



Transform Trust Paternity Leave Guide

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321	HR Director	V3 September 2022	Annual

INTRODUCTION

This guidance applies to all schools within Transform Trust and outlines when an employee may be entitled to paternity leave and paternity pay, and sets out the arrangements for taking it. For further advice and guidance contact your Head Teacher/ Line Manager.

This guide does not form part of an employee's contract of employment and the Trust may amend it at any time.

Support Employees

The Paternity Leave and Pay Schemes reflect statute and/or the provisions of the National Joint Council for Local Government Services (The Green Book)

Teachers

The Parental Leave Scheme reflects statutory provision. There is no national occupational paternity scheme in the Conditions of Service for School Teachers in England and Wales (Burgundy Book).

1. Entitlement to Paternity Leave

Paternity leave is available on the birth of a child if you have been continuously employed by the Trust for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth and either:

- You are the biological father and will have some responsibility for the child's upbringing; or
- You are the husband, civil partner or cohabiting partner of the biological mother and will have the main responsibility (with the mother) for the child's upbringing.

Paternity leave is also available where a child is placed with you for adoption by an adoption agency, if you have been continuously employed by the Trust for at least 26 weeks ending with the week in which the agency notifies you that you have been matched with a child. In such cases you may be entitled to take adoption leave instead (see the Adoption Guide). However, adoption leave may only be taken by one adoptive parent. Paternity leave is available to the other adoptive parent (of either sex).

2. Ordinary paternity leave

Ordinary paternity leave (**OPL**) is a period of one or two weeks' consecutive leave taken when a child is born or placed with you for adoption. You can start your leave on the date of birth or placement, or later, provided it is taken within eight weeks (56 days) of the birth or placement. (If the baby is premature the period ends eight weeks after the start of the Expected Week of Childbirth.)

To take OPL you must give written notice to the Headteacher by the end of the 15th week before the Expected Week of Childbirth (or no more than seven days after the adoption agency notified of being matched with a child), or as soon as you reasonably can, stating:

- The Expected Week of Childbirth;
- Whether you intend to take one week or two weeks' leave; and
- When you would like your leave to start.

Notification should be given to your Head teacher by completing the Trust Paternity Leave form (Appendix 1) together with a copy of the MAT B1 form or, in the case of adoptive parents, a copy of the matching certificate

You can change the intended start date by giving 28 days' notice in writing or, if this is not possible, as much notice as you can.

Ordinary 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 ordinary paternity leave where the other adoptive parent has elected to take adoption leave. In respect of an adoptive child, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

Paternity pay

Statutory paternity pay (**SPP**) is payable during OPL provided you have at least 26 weeks' continuous employment ending with the Qualifying Week (the 15th week before the Expected Week of Childbirth or the week in which the adoption agency notified you of a match); and your average earnings are not less than the lower earnings limit set by the government each tax year.

Paternity Leave is available for one or two consecutive full weeks (it cannot be taken as odd days).

The first week's Paternity Leave is paid at the standard rate of SPP made up by Transform Trust to a normal week's pay.

The second week, which must be taken immediately after the first week, is paid at the standard rate of SPP.

The rate of SPP is set by the government each tax year. For the current rate please see www.gov.uk/paternity-pay

During paternity leave

All the terms and conditions of your employment remain in force during OPL, except for the terms relating to pay.

Annual leave entitlement will continue to accrue during OPL at the rate provided under your contract.

If you are a member of the pension scheme, the Trust will make employer pension contributions during OPL, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any

paternity pay you are receiving, unless you inform your Head Teacher that you wish to make up any shortfall.

Maternity Support Leave

Employees not eligible for Paternity Pay / Leave are entitled to one week's paid leave at or around the time of the birth if they are the child's father or nominated carer of the expectant mother.

The employee can choose to start his/her leave on:

- The date the child is born
- A certain number of days after the child is born, or
- On a predetermined date after the first day of the Expected Week of Confinement (EWC)

An employee must give notice in writing of the following before the end of the 15th week before the EWC or as soon as is reasonably practicable:

- The EWC
- The expected date on which they want their leave to begin

The employee may change the commencement date provided they give 28 days' notice (or as much notice as is reasonably practicable) of the new start date.



Statutory Paternity Pay and leave request

Name	
NI number	
Baby's due date/ adoption date	

Has the baby been born yet/ been adopted? YES/NO

If yes actual date of birth/ adoption {date here}

I would like my Statutory Paternity Pay (SPP) and/or paternity leave to start on the date the baby is born/adopted YES/NO

If 'No' I would like my SPP to start within 8 weeks of the date the baby was born/being adopted starting on or around {date here}

I want to be absent from work for

- 1 week
- 2 weeks

I understand that I will be receive full pay for the first week and statutory paternity pay for the second week.

Declaration

You must be able to tick all 3 boxes below to get Statutory Paternity Pay (SPP) and paternity leave.

- I am the child's biological father or the mother's spouse, civil partner or a partner (including same sex partners) who lives with the mother and child in an enduring family relationship.
- I will have responsibility for caring for the child.
- I will take time off work to support the mother and/or care for the child.

A copy of the MATB1 or, in the case of adoptive parents, a copy of the matching certificate must be provided with this form.

Signed :

Date: