

PATERNITY LEAVE POLICY

Date of issue: 01/05/2020

1. Purpose

- 1.1 This document sets out the rights, responsibilities and procedures whereby employees can apply to take Paternity Leave

2. Scope

- 2.1 All employees who meet the qualifying criteria:

- 2.1.1 In the case of child birth, to qualify for Paternity Leave an employee must:

- Have completed 26 weeks' continuous service at the end of the 15th week before the expected week of childbirth and continue to work for The Trust until the baby's birth.
- 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.
- Be either the biological father of the child, married to the child's mother or, be the civil partner / partner / same sex partner of the child's mother.

- 2.1.2 In the case of adoption, to qualify for Paternity Leave an employee must:

- Have completed 26 weeks' continuous service ending at the end of the 15th week before the week in which the adopter is notified of being matched with a child and continue to work for The Trust until the child is adopted.
- 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 adopter.
- Be either married to, the civil partner / partner / same sex partner of the primary adopter
- Not be taking adoption leave in respect of the child.

- 2.1.3 In the case of a parental order parent¹, to qualify for Paternity Leave an employee must:

- Have completed 26 weeks' continuous service at the end of the 15th week before the expected week of childbirth and continue to work for The Trust until the baby's birth or have completed 26 weeks' continuous service ending at the end of the 15th week before the week in which the adopter is notified of being matched with a child and continue to work for The Trust until the child is adopted.
- 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 other parental order parent.
- Be married to or in a civil partnership with the other parental order parent
- Living with the other parental order parent in an enduring family relationship, but you are not an immediate family relative
- Not be taking adoption leave in respect of the child.

Note¹ A parental order parent is a person who is part of a couple and who has a child through a surrogacy arrangement who is eligible for, and intends to apply for, a parental order to become the child's legal parent.

3. General principles

- 3.1 Eligible employees are entitled to 10 days' Paternity Leave (pro rata for part time employees) which can either be taken as one week or two consecutive working weeks. Employees are not entitled to take two non-consecutive weeks or odd days.
- 3.2 Paternity Leave must take place within 56 days of the child's birth or the expected week of childbirth, whichever is the later. In the case of Adoption, Paternity Leave can take place within 56 days of the placement for adoption, or within 56 days of the first day of the expected placement, whichever is the later.
- 3.3 Only one period of Paternity leave is available, irrespective of whether more than one child is born or adopted.



4. Notice of intention to take Paternity Leave

- 4.1 Employees should aim to provide notice of their intention to take Paternity Leave in respect of the birth of a child prior to the 15th week (week 25) before the expected date on which the baby is due, or as soon as reasonably practicable.
- 4.2 In the case of an adopted child an employee must give written notice of their intention to take Paternity Leave no later than 7 days after the date on which the notification of the match with the child was given by the adoption agency.
- 4.3 In the case of a parental order parent, an employee must give written notice by the end of the 15th week before the expected date on which the baby is due, or as soon as reasonably practicable.
- 4.4 Notification should be addressed to Headteacher (a standard form is available).
- 4.5 Notice should be accompanied by either a birth certificate (if available, if not a MAT B1 followed by a birth certificate), or evidence of adoption such as the matching certificate.
- 4.6 Requests to amend the date or period of Paternity Leave need to be made in writing to the Headteacher providing 28 days' notice before the new leave date or period commences. Permission to change the date of the Paternity Leave period will not be unreasonably withheld.

5. Paternity Leave Pay

- 5.1 Employees who meet the qualifying criteria are entitled to up to 10 days' Paternity Leave on full pay if they have notified the Headteacher of their intention to take Paternity Leave in accordance with this policy.
- 5.2 Pay can start on any day of the week in accordance with the date when Statutory Paternity Leave is taken.

6. Returning to work following Paternity Leave

- 6.1 Any employee who is unable to return to work at the end of the Paternity Leave period due to illness will be treated as if they were on sick leave.
- 6.2 An employee who takes Paternity Leave will be entitled to return to the same job in which they were employed before the leave began.

7. General Data Protection Regulation

- 7.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

Note: Additional Paternity Leave was replaced by Shared Parental Leave in April 2015.

Please refer to the Shared Parental Leave policy.

