



**GENESIS**  
EDUCATION TRUST

# **PATERNITY PROCEDURE**

**(Adopted from LBWF Policy)**

Written by: **Personnel Committee**

Reviewed by the Governing Body: **Summer 2016**

To be reviewed: **Annually**

Next review: **Summer 2017**

# CONTENTS

<b>SECTION 1:</b>	<b>OUTLINE OF PROCEDURES</b>	<b>PAGE</b>
1	Introduction	3
2	Paternity Leave Eligibility	3
3	Time off for Antenatal Appointments	4
4	Paternity Pay	5
5	Notification of Paternity Leave	5
6	The Right to Return to Work	6
7	Shared Parental Leave and Pay	6
8	Still Birth and Miscarriage	6

## **SECTION 1    OUTLINE OF PROCEDURE**

### **1. INTRODUCTION**

- 1.1 This policy sets out the paternity provisions and rights for members of staff whose partner is pregnant and has an expected week of birth, or has been notified of a match for adoption. This includes spouses, civil partners and partners of either sex who meet the eligibility criteria outlined in this policy.
- 1.2 This is the length of paternity leave, {time off work}, that can be granted to. This is defined under two categories:

#### **a) Ordinary Paternity Leave**

You can receive either 1 or 2 weeks leave. You receive the same amount of leave if your partner has a multiple birth (e.g. twins).

#### **b) Shared Parental Leave**

Shared Parental leave is where the mother / adopter can share their leave allocation with an eligible partner for a specified period of leave allowance in line with statutory requirements. Please refer to Shared Parental Leave Procedure for further information

### **2. PATERNITY LEAVE ELIGIBILITY**

- 2.1 Paternity leave is available to all staff who have met the eligibility criteria providing a period of shared parental leave (SPL) has not already been taken. Once shared parental leave (see separate policy) has been taken, there is no longer an entitlement to paternity leave.
- 2.2 Employees with over 26 weeks continuous service ending with the fifteenth week before the baby is due (the 'qualifying week') can take up to two weeks paternity leave.
- 2.3 You can choose to take either one week or two consecutive weeks' paternity leave.

Leave cannot be taken in odd days. You can choose to start your leave:

- a) from the date of the child's birth (whether this is earlier or later than expected), or
- b) the placement of the child, or;
- c) from a chosen number of days or weeks after the date of the child's birth (whether this is earlier than expected), or the placement of the child, or;

d) from a chosen date later than the first day of the week in which the baby is expected to be born or the placement of the child.

2.4 Leave can start on any day of the week but must be completed:

- a) within 56 days of the actual date of birth or placement of the child, or;
- b) if the child is born early or the placement begins earlier than expected, within the period from the actual date of birth up to 56 days after the first day of the expected week of birth or the placement of the child.

2.5 To be eligible for paternity leave you must be taking time off to look after the child and be one of the following:

- a) the father
- b) the husband or partner of the mother (or adopter)
- c) the child's adopter
- d) the intended parent (if you're having a baby through a surrogacy arrangement)

2.6 Paternity leave can only commence after the baby is born, and you must give the required notice. You must tell your employer that you intend to take paternity leave by the end of the 15<sup>th</sup> week before the baby is due.

2.7 You will be required to state when you wish to commence paternity leave, the expected due date of the baby and whether you intend to take one or two week's paternity leave. If you decide to change the date when you wish to commence Paternity leave, you will be required to give your Head Teacher 28 day's written notice.

2.8 In addition, to claim SPP you must give your employer a signed SC3 declaration form stating the following:

- a) that you are taking leave either to care for the child or to support the mother or both.
- b) that you have or expect to have responsibility for the upbringing of the child;
- c) that you are the father of the child and/or the partner or husband of the mother.

2.9 The employee must also tell their employer when the baby was actually born as soon as is reasonably practicable after the birth.

