

**The Heath Family (NW) Multi Academy Trust
Paternity Policy**

Date completed:	Date amended: 1 st May 2016 Date adopted: 18 th May 2017
Custodian title & e-mail address	Craig Parkinson, Chief Operating Officer, The Heath Family (NW) MAT cparkinson@theheathfamily.org.uk
Author	
Supporting documents, procedures & forms of this policy	

Where appropriate, this policy should be read in conjunction with the Parental Leave, Maternity, Flexible Working and Shared Parental Leave Policies

CONTENTS

CLAUSE	PAGE
1 SCOPE AND PURPOSE	1
2 WHO IS RESPONSIBLE FOR THE POLICY?.....	1
4 DEFINITIONS	1
5 ENTITLEMENT TO PATERNITY LEAVE.....	2
6 SHARED PARENTAL LEAVE (SPL).....	3
7 TIMING AND LENGTH OF PATERNITY LEAVE	3
8 NOTIFICATION (BIRTH)	3
9 NOTIFICATION (ADOPTION)	4
10 CHANGING THE DATES OF OPL	5
11 STATUTORY PATERNITY PAY.....	6
12 [OCCUPATIONAL PATERNITY PAY (OPP).....	7
13 TERMS AND CONDITIONS DURING OPL	7
14 ANNUAL LEAVE	7
15 PENSIONS.....	9
16 EXPECTED RETURN DATE.....	9
17 DECIDING NOT TO RETURN	9
18 YOUR RIGHTS WHEN YOU RETURN	10
19 FLEXIBLE WORKING	10

The Heath Family Multi Academy Trust
Paternity Policy

1 SCOPE AND PURPOSE

- 1.1 This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it.
- 1.2 No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.
- 1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2 WHO IS RESPONSIBLE FOR THE POLICY?

- 2.1 The Heath Family (NW) Multi Academy Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Board of Directors has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Governing Body/Principal.
- 2.2 The Governing Body/Principal has a specific responsibility to ensure the fair application of this policy and all employees are responsible for supporting colleagues and ensuring its success.

3 WHO IS COVERED BY THE POLICY

- 3.1 This policy covers all employees at all levels and grades including senior managers, employees, trainees, part-time and fixed term employees (referred to as **employees** or **you** in this policy).
- 3.2 It does not apply to agency staff and self-employed contractors.

4 DEFINITIONS

The definitions in this paragraph apply in this policy.

Partner means spouse, civil partner or someone (whether of a different sex or the same 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 means the week, beginning on a Sunday, in which their doctor or midwife expects your spouse, civil partner or Partner to give birth;

The Heath Family Multi Academy Trust
Paternity Policy

Expected Placement Date means the date on which an adoption agency expects that it will place a child into your care with a view to adoption;

Job means the nature of the work you are employed to do and the capacity and place in which you are so employed.

5 ENTITLEMENT TO PATERNITY LEAVE

5.1 Paternity leave is available when a child is born or placed with you for adoption. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave. Further details of adoption leave are set out in the Trust's Adoption Policy.

5.2 You are entitled to ordinary paternity leave (**OPL**) if you meet all the following conditions:

5.2.1 You have been continuously employed by The Heath Family (NW) Multi Academy Trust for at least 26 weeks ending with:

5.2.1.1 in birth cases, the week immediately before the 15th week before the Expected Week of Childbirth.

5.2.1.2 in adoption cases, the week in which you or your Partner are notified by an adoption agency that you/they have been matched with a child.

5.2.2 You:

5.2.2.1 are the biological father of the child;

5.2.2.2 have been matched with a child by an adoption agency;

5.2.2.3 are the spouse, civil partner or Partner of the child's mother; or

5.2.2.4 are the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency.

5.2.3 You:

The Heath Family Multi Academy Trust
Paternity Policy

5.2.3.1 expect to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or

5.2.3.2 are the child's biological father and you expect to have some responsibility for the child's upbringing.

5.2.4 Your intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.

6 SHARED PARENTAL LEAVE (SPL)

6.1 From 1 April 2015 a new entitlement to Shared Parental Leave (SPL) came into force. SPL will be available to eligible parents of children who are born or placed for adoption on or after 5 April 2015. Eligible parents will be able to share up to 50 weeks leave and 37 weeks statutory pay. Full details of this entitlement and the procedure eligible parents are required to follow are contained in the Heath Family Multi Academy Trust's Shared Parental Leave (Birth) Policy or Shared Parental Leave (Adoption) Policy respectively.

