Grove Learning Trust

Paternity Policy

Date Ratified:

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Version – Final 1

Vision

Together, we will create remarkable schools in which all children can thrive.

As one organisation, Grove Learning Trust, with schools that are unique and united, shares aspiration for our children, which is underpinned by a strong commitment to our values.

Trust >> Connect >> Collaborate

Our policies underpin our vision and set out clearly our expectations of each other.

About this Policy

The purpose of this policy is to outline an employees' entitlement to paternity leave and set out the arrangements for taking it.

1. Employees' will not be discriminated against or subjected to a detriment for taking leave in accordance with this policy.

2. This policy does not form part of any contract of employment or other contracts to provide services, and it may be amended at any time.

3. In some cases, an employee may be eligible to opt into the Shared Parental Leave scheme which gives the employee and their partner more flexibility to share the leave and pay available in the first year. Details are set out in our Shared Parental Leave policy.

Who does this policy apply to

4. This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers, or interns.

Who is responsible for this policy?

5. The Trust has overall responsibility for the effective operation of this policy. Suggestions for changes to this policy should be reported to the HR Business Partner.

6. The employee should refer any questions about the day-to-day application of this policy to the Head teacher or the Human Resources Department in the first instance.

7. This policy is reviewed annually by the HR Business Partner and the Board of The Grove Learning Trust.

Frequently used terms

8. The definitions in this paragraph apply in this policy.

   (a) **Partner**: spouse, civil partner, or someone *(of either sex)* with whom the employee lives in an enduring family relationship, but who is not the employees' parent, grandparent, sister, brother, aunt, or uncle.

   (b) **Expected Week of Childbirth**: the week, beginning on a Sunday, in which a doctor or midwife expects the child to be born.

   (c) **Expected Placement Date**: the date on which an adoption agency expects that it will place a child into the adopters' care.

Related Policies

9. This policy should be read where applicable in conjunction with the Trusts, Maternity Policy, Shared Parental Leave Policy and Adoption Policy.

Entitlement to paternity leave

10. 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:

    On the birth of a child, where either:

    (a) The employee is the biological father and expects to have some responsibility for the child's upbringing; or

    (b) The employee is the Partner of the other parent, and the employee expects to have main responsibility with the other parent for the child's upbringing.

    (c) On the birth of a child to a surrogate mother where the employee or the Partner of the employee is, one of the child's biological parents, and the employee expect to obtain a Parental Order giving them parental responsibility for the child.

    (d) Where an adoption agency places a child with the employee and, or the Partner of the employee for adoption and the employee expects to have primary responsibility with the Partner for the child's upbringing.

    (e) Where a local authority places a child with the employee or the Partner of the employee under a fostering for adoption arrangement and the employee expect to have responsibility for the child's upbringing. (unless the employee is taking adoption leave)

11. To qualify for paternity leave, the employee must have been continuously employed by the Trust for at least twenty-six weeks ending with the fifteenth week before the Expected Week of Childbirth or the week in which employee and, or the Partner of the employee are notified by the adoption agency or local authority that they have been matched with a child.

12. In adoption, fostering for adoption and surrogacy cases, the employee may wish to consider adoption leave instead *(see the Trust's Adoption Leave Policy)*. Only one parent can take adoption leave. The employee should discuss this with their Partner; an employee cannot take both paternity leave and adoption leave.

13. The employee cannot take paternity leave if the employee has already taken shared parental leave in respect of the same child. The employee may be eligible to take shared parental leave after paternity leave *(see our Shared Parental Leave policy)*

14. An employee who's partner is pregnant is entitled to time off work to attend antenatal appointments. Grove Learning Trust honours 4 occasions as standard. This time off is usually unpaid and is for a maximum of 6.5 hours for each appointment. It is expected that medical appointments will be made out of school hours wherever possible. It is recognised that in some circumstances, this may not be possible . However, appointments in work time should be kept to a minimum and cause as little disruption as possible. In any event, prior approval to attend an appointment will need to be sought and agreed.

Timing and length of paternity leave

15. Paternity leave can be taken as two separate, one-week blocks or as two consecutive weeks.

16. Paternity leave can start on the date of the child's birth or adoption placement, or a later date of the employees choosing at any time in the 52 weeks after birth.

17. Once the employee has decided when they are going to take their paternity leave, this must be discussed with their line manager and provide the necessary documentation as follows:
Childbirth: A completed SC3 form and a copy of the MATB1 form,

Adoption: A copy of the matching certificate, a completed SC4 form for UK adoptions, a completed SC5 form for overseas adoptions.

Notification

18. To take paternity leave, the employee must give the Trust written notice of their entitlement by the fifteenth week before the expected week of childbirth or 28 days' notice of the leave they intend to take (if after the expected week of childbirth). or no more than seven days after the employee or their Partner were notified of having been matched with the child, or as soon as reasonably possible, stating:

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

    (b) The date that the employee would like the 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 alternatively, a specified number of days after birth; and

    (c) Whether the employee intends to take one week's or two weeks' leave.

19. The Trust will require a signed declaration from the employee that they are taking paternity leave to care for the child or to support a Partner in caring for the child.

Changing leave dates or cancelling leave

20. The employee may vary the start date of the paternity leave on notice as follows:

(a) If the employee wishes to start the period of paternity leave on the day of the child's birth or on the day that the child is placed with the employee and their Partner, the employee should inform the Trust in writing at least twenty-eight days before the first day of the Expected Week of Childbirth or the Expected Placement Date;

(b) If the employee wishes to start the paternity leave on a specified number of days after the child's birth or adoption placement, the employee should tell the Trust at least twenty-eight days *(minus the specified number of days)* before the first day of the Expected Week of Childbirth or the Expected Placement Date; and

(c) If the employee wishes to start the paternity leave on a specific date that is different to the original start date that the employee informed the Trust of, the employee should tell the Trust at least twenty-eight days before that date.

