



Paternity and Maternity Support Leave Policy 2024 -2027

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Contents

1.	About this policy.....	3
2.	Entitlement to paternity leave	3
3.	Stillbirth and neonatal loss.....	4
4.	Taking paternity leave	4
5.	Maternity Support Leave	6
6.	Notification of maternity support leave or paternity leave	7
7.	Changing the dates of maternity support leave or paternity leave	7
8.	Paternity pay	8
9.	Terms and conditions during paternity leave and maternity support leave.....	9
10.	Returning to work	9
11.	Requests to change your working pattern	10
12.	Deciding not to return	10

1. About this policy

- 1.1 This policy outlines when an employee may be entitled to paternity leave and paternity pay, and sets out the arrangements for taking it.
- 1.2 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 1.3 You may be entitled to time off to accompany your partner to antenatal appointments or to attend adoption appointments. For more information see the Time Off for Antenatal Appointments Policy or Policy on Adoption Leave and Pay.
- 1.4 In some cases, you and your partner may be eligible to opt into the shared parental leave (**SPL**) scheme which gives you more flexibility to share the leave and pay available in the first year. This is in addition to your right to paternity leave. For information about SPL, see our Policy on Shared Parental Leave for Births and Adoption.

2. Entitlement to paternity leave

- 2.1 Paternity leave is available on the birth of a child if you have been continuously employed by us for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth and either:
 - a) you are the biological father and will have some responsibility for the child's upbringing; or
 - b) you are the partner (that is, spouse, civil partner or cohabiting partner) of the mother, and will have the main responsibility (with the mother) for the child's upbringing; or
 - c) the child is born to a surrogate mother where you are, or your partner is, one of the child's biological parents, and you expect to obtain a parental order giving you and your partner legal responsibility for the child.
- 2.2 Paternity leave is available where a child is placed with you for adoption by an adoption agency, if you have been continuously employed by us for at least 26 weeks ending with the week in which the agency notifies you that you have been matched with a child.

- 2.3 Certain employees can take paternity leave in relation to the birth or adoption of a child, fostering for adoption or surrogacy. In adoption, fostering for adoption, and surrogacy cases, you may wish to consider adoption leave instead. Only one parent can take adoption leave, so you should discuss this with your partner. You cannot take both paternity leave and adoption leave. Paternity leave is available to the other parent (of either sex).
- 2.4 Agency workers who have completed their 12 week qualifying period in the same role with no breaks during or between assignments and who meet the criteria above have the same right to accompany.
- 2.5 The appointments may include any relaxation or parenting classes but must have been made on the advice of the pregnant woman's doctor, midwife or health visitor.
- 2.6 If you are eligible, and wish to take time off for this purpose, you must provide us with a signed employee declaration confirming:
- That you have a qualifying relationship (see above) with a pregnant woman or her expected child; and
 - That you wish to take time off to accompany the pregnant woman to an appointment to receive antenatal care which has been made on the advice of their doctor, midwife or health visitor; and
 - The date and time of the appointment.
- 2.7 You should try to give us as much notice as possible of the appointment and wherever possible, try to arrange them as near to the start or end of the working day.

3. Stillbirth and neonatal loss

If eligible, you are entitled to paternity leave and pay if your child is stillborn after 24 weeks of pregnancy or born alive at any stage of pregnancy but does not survive (neonatal loss).

4. Taking paternity leave

- 4.1 Up to two weeks paternity leave can be taken. Paternity leave does not have to be taken in one single period, but the leave must be booked in blocks of at least one week. This means that the leave can be taken in one single block

of one week, one single block of two weeks, or two separate blocks of a week each.

4.2 You can start your leave on the date of birth or placement, or later, provided it is taken within 52 weeks of the birth (or the expected week of childbirth if the child is born early) or placement.

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

- a) the Expected Week of Childbirth (or date of placement);
- b) a declaration confirming you meet the eligibility requirements to take paternity leave.

4.4 For each occasion that you wish to take a period of paternity leave, you must give your line manager/ headteacher further notice in writing of:

when you want to start your leave (you can choose to take this in one single block or two separate blocks);

whether you wish to take one or two weeks' leave; and

your declaration that the purpose of the leave is to care for the child or support the child's mother/ the child's adopter.

4.5 You have three options for when to start a period of paternity leave:

- a) On the date of your child's birth (or placed for adoption): Your period of leave notice should be received by us at least 28 days before the first day of the expected week of childbirth (or within seven days after the date on which the child's adopter is notified of having been matched for adoption).
- b) A set number of days after your child's birth (or placed for adoption): Your period of leave notice should be received by us at least 28 days (7 days for adoption) before the date falling that set number of days counted from the first day of the expected week of childbirth (placement).

- c) On a predetermined date (which has to be no earlier than the first day of the expected week of childbirth/placement): Your period of leave notice should be received by us at least 28 days before that predetermined date (7 days for adoption).
- 4.6 You can change the intended start date by giving us 28 days' notice or, if this is not possible, as much notice as you can.

