




Slough and East Berkshire
C of E Multi Academy Trust



Paternity/Partner Leave & Pay Policy

Owner:	SEBMAT Directors and Local Governing Bodies	
Ratified by Trustees/Directors	July 2022	Signature: Chair of Directors 
Policy created:	May 2011	
Policy reviewed and updated:	November 2021	
Date of next review:	November 2023	
This guidance will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation where appropriate.		

To Note:

This policy applies to all staff employed in schools and academies. Within this policy, references to the School, Headteacher, Governing Board and the Chair of Governors will, for Academies and Academy Trusts, be taken to mean a reference to the appropriate equivalent within those establishments. In instances where the Local Authority may need to be informed of matters, the trust will seek advice from HR.

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1. Scope

This policy applies to all staff employed directly by schools and academies who have parental responsibility and who intend to take time off work to provide care for their child and/or support to their partner following the birth or (in cases of adoption), placement of a child.

Within this policy, references to the school, Headteacher, Governing Board and the Chair of Governors will, for Academies and Academy Trusts, be taken to mean a reference to the appropriate equivalent within those establishments.

The recognised trade unions have been consulted.

2. Policy Purpose

Paternity/Partner leave is designed to enable employees who have parental responsibility to take paid time off work to provide care for their child and/or support to their partner at the time of birth or, in cases of adoption, at the time of placement of a child.

This policy sets out the Paternity/Partner Leave and Pay entitlements and the relevant procedure for employees who wish to take Paternity/Partner Leave with Pay.

3. Statutory Paternity/Partner Leave

3.1 Eligibility

Employees will be entitled to take paid paternity/partner leave if they:

- 3.1.2 Have at least 26 weeks' continuous service with their employer by the end of the 15th week before the expected week of childbirth, or (in cases of adoption) by the end of the week in which they are notified by an Adoption Agency that they have been matched with a child for the purposes of adoption.
- 3.1.3 Are employed up to the date of birth of the child or (in cases of adoption) by the date of placement of a child.
- 3.1.4 Have the relevant relationship with the partner and child i.e. they are:
 - The biological father of the child or
 - The spouse or civil partner of the child's mother (includes same sex partners)
 - The child's adopter or
 - The spouse or civil partner of the primary carer in an adoption arrangement or
 - The partner of the child's mother/primary carer in an adoption arrangement and live with them and the child in an enduring family relationship (excludes close relatives) or
 - The intended parent (if they are having a baby through a surrogacy arrangement and have applied or intend to apply for a Parental Order in the 6 months after the baby's birth).
- 3.1.5 Have caring responsibilities for the child and will be responsible for the child's upbringing

3.1.6 Are taking time off work to provide care for their child and/or support to their partner at the time of birth or (in cases of adoption) placement of a child

3.1.7 Give the required notice.

3.2 Entitlement

Employees will be entitled to take up to 2 weeks' paternity/partner leave. They can choose to take 1 week or 2 weeks; if they choose to take 2 weeks, the weeks must be taken together, in one block.

In cases of multiple births, employees are only entitled to one period of paternity/partner leave.

3.3 Taking Paternity/Partner Leave

Paternity/Partner leave can start on any day of the week (but not before the baby is born or before the placement). In cases of adoption, the leave can start on the date of placement or an agreed number of days after the date of placement.

Paternity/Partner leave must be taken within 8 weeks of (i) the baby's birth or (ii) placement in cases of adoption.

3.4 Notice of intention to take Paternity/Partner Leave

Employees must provide notice to their manager of their intention to take leave:

- i. At least 15 weeks before the baby is due, or
- ii. Within 1 week of being told by the Adoption Agency that they have been matched with a child of the expected date of placement.

Where it is not reasonably practicable for the employee to give the required notice, it must be given as soon as is reasonably practicable.

Notice should be provided in writing and set out how much paternity/partner leave the employee intends to take and when they intend to take it and whether they intend to claim paternity pay (use template at **Appendix 2**).

Where the employee is claiming Statutory Paternity Pay, the notice details can be provided at the same time by completing the relevant HMRC forms:

- SC3 (births) available on: <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>
- SC4 (adoptions) available on: <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-an-adoptive-parent-sc4>

Failure to give the required period of notice may lead to the forfeiture of the right to paternity/partner leave and pay.

3.5 Changing the Start Date of Paternity/Partner Leave

Where an employee has already given a start date for their paternity/partner leave and later wish to change it, they are required to give 4 weeks' notice prior to the date of the leave commencing or where this is not reasonably practicable, for the employee to give notice as soon as is reasonably practicable.

4. Statutory Paternity Pay

4.1 Eligibility

Employees are eligible for Statutory Paternity Pay if they meet the following additional criteria:

- Have earnings that are not less than the lower limit for National Insurance Contributions (currently **£120.00*** per week before tax).

4.2 Entitlement

Statutory Paternity Pay will be paid at:

- **£151.97*** per week or
- 90% of employee's average weekly earnings (whichever is lower).

***Rates are subject to annual increase.**

4.3 Non eligibility

Employees who are assessed by their employer as not qualifying for Statutory Paternity Pay, must be informed of this decision within 28 days. The employer must complete form SPP1: <https://www.gov.uk/government/publications/statutory-paternity-pay-non-payment-explanation-spp1>

4.4 Proof of Birth or Adoption

Employees must provide a copy of the birth certificate as soon as possible following the birth of the baby or in the case of adoption, proof of adoption (letter from the Adoption Agency and/or the matching certificate).

