

# Policy C26 Paternity

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<b>Contents</b>		<b>Page</b>
1.	Introduction	1
2.	Responsibilities	1
3.	Principles	1
4.	Notification of Pregnancy or Adoption	2
5.	Antenatal/Adoption Appointments	3
6.	Paternity Leave	3
7.	Paternity Pay	4
8.	Policy Status and Review	4

## **1. Introduction**

- 1.1 The Trust is committed to providing a positive work environment where employees are able to balance their work and personal lives including parental responsibilities.
- 1.2 The Trust wholeheartedly believes in equality of opportunity for all employees and is committed to eliminating discrimination of any kind, including that arising from paternity leave.
- 1.3 This policy reflects the above commitments as well as statutory rights and responsibilities.
- 1.4 This policy applies to all staff. Eligibility for entitlements is stated where applicable.

## **2. Responsibilities**

- 2.1 Employees and Managers are responsible for fully cooperating with this policy. They must ensure they provide information and/or documentation regarding their paternity and partner's pregnancy as required.
- 2.2 Employees and Managers are also responsible for responding to paternity related matters without undue delay and in accordance with the principles of this policy.
- 2.3 Human Resources is responsible for developing, reviewing and overseeing paternity provisions and procedures. They are also responsible for advising both employees and managers of requirements in accordance with this policy.

## **3. Principles**

- 3.1 The Trust understands that paternity provisions can be complex and may cause anxiety for new or expectant parents. The Trust encourages employees to engage in early discussion with their manager and/or HR to allow uncertainties to be addressed at the earliest possible opportunity.

- 3.2 Managers and employees may agree to keep in contact during the period of paternity leave should this be beneficial to both parties. In these circumstances, the level and reasons for contact should be agreed in advance.
- 3.3 Employment rights are protected whilst an employee is on paternity leave. They will not suffer any disadvantage or unfair treatment as a result of their paternity leave.
- 3.4 Employees will accrue their full contractual leave entitlement during the period of their absence. In some instances, accrued annual leave may be financially reimbursed, for example in the case of term-time workers.
- 3.5 An employee who normally pays pension contributions is required to continue to do so whilst they are in receipt of paternity pay, regardless of whether they intend to return to work.
- 3.6 An employee returning to work from paternity leave is entitled to return to the same job that they occupied prior to commencing the period of leave with the same terms and conditions.
- 3.7 A fixed term contract may end during the paternity leave if there is a fair and justifiable reason for non-renewal. Due to the short-term nature of paternity leave, this will be known and confirmed prior to the paternity leave.
- 3.8 The same redundancy rights apply to all employees including the requirement to consult.
- 3.9 Employees are reminded that shared parental leave may be available to eligible parents, giving them and their partner flexibility in the way they care for their child during the first year of birth or adoption. See Shared Parental Leave Policy for further details.
- 3.10 Employees returning from paternity leave may want to amend their working arrangements to support them to manage their additional parental responsibilities. Whilst there is no automatic right to agree amendments to working hours or patterns, the Trust encourages all cases to be considered and approved where this is viable. Where this cannot be informally agreed, employees are able to exercise their right to submit a statutory flexible working request (see Flexible Working Policy).
- 3.11 Failure to return to work by the end of paternity leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the paternity leave period.
- 3.12 If the employee decides that they do not wish to return to work following paternity leave, they should give written notice of their resignation to the Trust as soon as possible and in accordance with the terms of their contract of employment.
- 3.13 The HR department will use, retain and dispose of confidential records of maternity related matters in accordance with the requirement of GDPR.

#### **4. Notification of Paternity**

- 4.1 Employees are encouraged to inform their manager of their intention to take paternity leave as early as possible to enable supportive measures to be put in place.
- 4.2 The employee should complete a Paternity Application Form and submit it to the HR department in accordance with the following timescales:

In the case of birth parents

- 15 weeks before the expected week of childbirth

In the case of adoptive parents

- Notice of leave must be given within 7 days of their co-adopter or partner being matched with a child
- Notice of pay must be given 28 days before they want their pay to start

Where an employee is applying for leave and pay, the earlier of these 2 notice periods apply.

