



**THIS POLICY COVERS ALL ACADEMIES/SCHOOLS WITHIN  
ARDEN MULTI-ACADEMY TRUST**

<b>Name of Policy</b>	<b>Paternity Policy</b>	
<b>Lead</b>	Martin Murphy, CEO	
<b>Governor Committee</b>	Business & Personnel Committee	
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<b>Version No.</b>	4	
<b>Amendments</b>	6 <sup>th</sup> April 2024 (Statutory changes to paternity leave)	
	8 <sup>th</sup> February 2016 (as a result of legislative changes April 2015)	
	7 <sup>th</sup> February 2019 (to reflect new SPP rates and GDPR statement)	
	16 <sup>th</sup> May 2024 (as a result of legislative changes)	



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## 1 Introduction

This section sets out employees' entitlement to accompany a pregnant woman to appointments to receive ante-natal care, paternity leave and pay. This section can apply to eligible employees of either gender for the purpose of caring for a child, or supporting the child's other parent subject to the qualifying conditions as set out below.

## 2 Time off to accompany for antenatal care

- 2.1 Employees are entitled to take paid time off during your working hours to accompany a pregnant woman to up to two appointments to receive antenatal care, lasting no more than 6 and a half hours each (including travel and waiting time), if you:
- 2.1.1 Are the biological father of the child; or
  - 2.1.2 Are the spouse or civil partner of the pregnant employee; or
  - 2.1.3 Live with the pregnant employee in an enduring family relationship and are not a relative; or
  - 2.1.4 The pregnant employee has undergone assisted conception and at that time you were her wife or civil partner or gave the required legal notices to be treated in law as the second female parent; or
  - 2.1.5 You are one of the intended parents in a surrogacy arrangement and expect to obtain a parental order in respect of the child.
- 2.2 Agency workers who have completed their 12-week qualifying period in the same role, with no breaks during or between assignments and who meet the criteria at 2.1 have the same right to accompany.
- 2.3 The appointments may include any relaxation or parenting classes but must have been made on the advice of the pregnant woman's doctor, midwife or health visitor.
- 2.4 If you are eligible and wish to take time off for this purpose, you must provide us with a signed "employee declaration" confirming:
- 2.4.1 That you have a qualifying relationship (see paragraph 2.1 above) with a pregnant woman or her expected child; and
  - 2.4.2 That you wish to take time off to accompany the pregnant woman to an appointment to receive antenatal care which has been made on the advice of their doctor, midwife or health visitor; and
  - 2.4.3 The date and time of the appointment.
- 2.5 You should try to give us as much notice as possible of the appointment and wherever possible, try to arrange them as near to the start or end of the working day.

### 3 Entitlement to paternity leave

- 3.1 Both men and women can request paternity leave. Certain employees can take paternity leave in relation to the birth or adoption of a child, fostering for adoption or surrogacy. In adoption, fostering for adoption, and surrogacy cases, you may wish to consider adoption leave instead. Only one parent can take adoption leave, so you should discuss this with your partner. You cannot take both paternity leave and adoption leave.
- 3.2 In some cases, you may be eligible to opt into the shared parental leave scheme, which gives you and your partner more flexibility to share the leave and pay available in the first year. You cannot take paternity leave if you have already taken shared parental leave in respect of the same child. You may be eligible to take shared parental leave after paternity leave. Further details are set out in the Trust Shared Parental Leave policy.

### 4 Paternity leave – timing and eligibility

- 4.1 Paternity leave must be taken as either:
- 4.1.1 A single period of two consecutive weeks;
- Or**
- 4.1.2 Two non-consecutive periods of leave of a week each.
- 4.2 Paternity leave can be taken from the date of the child's birth or adoption placement, or a later date of your choosing, but must end:
- 4.2.1 In birth cases, within 52 weeks of the child's birth, or if they were born before the first day of the Expected Week of Childbirth, within 52 weeks of the first day of the Expected Week of Childbirth.
  - 4.2.2 In adoption cases, within 52 weeks of the child's placement.
- 4.3 You are entitled to paternity leave if you meet all the following conditions:
- 4.3.1 You have been continuously employed by us for at least 26 weeks' ending with:
    - (a) In birth cases, the 15th week before the Expected Week of Childbirth.
    - (b) 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.
  - 4.3.2 You:
    - (a) Are the biological father of the child; or
    - (b) Have been matched with a child by an adoption agency; or
    - (c) Have had a child placed with you by a local authority under a fostering for adoption arrangement; or

- (d) Are the spouse, civil partner or partner of the child's mother; or
- (e) Are the spouse, civil partner or partner of someone who has been matched with a child by an adoption agency; or
- (f) Your spouse, civil partner or partner is one of the child's biological parents, and you expect to obtain a parental order giving you or your partner responsibility for the child; or
- (g) Are the spouse, civil partner or partner of a child placed with you by a local authority under a fostering for adoption arrangement.

