

PATERNITY LEAVE POLICY

VERSION 1: April 2024

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CONTENTS

POLICY

1. Introduction	3
2. Policy.....	3
3. Principles.....	3
4. Notification	3
5. Commencement of leave	3
6. Return to work	3
7. Paternity leave and pay eligibility and entitlement.....	4
8. Return to Work.....	4
9. Pension contributions and leave	4
10. Time off for Antenatal Care.....	5
11. Terms and Abbreviations	6
Appendix 1: Paternity Scheme Eligibility and Entitlements	7
Appendix 2: Request for time off to accompany a pregnant woman at an antenatal appointment.....	8
Appendix 3: Policy History	9

1. INTRODUCTION

- 1.1. This policy, procedure and guidance applies to all staff employed by the Trust. The process will be managed by the Headteacher in all schools, (the line manager for the Network Support Team).

2. POLICY

- 2.1 Paternity leave is to be taken in accordance with national, local and statutory conditions of service. This policy shall apply to all employees regardless of the number of hours worked per week. Nothing in the provisions shall be construed as providing rights less favourable than statutory rights.
- 2.2 The Paternity Leave Policy is provided to allow eligible employees paid leave:
- to care for a child
 - to support the mother following birth
 - to support an adoptive parent who is taking the main caring responsibility
- 2.3 There are two elements to the scheme, the statutory entitlements and the contractual entitlements. The Trust's Paternity Leave Policy is an amalgamation of the two sets of entitlements.

3. PRINCIPLES

- 3.1 The Trust is committed to equality in this policy. The conditions for qualification for leave and pay under this policy will not disadvantage any employee on the grounds of age, race, religion or belief, disability, gender reassignment, marital status, pregnancy and maternity, sex or sexual orientation.

PROCEDURE

4. NOTIFICATION

- 4.1 An eligible employee must give notice in writing to their Line Manager/Headteacher (LM/HT) of their intention to take leave no later than four weeks before they wish to take leave (save for if they are adopting a child, where the required notice is within seven days of the date on which they and / or their Partner were notified of having matched with the child), unless this is not reasonably practicable, stating:
- the expected week the baby is due or the expected date of placement in the case of adoption;
 - the date they would like their paternity leave to start;
 - whether they wish to take one or two weeks leave (and if the latter, whether they wish to take this consecutively or in separate one week blocks);
 - the relationship of the employee to the mother or in the case of adoption, the main adopter.
- 4.2 A copy of this notice must be forwarded to Payroll (payroll@ventrus.org.uk) who will send the employee an information letter which includes notification forms which must be completed and returned to Payroll as soon as possible.
- 4.3 The employee can change the date on which the leave will start by giving 28 days' notice of the change of date, or as soon as is reasonably practicable in the case of a premature or delayed birth.

5. COMMENCEMENT OF LEAVE

- 5.1 When the employee begins paternity leave the LM/HT must ensure that the absence is recorded and accessible by Employee Services, HR (ES), stating the date that the employee commenced leave. The reason for absence should be clearly indicated.

6. RETURN TO WORK

- 6.1 Upon return to work the LM/HT must ensure that the absence end date is recorded and accessible by Employee Services, HR (ES), stating the date that the employee returned to work following paternity leave.

GUIDANCE

7. PATERNITY LEAVE AND PAY ELIGIBILITY AND ENTITLEMENT

- 7.1 An employee with **less than 26 weeks' continuous service** at the 15th week before the child is due or the week in which the adoptive parent is notified of having been matched with the adoptive child and is:
- the child's biological father;
 - the mother's civil/married partner or nominated carer; or
 - the child's adoptive parent who is not taking the main caring responsibility,
- is entitled to take one week's leave with pay following the birth or placement (see Appendix 1 and para 7.4 below).
- 7.2 An employee with **26 weeks or more continuous service** at the 15th week before the child is due and is:
- the nominated carer of an expectant mother
- is entitled to take one week's leave with pay following the birth (see Appendix 1 and para 7.4 below).
- 7.3 An employee with **26 weeks or more continuous service** at the 15th week before the baby is due or the week in which the adoptive parent is notified of having been matched with the adoptive child and is:
- the child's biological father;
 - the mother's civil/married partner; or
 - the child's adoptive parent who is not taking the main caring responsibility
- is entitled to take either one week, two consecutive weeks', or two separate blocks of one week leave following the birth or placement of the child (See Appendix 1 and para 7.4).

There is no entitlement to take odd days. This is because this option includes the statutory entitlements of leave and pay and a condition for the receipt of statutory pay is that the leave is taken in a block or blocks. Pay during the first week of leave will be full pay. Any entitlement to statutory pay will be included in this amount and the Trust will be able to offset this against the full pay. Pay during the second week of leave will be any Statutory Paternity Pay due. (An employee is eligible for Statutory Paternity Pay if their average weekly earnings are at or above the Lower Earnings Limit for National Insurance at the end of the qualifying week). (See Appendix 1). Current rates are available from the GOV.UK website.

