



Plymouth Nursery Schools Federation

PATERNITY LEAVE AND PAY (SCHOOLS) POLICY

Headteacher

Dated 05/06/2024

Chair of Governors

Dated 05/06/2024

Review date- June 2024

To be Reviewed- June 2027

CHANGES

November 2015: Model Paternity Policy for Schools replaces the previous policies Model Paternity Leave Policy (Support Staff) and Model Paternity Policy Leave Policy (Teachers).

April 2015 - Updated to reflect legislative changes.

March 2024 – Updated to reflect legislative changes.

CONTACTS

If you have any questions regarding this policy please contact the school's HR Provider.

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1. BACKGROUND

This Policy sets out rights for paternity leave of up to two weeks for employees, including paternity leave for employees who are adopting.

This Policy does not form part of any contract of employment and the Council will amend in line with statutory requirements.

Please note that Parental Leave and Shared Parental Leave are separate, with their own Guidance and different to Paternity Leave.

2. IN SCOPE

Applies to all employees of Plymouth City Council, including school employees (teaching and support staff).

3. ELIGIBILITY

3.1 Paternity leave

To qualify for Paternity Leave the father/partner/husband must:

- be an employee of Plymouth City Council,
- have at least 26 weeks' continuous service by the end of the 15th week before the expected week of childbirth or by the end of the week that the adopter is matched with the child for adoption,
- be the biological father, the mother's husband, civil partner, partner **or** be the main adopter's husband,
- have, or expects to have, responsibility for the baby/child's upbringing,
- not have already taken any shared parental leave in respect of the child.

Either the adoptive father or adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave.

Where more than one child is born or adopted at the same time, the entitlement to paternity leave is the same as for the birth or adoption of one child.

3.2 Eligibility for Statutory Paternity Pay

To be eligible for statutory paternity pay an employee, in addition to the above, must:

- have average weekly earnings of at least the lower earnings limit for payment of NI contributions in the 8 weeks up to and including the 15th week before the Expected Week of Childbirth. (Employees who earn less than this may still take leave; however, there is no statutory entitlement to be paid.)
- remain in PCC employment until the day on which the child is born or placed for adoption,
- not be the primary adopter and in receipt of Statutory Adoption Pay.

Note: If the child is born more than 14 weeks early, the employee will still be treated as having satisfied the continuous service requirement on the birth date if they would have had 26 weeks' continuous service by the 14th week before the week in which the child's birth was expected.

If the mother has a miscarriage before the 24th week of pregnancy, the other parent will not be entitled to paternity leave. If the baby is stillborn after 24 weeks of pregnancy, the employee will be entitled to paternity leave.

If the baby is born alive, the employee will be entitled to paternity leave, regardless of the point at which the baby is born. This applies even if the baby lives for only a short period of time.

An employee with more than one employer may be eligible for statutory paternity pay from both.

An employee is not entitled to take paternity leave if they have exercised the right to **paid** time off to attend an adoption appointment prior to the commencement of the adoption placement in respect of the same child, as by doing this they have elected to take adoption leave in respect of the child.

4. ENTITLEMENT

4.1 Paternity Leave

An employee who qualifies for paternity leave may elect to take either one week's leave or two weeks' leave, either consecutively or in separate blocks. The weeks can begin on any day e.g. Tuesday – Monday, as long as the correct notification has been provided. Paternity leave cannot be taken as odd days

The chosen period of leave can be taken at any time within the 52 weeks period following the child's birth or /placement. Paternity leave cannot be taken before the birth or placement.

An eligible employee may only take one period of paternity leave per pregnancy or adoption regardless of the number of children born as a result of the pregnancy or the number of children placed under the same adoption arrangement.

4.2 Paternity Pay entitlements for teachers and support staff

Teachers

In the first week of Paternity Leave, pay is equivalent to 3 days as per the teacher's normal salary rate **UNLESS** the school has a local arrangement to pay an enhanced provision (some pay up to 5 days).