7 TIMING AND LENGTH OF PATERNITY LEAVE

7.1 OPL must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.

7.2 OPL can be taken from the date of the child's birth or adoption placement, but must end:

7.2.1 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.

7.2.2 In adoption cases, within 56 days of the child's placement.

8 NOTIFICATION (BIRTH)

8.1 If you wish to take OPL in relation to a child's birth, you must give Principal (or in the case of the Principal all references to Principal within this policy

The Heath Family Multi Academy Trust
Paternity Policy

should be read as though reference to the Chair of the Governing Body) notice in writing of your intention to do so and confirm:

- 8.1.1 The Expected Week of Childbirth;
- 8.1.2 Whether you intend to take one week's leave or two consecutive weeks' leave; and
- 8.1.3 When you would like to start your leave. You can state that your leave will start on:
 - 8.1.3.1 the day of the child's birth;
 - 8.1.3.2 a day which is a specified number of days after the child's birth; or
 - 8.1.3.3 a specific date later than the first date of the Expected Week of Childbirth.
- 8.2 You must give notice under paragraph 8.1 before the 15th week prior to the Expected Week of Childbirth (or, if this is not possible, as soon as you can).
- 8.3 The Principal may require a signed declaration from you that you are taking OPL for a purpose for which it is intended; namely, to care for the child or to support the child's mother in caring for the child.
- 8.4 The Principal may require you to provide a copy of the child's birth certificate and the name and address of the mother's employer or, if she is self-employed, her business address.

9 NOTIFICATION (ADOPTION)

- 9.1 If you wish to take OPL in relation to the adoption of a child, you must give the Principal notice in writing of your intention to do so and confirm:
 - 9.1.1 The date on which you and/or your spouse, civil partner or Partner were notified of having been matched with the child, together with the Expected Placement Date;
 - 9.1.2 Whether you intend to take one week's leave or two consecutive weeks' leave; and

The Heath Family Multi Academy Trust
Paternity Policy

- 9.1.3 When you would like to start your leave. You can state that your leave will start on:
- 9.1.3.1 the day on which the child is placed with you or the adopter;
 - 9.1.3.2 a day which is a specified number of days after the child's placement; or
 - 9.1.3.3 a specific date later than the Expected Placement Date.
- 9.2 You must give notice under paragraph 9.1 no more than seven days after you and/or your spouse, civil partner or Partner were notified of having been matched with the child (or, if this is not possible, as soon as you can).
- 9.3 The Principal may require a signed declaration from you that you are taking OPL for a purpose for which it is intended; namely, to care for the child or to support your spouse, civil partner or Partner in caring for the child.
- 9.4 The Principal may require you to provide the following:
- 9.4.1 The name and address of the adopter's employer or, if they are self-employed, their business address.
 - 9.4.2 Documentary evidence issued by the adoption agency that matched you with the child which confirms:
 - 9.4.2.1 the name and address of the adoption agency;
 - 9.4.2.2 the date on which you were notified that you had been matched with the child; and
 - 9.4.2.3 the date on which the agency expected to place the child with you.
- 10 CHANGING THE DATES OF OPL**
- 10.1 Where you are to take OPL in respect of a child's birth, you can give written notice to vary the start date of your leave from that which you originally

The Heath Family Multi Academy Trust
Paternity Policy

specified in the notice given under paragraph 8.1. This notice should be given:

10.1.1 Where you wish to vary your leave to start on the day of the child's birth, at least 28 days before the first day of the Expected Week of Childbirth.

10.1.2 Where you wish to vary your leave to start a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth.

10.1.3 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.

10.2 Where you are to take OPL in respect of a child's adoption, you can give written notice to vary the start date of your leave from that which you originally specified in the notice given under paragraph 9.1. This notice should be given:

10.2.1 Where you wish to vary your leave to start on the day that the child is placed with you or the adopter, at least 28 days before the Expected Placement Date.

10.2.2 Where you wish to vary your leave to start a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the Expected Placement Date.

10.2.3 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.

10.3 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 the Principal written notice of the change as soon as you can.

11 STATUTORY PATERNITY PAY

11.1 In this paragraph, **Relevant Period** means:

The Heath Family Multi Academy Trust
Paternity Policy

11.1.1 In birth cases, the eight-week period ending immediately before the 15th week before the Expected Week of Childbirth.

