



NETHERAVON ALL SAINTS C of E PRIMARY SCHOOL

High Street
Netheravon
Salisbury
Wiltshire
SP4 9PJ

Paternity Policy

Based on Model Paternity Policy for Schools
by Wiltshire Council HR

This model policy will apply to both teaching and non-teaching staff working in Wiltshire Schools / Academies and has been agreed with the following recognised unions: ATL, NUT, NAHT, NASUWT, ASCL, Unison, Unite and GMB

Date Approved:	22 September 2016
Date of Review:	As per LA requirements
Signed:	File copy signed
Position:	Chair of Governors

INDEX

Introduction

Scope

Leave entitlement covered under this policy

Antenatal appointments

Adoption appointments

Maternity support leave for nominated carers

Ordinary paternity leave (OPL)

Notice of intention to take ordinary paternity leave

Payment of ordinary paternity leave

Employment rights during ordinary paternity leave

Shared Parental Leave (SPL)

Annual leave

Related information

Introduction

1. This model policy sets out the eligibility, rights and responsibilities relating to paternity leave as set out in legislation including; Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006/2014 and Section 127 of the Children and Families Act 2014.
2. Paternity leave is designed to provide paid time off work for fathers or partners of expectant mothers.
3. The paternity leave policy is also available to employees adopting a child or children.
4. Paternity leave is available to employees of either gender, but only ONE adoptive parent is entitled to take paternity leave. The co-adopting parent may be eligible to take adoption leave. This is regardless of whether they work for different employers.
5. An employee cannot take both paternity leave (for those adopting) and adoption leave.
6. The policy also covers the right to accompany a pregnant woman to antenatal appointments and in the case of adoption, for one of the adopters to attend adoption appointments. This entitlement is to unpaid leave.
7. For maintained schools (Community, VC, VA and Foundation), the cost will be funded by the LA via the central cost centre.

Scope

Who is included in these arrangements?

8. The model policy applies to all eligible teaching and non-teaching staff whether full time, part time or on a temporary contract.

Who is excluded from these arrangements?

9. The Agency Workers Regulations specifically excludes such agency workers from maternity, paternity or adoption leave schemes run by the hirer.
10. Self employed workers and consultants are also excluded from entitlements to maternity, paternity or adoption leave pay.

Leave Entitlement covered under this policy

11. The paternity leave policy provides employees, subject to meeting the qualifying criteria outlined below, with an entitlement to the following types of leave:
 - Antenatal appointments – right to accompany a pregnant woman on up to 2 occasions – unpaid
 - Adoption leave appointments – on up to 2 occasions - unpaid
 - Maternity support leave - 5 paid working days (pro-rata)

- Ordinary paternity leave (OPL) -up to a maximum of two weeks', where maternity support leave is taken this will replace the first week of OPL.

Antenatal appointments

12. Employees who have a qualifying relationship with a pregnant woman or the expected child are entitled to accompany the pregnant woman to ante-natal appointments. The entitlement will be to unpaid time off up to 6.5 hours on no more than two occasions. There is no length of service requirement for this entitlement.
13. In order to be eligible employees must be:
 - the baby's father;
 - the expectant mother's spouse, her civil partner, or partner living with the mother in an enduring family relationship (not relatives);
 - the parents of the expected child under the Human Fertilisation Embryology Act 2008, which deals with a pregnancy resulting from assisted reproduction; or
 - the intended parent of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child in accordance with the Human Fertilisation Embryology Act 2008.
14. To make a request for time off employees should complete the 'declaration to accompany a pregnant woman to antenatal appointment form' and return this to the headteacher. The declaration requires employees to confirm the date and time of the appointment, that they qualify for the unpaid time off through their relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother and has been made on the advice of a registered medical practitioner, nurse or midwife.
15. To make arrangements for unpaid leave the school should notify the education HR and payroll administration team or their alternative payroll provider of the arrangement using the schools changes form. The school will confirm the agreed arrangements with the employee.

Adoption appointments

16. Where an employee has been notified that a child is to be, or is expected to be placed jointly with them and another person for adoption by an approved adoption agency, one of them (where eligible) will be entitled to paid adoption leave to attend adoption appointments prior to the date that the adoption placement commences (see adoption policy) and the other adopter will be entitled to some unpaid leave to attend such appointments (as set out in this policy).
17. The entitlement to unpaid time off is for up to 6.5 hours for each appointment, on no more than two occasions. The purpose of the time off must be to attend an appointment arranged or at the request of the adoption agency who notified them of the placement and must be in relation to the proposed adoption.
18. There is no length of service requirement to this entitlement.