#### 4.3.3 You

- (a) Expect to have main responsibility (with the child's mother, or your partner) for the child's upbringing; or
- (b) Are the child's biological father and you expecting to have some responsibility for the child's upbringing.
- (c) Are taking leave for the purpose of caring for the child, or supporting the child's mother, or your partner in caring for the child.

## 5 Notification of Paternity Leave

5.1 If you are eligible and wish to take paternity leave in relation to a child's birth or the adoption of a child, you must give us notice in writing of your intention to do so by the end of the Qualifying Week, or no more than 7 days after you and/or your partner were notified of having been matched with the child, or if this is not possible, as soon as you can.

5.2 You must confirm:

5.2.1 The Expected Week of Childbirth, or the date on which you and your partner were notified of having been matched with the child, together with the Expected Placement Date;

5.2.2 you meet the statutory conditions for entitlement to Statutory Paternity Leave (see paragraph 5.3 above) by providing a signed declaration.

5.3 You can choose to start your leave on:

- (a) The day of the child's birth or the day on which the child is placed with you or the adopter
- (b) A day which is a specified number of days after the child's birth or placement; or
- (c) A specific date later than the first date of the Expected Week of Childbirth or the Expected Placement Date

- 5.4 For each period of leave you intend to take, you must give us notice in writing at least 28 days before the first day you have chosen in respect of the above options (see paragraph 6.3), or if a domestic adoption notice period no more than 7 days after you and/or your partner were notified of having been matched with the child, or if this is not possible, as soon as you can.
- 5.5 After initial notice has been provided, you may vary these dates to take the leave at a later stage to best suit the needs of your family by giving at least 28 days' notice -in writing. You must include confirmation that the new period of leave is to care for the child or support the mother or adopter in caring for the child within the written notice.
- 5.6 You must confirm:
- 5.6.1 Whether you intend to take one week's leave or two consecutive weeks' leave;

## 6 Changing the dates of paternity leave

- 6.1 Where you are to take paternity leave in respect of a child's birth or adoption, you can give us written notice to vary the start date of your leave from that which you originally specified in the notice given under paragraph 6. This notice should be given:
- 6.1.1 Where you wish to vary your leave to start on the day of the child's birth/placement, at least 28 days' before the first day of the Expected Week of Childbirth/Expected Placement Date.
- 6.1.2 Where you wish to vary your leave to start a specified number of days after the child's birth/placement, at least 28 days' (minus the specified number of days) before the first day of the Expected Week of Childbirth/Expected Placement Date.
- 6.1.3 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.
- 6.2 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 us written notice of the change as soon as you can.

## 7 Occupational paternity pay

- 7.1 If you take paternity leave in accordance with this policy, you will be entitled to occupational paternity pay (OPP) if, during the relevant period, your average weekly earnings are not less than the lower earnings limit set by the government and you meet the qualifying criteria: 26 weeks continuous service with the Trust at the 15<sup>th</sup> week before the expected week of childbirth. You will be entitled to:

1 <sup>st</sup> week	1 week of your normal earnings
2 <sup>nd</sup> week (if taking 2 weeks)	1 week of SPP

Or for the second week, a rate equivalent to 90% of your average weekly earnings, if it is less than the SPP rate.

SPP can start on any day of the week in accordance with the date you start your OPL.

- 7.2 SPP is 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. For details of the current prescribed rate, please visit [www.gov.uk/paternity-pay-leave](http://www.gov.uk/paternity-pay-leave) or contact the HR team on [humanresources@arden.solihull.sch.uk](mailto:humanresources@arden.solihull.sch.uk)

## 8 Terms and conditions during paternity leave

- 8.1 All the terms and conditions of your employment remain in force, except for the terms relating to pay during paternity leave. In particular:
- 8.1.1 Benefits in kind such as life insurance and health insurance shall continue;
  - 8.1.2 Annual leave entitlement under your contract shall continue to accrue where applicable (see paragraph 10, Annual leave); and
  - 8.1.3 Pension benefits shall continue (see paragraph 11, Pensions).

## 9 Annual leave

- 9.1 All staff continue to accrue annual leave during paternity leave at the rate provided under their contract of employment.