5. Stillbirth or Early Birth

Provided the criteria as set out above is met, employees can still get paternity/partner leave or pay if:

- Their baby is stillborn from 24 weeks of pregnancy or does not survive after birth*
- Their baby is born alive at any point during the pregnancy (early birth)
- In the case of an adoption, the placement does not work out or the child ceases to live with the adopter during the statutory paternity/partner leave period. However, where the employee has not started paternity/partner leave when they find out that a child is not going to be placed with them or their partner, then they cannot take paternity /partner leave or pay.

*In the case of a stillbirth, employees may be able to apply for leave under the Parental Bereavement Leave & Pay Policy or the Special Leave Policy (Bereavement).

6. Right to Take Time Off to Attend Antenatal and Adoption Appointments

6.1 Antenatal appointments

Expectant fathers and partners of the expectant mother are entitled to take unpaid time off during working hours to accompany her to 2 antenatal appointments. They are entitled to take a maximum of 6.5 hours per appointment including travelling and waiting time.

The right to 2 unpaid antenatal appointments also includes employees who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for, and intend to apply for, a Parental Order.

6.2 Adoption appointments

The primary adopter is entitled to take paid time off for up to 5 adoption appointments.

The secondary adopter (primary adopter's partner who will be taking Paternity/Partner Leave) is entitled to take unpaid time off for up to 2 adoption appointments after they have been matched with a child.

There is no qualifying period of service required before an employee can apply to take unpaid time off for these appointments.

Employees wishing to take time off to attend these appointments must:

- Give reasonable notice of the appointment
- Submit their request in writing to the Headteacher
- Confirm that the purpose of the time off is to attend antenatal/adoption appointments.

The template form at **Appendix 1** can be used for this purpose.

7. Rights during Paternity/Partner Leave

Paternity/Partner leave is regarded as continuous service and does not constitute a break in service. All contractual terms and conditions (except for normal remuneration) should continue throughout a period of paternity/partner leave. During this period, the employee will continue to be bound by the terms of their contract of employment including the implied term of trust and confidence and any terms as to notice of termination by them.

8. Returning from Paternity/Partner Leave

Employees returning from paternity/partner leave are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.

Flexible working upon a return to work:

If the employee wishes to change their work pattern upon their return to work from paternity/partner leave, they should refer to the school's Flexible Working Policy.

9. Other Leave Options

An employee may not qualify for paternity/partner leave or they may want to take additional time off (over and above 2 weeks) when the baby is born or adopted. In these circumstances, employees could consider taking:

- Ordinary Parental Leave or Shared Parental Leave
- Annual Leave (if there is entitlement)
- Unpaid Time off.

10. Protection from Detriment or Dismissal

An employee has the right not to be subjected to detrimental treatment or be dismissed because they are exercising their rights under this policy in taking or seeking to take paternity/partner leave.

Request for Time Off to Attend Antenatal/Adoption Appointment Form

Name:	
Job Title:	
Line Manager:	
<p>I am the <i>expectant father/partner of the expectant mother/partner of the prospective adopter</i>.</p> <p>The purpose of the time off that I am requesting is to attend an <i>antenatal/adoption appointment</i>.</p> <p>Proof provided? <i>Y/N</i></p>	
Date of Appointment:	
Time of Appointment:	
Location of the Appointment:	
This is the 1st of the 2 appointments that I am entitled to take time off for:	
This is the 2nd of the 2 appointments that I am entitled to take time off for:	
Employee's Signature	
Date	
Manager's Signature	
Date	

Notice to take Paternity/Partner Leave Form

School:

Employee Details

Name: NI Number:

Job Title: Phone Number:

Start date with employer:

26 weeks continuous service? **Y/N**

Notice Periods

I am giving the required notice for Paternity/Partner Leave which I understand is:

- i. 15 weeks before the baby is due (for births) or
- ii. Within 1 week of being matched with the child of the expected date of placement (for adoptions).

I confirm that I intend to claim Statutory Paternity Pay for the leave period: **Y/N**

Birth Details

What is the due date?/...../..... **(dd/mm/yyyy)**

I would like to start Paternity/Partner Leave on:/...../..... **(dd/mm/yyyy)**

I intend to return to work on:/...../..... **(dd/mm/yyyy)**

Adoption Details

Date Matched with a Child:/...../..... **(dd/mm/yyyy)**

Expected Date of Placement:/...../..... **(dd/mm/yyyy)**

I would like to start Paternity/Partner Leave on:/...../..... **(dd/mm/yyyy)**

I intend to return to work on:/...../..... **(dd/mm/yyyy)**

Employee Declaration

I confirm I am the *(insert relevant category of relationship as set out in section 3.1 of this policy)*
.....

I confirm I will have caring responsibilities for the child and will be responsible for their upbringing.

I confirm I will take time off work to provide care for the child and/or support to the mother.

Employee's Signature

Date

Manager's Signature

Date

For births: employees must send this form to their manager no later than 15 weeks before the baby is due.

For adoptions: employee must send this form to their manager within 1 week of the partner (primary adopter) receiving formal notification from the Adoption Agency that they have been matched with a child.

The manager will then send this form to HR to be recorded and payroll to be processed.