



# Langley Park Learning Trust

## Paternity Leave Policy

Staff at Langley Park Learning Trust

Owner (Job Role)	Director of HR
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## 1. Introduction

1.1 This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, schools within the Trust reserve the right to vary and/or amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

1.2 The following terms are used in this policy:

**Partner:** means spouse, civil partner or someone (of either sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle.

**Expected Week of Childbirth (EWC):** means the week, beginning on a Sunday and ending on a Saturday, in which your Partner's doctor or midwife expects your child to be born.

**Expected Placement Date (EPD):** means the date on which an adoption agency expects that it will place a child into your care with a view to adoption.

## 2. Paternity Leave

2.1 Eligible employees are entitled to take either one week or two consecutive weeks' paid Paternity Leave following the birth or placement of a child in order to care for the child or support its mother. During Paternity Leave, most employees will be entitled to Statutory Paternity Pay (SPP) which will be the same as the standard rate of Statutory Maternity Pay (SMP). Paternity leave must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.

2.2 Eligible employees who have a child through surrogacy will also be permitted to Paternity Leave and SPP.

## 3. Eligibility for Paternity Leave

3.1 Paternity leave is available to employees of either gender, for the purpose of caring for a child, or supporting the child's other parent, in the following cases:

- (a) On the birth of a child, where either:
  - (i) you are the biological father and expect to have some responsibility for the child's upbringing; or
  - (ii) you are the mother's Partner and you expect to have main responsibility with the mother for the child's upbringing.
- (b) On the birth of a child 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 responsibility for the child.
- (c) Where an adoption agency places a child with you and/or your Partner for adoption and you expect to have main responsibility (with your Partner) for the child's upbringing.

- (d) Where a local authority places a child with you and/or your Partner under a fostering for adoption arrangement and you expect to have main responsibility (with your Partner) for the child's upbringing.

3.2 To qualify for paternity leave you must have been continuously employed by us for at least 26 weeks ending with the 15th week before the EWC or the week in which you or your Partner are notified by the adoption agency or local authority that you/they have been matched with a child.

3.3 In adoption, fostering for adoption, and surrogacy cases, you may wish to consider adoption leave instead (see the Adoption Leave Policy). Only one parent can take adoption leave so you should discuss this with your Partner. You cannot take both paternity leave and adoption leave.

3.4 You cannot take paternity leave if you have already taken shared parental leave in respect of the same child. You may be eligible to take shared parental leave after paternity leave (see the Shared Parental Leave (Birth) Policy and the Shared Parental Leave (Adoption) Policy).

#### 4. **Paternity Pay**

4.1 In this paragraph, Relevant Period means the eight-week period ending with the 15th week before the EWC or the week in which you or your Partner were notified of being matched with the child.

4.2 If you take paternity leave in accordance with this policy, you will be entitled to SPP if, during the Relevant Period, your average weekly earnings are not less than the lower earnings limit set by the government. The Trust will pay staff on paternity leave enhanced paternity pay equivalent to their full pay (inclusive of SPP).

4.3 SPP is paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact Human Resources.

#### 5. **Taking Paternity Leave**

5.1 An employee is permitted to take Paternity Leave in units of either one whole week or two consecutive whole weeks.

5.2 Paternity leave can start on the date of the child's birth or adoption placement, or a later date of your choosing. However, it must end within 56 days (eight weeks) of birth or placement, or within 56 days of the first day of the EWC (if the child was born early).

#### 6. **Notification Requirements**

6.1 To take paternity leave you must give us written notice by the end of the 15th week before the EWC or no more than seven days after you and/or your Partner were notified of having been matched with the child, or as soon as you reasonably can, stating:

- (a) the Expected Week of Childbirth or the Expected Placement Date;

