



# Hemingford Grey SCHOOL

## **PATERNITY LEAVE AND PATERNITY PAY POLICY**

Date policy was last reviewed and approved:

**JULY 2017**

## **PATERNITY LEAVE AND PATERNITY PAY**

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, the School reserves the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

### **ORDINARY PATERNITY LEAVE**

Eligible employees are entitled to take either one week or two consecutive weeks' paid Paternity Leave following the birth of their child in order to care for the child or support its mother. During Paternity Leave, most employees will be entitled to Statutory Paternity Pay (SPP) which will be the same as the standard rate of Statutory Maternity Pay (SMP).

Eligible employees who have a child through surrogacy will also be permitted to take Ordinary Paternity Leave and Pay.

### **Eligibility for Paternity Leave and Paternity Pay**

In order to qualify for Paternity Leave and Statutory Paternity Pay the employee 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 partner (male or female);
- Have worked continuously for the School for 26 weeks by the end of the 15th week before the child is due; and
- Have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight week period leading up to and including the Notification Week.

The School may ask an employee to provide a self certificate as evidence that he or she meets these conditions. The self certificate must provide the information required above and include a declaration that the employee meets the necessary conditions.

There may be eligibility for parents in a surrogacy arrangement to attend 2 antenatal appointments with the woman carrying the child (see "Ante-Natal Appointments" section below).

## **Taking Paternity Leave**

An employee is permitted to take Paternity Leave in units of either one whole week or two consecutive whole weeks. Leave may start on any day of the week on or following the child's birth but must be completed:

- Within 56 calendar days of the actual date of the birth of the child; or
- If the child is born early, within the period from the actual date of birth up to 56 calendar days after the expected week of birth.

An employee may change his or her mind about the starting date for Paternity Leave providing he or she tells the School at least 28 calendar days in advance of the changed start date where reasonably practicable.

## **Notification Procedures for Paternity Leave**

An employee who wishes to take Paternity leave must notify the School by the 15th week before the expected week of child birth stating:

- The week the child is due;
- Whether the employee wishes to take one week or two consecutive weeks' leave; and
- When the employee wants the leave to start

## **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 SPP 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 ante-natal 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.

### **SHARED PARENTAL LEAVE (SPL)**

The option to take Shared Parental Leave now replaces the previous provision for Additional Paternity Leave.

Eligible employees are able to make arrangements for shared parental leave and pay in relation to the birth of a child or following the placement of a child after adoption. You will not have an autonomous right to SPL; this right will only arise if the mother or primary adopter chooses to curtail their statutory maternity leave and share their remaining entitlement with you.

Employees should refer to the School's Shared Parental Leave (Birth) Policy and/or Shared Parental Leave (Adoption) Policy for further guidance and eligibility criteria for Shared Parental Leave.

### **Maternity Support Leave**

Maternity support leave of 3 days with pay with a further 2 days unpaid 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.