19. Employees should be aware that they will not be entitled to take ordinary paternity leave and maternity support leave if they have taken paid leave under the adoption policy to attend adoption appointments. This means that they may wish to allocate the unpaid entitlement to attend adoption appointments under this policy to the secondary adopter who will then retain the option to take ordinary paternity leave and maternity support leave if they wish.
20. Where employees are adopting more than one child in one adoption arrangement their entitlement to leave will be treated as one entitlement ie the same as if they were adopting one child. Time off for adoption appointments must be taken before the placement date of the first child under the arrangement.
21. To make a request for time off, employees should complete the 'declaration form time off to attend adoption appointments' and return it to their headteacher on the first occasion they request time off. The declaration requires employees to confirm the type of leave they are claiming, and that the time off is for the purpose of attending an adoption appointment that has been arranged or requested to be arranged by the adoption agency who notified them of the adoption placement. The headteacher may ask employees for proof of appointments (e.g a letter or email from the adoption agency).
22. To make arrangements for unpaid leave the school should notify the education HR and payroll administration team or their alternative payroll provider of the arrangement using the schools changes form. The school will confirm the agreed arrangements with the employee.

Maternity Support Leave for nominated carers

23. All employees are eligible for maternity support leave.
24. A nominated carer is the person named by the mother/primary adopter to assist in the care of the child and to be the primary provider of support at or around the time of the birth or adoption of a child.
25. In most cases, the father or partner would provide this role, however a relative or someone who has a caring relationship with the mother/primary adopter and/or child may fulfil this role instead.
26. To be a nominated carer employees must be:
 - named by the mother as the main/only provider of care, and;
 - involved in the care of the newborn or adopted child assisting the mother or caring for other children
27. Assisting the mother may include (but is not limited to):
 - direct physical care
 - active support, including washing clothes, preparation of feeds, bathing the child or taking them out
28. Employees will not be granted maternity support leave if the mother or primary adopter of the child already has someone undertaking the role of nominated carer.

Maternity support leave entitlement

29. Employees will be entitled to 5 working days (pro-rata) paid leave at their normal rate of pay at the time of the birth or adoption of the child/children. This leave cannot be postponed until a later date.
30. Part of the 5 working days leave may be used to attend antenatal appointments prior to the birth. The school will record the time taken to attend antenatal appointments to count this towards the entitlement.
31. Where employees are intending to take shared parental leave, ordinary paternity leave (OPL) and maternity support leave must be taken before any shared parental leave is taken otherwise they will no longer be eligible for OPL and the entitlement will be lost.

Application for maternity support leave

32. Employees should complete the notification for maternity support and paternity leave form and return to the headteacher as soon as possible but providing at least 4 weeks notice. In the case of a premature birth, employees should inform their headteacher as soon as possible.
33. Employees should notify the headteacher of the following:
 - expected date of childbirth or adoption
 - the amount of leave they wish to take
 - the date that they wish the leave to start
 - In the case of adoption, they will need to confirm the adoption matching date and the actual date of the placement

Ordinary Paternity Leave (OPL)

34. OPL is the provision to take either one or two consecutive weeks (not odd days or two separate weeks) to care for a newborn or newly adopted child.
35. Where employees elect to take 5 days paid maternity support leave, this will replace the first week of OPL (no more than 2 weeks in total can be taken).
36. In order to be entitled to **ordinary paternity leave**, an employee must:
 - Be the biological father of the baby or the mother's husband or partner. This includes same sex partners or civil partners;
 - Be adopting a child with their partner or receive notification that they are matched with a child for adoption;and
 - Have or expect to have the responsibility for the child's upbringing (or the main responsibility for the child's upbringing, apart from the mother/primary adopter, if they are not the biological father)

- Not be taking adoption leave or paid time off for adoption appointments for the child.
- Comply with the notice and evidence requirements for taking OPL
- Have at least 26 week's continuous employment with the school before the qualifying week which is:
 - the end of the 15th week before the expected week of childbirth (including surrogacy arrangements)
 - the week in which the child's primary adopter is notified as being matched with the child (including dual approved prospective adoption)
 - the week the child enters the UK if it is an overseas adoption or the date they want their statutory paternity pay to start.

If employees are matched for adoption on or after 5 April 2015 then they may also be eligible if:

Surrogacy

- they are a parent of the expected child under the Human Fertilisation Embryology Act 2008, which deals with a pregnancy resulting from assisted reproduction; or
- they are the intended parent of a child in a surrogacy arrangement and expect to be entitled to and intend to apply for a parental order in respect of that child in accordance with the Human Fertilisation Embryology Act 2008; or

Dual approved prospective adopter

- they are a local authority foster parent who is a dual approved prospective adopter and who has been notified of a child's placement in accordance with section 22c of the Children Act 1989, providing no adoption entitlement/paternity entitlement has previously been claimed for this child (or children).