If a second week of Paternity Leave is taken, it is paid at the Statutory Paternity Pay rate. The rate of pay for Statutory Paternity Pay will be the lower of the fixed statutory amount or 90% of the employee's weekly pay. The rate of pay is fixed by the Government and is updated on an annual basis. Tax and National Insurance payments are deducted.

Support Staff

If the employee qualifies for Statutory Paternity Pay (SPP) it will be paid for a period of up to two weeks.

The rate of pay for Statutory Paternity Pay will be the lower of the fixed statutory amount or 90% of the employee's weekly pay.

SPP rates are fixed by government and are subject to tax and National Insurance deductions. Full details of the rates of SPP and how and when it may be paid can be obtained from Delt Payroll.

4.3 Pre-Paternity entitlement

Fathers and partners have the right to take unpaid time off during working hours to accompany the mother to an antenatal appointment, or to attend an adoption appointment, on up to two occasions for a maximum of six and a half hours on each occasion.

5. NOTIFICATIONS

Eligible employees must give written notice of their intention to take paternity leave and paternity pay using the Employee Request for Paternity Leave and Pay form.

The details of this notice are set out below in the cases of birth and adoption.

5.1 Birth

Notice should be given on or before the 15 weeks prior to the Expected Week of Childbirth. If this is not possible, as soon as possible afterwards and at least 28 days before the leave starts.

The notice should include:

- the expected week of childbirth
- the length of paternity leave the employee wishes to take (one or two weeks)
- the chosen start date

5.2 Adoption

Notice should be given no later than seven days after being informed by the adoption agency of a match with a child.

The notice should include:

- the date the employee was notified of a match and the expected date of placement,
- the length of paternity leave the employee wishes to take (one or two weeks),
- the chosen start date.

The employee may be required to provide a signed declaration that they satisfy the eligibility requirements for paternity leave and that the purpose for their absence will be to care for the child or support the child's mother.

The employee must inform their manager as soon as reasonably practical of the date the child was born or the date of which the child was placed.

The Headteacher will then complete the Headteacher Notification of Paternity Leave form and send to Delt Payroll.

An employee may lose their entitlement to leave and/or pay if they do not give the correct notice. If it is not possible to give notice by the required date (e.g. because the baby arrived early), the employee should inform their line manager as soon as is reasonably possible.

Where two separate block weeks are requested and authorised, the employee must give 28 days' written notice if they wish to change either of the block week's leave.

6. PATERNITY LEAVE DATES

6.1 Start Dates

An employee can choose to begin their paternity leave:

- from the date of the child's birth or placement (whether this is earlier or later than expected),

Or

- from a chosen number of days or weeks after the date of birth or placement providing 28 days' notice has been given (whether this is earlier or later than expected), or

- from a predetermined date

In a birth situation, paternity leave can only start from or after the day the baby is born. Where an employee has chosen to start their paternity leave on the day of birth and they are at work that day, their leave will begin the next day.

A false labour does not trigger paternity leave. Partners/fathers/husbands can use their statutory right to take Time off for Dependents Care (which is unpaid), or their annual leave, to be with the mother during labour if they wish and then commence their paternity leave immediately after birth.

6.2 Changing the start date of Paternity Leave

Provided that the initial notification criteria were met, the employee may amend the date to start paternity leave by providing their manager with 28 days' notice of change. If this is not reasonably practical, then as soon as is reasonably practical to do so. The notice period will also apply to employees wanting to take their leave in two separate block weeks and wish to change the date of the second week's leave.

7 CONDITIONS OF EMPLOYMENT

An employee is protected against being subjected to detriment by any act or deliberate failure to act because they took/sought paternity leave.

During the period of paternity leave, the employee's contract of employment continues in force. An employee is expected to continue to comply with the terms and conditions of their contract while on paternity leave and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as use of a laptop and mobile phone) will continue and contractual annual leave entitlement will continue to accrue. Employees in receipt of childcare vouchers through a salary sacrifice arrangement, will still be entitled to receive these for the duration of their paternity leave.

8. OTHER RELEVANT POLICIES AND PROCEDURES

Maternity Policy for Teachers

Maternity Policy for Support Staff

Adoption Policy for Teachers

Adoption Policy for Support Staff

Shared Parental Leave Guide