- 7.4 Any leave must be taken within 52 weeks of the birth or placement of the child. If the child is born early, leave can be taken within the period from the actual date of birth up to 52 weeks after the first day of the expected week of childbirth. Leave can start on any day of the week on or after the child's birth/date of placement. If the baby is born earlier than the fourteenth week before it is due and but for the birth occurring early the employee would have been employed continuously for 26 weeks, then the employee will have been deemed to have the necessary length of service.
- 7.5 Employees wishing to take their leave flexibly (i.e. in odd days) must obtain the approval of their manager.
- 7.6 A qualifying employee will be entitled to paid leave if the child is stillborn after 24 weeks of pregnancy. Please see the Trust's Maternity policy for further guidance on Parental Bereavement.

8. RETURN TO WORK

- 8.1 Employees are entitled to return to work to the same job following paternity leave.

9. PENSION CONTRIBUTIONS AND LEAVE

- 9.1 **Teachers** - During the period of paid paternity leave, pension contributions will be paid and deducted from the teacher's pay in the usual manner. The service will count as normal for pension purposes i.e. as if the employee had been at work.

9.2 **All other staff** - During the period of paid paternity leave, employees who are members of the Local Government Pension Scheme, will pay basic pension contributions on the pay actually received but the Trust will pay pension contributions on the pay the employee would have received had they been at work (notional pay). The pension will accrue as normal as if the employee had been at work.

10. TIME OFF FOR ANTENATAL CARE

10.1 On 1st October 2014, changes to the law on time off for antenatal appointments came into force. The changes mean that from this date all employees (from day one of their employment) and agency workers (after 12 weeks in the same role) have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments.

10.2 The following employees have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments:

- the biological father of the expected child;
- the husband or civil partner;
- employees living with the pregnant woman in an enduring family relationship (save for if the pregnant woman is their daughter, granddaughter, sister or niece); and
- the intended parent of a child in a surrogacy arrangement.

10.3 This time off will be unpaid, and it is expected that normally no more than half a day is needed for an antenatal appointment, however the right to time off includes time to travel to the appointment and any waiting time needed at the appointment. The maximum amount of time that can be taken is six-and-a-half hours (including waiting and travel time) on up to two occasions.

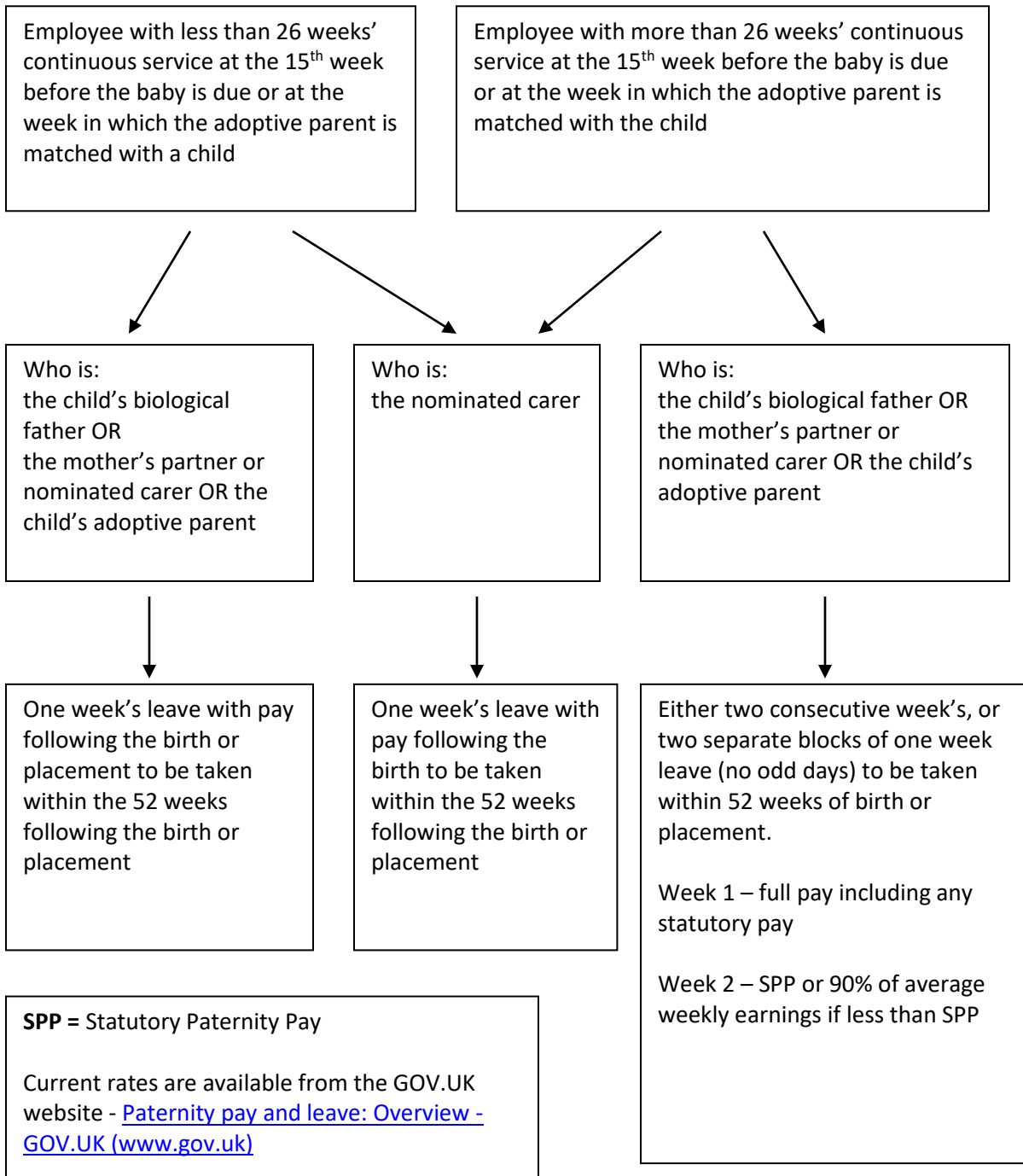
10.4 In order to request this time off, please complete the antenatal care form (see Appendix 2) and send this to us with as much notice as possible.

