



Maximising Potential

Paternity Leave Policy

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Contents

1. Scope and Purpose.....	3
2. Who is Covered by the Policy?.....	3
3. Who is Responsible for the Policy?	3
4. Definitions	4
5. Entitlement to Paternity Leave	4
6. Timing and Length of Paternity Leave	5
7. Notification (Birth)	5
8. Notification (Adoption)	6
9. Changing the Dates of Ordinary Paternity Leave.....	7
10. Statutory Paternity Pay	7
11. Occupational Paternity Pay.....	8
12. Terms and Conditions during Ordinary Paternity Leave.....	8
13. Annual Leave.....	8
14. Pensions	9
15. Returning to work	9
16. Deciding Not to Return	9
17. Returning to Work Part-Time.....	9

This procedure has been adopted by the governing body of the Rowan Learning Trust following consultation with staff and their trade union / professional association. This procedure supersedes any procedure previously in place in this School either formally or through custom and practice.

1. Scope and Purpose

This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it.

No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.

This policy does not form part of any employee's contract of employment and the Rowan Learning Trust may amend it at any time after consultation with our recognised Trade Unions.

2. Who is Covered by the Policy?

This policy covers all employees at all levels and grades including senior managers, employees, trainees, part-time and fixed term employees (referred to as employees in this policy).

It does not apply to agency staff and self-employed contractors.

3. Who is Responsible for the Policy?

The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy to the Headteacher of each school.

The Senior Leadership Team at each school has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

The Chief Executive of the Trust will be responsible for administering the policy in relation to the Headteacher (where the policy is applied to the Headteacher, all references to Headteacher should be replaced with Chief Executive of the Trust).

The Board of Trustees will be responsible for administering the policy in relation to the Chief Executive of the Trust (where the policy is applied to the Chief Executive of the Trust, all references to Headteacher should be replaced with Board of Trustees).

4. Definitions

The definitions in this paragraph apply in this policy.

Partner means someone (whether of a different sex or the same sex) with whom an employee lives in an enduring family relationship, but who is not an employee's parent, grandparent, sister, brother, aunt or uncle;

Expected Week of Childbirth means the week, beginning on a Sunday, in which their doctor or midwife expects an employee's spouse, civil partner or Partner to give birth;

Expected Placement Date means the date on which an adoption agency expects that it will place a child into an employee's care with a view to adoption;

Job means the nature of the work an employee is employed to do and the capacity and place in which he/she is so employed.

5. Entitlement to Paternity Leave

Certain employees can take paternity leave in relation to the birth or adoption of a child. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave. Further details of adoption leave are set out in the Trust's Adoption Policy.

An employee is entitled to Ordinary Paternity Leave (OPL) if he/she meets all the following conditions:

- has been continuously employed by the Trust for at least 26 weeks ending with:
- in birth cases, the week immediately before the 14th week before the Expected Week of Childbirth.
- in adoption cases, the week in which an employee or his/her Partner are notified by an adoption agency that they have been matched with a child.

An employee:

- is the biological father of the child;
- has been matched with a child by an adoption agency;
- is the spouse, civil partner or Partner of the child's mother; or
- is the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency.

An employee:

- expects to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or

- is the child's biological father and expects to have some responsibility for the child's upbringing.

An employee's intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.

If an employee's baby is prior to 1 April 2015 or an employee is notified of having been matched for adoption prior to 1 April 2015, he/she may be entitled to Additional Paternity Leave (APL) if, in addition to the conditions in paragraph 5.2 certain other conditions are met. Should an employee believe they are eligible to take APL and wish to explore his/her entitlement further they should contact the Headteacher for further information. After 1 April 2015 a new entitlement to Shared Parental Leave came into force and an employee should review Shared Parental Leave – Birth Cases or Shared Parental Leave – Adoption Cases Policies for further information.

