



Paternity Policy

| Document Control Table | |
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| Purpose of this statement: | To outline the Trust Policy on Paternity |
| This policy has been approved for operation within: | All Trust Establishments |
| Version number: | V3 |
| Date of this review: | September 2023 |
| Date review approved: | September 2023 |
| Approved by: | Board of Trustees |
| Date of next review: | September 2025 |
| Review period: | 2 years |
| Policy status: | Trust Requirement |
| Owner: | iExel |
| Author: | AAS |
| Reviewer: | DBY |

| Document History | |
|-------------------|----------------------------|
| Version/Date | Note of Revisions |
| V1 September 2019 | |
| V2 September 2021 | Formal Review – No Changes |
| V3 September 2023 | Formal Review – No Changes |

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|-------------------|---------|--|-----------------------------|--|-------------------------|--|------------|---|
| PUBLISHED: | Website | | Pre-Admission Documentation | | Student/Parent Planners | | On-Request | ✓ |
|-------------------|---------|--|-----------------------------|--|-------------------------|--|------------|---|

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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 Covered by the Policy

2.1

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** in this policy).

2.2

It does not apply to agency staff and self-employed contractors.

3. Policy Ownership

3.1

The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy to the Local Governing Body, Trust Central Team and Head of each Establishment.

3.2

The Local Governing Body and Senior Leadership Team at each establishment has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

3.3

The Chief Executive of the Trust will be responsible for administering the policy in relation to the Head of Establishment (where the policy is applied to the Head of Establishment, all references to Head of Establishment should be replaced with Chief Executive of the Trust).

3.4

The Board of Trustees will be responsible for administering the policy in relation to the Chief Executive of the Trust (where the policy is applied to the Chief Executive of the Trust, all references to Head of Establishment should be replaced with Board of Trustees).

3. Definitions

4.1

The definitions in this paragraph apply in this policy.

4.1.1

Partner means spouse, civil partner or someone (whether of a different sex or the same sex) with whom an employee lives in an enduring family relationship, but who is not their parent, grandparent, sister, brother, aunt or uncle;

4.1.2

Expected Week of Childbirth means the week, beginning on a Sunday, in which their doctor or midwife expects an employee's spouse, civil partner or partner to give birth;

4.1.3

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

4.1.4

Job means the nature of the work an employee is employed to do and the capacity and place in which they are so employed.

5. Entitlement to Paternity Leave

5.1

Paternity leave is available when a child is born or placed with an employee 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

Employees are entitled to ordinary paternity leave (**OPL**) if they meet all the following conditions:

5.2.1

They have been continuously employed by the 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 the employee or their partner are notified by an adoption agency that they have been matched with a child.

5.2.2 An employee:

5.2.2.1

Is the biological father of the child;

5.2.2.2

Has been matched with a child by an adoption agency;

5.2.2.3

Is the spouse, civil partner or partner of the child's mother;

or

5.2.2.4

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

5.2.3 An employee:

5.2.3.1

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

5.2.3.2

Is the child's biological father and expects to have some responsibility for the child's upbringing.

5.2.4

The 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 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 working week or two consecutive working weeks. It cannot be taken in instalments, unless by agreement.

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 an employee wishes to take OPL in relation to a child's birth, they must give the Head of Establishment (or in the case of the Head of Establishment all references to Head of Establishment within this policy should be read as though reference to the Chief Executive of the Trust) notice in writing of their intention to do so and confirm:

8.1.1

The Expected Week of Childbirth;

8.1.2

Whether they intend to take one week's leave or two consecutive weeks' leave; and

8.1.3

When they would like to start the leave. An employee can state that the 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 for the child or to support the child's mother in caring for the child.

8.2

An employee 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 they can).

8.3

The Head of Establishment may require a signed declaration from an employee that they 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 Head of Establishment may require an employee 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 an employee wishes to take OPL in relation to the adoption of a child, they must give the Head of Establishment notice in writing of their intention to do so and confirm:

9.1.1

The date on which they and/or their spouse, civil partner or partner were notified of having been matched with the child, together with the Expected Placement Date;

9.1.2

Whether they intend to take one week's leave or two consecutive weeks' leave; and

9.1.3

When they would like to start the leave. An employee can state that their leave will start on:

9.1.3.1

The day on which the child is placed with them 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

An employee must give notice under paragraph 9.1 no more than seven days after they and/or their spouse, civil partner or partner were notified of having been matched with the child (or, if this is not possible, as soon as they can).