### Teachers

- 9.2 The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.
- 9.3 Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your paternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the paternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate your outstanding annual leave entitlement; you will be entitled to take any remaining leave during term time at a time mutually agreed with your Associate Headteacher/Head of School.

### Support staff – term time only/term time plus

- 9.4 The salary calculation for support staff contracted to work term time only or term time plus additional working weeks, includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.
- 9.5 Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your paternity leave. Usually, there will be

sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the paternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate your outstanding annual leave entitlement; you will be entitled to take any remaining leave during term time at a time mutually agreed with your Associate Headteacher/Head of School.

### **Support staff – full working year**

- 9.6 Annual leave entitlement will continue to accrue at the rate provided under your contract. If you are taking a period of paternity leave which will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over to the next holiday year and must be taken immediately before returning to work unless your manager agrees otherwise. Please discuss your holiday plans with your manager in good time before starting your paternity leave. All holiday dates are subject to approval by your manager. For staff working full year the holiday year runs from 1 April to 31 March.

## **10 Pensions**

- 10.1 During any period of paid paternity leave we shall continue to make the relevant employer pension contributions. Employee contributions are usually made based on the pay you are receiving whilst absent. If you wish to increase your contributions to make up any shortfall from those based on your normal salary, then please contact the Pensions Administrator directly. For teaching staff this will be Teachers' Pensions on 0345 6066166 and for support staff, this will be either West Midlands Pension Fund on 0300 111 1665 or Warwickshire Pension Fund on 01926 412005.
- 10.2 During any period of unpaid paternity leave, we shall not make any employer pension contributions and the period shall not count as pensionable service. If you are a member of support staff, you may if you wish make up any contributions for the unpaid period. If you choose not to, you will not build up any membership for this period, and this will affect your pension benefits. If you are a member of teaching staff, you do not have the option of paying contributions during any period of unpaid paternity leave, but you can purchase additional pension on top of your normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

## **11 Returning to work**

- 11.1 You are normally entitled to return to work following paternity leave to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.
- 11.2 However, if you if you have 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 us to allow you to return to the same job, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.
- 11.3 If you are also taking shared parental leave in respect of the same child, see the Shared Parental Leave policy on the Trust website about rights on return to work.

## **12 Requests to change your working pattern**

We 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, in accordance with our Flexible Working Policy. We 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.

## **13 Deciding not to return**

If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should submit your resignation in accordance with your contract. Once you have done so you will be unable to change your mind without our agreement. This does not affect your right to receive SPP.

**Appendix 1**

**Arden Multi-Academy Trust  
Notification of Paternity Leave**

<b>Full Name</b>	
<b>School/Academy</b>	
<b>Role</b>	
<b>Address</b>	
<b>Work Email</b>	
<b>Employment start date:</b>	

Please complete this form and return it to HR at least 28 days before the Expected Week of Childbirth/ notification of the match, in order to establish your eligibility and entitlement.

1. The baby is due on/ the date on which child is expected to be placed:

Day	Month	Year
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2. If the baby has been born, please enter the actual date of birth or adoption:

Day	Month	Year
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4. I will be away from work for (please complete one of the sections below):

A single period of two consecutive weeks, starting on:

Day	Month	Year
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**Or**

Two non-consecutive periods of leave of a week each starting on:

Day	Month	Year
Day	Month	Year

**I declare that I wish to take Paternity Leave and confirm:**

- I am the biological father of the child; or
- I am the spouse or civil partner of the pregnant employee; or
- I live with the pregnant employee in an enduring family relationship and are not a relative; or
- The pregnant employee has undergone assisted conception and at that time I was her wife or civil partner or gave the required legal notices to be treated in law as the second female parent; or
- I am one of the intended parents in a surrogacy arrangement and expect to obtain a parental order in respect of the child.

**and**

- I expect to have the main responsibility (apart from any responsibility of the mother/ partner) for the child's upbringing; **AND**
- I am making the request to help care for the child or to support the child's mother/ primary adopter; **AND**
- I am a Trust employee with at least 26 weeks continuous service by the end of the 15<sup>th</sup> week before the EWC/ notified of match for adoption.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

***DATA PROTECTION – FAIR PROCESSING NOTICE***

*All information supplied on this form may be held and used as detailed.*

*The form will be passed to the Human Resources Manager to process your paternity leave to ensure that you receive the pay and other benefits to which you are entitled.*

*The information you provide may be shared with third parties such as Local Authorities, the Department of Work and Pensions (DWP), HMRC and pension scheme providers.*

*For further information about how we use your information please refer to the Trust's Data Protection Policy.*