6. Timing and Length of Paternity Leave

OPL must be taken as a period of either one working week or two consecutive working weeks. It cannot be taken in instalments unless by agreement.

OPL can be taken from the date of the child's birth or adoption placement, but must end:

- in birth cases, within 56 days of the child's birth, or if they were born before the first day of the Expected week of Childbirth, within 56 days of the first day of the Expected Week of Childbirth.
- in adoption cases, within 56 days of the child's placement.

7. Notification (Birth)

If an employee wishes to take OPL in relation to a child's birth, he/she must give the Headteacher notice in writing of his/her intention to do so and confirm:

- the Expected Week of Childbirth;
- whether he/she intends to take one week's leave or two consecutive weeks' leave; and
- when he/she would like to start the leave. An employee can state that the leave will start on:
 - the day of the child's birth;
 - a day which is a specified number of days after the child's birth; or
 - a specific date later than the first date of the Expected Week of Childbirth.

An employee must give notice under paragraph 7.1 before the 14th week prior to the Expected Week of Childbirth (or, if this is not possible, as soon as possible).

The Headteacher may require a signed declaration from an employee that he/she is taking OPL for a purpose for which it is intended; namely, to care for the child or to support the child's mother in caring for the child.

The Headteacher may require an employee to provide a copy of the child's birth certificate and the name and address of the mother's employer or, if she is self-employed, her business address.

8. Notification (Adoption)

If an employee wishes to take OPL in relation to the adoption of a child, he/she must give the Headteacher notice in writing of his/her intention to do so and confirm:

- the date on which an employee and/or his/her spouse, civil partner or Partner were notified of having been matched with the child, together with the Expected Placement Date;
- whether he/she intends to take one week's leave or two consecutive weeks' leave; and
- when he/she would like to start the leave. An employee can state that the leave will start on:
 - the day on which the child is placed with his/her or the adopter;
 - a day which is a specified number of days after the child's placement; or
 - a specific date later than the Expected Placement Date.

An employee must give notice under paragraph 8.1 no more than seven days after he/she and/or his/her spouse, civil partner or Partner were notified of having been matched with the child (or, if this is not possible, as soon as possible).

The Headteacher may require a signed declaration from an employee that he/she is taking OPL for a purpose for which it is intended; namely, to care for the child or to support his/her spouse, civil partner or Partner in caring for the child.

The Headteacher may require an employee to provide the following:

- the name and address of the adopter's employer or, if they are self-employed, their business address;
- documentary evidence issued by the adoption agency that matched an employee with the child which confirms:
 - the name and address of the adoption agency;
 - the date on which he/she was notified that he/she had been matched with the child; and
 - the date on which the agency expected to place the child with him/her.

9. Changing the Dates of Ordinary Paternity Leave

Where an employee is to take OPL in respect of a child's birth, he/she can give written notice to vary the start date of the leave from that which he/she originally specified in the notice given under paragraph 7.1. This notice should be given:

- where an employee wishes to vary the leave to start on the day of the child's birth, at least 28 days before the first day of the Expected Week of Childbirth;
- where an employee wishes to vary the leave to start a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth;
- where an employee wishes to vary the leave to start on a specific date (or a different date from that originally specified), at least 28 days before that date.

Where an employee is to take OPL in respect of a child's adoption, he/she can give written notice to vary the start date of the leave from that which he/she originally specified in the notice given under paragraph 0. This notice should be given:

- where an employee wishes to vary the leave to start on the day that the child is placed with him/her or the adopter, at least 28 days before the Expected Placement Date.
- where an employee wishes to vary the leave to start a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the Expected Placement Date.
- where an employee wishes to vary the leave to start on a specific date (or a different date from that originally specified), at least 28 days before that date.

If an employee is unable to provide 28 days' written notice of the wish to vary the start of the leave as set out above, he/she should give the Headteacher written notice of the change as soon as possible.

