



Paternity Policy

September 2018

Office use

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Associated documents:			
<ul style="list-style-type: none">DALP Maternity PolicyDALP Shared Parental Leave PolicyDALP Adoption Leave Policy			
Links to:			
<ul style="list-style-type: none">Employment Rights Act 1996Work and Families Act 2006Conditions of Service for School Teachers in England and Wales – Revised August 2000 – Burgundy BookNational joint council for Local government services national agreement on pay and conditions of service Updated June 2005 – Green Book			

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1 Introduction

- 1.1 This Policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave. The Diverse Academies Learning Partnership recognises that, from time to time, employees may have questions or concerns relating to their paternity rights. It is the trust's policy to encourage open discussion with you to ensure that questions and problems can be resolved as quickly as possible.
- 1.2 As the paternity provisions are complex, you should clarify the relevant procedures with a member of the Human Resources Team to ensure that they are followed.

2 Paternity Leave

- 2.1 A member of staff whose wife, civil partner or partner is due to give birth to a child, or who is the biological father of the child, is entitled to two weeks of paternity leave provided that you have 26 weeks of continuous service by the end of the 15th week before the week in which the child is expected.
- 2.2 Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave. A separate policy is available in respect of adoption leave. To be eligible for paternity leave, the employee must have 26 weeks of continuous service ending with the week in which the child's adopter is notified of having been matched with the child for adoption.
- 2.3 To qualify for paternity leave, you must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.
- 2.4 Paternity leave is granted in addition to your normal annual holiday entitlement. Paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Paternity leave can start either from the date the child is born or placed for adoption, or from a chosen number of days or weeks after that date.
- 2.5 Paternity leave cannot start before the child is born.
- 2.5 Any member of staff requesting to take both paternity leave and shared parental leave (see Shared Parental Leave Policy) must take their period of paternity leave first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child.
- 2.6 During your paternity leave, the trust has the right to make reasonable contact with you, but this should not be excessive or intrusive. If you wish to return to work on the agreed date, no notice is required.
- 2.7 During your paternity leave, your terms and conditions of employment are protected.

3 Notification of Paternity Leave

- 3.1 If you wish to request paternity leave in respect of the birth of a child, you must give your line manager 15 weeks written notice of the date on which your partner's baby is due, the length

of paternity leave you wish to take and the date on which you wish the leave to commence. Please use the application form in Appendix A.

- 3.2 In the case of an adopted child, you must give written notice of your intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intends to start paternity leave, the length of the intended paternity leave period and the date on which the adopter was notified of having been matched with the child.
- 3.3 If you subsequently wish to change the timing of the paternity leave, you must give 28 days of written notice of the new dates.

4 Paternity Leave & Pay

- 4.1 You are entitled to receive up to two weeks of Statutory Paternity Pay if you:
- have worked for the trust continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week');
 - are employed to work for the trust up to the date of birth of your baby;
 - earn at least the Lower Earning Limit for National Insurance purposes which is £112 a week (gross as at February 2015);
 - notify the trust at least 15 weeks before the baby is due with the baby's due date, when you wish to start your leave and if you wish to take one or two consecutive weeks' leave.
- 4.2 Pay during paternity leave will be at full pay for the first week and at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate for the second week. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for statutory paternity pay and will therefore just receive the first week at full pay.
- 4.3 Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.
- 4.4 Statutory paternity pay can start from any day of the week in accordance with the date you start your paternity leave.

5 Time off for antenatal care

- 5.1 You have the right to take time off to accompany a pregnant woman, with whom you are having a child, up to two antenatal appointments. The trust's policy is that this time off will be paid.
- 5.2 To be eligible to take this form of time off, you should be the husband or civil partner of the pregnant woman, or could be living with the pregnant woman in an enduring family relationship. In addition, you will be eligible for the time off if you are the biological father of the expected child. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The trust expects that normally no more than half a day is needed for an antenatal appointment, but your leave includes the time needed to travel to the appointment and any waiting time needed at the appointment, and can be for a maximum of six-and-a-half hours on each occasion.
- 5.3 If you would like to make a request for time off to accompany someone at an antenatal appointment you should request a leave of absence following the normal request procedure.

- 5.4 You should endeavour to give your line manager as much notice as possible of when you need the time off for the antenatal appointment and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

6 Time off to attend adoption appointments

- 6.1 Employees who are adopting a child are entitled to take time off to attend adoption appointments.
- 6.2 Where you are part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).
- 6.3 The purpose of the appointment is to enable you to have contact with the child (for example, to bond with him/her before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).
- 6.4 The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.
- 6.5 The trust will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

7 Policy Review

- 7.1 This Policy is reviewed annually by the trust which will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix A – Paternity Leave Application Form



Ordinary Statutory Paternity Pay/ ordinary paternity leave – becoming a parent

Becoming a parent

If you want to take time off work to support the mother of the baby or look after the baby you may be entitled to:

- Ordinary Statutory Paternity Pay (OSPP) – at least part of your wages will be paid for one or two weeks. You will get the weekly rate of OSPP current at the time of your ordinary paternity leave, or 90% of your average weekly earnings, whichever is less
- ordinary paternity leave – up to two weeks time off.

