The Trust will try to accommodate the employee's wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

- 15.5 Any formal requests to change their working pattern must be submitted using the Trust Flexible Working policy.
- 15.6 If the employee does not intend to return to work or is unsure, it is helpful if this is discussed with the Trust as early as possible. If the employee decides not to return they should submit their resignation in accordance with their contract. Once the employee has done so they will be unable to change their mind without the Trusts agreement. This does not affect the employee's right to receive statutory paternity pay.

16. Policy Review

- 16.1 This policy will be monitored and reviewed in consultation with the recognised trade unions as part of the Academy's annual internal review and reviewed on a three year cycle or as required by legislature changes.

Statutory Paternity Pay Form (SPP)

Record of notification of paternity absence

Employee's details

Surname or family name:												
First name(s):												
National Insurance Number:												
Clock or payroll number:												
Tax year(s) YYYY to YYYY:	2	0			to	2	0					

What date was the baby due?	D	D	M	M	Y	Y	Y	Y
What date was the baby actually born?	D	D	M	M	Y	Y	Y	Y
What date did the child start living with the adopter?	D	D	M	M	Y	Y	Y	Y

What date did your employee start their paternity absence? Fill in this date if it is different from the date your employee told you they planned to start.

D	D	M	M	Y	Y	Y	Y
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Is your employee entitled to SPP?

No <input type="checkbox"/>		Yes <input type="checkbox"/>
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If 'No' remember to show why in the Notes column when filling in 'Record of SPP' period.

If 'Yes' from what date?

D	D	M	M	Y	Y	Y	Y
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Did you give your employee form SPP1 'Non-payment of Statutory Paternity Pay (SPP), to tell them why they are not entitled to SPP?

No <input type="checkbox"/>		Yes <input type="checkbox"/>
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You may find it useful to keep a copy of this form if your employee disagrees with your decision.

Record of SPP period

<p>SPP weeks can start and end on any day of the week Show as DD MM YYYY</p>	<p>Enter the number of the tax week the end of the SPP week is in</p>	<p>Tick one box for each week W = worked P = Paid E = Excluded S = Sick</p>	<p>Enter how much SPP is paid in each week</p>	<p>Note here any reasons why your employee cannot get SPP Continue in the 'Additional Notes' box below if necessary</p>
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Start date of SPP week			End date of SPP week			Week number		W	P	E	S	Amount of SPP Paid	Notes
DD	MM	YYYY	DD	MM	YYYY							£	
DD	MM	YYYY	DD	MM	YYYY							£	
DD	MM	YYYY	DD	MM	YYYY							£	

Additional notes
Please use this part to record any additional notes you want to keep