

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)

REVIEWED: JULY 2013

NEXT REVIEW: JULY 2016

1. Policy Statement

- 1.1 This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it. The policy does not apply to agency workers or the self-employed.
- 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 It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.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 This policy applies to male members of staff.

3. Who is responsible for carrying out this policy?

- 3.1 The implementation 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.

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 you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle
 - **Expected Week of Childbirth:** the week, beginning on a Sunday, in which their doctor or midwife expects your 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 your 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 ordinary 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** The employee is entitled to additional paternity leave if, in addition to the conditions in paragraph 5.2 above:
- They remain employed by the Trust until the week before the first week of their additional paternity leave
 - The child's mother or the employee's co-adopter, as the case may be, has been entitled to statutory leave:
 - In birth cases, the child's mother has been entitled to maternity leave, statutory maternity pay or maternity allowance in respect of her pregnancy, or
 - In adoption cases, the child's adopter has been entitled to one or both of adoption leave or statutory adoption pay in respect of the child's adoption; and
 - The child's mother or the employee's co-adopter, as the case may be, has returned to work

Timing and length of paternity leave

- 6.1** Ordinary Paternity Leave must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.
- 6.2** Ordinary 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.
- 6.3** Additional paternity leave must be taken as multiples of complete weeks and as one period. The minimum amount of additional paternity leave that can be taken is two weeks and the maximum is 26 weeks.

- 6.4 Additional paternity leave must be taken in the period beginning 20 weeks after the child's date of birth, or adoption placement, and ending 12 months after that date of birth or adoption.

7. Notification (Birth)

- 7.1 If the employee wishes to take Ordinary 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 ordinary paternity leave 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.
- 7.4 If the employee wishes to take additional paternity leave in relation to a child's birth, they must provide the Trust with the following at least eight weeks before the date on which they would like to start their leave:
- A written "leave notice" stating:
 - The Expected Week of Childbirth
 - The child's date of birth; and
 - The dates on which they would like their additional paternity leave to start and finish
 - A signed "employee declaration" confirming that:
 - The employee is either the child's father or that they are the spouse, Partner or civil partner of the child's mother
 - Apart from the child's mother, the employee has or expect to have the main responsibility for the upbringing of the child; and
 - The employee wishes to take additional paternity leave in order to care for the child
 - A written "mother declaration" from the child's mother stating:
 - Her name, address and National Insurance number
 - The date she intends to return to work
 - The employees relationship with the child
 - That, to her knowledge, the employee is the only person exercising an entitlement to additional paternity leave in respect of the child; and
 - That she consents to us processing the information she has provided
- 7.5 The Trust will write to the employee to confirm the start and finish dates of their additional paternity leave within 28 days of receiving their leave notice, the employee declaration and the child's mother's declaration.

- 7.6 The Trust may require the 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.

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 ordinary 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 you originally specified), at least 28 days before that date.
- 9.2 Where the employee is to take ordinary 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 is to take additional paternity leave, following either the birth or adoption of a child, they are entitled to give the Trust written notice to cancel or vary the start and/or finish dates that they previously notified to the Trust in accordance with paragraph 7.1. The employee needs to do this:
- At least six weeks before the date they originally told the Trust was the date on which they wanted to start their additional paternity leave; or
 - If they want to start their additional paternity leave earlier than that original start date, at least six weeks before the date on which they now wish their additional paternity leave to start
- 9.5 If the employee is unable to give six weeks' notice they should give the Trust written notice of their wishes as soon as possible. However, in these circumstances, if the Trust are unable to accommodate this request they may require the employee to take a period of additional paternity leave of up to six weeks starting on either the original or revised start date.

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 you or your spouse, civil partner or Partner were notified of being matched with the child
- 10.2 If the employee takes ordinary paternity leave in accordance with this policy, you will be entitled to ordinary 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 If the employee takes additional paternity leave in accordance with this policy, they may be entitled to additional statutory paternity pay. Whether and, if so, for how long they may be entitled to additional statutory paternity pay will depend on:

- Their average weekly earnings being not less than the lower earnings limit set by the government during the Relevant Period; and
- The child's mother or their co-adopter, as the case may be, having returned to work with at least two weeks of their maternity allowance, maternity pay or adoption pay period remaining. The employee's entitlement to additional statutory paternity pay will equate to the number of weeks of unexpired maternity allowance, maternity pay or adoption pay that remained when the child's mother or the employee's co-adopter returned to work.

10.4 Ordinary statutory paternity pay and additional statutory paternity pay are paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower.

11. Terms and conditions during Ordinary Paternity Leave and Additional Paternity Leave

11.1 All the terms and conditions of your employment remain in force during ordinary paternity leave and additional 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 your contract shall continue to accrue; and
- Pension benefits shall continue (see paragraph 13)

12. Annual Leave

12.1 During ordinary paternity leave and additional paternity leave, annual leave will accrue at the rate provided under your 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 periods of both Ordinary Paternity Leave and Additional Paternity Leave count 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.

13.2 During any unpaid Additional Paternity Leave the time shall not be counted as pensionable service under our final salary scheme. The employee does not have to make any contributions but they may do so if they wish, or they may make up for missed contributions at a later date.

14. Redundancies during Additional 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. Employees on Additional Paternity Leave will be among those given priority with regard to suitable alternative vacancies that are appropriate to their skills.

15. Keeping in touch during Additional Paternity Leave

15.1 The Trust may make reasonable contact with the employee from time to time during Additional Paternity Leave.

15.2 The employee may work (including attending training) for up to ten days during Additional Paternity Leave without bringing your paternity leave or your additional statutory paternity pay to an end. The arrangements, including pay, would be set by agreement with the Principal. The employee is not obliged to undertake any such work during paternity leave.

- 15.3 Shortly before the employee is due to return to work, the Trust may invite the employee to have a discussion (whether in person or by telephone) about the arrangements on their return. This may cover:
- Updating them on any changes that have occurred during their absence
 - Any training needs they might have; and
 - Any changes to working arrangements

16. Returning to work

- 16.1 The employee is normally entitled to return to work following either Ordinary Paternity Leave or Additional Paternity Leave to the same position you held before commencing leave. The terms of employment will be the same as they would have been had the employee not been absent.
- 16.2 However, if the employee has combined ordinary or additional paternity leave with a period of:
- Additional maternity leave;
 - Additional adoption leave; or
 - 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.
- 16.3 If you wish to return early from APL, you must give us at least six weeks' prior notice. Your ability to do so is subject to the matters set out in paragraph 9.
- 16.4 If you wish to postpone your return from APL, you should either:
- Request unpaid parental leave [in accordance with our Parental Leave Policy], giving us as much notice as possible but not less than 21 days; or
 - Request paid annual leave in accordance with your contract, which will be at our discretion.
- 16.5 If the employee is unable to return to work from Additional Paternity Leave as expected due to sickness or injury, this will be treated as sickness absence and the Staff Absence (Illness) Policy will apply.
- 16.6 In any other case, a late return will be treated as unauthorised absence.
- 16.7 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.
- 16.8 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.

17. Policy Review

- 17.1 This policy will be monitored as part of the Academy's annual internal review and reviewed on a three year cycle or as required by legislature changes.