### **3.0 TIME OF FOR ANTENATAL APPOINTMENTS**

3.1 You can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments if you're:

- a) the baby's father
- b) the expectant mother's spouse or civil partner

- c) in a long-term relationship with the expectant mother
  - d) the intended parent (if you're having a baby through a surrogacy arrangement)
- 3.2 You can take up to 6 and a half, hours per appointment. Your employer can choose to give you longer.
- 3.3 You can apply for time off immediately if you're a permanent employee.

#### **4.0 PATERNITY PAY**

- 4.1 Employees must meet the following criteria to receive Paternity Pay:
- a) Employees with over 26 weeks continuous service ending with the fifteenth week before the baby is due (the 'qualifying week') can take up to two weeks paternity leave.
- 4.2 Employees will be entitled to the following:
- a) 1 week at full pay plus 1 week SPP
- Or**
- b) 2 weeks at half pay plus 2 weeks SPP
- 4.3 In addition to the qualifications for leave (see above), to qualify for Statutory Paternity Pay (SPP) an employee must have average weekly earnings at or above the Lower Earnings Limit for National Insurance at the end of his qualifying week. If you do not qualify for SPP you will be sent a SPP1 form, which will state why you do not qualify for Statutory Paternity Pay.

#### **5.0 NOTIFICATION OF PATERNITY LEAVE**

- 5.1 To request PL the Application for Paternity Leave and Pay Form must be completed and signed by the member of staff's line manager 8 weeks before his/her partner's baby is due, or no later than 7 days after receiving the notification of a match for adoption.
- 5.2 The member of staff is requested to submit a copy of their partner's MAT B1, a letter from their partner's midwife stating the due date, or a copy of the matching certificate for adoption, with your application for PL.
- 5.3 The member of staff will receive confirmation of their request in writing from the HR Advisory team within 28 days of submitting their request.
- 5.4 PL can only be taken in a single block of either one or two weeks within 56 days of the birth, or adoption, of the child.

- 5.5 PL cannot be taken before the birth of the child, therefore, if PL has been requested for the due date of the child and the member of staff taking paternity leave needs to change the date to when the child is actually born, the commencement of the paternity leave can be changed at the line manager's discretion, and as much notice as possible should be provided to the individual's line manager.
- 5.6 To subsequently change the timing of PL once an application has been made, 28 days' notice must be given of the new dates.

## **6.0 The right to return to work**

- 6.1 At the end of Paternity leave the employee is entitled to return to the same job as before and the same terms and conditions as before going on Paternity leave, unless a redundancy situation has arisen.

## **7.0 Shared Parental Leave and Pay**

- 7.1 Shared Parental Leave will enable eligible mothers, fathers, partners and adopters to choose how to share the time off work after their child is born or placed for adoption. This could involve returning to work for part of the time and then resuming leave at a later date.

Please see below the key points to this legislation:

- a) Qualifying mothers and adopters continue to be entitled to Maternity and Adoption rights however they may also be able to choose to end this early and exchange it for Shared Parental Leave and Pay. They and their named partner will then need to decide how they want to share this new entitlement
  - b) Two weeks of paid Paternity Leave continues to be available to qualifying fathers and the partner of a mother or adopter. However, Shared Parental Leave has replaced the Additional Paternity Leave entitlement
  - c) These regulations came into force on 1 December 2014 and apply to eligible parents where a baby is due, or a child is placed for adoption, on or after 5 April 2015
- 7.2 Please refer to the School's Shared Parental Leave Procedure for further information.

## **8.0 Stillbirth or miscarriage**

- 8.1 If the employee's partner loses her baby earlier than the 24<sup>th</sup> week of pregnancy the employee will not qualify for Paternity Leave or Statutory Paternity. In this situation the employee may be granted leave in line with the School's Special leave arrangements.

8.2 If the employee's partner has a stillbirth from the 24<sup>th</sup> week of pregnancy onwards, the employee would be eligible for Paternity Leave or Statutory Paternity Pay in the usual way.