Please read through the terms and conditions below and if you think you might qualify, fill in the form opposite and complete the declaration on page 2.

Terms and conditions

OSPP and ordinary paternity leave are available to:

- a biological father
- a partner, husband or civil partner that is not the baby's biological father.

You must be able to declare that:

- you are
 - the baby's biological father, **or**
 - married to or in a civil partnership with the mother, **or**
 - living with the mother in an enduring family relationship, but are not an immediate relative, **and**
- you will be responsible for the child's upbringing, **and**
- you will take time off work to support the mother or care for the child.

You must be continuously employed by the same employer for at least 26 weeks by the end of the 15th week before the week the baby is due. You must then continue to be employed by the same employer until the date the baby is born.

To get OSPP you must also have average earnings over a set period above a set amount – your employer will work this out for you.

You cannot start your ordinary paternity leave before the child is born. You can choose to take one or two whole weeks leave, but not two separate weeks, which must end by the 56th day after the date of birth. If the baby is born early you can choose to take your leave any time between the actual date of birth and the end of an eight-week period starting from the Sunday of the week the baby was originally due. You cannot take odd days off work, but the weeks can start on any day, for example, from Tuesday to Monday.

You must discuss your leave plans with your employer and tell them what time off you want by the 15th week before the week the baby is due. Your employer can tell you when this is, if you are not sure.

You must complete this form and give it to your employer at least 28 days before you want to start receiving OSPP.

You can change your mind, but you must give your employer 28 days notice of the dates. If you do change your mind, you and your employer may find it helpful if you filled in a fresh form SC3 *Ordinary Statutory Paternity Pay/ordinary paternity leave*.

If you cannot tell your employer what time off you want in time, or the baby is born sooner or later than expected, please discuss the situation with your employer.

Personal details

Surname or family name

First name(s)

National Insurance number

Your dates for pay and leave

Give the date the baby is due.

If the baby has already been born, give the date the baby was due and the actual date of birth.

Due date DD MM YYYY

Actual date of birth (if applicable) DD MM YYYY

I would like my OSPP and/or ordinary paternity leave to start on the date the baby is born

No ☐ Yes ☐

If 'No', I would like my OSPP to start within eight weeks of the date the baby was born starting on or around DD MM YYYY

I want to be away from work for

one week ☐

two weeks ☐

Please turn over

Your declaration

You must be able to tick all three boxes below to get OSPP and ordinary paternity leave.

I declare that:

- I am
 - the baby's biological father, or
 - married to or in a civil partnership with the mother, or
 - living with the mother in an enduring family relationship, but am not an immediate relative, and ☐
- I will have responsibility for the child's upbringing, and ☐
- I will take time off work to support the mother or care for the child. ☐

Signature

Date DD MM YYYY

Give this form to your employer, but keep a copy of the terms and conditions for your records.

Disagreements

If your employer tells you that you are not entitled to OSPP and/or ordinary paternity leave and you have looked at the further information about OSPP on the Gov.uk website, you can challenge that decision. You must do this within six months of the first day that you are notified of your employer's decision. If you need help with this, for:

- OSPP – if you wish to register a dispute after getting further information, see *Further information and other help*, phone our Statutory Payments Disputes Team on **03000 560630**
- ordinary paternity leave – phone the Advisory Conciliation and Arbitration Service (Acas) Helpline number **08457 47 47 47**. In Northern Ireland, phone the Labour Relations Agency on **028 9032 1442**.

Additional Statutory Paternity Pay (ASPP)

If you are entitled to OSPP you may also be entitled to Additional Statutory Paternity Pay (ASPP).

If you would like more information about entitlement to ASPP you should ask your employer or go online at www.gov.uk

Penalties

We may charge penalties where a person, either fraudulently or negligently, gives incorrect information or makes a false statement or declaration for the purpose of claiming entitlement to OSPP.

Further information and other help

Depending on your circumstances you may not qualify for OSPP and/or ordinary paternity leave. Your employer will let you know. If this is the case you will get more advice and information at the time.

If you are not entitled to OSPP you may be entitled to other government help. Contact any Jobcentre Plus office for further information.

For details covering social security benefits go to www.gov.uk

For further information on OSPP you can also go to:

- www.gov.uk
- www.acas.org.uk