



PATERNITY LEAVE POLICY

REVIEW: JUNE 2021

JUNE 2018

CHANGES

January 2011:	Policy implemented – separate policy for
April 2011:	Updated – separate policy for teachers/support staff
March 2015:	Amalgamation of teachers and support staff policies into one policy
June 2015:	Additional paragraph added under Scope confirming eligible employees
August 2015:	Policy revised and updated throughout
June 2018:	Policy adopted by Discovery MAT

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I PURPOSE

This policy sets out the Statutory Paternity provisions (either 1 or 2 weeks paid leave) for employees whose partner is having a baby, adopting a child or having a baby through a surrogacy arrangement. It provides guidance on the legislation governing employee rights and employer obligations relating to procedure and entitlements.

2 SCOPE & ELIGIBILITY

This policy and procedure applies to all Discovery MAT employees. To qualify for Statutory Paternity Leave the father, partner or husband must:

- have a contract of employment with [insert name of school] and have 26 weeks' continuous service by the 15th week before the baby is due
- be the father, husband, partner of the mother/adopter, the child's adopter or the intended parent (if having a baby through a surrogacy arrangement)
- formally notify their line manager of the date on which they intend to take paternity leave, and where applicable produce evidence supporting this.
- give your employer at least 15 weeks' notice before the week the baby is expected

Statutory Paternity Leave cannot be taken prior to the birth and must end within 56 days of the birth. Where an employee has chosen to start their Statutory Paternity Leave the day of birth and they are at work that day, their leave will begin the next day.

Employees can use their statutory right to take Time off for Dependents' Care (which is unpaid) to be with the mother during labour if they wish and then commence their Paternity Leave immediately after birth. Only one period of leave (of either 1 or 2 weeks) is permitted even in the case of multiple births.

Paternity Leave cannot be taken as odd days; employees can take either one week or two consecutive weeks, and the leave can start on any day of the week, as long as the employee has given the required notice. If the employee only works three days per week, those three days equates to a full week. Should the employee wish to change the start date of their leave, they must give the employer 28 days' notice.

If the baby is stillborn the father/husband/partner is entitled to paid Paternity Leave provided they meet the eligibility criteria and the mother had reached at least 24 weeks of pregnancy, or the baby is born alive at any time but subsequently dies.

3 STATUTORY PATERNITY LEAVE

Eligible employees can choose to take either 1 week or 2 consecutive weeks of leave. The Paternity Leave start date must be one of the following:

- the actual date of birth
- an agreed number of days after the birth
- an agreed number of days after the expected week of childbirth

4 STATUTORY PATERNITY PAY

Teachers

In the first week of Statutory Paternity Leave, Statutory Paternity Pay (SPP) is equivalent to 3 days at the normal salary rate (*UNLESS the school has a local arrangement to pay an enhanced provision (some pay up to 5 days), in which case this paragraph should be amended as necessary to include details of the local arrangement*)

If a second week of Statutory Paternity Leave is taken, it is paid at Statutory Paternity Pay rate OR 90% of the average salary (whichever is lower). To check the current SPP rate, please see www.gov.uk/paternity-pay-leave/pay.

Support Staff

Two weeks of Statutory Paternity Pay OR 90% of average salary (whichever is lower). To check the current rate, please see www.gov.uk/paternity-pay-leave/pay. (*UNLESS the school has a local arrangement to pay an enhanced provision*).

5 LEAVE FOR ANTENATAL APPOINTMENTS

Eligible employees can take unpaid leave to accompany an expectant mother to two antenatal appointments (of up to 6.5 hours in duration each) if they are:

- the baby's father
- the expectant mother/adopters spouse or civil partner
- the child's adopter
- in a long term relationship with the expectant mother
- the intended parent (if you are having a baby through a surrogacy)

(*UNLESS the school has a local arrangement to offer an enhanced provision in which case this paragraph should be amended as necessary to include details of the local arrangement.*)

6 IF THE CHILD IS BORN EARLY

If the child is born early, the employee is still eligible if they've worked for you continuously for at least 26 weeks by the expected week of childbirth.

7 NOTICE PERIOD

Statutory Paternity Leave

Eligible employees must confirm in writing at least 15 weeks before the week the baby is expected:

- the baby's due date
- when they want their leave to start - they can change this with 28 days' notice
- how much leave they would like

Statutory Paternity Pay

Eligible employees must request Statutory Paternity Pay in writing at least 28 days before they want it to start.

Late notice

The Trust reserves the right to delay the start of Paternity Leave if the employee fails to provide the required notice and is unable to offer an acceptable reason for doing so. A decision by the Trust to delay the start date will be confirmed in writing no less than 28 days following receipt of the request.

8 ADOPTION

An employee taking Statutory Paternity Leave because they are adopting can start their leave:

- on the date of placement
- an agreed number of days after the date of placement
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions)

Leave must be taken within 56 days of the date of placement or the child's arrival in the UK for overseas adoptions.

Eligibility

Eligible employees are entitled to Statutory Paternity Leave and pay if they're adopting a child.

An employee adopting a child must:

- have worked for you continuously for at least 26 weeks by the end of the week they were matched with a child (UK adoptions)
- have worked for you continuously for at least 26 weeks by either the date the child arrives in the UK for overseas adoptions or when they want their pay to start
- confirm that their partner is getting Statutory Adoption Pay in writing or by giving you a copy of their partner's form SC6

Notice period

An employee adopting a child must give a minimum of 7 days of their co-adopter/ partner being matched with a child.