37. Where employees are intending to take shared parental leave, OPL and maternity support leave must be taken before any shared parental leave is taken otherwise they will no longer be eligible for OPL and the entitlement will be lost.
38. OPL cannot start before the date of childbirth or start of adoption placement and must be completed within 56 days of childbirth or adoption. If the child is born early, OPL must be completed up to 56 days after the expected week of childbirth.
39. If the employee is adopting a child from overseas, the OPL cannot begin before the child enters Great Britain and must start within 28 days of entry. OPL must only be taken during the period of 56 days beginning with the date on which the child enters Great Britain.
40. If an early birth means that the qualifying criteria for length of service is not met, employees will still qualify if (but for the date of the birth) they would have met the conditions.
41. An employee may still take paid leave if the baby is stillborn after 24 weeks or if the baby is born alive at any point during the pregnancy but dies later.
42. In the case of multiple births only one period of OPL can be taken.

Notice of Intention to Take Ordinary Paternity Leave

43. Employees intending to take OPL must inform their headteacher of their intention to take paternity leave by the end of the 15th week before the expected week of childbirth (including surrogacy) or in the case of adoption within the UK, notification must be within seven days of the date on which notification of the adoptive match occurred, and in the case of a child adopted from overseas, within 28 days of receipt of the official notification of eligibility for adoption.

44. Notification should include:

- Expected date of childbirth or date of adoption placement
- The actual date of the child's birth or date of adoption placement
- The start date of the paternity leave and pay
- The amount of leave the employee wishes to take
- The employee's relationship with the mother or primary adopter

Overseas adoption - in addition to the above:

- provide the date the adopter received 'official notification' (see definitions) and
- the date on which the child is expected to enter Great Britain

Surrogacy - in addition to the above:

- A written statement to confirm that they intend to apply for a parental order within 6 months of the child's birth. This must be signed in the presence of a legal professional.

45. Employees should complete the 'notification of start of paternity leave form (PL1)' and return to the headteacher as soon as possible in line with the notification and evidence requirements set out in the policy.

46. Employees may change the date of their paternity leave by giving the headteacher 28 days notice prior to the date the leave would take effect (or as soon as possible, if this is not reasonably practicable if not in a position to do so, e.g premature birth).

Payment of Ordinary Paternity Leave

47. The statutory paternity leave pay rate per week for ordinary paternity leave is reviewed annually or is 90% of the employee's average earnings (whichever is lower).

48. In addition to the eligibility criteria for ordinary paternity leave employees will need to meet the following criteria to be eligible for ordinary paternity pay :

- have average weekly earnings for the 8 weeks up to and including the qualifying week of at least the lower earnings limit for the payment of NI contributions which is reviewed annually.

- comply with the notification requirements as set out in this policy above and state the date they wish paternity pay to start at least 4 weeks (28 days) before this date.
 - be continuously employed by the school until the actual date of child birth/matching.
 - self-certify their eligibility for ordinary paternity pay by completing the notification of maternity support and paternity leave form PL 1 and forwarding it to the headteacher and including any additional evidence required, relevant to their circumstances, as outlined in this policy above.
49. Employees who do not qualify for Statutory Paternity Pay (SPP) will be issued with an SPP1 form by the education HR and Payroll Administration team or the school's alternative payroll provider.
50. Where paternity leave is in respect of adoption employees should declare that they have elected to receive statutory paternity pay (adoption) and not statutory adoption pay.
51. Where employees have based their dates on the birth of the baby/date of placement or on a predetermined date after this and the actual date is later they should give their manager notice of this as soon as reasonably practicable with the date that paternity pay should commence, if this is different from the date originally chosen.

Employment Rights during Ordinary Paternity Leave

52. During OPL the employee is entitled to benefit from all their normal terms and conditions of employment with the exception of pay.
53. OPL does not break continuity of service and any period of OPL is counted as continuous service for the calculation of statutory employment rights and other contractual payments relating to length of service.

Shared Parental Leave (SPL)

54. Employees may be entitled to take SPL if they meet the eligibility criteria. Shared parental leave enables mothers or primary adopters to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.
55. If an employee is eligible they can choose to take both ordinary paternity leave (including one week of maternity support leave) and shared parental leave, but the period of ordinary paternity leave must come first. Employees cannot take ordinary paternity leave if they have already taken a period of shared parental leave in relation to the same child.
56. Shared parental leave must be taken in blocks of at least one week. Employees can request to take shared parental leave in one continuous block, or as a number of separate blocks of leave (subject to the agreement of the headteacher).

57. To be able to take shared parental leave, the employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave, or primary adopter curtailing their adoption leave.
58. Employees can find full details of eligibility, notice and evidence requirements for SPL in the shared parental leave policy. The policy also contains more details on statutory shared parental pay. If the other parent works for another organisation they should ensure they also liaise with their own employer when making requests for shared parental leave.

Annual Leave Entitlement

Support staff

59. Support staff will continue to accrue annual leave entitlement and bank holidays that fall within the paternity leave period.

Related Information

- Maternity Leave Scheme
- Adoption Leave Scheme
- Shared Parental Leave Policy
- Right to Request Flexible Working Policy
- Leave of Absence Policy
- Ordinary Parental Leave Policy