5. Maternity Support Leave

- 5.1 Maternity support leave is not available to teachers. It is available to both men and women.
- 5.2 Maternity support leave is only available if you are a member of support staff who is covered by the National Joint Council (NJC) Conditions of Service and you are either:
 - a) The child's father
 - b) The partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth.
- 5.3 Maternity support leave is up to one week with full pay and must be taken as one period at a time mutually agreed by you and your line manager/Headteacher.
- 5.4 Maternity support leave can be taken from the date of the child's birth or adoption placement, but must end:
 - a) 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.
 - b) In adoption cases, within 56 days' of the child's placement.
- 5.5 You may combine maternity support leave with up to one additional week of paternity leave (if eligible) to give a total of two weeks' paternity leave, but these must be taken as consecutive weeks.

6. Notification of maternity support leave or paternity leave

- 6.1 If you are eligible and wish to take paternity leave or maternity support leave in relation to a child's birth or the adoption of a child, you must give us notice in writing of your intention to do so by the end of the Qualifying Week, or no more than 7 days after you and/or your partner were notified of having been matched with the child, or if this is not possible, as soon as you can.

You must confirm:

- The Expected Week of Childbirth, or the date on which you and your partner were notified of having been matched with the child, together with the Expected Placement Date;
- Whether you intend to take one week's leave or two consecutive weeks' leave;
- Whether this will be paternity leave, maternity support leave or a combination of paternity leave and maternity support leave
- When you would like to start your leave. You can state that your leave will start on:
 - a) The day of the child's birth or the day on which the child is placed with you or the adopter
 - b) A day which is a specified number of days after the child's birth or placement; or
 - c) A specific date later than the first date of the Expected Week of Childbirth or the Expected Placement Date

- 6.2 We may require a signed declaration from you that you are taking paternity leave or maternity support leave to care for the child or to support the child's other parent in caring for the child.

7. Changing the dates of maternity support leave or paternity leave

- 7.1 Where you are to take paternity leave in respect of a child's birth or adoption, you can give us written notice to vary the start date of your leave from that which you originally specified in the notice given under paragraph 6. This notice should be given:

- a) Where you wish to vary your leave to start on the day of the child's birth/placement, at least 28 days' before the first day of the Expected Week of Childbirth/Expected Placement Date.
- b) Where you wish to vary your leave to start a specified number of days after the child's birth/placement, at least 28 days' (minus the specified number of days) before the first day of the Expected Week of Childbirth/Expected Placement Date.
- c) Where you wish to vary your leave to start on a specific date (or a different date from that you originally specified), at least 28 days' before that date.

7.2 If you are unable to give us 28 days' written notice of the wish to vary the start of your leave as set out above, you should give us written notice of the change as soon as you can.

8. Paternity pay

- 8.1 Statutory paternity pay (**SPP**) is payable during paternity leave 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. The rate of SPP is set by the government each tax year.
- 8.2 You will qualify for enhanced paternity pay if you have been continuously employed during the [12] month period ending with the Qualifying Week [and have not received any enhanced paternity pay, maternity pay, adoption pay or shared parental pay from our employment during the [12] month period ending with the Qualifying Week]. This is paid at the rate of [your normal basic salary during paternity leave your normal basic salary for the first week of paternity leave and SPP for the second week of paternity leave] and includes any SPP that may be due for that period.
- 8.3 In order to receive enhanced paternity pay you must first confirm in writing that you intend to return to work for at least six months after your paternity leave (and any shared parental leave in respect of the same child), and that you agree to repay any enhanced paternity pay (but not SPP) if you later decide not to work this minimum period.

9. Terms and conditions during paternity leave and maternity support leave

- 9.1 All the usual terms and conditions of your employment remain in force during paternity leave, except for the terms relating to pay.
- 9.2 Holiday entitlement will continue to accrue during paternity leave. If your paternity leave continues into the next holiday year, any remaining holiday that [is not taken **OR** cannot reasonably be taken] before your paternity leave can be carried over to the next holiday year [and must be taken [immediately before returning to work **OR** within three months of returning to work] unless your manager agrees otherwise.
- 9.3 If you are a member of our pension scheme, we will make employer pension contributions during paternity leave, based on your normal salary, in accordance with the scheme rules. Any employee contributions you make will be based on the amount of any paternity pay you are receiving, unless you inform us that you wish to make up any shortfall.
- 9.4 During any period of unpaid paternity leave, we shall not make any employer pension contributions and the period shall not count as pensionable service. If you are a member of support staff, you may if you wish make up any contributions for the unpaid period. If you choose not to, you will not build up any membership for this period, and this will affect your pension benefits. If you are a member of teaching staff, you do not have the option of paying contributions during any period of unpaid paternity leave, but you can purchase additional pension on top of your normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

10. Returning to work

- 10.1 You are normally entitled to return to work following maternity support leave or paternity leave to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.
- 10.2 However, if you if you have taken paternity leave straight after or straight before a period of parental leave of more than four weeks, and it is not reasonably practicable for us to allow you to return to the same job, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

11. Requests to change your working pattern

We 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, in accordance with our Flexible Working Policy. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

12. Deciding not to return

If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should submit your resignation in accordance with your contract. Once you have done so you will be unable to change your mind without our agreement. This does not affect your right to receive SPP.