11.1.2 In adoption cases, the eight-week period ending immediately before the week in which you or your spouse, civil partner or Partner were notified of being matched with the child.

11.2 If you take OPL in accordance with this policy, you will be entitled to ordinary statutory paternity pay (**OSPP**) if, during the Relevant Period, your average weekly earnings are not less than the lower earnings limit set by the government.

11.3 OSPP are 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.

12 OCCUPATIONAL PATERNITY PAY (OPP)

12.1 To Qualify for OPP, you must satisfy the same qualifying requirements as for SPP.

12.2 The total amount of OPP payable is:

Week 1 full pay, inclusive of any payment made by way of SPP

Week 2 same as Week 1

13 TERMS AND CONDITIONS DURING OPL

13.1 All the terms and conditions of your employment remain in force during OPL, except for the terms relating to your normal pay.

14 ANNUAL LEAVE

14.1 During OPL, annual leave will accrue. Annual leave cannot usually be carried over from one holiday year to the next.

14.2 This entitlement applies to all employees including term time only and teachers.

The Heath Family Multi Academy Trust
Paternity Policy

- 14.2.1 Term Time Only Workers – In order to calculate the entitlement to annual leave it is necessary to carry out a ‘Balance of Salary’ calculation at the start of the paternity leave period and a second calculation at the end of your leave period. This calculation takes into account your start date with The Heath Family (NW) Multi Academy Trust and the number of completed weeks of the academic year up to the point you start your paternity leave. The proportion of completed weeks will then be compared to the salary you have been paid for the same period. In most cases this results in a payment of a balance of salary, however, there may be instances where the salary paid exceeds the weeks which have been worked and a recovery of salary is necessary. Once you return to work, a second calculation is carried out to identify whether you are entitled to a payment in respect of annual leave you have accumulated whilst on paternity leave. (Please note: The date on which you start and end your paternity leave can significantly affect the balance of salary calculation. Please contact the Trust/School’s Business Manager to establish how this is likely to affect you.)
- 14.2.2 Teachers – The School Teacher’s Pay & Conditions Document/your contract of employment makes no reference to an entitlement to annual leave for teachers. There is however a statutory right to a minimum of 28 days per annum under the Working Time Regulations. Periods of school closure count towards this entitlement, consequently it is unlikely that teachers returning to their posts following a period of paternity leave will have acquired a right to additional annual leave. It is possible that teachers who resign their post and do not return could have an outstanding balance of annual leave payable.
- 14.3 The Heath Family Multi Academy Trust’s holiday year runs from 1 September to 31 August.
- 14.4 If the holiday year is due to end during your absence on paternity leave, you should ensure that you have taken your full year's entitlement before your paternity leave starts.

The Heath Family Multi Academy Trust
Paternity Policy

15 PENSIONS

15.1 For details of the implication of OPL on your pension please contact the Trust/School's Business Manager who will advise further.

16 EXPECTED RETURN DATE

16.1 You will be expected to return to work on the agreed return date unless you tell us otherwise. It will help the Principal if, during paternity leave, you are able to confirm that you will be returning to work as expected.

16.2 Shortly before you are due to return to work, the Principal may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

16.2.1 updating you on any changes that have occurred during your absence;

16.2.2 any training needs you might have; and

16.2.3 Any changes to working arrangements (for example, that you may have requested come into effect on your return).

17 DECIDING NOT TO RETURN

17.1 If you do not intend to return to work or are unsure, it is helpful if you discuss this with the Principal as early as possible. If you decide not to return you should submit your resignation in accordance with your contract of employment. [Wherever possible, you should give as much notice as possible in order to facilitate workforce planning OR the amount of maternity leave left to run when you give notice must be at least equal to your contractual notice period, otherwise the School may require you to return to work for the remainder of the notice period.]

17.2 Once you have given notice that you will not be returning to work, you will be unable to change your mind without the Governing Body's agreement.

17.3 This does not affect your right to receive SPP.

The Heath Family Multi Academy Trust
Paternity Policy

18 YOUR RIGHTS WHEN YOU RETURN

18.1 You are normally entitled to return to work following either OPL to the same job you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.

19 FLEXIBLE WORKING

The Governing Body/Principal 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. The Governing Body/Principal 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. The procedure for dealing with such requests is set out in the Heath Family Multi Academy Trust's Flexible Working Policy.