10. Statutory Paternity Pay

In this paragraph, Relevant Period means:

- in birth cases, the eight-week period ending immediately before the 14th week before the Expected Week of Childbirth.
- in adoption cases, the eight-week period ending immediately before the week in which an employee or his/her spouse, civil partner or Partner were notified of being matched with the child.

If an employee takes OPL in accordance with this policy, he/she will be entitled to Ordinary Statutory Paternity Pay (OSPP) if, during the Relevant Period, his/her average weekly earnings are not less than the lower earnings limit set by the government.

OSPP is paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of an employee's average weekly earnings calculated over the Relevant Period if this is lower.

11. Occupational Paternity Pay

To Qualify for OPP an employee must:

- have at least one year's continuous service at the beginning of the 14th week before the Expected Week of Childbirth or the week in which the adoption notification is received from the adoption agency.
- declare in writing that he/she intends to return to work for 3 months following OPL. If an employee subsequently decides not to return to work, he/she must repay all of the OPP he/she has received.

The total amount of OPP payable is:

- Week 1: full pay, inclusive of any payment made by way of SPP
- Week 2: SPP at a prescribed rate which is set by the government for the relevant tax year, or at 90% of an employee's average weekly earnings calculated over the Relevant Period if this is lower.

12. Terms and Conditions during Ordinary Paternity Leave

All the terms and conditions of employment remain in force during OPL, except for the terms relating to an employee's normal pay.

13. Annual Leave

During OPL, annual leave will accrue. Annual leave cannot usually be carried over from one holiday year to the next.

This entitlement applies to all employees including term time only and teachers.

Term Time Only Workers – In order to calculate the entitlement to annual leave it is necessary to carry out a 'Balance of Salary' calculation at the start of the OPL period and a second calculation at the end of an employee's leave period. This calculation takes into account an employee's start date with the Trust and the number of completed weeks of the academic year up to the point the OPL starts. The proportion of completed weeks will then be compared to the salary an employee has been paid for the same period. In some cases this may result in a payment of a balance of salary, however, there may be instances where the salary paid exceeds the weeks which have been worked and a recovery of salary is necessary. Once an employee returns to work, a second calculation is carried out to identify whether he/she is entitled to a payment in respect of annual leave accumulated whilst on OPL. (Please note: The date on which OPL ends can significantly affect the balance

of salary calculation. Employees should contact the school's HR Officer to determine how this is likely to affect individual employees.)

Teachers – The nature of an employee's employment with the Trust is such that the contract of employment makes no reference to an entitlement to annual leave for teachers. There is however a statutory right to a minimum of 28 days per annum under the Working Time Regulations. Periods of school closure count towards this entitlement, consequently it is unlikely that teachers returning to their posts following a period of paternity leave will have acquired a right to additional annual leave. It is possible that teachers who resign their post and do not return could have an outstanding balance of annual leave payable.

The School's holiday year runs from 1 April to 31 March

If the holiday year is due to end during an employee's absence on paternity leave, he/she should ensure that he/she has taken the full year's entitlement before OPL starts.

14. Pensions

For details of the implication of OPL on pension, employees should contact the school's HR Officer who will advise further.

15. Returning to work

An employee is normally entitled to return to work following OPL to the same job he/she held before commencing leave. An employee's terms of employment shall be the same as they would have been had he/she not been absent.

16. Deciding Not to Return

If an employee does not intend to return to work or is unsure, it is helpful if he/she discuss it with the Headteacher as early as possible. If an employee decides not to return he/she should submit his/her resignation in the form required by the contract of employment. Wherever possible, an employee should provide as much notice as possible in order to facilitate workforce planning.

Once an employee has done so he/she will be unable to change his/her mind without the agreement of the Headteacher. This does not affect an employee's right to receive SPP.

17. Returning to Work Part-Time

The Headteacher will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis. The Headteacher will try to accommodate an employee's wishes unless there is a

justifiable reason for refusal, bearing in mind the needs of the School. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in the Trust's Flexible Working Policy.