- (b) the date you would like your leave to start (which may be a specified date after the start of the Expected Week of Childbirth or the Expected Placement Date, the actual date of birth or a specified number of days after birth); and
  - (c) whether you intend to take one week or two weeks' leave.
- 6.2 We may reasonably require a signed declaration from you that you are taking paternity leave to care for the child or to support the child's other parent in caring for the child.
- 6.3 You may vary the start date of your paternity leave if you give notice as follows:
  - (a) If you wish to start your leave on the day of the child's birth or on the day that the child is placed with you or the adopter, please give at least 28 days written notice before the first day of the Expected Week of Childbirth or the Expected Placement Date.
  - (b) If you wish to start your leave on a specified number of days after the child's birth or placement, please give at least 28 days written notice (minus the specified number of days) before the first day of the Expected Week of Childbirth or the Expected Placement Date.
  - (c) If you wish to start your leave on a specific date that is different to the original start date you informed us of, please give at least 28 days written notice before that date.
- 6.4 If you are unable to give us 28 days' written notice as set out above, you should do so as soon as you can.
- 7. **Contractual benefits during Paternity Leave**
- 7.1 An employee on Paternity Leave is entitled to enjoy their normal terms and conditions of employment except for the terms relating to pay.
- 7.2 If an employee has an enhanced contractual right to Paternity Leave or Paternity Pay they may advantage of whichever is the more favourable right. Employees should clearly understand however that when payment of contractual paternity pay is made this is inclusive of any SSP entitlement i.e. employees are not entitled to both. Employees should check their individual contract of employment for any enhanced Paternity Leave or Paternity Pay entitlements.
- 8. **Returning to Work**
- 8.1 You are normally entitled to return to work after paternity leave to the same position you held before commencing leave. Your terms of employment will be the same as if you had not taken paternity leave,
- 8.2 However, 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.

8.3 If you are also taking shared parental leave in respect of the same child, see the (Shared Parental Leave (Birth) Policy or Shared Parental Leave (Adoption) Policy) for information about rights on return to work.

## 9. [Ante-Natal Appointments](#)

9.1 Who has the right? You may take time off to accompany a pregnant woman to an antenatal appointment if you have a "qualifying relationship" with the woman or the child. This means that either:

- (a) you are the baby's father; or
- (b) you are the pregnant woman's Partner; or
- (c) she has undergone assisted conception and at that time you were her wife or civil partner or gave the required legal notices to be treated in law as the second female parent; or
- (d) you are one of the intended parents in a surrogacy arrangement and expect to obtain a parental order in respect of the child.

9.2 There is no qualifying period of employment for this right so it will be available to relevant employees from the start of their employment.

9.3 The amount of time off that an employee may take during working hours to accompany a pregnant woman to antenatal appointments is limited to no more than two occasions per pregnancy lasting no more than six and a half hours per appointment, including travel and waiting time.

9.4 If you wish to take time off to attend further antenatal appointments, you should request annual leave.

## 10. [Making the request](#)

10.1 Please give us as much notice of the appointment as possible The law provides that the employee must comply with certain formalities for applying for time off to accompany a woman to an antenatal appointment, but only if they are requested to by the School. In that case, the employee will not be entitled to take the time off unless they provide the School with reasonable evidence (which may be a signed statement or evidence in electronic form such as e-mail) showing:

- that you meet one of the eligibility criteria in section 9 of this policy;
- that the purpose of the time off is to accompany the pregnant woman to an antenatal appointment; and that the appointment has been made on the advice of a registered medical practitioner, registered midwife or registered nurse.

## 11. [Time off can be refused](#)

11.1 Trust schools may refuse an employee time off to accompany a woman at an antenatal appointment where it is reasonable for them to do so.

12. [Shared Parental Leave \(SPL\)](#)

12.1 The option to take Shared Parental Leave now replaces the previous provision for Additional Paternity Leave.

12.2 Employees should refer to the Trust's Shared Parental Leave (Birth) Policy and/or Shared Parental Leave (Adoption) Policy for further guidance and eligibility criteria for Shared Parental Leave.

13. [Requests to change working patterns on return](#)

13.1 The Trust will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave in accordance with its Flexible Working Policy.

13.2 Please refer to the Trust's Flexible Working Policy for further information and practical guidance about making a flexible working request. It is helpful if requests are made as early as possible.