21. If the employee is unable to give the Trust twenty-eight days written notice as set out above, the employee should do so as soon as possible.

Paternity Pay

22. In this paragraph, the Relevant Period means the eight-week period ending with the Qualifying Week which is them fifteenth week before the Expected Week of Childbirth or the week in which the employee or their Partner were notified of being matched with the child.

23. If the employee takes paternity leave in accordance with this policy, the employee is entitled to statutory paternity pay (SPP) if, during the Relevant Period, providing that the employees average weekly earnings are not less than the lower earnings limit set by the Government.

24. SPP is paid at a prescribed rate which is set by the government for the relevant tax year, or at ninety percent of the employees average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact the Head Teacher or the Human Resources Department.

25. The employee will qualify for Trust contractual paternity pay if the employee has been continuously employed during the twelve-month period ending with the Qualifying Week and have not received any Trust paternity pay, maternity pay, adoption pay, or shared parental pay from employees of the Trust during the twelve-month period ending with the Qualifying Week. This is paid at the rate of the employees' normal basic salary during paternity leave and includes any SPP that may be due for that period.

26. Paternity pay is treated as earnings and therefore will be subject to income tax and national insurance contributions.

    Contractual Paternity pay will stop if the employee returns to work before the end of the paternity pay period.

27. To receive Trust paternity, pay, the employee must first confirm in writing that they intend to return to work for at least six months after the paternity leave and any shared parental leave in respect of the same child, and that the employee agrees to repay any Trust contractual paternity pay *(but not SPP)* if the employee later decide not to return to work for this minimum period.

28. The employee is not required to repay Trust paternity pay if the Trust terminates the employment, unless:

    (a) The Trust was entitled to and did terminate the employment summarily; or

    (b) The Trust terminated the employment pursuant to an application by the employee for voluntary redundancy.

Terms and Conditions during paternity leave

29. All the terms and conditions of employment remain in force during paternity leave, except for the terms relating to pay. In particular, the following will continue:

    (a) Benefits in kind such as life insurance, health insurance, and gym membership if applicable;

    (b) Accrual of annual leave entitlement under your contract *(**Error! Bookmark not defined.**);* and

    (c) Pension benefits *(**Error! Bookmark not defined.**)*.

Neonatal Care Leave and Pay:

30. Parents of babies requiring neonatal care (at least 7 consecutive days within the first 28 days after birth) will be entitled to neonatal care leave of up to 12 weeks as a day one right.

31. To qualify for paid leave, employees need to meet the same qualifying conditions as for statutory maternity pay.

32. The rate of pay will be the same as SMP

Annual leave

33. Annual leave will accrue during paternity leave at the rate provided for under the employee's contract of employment.

34. The Grove Learning Trust annual leave period runs from 1st September to 31st August. If the employee chooses to take a period of paternity leave that will finish at the end of an annual leave period or continue into the next period; any leave entitlement for the year that is not taken or cannot reasonably be taken before starting the paternity leave can be carried over to the next period of annual leave and must be taken immediately before returning to work or

within three months of returning to work unless the Head Teacher agrees otherwise.

35. The employee should discuss annual leave plans with the Line Manager in advance and before starting paternity leave. All annual leave dates are subject to approval by the Headteacher.

36. Employees working term time only are required to take annual leave during school holidays.

Pensions

37. During paternity leave, the Trust will continue to make any employer contributions that the Trust usually make into a money purchase pension scheme, based on what the employee's earnings would have been if the employee had not been on paternity leave, provided that the employee continues to make contributions based on the paternity pay that the employee is receiving. If the employee wishes to increase the contributions to adjust for any shortfall, the employee should contact the Human Resources Department or the Pensions Administrator.

Keeping in touch

38. The employee should agree with their line manager any appropriate contact arrangements for the period of paternity leave.

Sickness during paternity leave

39. The employee will not be eligible to receive sick pay during the period of paternity leave.

Circumstances where entitlements will be affected

40. An employee's entitlement to paternity leave will be affected under the following circumstances:

Childbirth:

41. If the mother has a miscarriage or stillbirth before the end of 24th week of her pregnancy, the employee will not be entitled to paternity benefits however, the employee will be entitled to receive sick pay and leave benefits.

42. If the mother has a miscarriage or stillbirth after the end of 24th week of pregnancy (during 25th week of pregnancy or onwards) the employee will be entitled to receive full paternity leave and pay.

Adoption:

43. If the proposed adoption placement does not go ahead at all, the employee is not entitled to receive any paternity benefits.

44. If the child that has been placed with the adopter ceases to live with the adopter during the statutory paternity pay period, the employee will continue to be entitled to paternity leave and pay benefits.

Bereavement:

45. Where the mother or child of the father or non-birthing partner dies, the employee is entitled to paternity leave as a day one right.

Returning to work

46. The employee is normally entitled to return to work after paternity leave to the same position held before commencing leave. The terms of employment will be the same as if the employee had not been absent.

47. However, if the employee has 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 the Trust to allow the employee to return to the

same position, the Trust may give the employee another suitable and appropriate role on terms and conditions that are not less favourable.

48. If the employee is 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.

Flexible working

49. The Trust 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. There is no absolute right to insist on working part-time, but the employee has a statutory right to request flexible working. The Trust will endeavour to accommodate the employees 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. The procedure for making and dealing with these requests is set out in our Flexible Working Policy.