Please see the Trust's Maternity Policy for information on antenatal appointments for pregnant employees.

11. TERMS AND ABBREVIATIONS

Matched	A person is matched with a child for adoption when an adoption agency decides that the person would be a suitable adoptive parent for the child, either individually or with another person
Paternity Leave	A maximum of 2 weeks leave (subject to eligibility) which can be used to care for a child or support the child's mother/adopter
Nominated carer	The person nominated by the mother to provide support following the birth
Partner	Someone who lives with the mother and the child in an enduring family relationship but is not the mother's father, mother, grandfather, grandmother, sister, brother, aunt or uncle. A partner does not have to be of the opposite sex and includes civil and married partners.
Placement	The placement of a child for adoption occurs when the child goes to live with the adopter permanently with a view to being formally adopted.
Statutory Paternity Pay (SPP)	A weekly state benefit for employees who are on paternity leave (subject to eligibility). Current rates are available from the GOV.UK website – www.gov.uk

Appendix 1: Paternity Scheme Eligibility and Entitlements



Appendix 2: Request for time off to accompany a pregnant woman at an antenatal appointment

PART 1 – TO BE COMPLETED BY EMPLOYEE	
Employee Name	
Date of antenatal appointment	
Time of antenatal appointment	
I have the following relationship with the pregnant woman I am accompanying to an antenatal appointment or her expected child (please tick as appropriate)	
I am the husband or civil partner of the pregnant woman	
I live with the pregnant woman in an enduring family relationship, although I am not her parent, grandparent, sister, brother, aunt or uncle	
I am the father of the expected child	
I am the intended parent of a surrogate pregnancy	
I declare the following to be true (please tick each box)	
My purpose in taking time off is to accompany the above pregnant woman at an antenatal appointment	
The antenatal appointment has been made on the advice of a registered medical practitioner, midwife or nurse	
Signed (employee)	
Date	
PART 2 – TO BE COMPLETED BY LM/HT	
Time requested has been accepted	
Time requested has been declined	
Please state reason for declining	
Signed (manager)	
Date	

Notes for LM/HT:

- This time off is unpaid. Please ensure that you record the absence using the weekly absence return submitted to HR.
- Send a copy of this form to HR for the employee's personal file
- A maximum of 2 days can be requested (maximum of 6.5 hours per day)

Appendix 3: Policy History

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
August 2016	Revised policy for Trust schools based on LA policy previously consulted upon with trade unions.	HR ONE	September 2016	
March 2017	Policy revised by Ventrus HR to align with the Trust's branding and to change name to Parental & Adoption Support Leave Policy	Ventrus HR	15 March 2017	
February 2020	Policy revised by Ventrus HR, name amended as 'Parental Leave' is incorrect terminology – format updated, note that previous versions do not appear to have been approved by Board as at Feb 2020 Parental Bereavement cross reference to Maternity policy added	Ventrus HR	March 2020	March 2023
Apr 23	Updated throughout to reflect Payroll email address Updated to reflect process for recording absences to Employee Services	SS	May 23	May 26
Apr 24	Updated to reflect The Paternity Leave (Amendment) Regulations 2024			