



South York
MULTI-ACADEMY TRUST

Paternity Leave Policy and Procedure

Title	Paternity Policy and Procedure
Author	CEO
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Links to other procedures:	Shared Parental Leave / Maternity Leave

This policy has been adopted by the Board of Directors of the South York Multi-Academy Trust (SYMAT) and applies to all Trusts that make up the Trust and both Teaching and Support staff.

This policy will be monitored regularly by the Multi Academy Trust Board in line with the agreed timetable for policy review or sooner as events or legislation changes require.

Paternity Leave Policy and Procedure

- **Introduction**

This policy and procedure sets out the entitlement to paternity leave and pay and explains the notification procedures that employees are required to follow.

Paternity leave and pay is different to shared parental leave and pay – there is a separate policy for this.

- **Scope**

This policy applies to all South York MAT employees

- **It is our policy to ensure that:**

- There is a procedure which sets out the rights and notification requirements for employees to take paternity leave and pay;
- Discussions take place to ensure employees understand their entitlements and options and to enable questions and concerns to be resolved quickly;
- There is fair and consistent application of the policy and procedure across the Authority;
- Paternity Pay is enhanced where qualifying conditions are met above the statutory rate;
- Employees on Paternity leave continue to benefit from all of their contractual terms and conditions, with the exception of remuneration;
- No employee suffers detriment for legitimately taking paternity leave.

PATERNITY LEAVE AND PAY PROCEDURE

1. What is Paternity Leave?

Paternity leave is a period of one or two consecutive weeks' leave that can be taken by eligible employees following the birth or adoption of a child.

It is maternity/adoption support leave for partners where the other parent has the statutory right to maternity leave or has elected to take adoption leave.

Paternity Leave is made up of occupational and or statutory entitlement and is dependent upon the employee meeting certain eligibility criteria.

2. Who is eligible for paternity leave?

To qualify for occupational and statutory paternity leave an employee must:

- Be the father or the husband or partner of the mother (or adopter); the child's adopter or the intended parent (if having a baby through a surrogacy arrangement);
- Have or expect to have responsibility for the child's upbringing;
- Be taking time off to help care for the child or to support the mother / primary adopter and have not taken adoption / maternity or shared parental leave.

3. Entitlement

3.1 Occupational paternity leave and pay

Occupational paternity leave is a period of one weeks paid leave (At the equivalent full weekly pay) which can start on any day of the week on or following the child's birth or adoption.

The weeks pay includes any entitlement to statutory paternity pay which is enhanced by Trust up to the employee's average weekly earnings.

3.2 Statutory paternity leave and pay

Employees qualifying for one week's occupational paternity leave may also be entitled to a further week's statutory paternity leave providing they:

- Have 26 weeks continuous service by the end of the 15th week before the expected week of child birth or in the case of adoption by the end of the week the employee is matched with the child.
- This weeks statutory paternity leave is paid at a rate set by the Government for the relevant tax year (or 90% of normal earnings if that is lower than the Government's rate), providing the employee's average weekly earnings are above the lower earnings limit for national insurance purposes. Otherwise it's unpaid.

4.0 Taking of Paternity Leave

The following regulations apply to the taking of paternity leave:

- Depending upon entitlement it is for the employee to choose whether they take one or two weeks leave.
- Where an employee elects to take one week's leave he or she may not take a further week's leave at a later stage.
- Leave must be taken consecutively.
- The length of paternity leave is unaffected by multiple births or if more than one child is adopted as part of the same placement.
- Qualifying employees will be entitled to the relevant leave and pay if the baby is stillborn after 24 weeks of pregnancy or if the baby is born alive but dies later (or in the case of adoption the child dies or is returned to the adoption agency).
- Employees who wish to take both paternity leave and shared parental leave must take their period of paternity leave first. An employee cannot take ordinary paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.

5. When can Paternity Leave be taken?

Leave can start on any day of the week on or following the child's birth or adoption but must be completed:

- Within 8 weeks of the actual date of birth of the child / child's placement; or
- If the child is born early, within the period from the actual date of birth up to 8 weeks after the expected week of birth;
- Where the baby is born late, the employee must delay the start of the leave until the baby is actually born.

6.0 Process Steps

6.1 Requesting Paternity leave

An employees must inform their line manager of their intention to take paternity leave by the end of the 15th week before the baby is expected (7 days after notification of a match by the adoption agency) or as soon as practicable thereafter. As certain information must be provided employees are asked to request paternity leave using the form found in **Annex A**.

6.2 Confirmation of Entitlement

Within 2 weeks of receiving the employee's notice of intention to take paternity leave line managers will confirm an employee's entitlement to paternity leave and or pay in writing.

6.3 Variation to leave start date

If, having provided notification of their intention to take OPL on a specified date, an

employee wishes to change, cancel or postpone their paternity leave start date must give 28 days written notice of the new dates to the line manager or as soon as is reasonably practicable.

6.4 Notification to HR / Payroll

All notifications of intention to take paternity leave and confirmation of entitlement will be sent to HR for written acknowledgement and action as required.

7. Terms and Conditions during Paternity Leave

During the period of paternity leave, the employee will continue to receive all contractual benefits except for salary. Annual leave entitlement will continue to accrue during any period of paternity leave.

Pension contributions, for employees who are in the pension scheme, will continue to be made during any period when the employee is receiving paternity pay based on assumed pensionable pay.

Employee's should seeks further advice from either the Teachers Pension Scheme or Local Government Pension scheme in respect of any change to contributions for the second weeks of paternity leave.

Time off for antenatal care and to attend adoption appointments

Partners have the right to take time off to attend antenatal and pre-placement adoption meetings. Please refer to the maternity and adoption policies for entitlement details.

Shared Parental leave

Shared parental leave enables mothers or adopters to commit to ending their maternity or adoption leave and pay at a future date and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.

Once shared parental leave is taken the employee is no longer eligible to take paternity leave, so where the employee wishes to take both paternity and shared parental leave they must take their period of paternity leave first.

Please review the Trust's Share Parental Leave Policy.

Annex A PATERNITY LEAVE APPLICATION FORM

PLEASE COMPLETE THE FORM BY THE END OF THE 15TH WEEK BEFORE THE BABY'S DUE DATE (OR 7 DAYS AFTER NOTIFICATION OF A MATCH BY THE ADOPTION AGENCY).

SECTION ONE : THE EMPLOYEE REQUESTING ORDINARY PATERNITY LEAVE

Full Name:			
Post/Job Title:			
School:			
Start date with SYMAT:			
The baby is due / placement due to take place on: (date from MATB1 / date of placement for adoption)			
And, if the baby has been born, please enter the actual date of birth / placement:			

I would like to take the following paternity leave (tick as necessary)

One week (Full pay)		Second week Statutory Paternity Pay	
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I would like my paternity leave to commence from / to:

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DECLARATION

I declare that I am: **the baby's father, or married to the mother, or living with the mother in an enduring family relationship, but I am not an immediate relative, or the partner of an individual who is adopting or the intended parent (if having a baby through a surrogacy arrangement) and I have, or expect to have, responsibility for the child's upbringing and I am taking time off work to support the mother or care for the new baby.**

I have also not yet taken a period of shared parental leave in relation to this child.

Signed:		Date:	
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Please note that the submission of deliberately misleading or factually incorrect information may lead to disciplinary action being taken.

SECTION TWO : THE MANAGER CONSIDERING THE REQUEST

Date application received		Response and date employee notified	
Date(s) of ordinary paternity leave, if different to that specified by the employee			
Payroll notified:		Date	