9.3

The Head of Establishment may require a signed declaration from an employee that they are taking OPL for a purpose for which it is intended; namely, to care for the child or to support their spouse, civil partner or partner in caring for the child.

9.4

The Head of Establishment may require an employee 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 them 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 they were notified that they had been matched with the child; and

9.4.2.3

The date on which the agency expected to place the child with them.

10. Changing the Dates of OPL

10.1

Where an employee is to take OPL in respect of a child's adoption, they can give written notice to vary the start date of the leave from that which they originally specified in the notice given under paragraph 8.1. This notice should be given:

10.1.1

Where an employee wishes to vary the leave to start on the day that the child is placed with them or the adopter, at least 28 days before the Expected Placement Date.

10.1.2

Where an employee wishes to vary the 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.

10.1.3

Where an employee wishes to vary the leave to start on a specific date (or a different date from that they originally specified), at least 28 days before that date.

10.2

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

10.2.1

Where an employee wishes to vary the leave to start on the day that the child is placed with them or the adopter, at least 28 days before the Expected Placement Date.

10.2.2

Where an employee wishes to vary the 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 an employee wishes to vary the leave to start on a specific date (or a different date from that they originally specified), at least 28 days before that date.

10.3

If an employee is unable to give us 28 days' written notice of the wish to vary the start of the leave as set out above, they should give the Head of Establishment written notice of the change as soon as they can.

11. Statutory Paternity Pay

11.1

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

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 an employee or their spouse, civil partner or partner were notified of being matched with the child.

11.2

If an employee takes OPL in accordance with this policy, they will be entitled to ordinary statutory paternity pay (**OSPP**) if, during the Relevant Period, their 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 an employee's average weekly earnings calculated over the Relevant Period if this is lower.

12. Occupational Paternity Pay (OPP)

12.1

To qualify for OPP, an employee must:

12.1.1

Have a least one year's continuous service at the beginning of the 15th week before the Expected Week of Childbirth or the week in which the adoption notification is received from the adoption agency.

12.1.2

Declare in writing that he/she intends to return to work for 3 months following OPL. If an employee subsequently decides not to return to work, he/she must repay all of the OPP he/she has received.

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. Term and Conditions During OPL

13.1

All of an employee's terms and conditions of employment remain in force during OPL, except for the terms relating to their 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.

14.3

The Trust's holiday year runs from 1 September to 31 August.

14.4

If the holiday year is due to end during an employee's absence on paternity leave, they should ensure that they have taken their full year's entitlement before the paternity leave starts.

15. Pensions

15.1

For details of the implication of OPL on an employee's individual pension please contact the establishment's finance team who will advise further.

16. Pensions

16.1

An employee will be expected to return to work on the agreed return date unless they tell us otherwise. It will help the Head of Establishment if, during paternity leave, an employee is able to confirm that they will be returning to work as expected.

16.2

Shortly before the employee is due to return to work, the Head of Establishment may invite them to have a discussion (whether in person or by telephone) about the arrangements for their return. This may cover

16.2.1

Updating the employee on any changes that have occurred during their absence;

16.2.2

Any training needs the employee may have; and

16.2.3

Any changes to working arrangements (for example, that the employee may have requested come into effect on their return).

17. Deciding Not To Return

17.1

If an employee does not intend to return to work they should give as much notice as possible in order to facilitate workforce planning.

17.2

Once an employee has given notice that they will not be returning to work, they will be unable to change their mind without the Trust's agreement.

17.3

This does not affect an employee's right to receive SPP.

18. An Employee's Rights When Returning

18.1

An employee is normally entitled to return to work following either OPL to the same job they held before commencing leave. An employee's terms of employment shall be the same as they would have been had they not been absent.

19. Flexible Working

19.1

The Head of Establishment 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 Head of Establishment will try to accommodate an employee's wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the establishment. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in the Trust's Flexible Working Policy.

20. Monitoring, Evaluation and Review

20.1

The policy will be promoted and implemented throughout all Trust establishments.

20.2


The Trust will monitor the operation and effectiveness of arrangements referred to in this policy at each Trust establishment.


20.3


The Trust will review this policy every two years in consultation with each Trust establishment.



One St James Business Park, New Augustus Street, Bradford, BD1 5LL

 0330 383 2000

 Office@iExcel.org.uk

 www.iExcel.org.uk

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