

Paternity Policy

Date	Review Date	Endorsed by	Approved by	Link Governor
Dec 2016	Dec 2017	Resources Committee	Governing Body	Michelle Knott

1. Introduction

1.1 Paternity leave is available to employees who are either a father to be or will share the responsibility with a partner for bringing up a child; this includes those who are adopting a child (including “Foster to Adopt” arrangements and Parental Order parents in surrogacy arrangements).

2. Paternity leave

2.1 Eligible employees are entitled to take either one week or two consecutive week’s paternity leave. This leave cannot be taken as odd / individual days and must be taken as week long blocks.

2.2 Employees must take their paternity leave within 56 days from the date of birth of the child, or the date of placement where adopting. Paternity leave cannot start before the birth of the baby.

2.3 Only one entitlement to leave is available to employees irrespective of whether more than one child is born as a result of the same pregnancy.

3. Eligibility for paternity leave

3.1 Employees must satisfy the following conditions to qualify for paternity leave. They must:

- have or expect to have responsibility for the child’s upbringing
- be the biological father of the child or the mother’s husband or the mother’s partner
- have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth or the end of the week in which the child’s adopter is notified of being matched with the child.

4. Statutory Paternity Pay

4.1 To qualify for Statutory Paternity Pay (SPP) an employee must have been employed without a break for at least 26 weeks by the 15th week before the expected week of childbirth and have average weekly earnings at least equal to the weekly lower earnings limit for National Insurance contributions. SPP is paid for a period of two weeks.

4.2 The following link provides DirectGov guidance on Statutory Paternity Pay¹ .

5. Occupational paternity pay

5.1 For employees who joined the Council before 1st April 1993:

- 10 working days full pay.

5.2 For employees who joined the Council after 1st April 1993:

¹www.gov.uk/paternity-pay-leave/pay

- 10 working days full pay followed by 5 working days SPP.

6. Notification of intention to take paternity leave

6.1 The employee must provide the following information to the school by the end of the 15th week before the expected week of childbirth:

- Confirmation of the expected week of childbirth, (supported by a copy of the MAT B1 maternity certificate) or if the birth has already occurred the date of birth (supported by the birth certificate);
- The length of the leave requested.
- The date that they expect their paternity leave to start.
- Confirmation that they 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.

6.2 An employee will be able to change their mind about when they want to start the leave providing that they tell their manager at least 28 days in advance (unless this is not reasonably practical).

Contractual benefits during Paternity Leave

An employee on Paternity Leave is entitled to enjoy his or her normal terms and conditions of employment with the exception of pay. The employee is entitled to return to the same job following Paternity Leave

If an employee has an enhanced contractual right to Paternity Leave or Paternity Pay he or she may take advantage of whichever is the more favourable right. Employees should clearly understand however that when payment of contractual paternity pay is made this is inclusive of any SSP entitlement i.e. employees are not entitled to both.

Paternity Leave and Adoption

The partner of an individual who adopts or other member of a couple who is adopting jointly may be entitled to Paternity Leave and Paternity Pay.

When a couple adopts, the couple can choose who will take Adoption Leave and who will take Paternity Leave. Only one period of Adoption Leave and one period of Paternity Leave may be taken between the couple even if each individual works for different employers.

Further details of this entitlement are set out in the School's Adoption Policy.

ANTE-NATAL APPOINTMENTS

Who has the right?

This entitles an employee who has a "qualifying relationship" with a pregnant woman or her expected child will be entitled to take time off during their working hours to accompany the woman to antenatal appointments.

A 'qualifying relationship' includes the expected child's father, the mother's husband, partner or civil partner. They should usually live with the woman in an enduring family relationship and are not a relative of the woman.

There is no qualifying period of employment for this right so it will be available to relevant employees from the start of their employment.

The amount of time off that an employee may take off during working hours to accompany a pregnant woman to antenatal appointments is limited to no more than two occasions lasting no more than six and a half hours each.

Making the request

The law provides that the employee must comply with certain formalities for applying for time off to accompany a woman to an antenatal appointment, but only if they are requested to by the school. In that case, the employee will not be entitled to take the time off unless they give the school a document (which may be in electronic form, such as e-mail) showing:

- That the employee has a qualifying relationship with the pregnant woman or expected child.
- That the purpose of taking the time off is to accompany a pregnant woman to an antenatal appointment.
- That the appointment has been made on the advice of a registered doctor, registered midwife or registered nurse.
- The date and time of the appointment.

Time off can be refused

The school may refuse an employee time off to accompany a woman at an antenatal appointment where it is reasonable for it to do so.

Maternity Support Leave

Maternity support leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is defined as the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

Maternity Support Leave is only applicable to staff subject to Green Book terms and conditions.

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the link governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

This policy was reviewed and endorsed by the Full Governing Body of The Devonshire Hill Nursery and Primary School on Tuesday 20th December 2016.