4.3 The Paternity Application will contain the following information:

- Expected date of childbirth/placement of adoption
- The date that the employee intends to start paternity leave
- Whether they wish to take one or two weeks leave

A Paternity application form must be accompanied by the form:

- SC3 – birth parents
- SC4 – adoptive parents (UK adoptions)
- SC5 – adoptive parents (overseas adoptions)

These forms are available online at [www.gov.uk](http://www.gov.uk), or can be requested from the HR department.

4.4 The employee is permitted to bring their paternity leave start date forward conditional to this being within 56 days of the date of childbirth or placement for adoption. They will be required to provide 28 days' notice of this where practicable.

## 5 Antenatal/Adoption Appointments

5.1 An employee is entitled to unpaid leave to accompany a pregnant woman to attend 2 antenatal appointments if they are:

- The baby's father
- The expectant mothers spouse or civil partner
- In a long-term relationship with the expectant mother
- The intended parent (in the case of surrogacy arrangements)

5.2 An employee who is a joint adopter can take unpaid leave to attend 2 adoption appointments that are arranged by or at the request of the adoption agency.

5.3 Where practicable and subject to agreement between the employee and their manager, attendance at the above appointments may be taken as annual leave or TOIL.

5.4 Employees are required to provide evidence of the appointment to their manager upon request.

## 6. Paternity Leave

6.1 Employees are eligible for paternity leave if their partner is having a baby or adopting a child, conditional to them having:

- Responsibility for the child's upbringing (being the biological father or the partner of the mother/primary adopter)
- Worked continuously for the Trust for 26 weeks up until the 15<sup>th</sup> week before expected childbirth, or in the case of adoption the start of the adoption placement
- The time off with the purpose of supporting their partner and caring for the child

6.2 Parental leave is available for one week or two consecutive weeks.

6.3 The parental leave and start dates are:

6.3.1 In the case of birth parents, one of the following:

- The actual date of birth
- An agreed number of days after the birth
- An agreed number of days after the expected week of childbirth

The leave must finish within 56 days of the birth or due date if the baby is early.

6.3.2 In the case of adoptive parents:

- On the date of the placement
- An agreed number of days after the start of the placement
- On the date the child arrives in the UK or an agreed number of days after this (overseas adoptions)

## 7. Statutory Paternity Pay

7.1 Statutory paternity pay is a payment made by an employer on behalf of the Department for Work and Pensions to eligible employees during their paternity leave.

7.2 To qualify for statutory paternity pay, an employee must have:

- worked for the Trust for at least 26 weeks continuously into the 15th week before the expected week of childbirth or the start of the adoption placement
- average earnings of equal or above the National Insurance lower earnings limit (*£118 per week as at April 2019*).
- given the HR Department 28 days' notice of their intended paternity leave start date

7.3 Statutory paternity pay is payable at £148.68\* or 90% of average weekly earnings (whichever is the lower).

*\*amount payable as at April 2019.*

7.4 The above payments are subject to lawful PAYE deductions including tax, national insurance and pension contributions if applicable. Deductions arising from salary sacrifice arrangements cannot be applied to SMP, including but not exclusively court orders, child support agency payments, childcare vouchers. Employees should contact the Payroll department to discuss their individual queries.

## 8. Occupational Paternity Pay

8.1 Occupational paternity pay (OPP) is the element of paternity pay which employees are entitled to, providing they meet the Paternity Leave eligibility conditions detailed in point 6 of this policy.

8.2 OPP payments are the same for both teaching and support staff. For support staff, OPP should be considered to meet the requirements of the maternity support leave conditions detailed within the nationally agreed terms and conditions: specifically, the 'Green Book'.

8.3 The entitlement is 2 weeks of full pay, offset against SPP (if eligible)

## 9. Policy Status and Review

Written by	HR Manager		
Owner	Head of HR & OD		
Version	V4/2019	Status	Approved
Equality Impact Assessment	Initial Impact Assessment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Full Impact Assessment	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
JCC Consultation date	09/10/2018 – 31/10/2018		
Approval date	25/11/19 (Remuneration and HR Committee)		
Review date	1/04/2021		
Comments	This policy supersedes the separate paternity leave and pay provisions in East and West Sussex		