

Paternity Leave Policy and Procedures

Introduction

The Paternity Leave Policy is part of our suite of Family Friendly policies, designed to explain the School's positive approach to helping staff balance their family and work commitments, and aligned to the core principle of the School, *ex corde caritas*.

Policy Aim and Statement

This policy, and the associated procedures, aims to provide clear guidance for parents in relation to paternity leave, including eligibility, entitlement to leave and pay, and the processes associated with requesting and taking this leave.

The purpose of Paternity Leave is to enable employees to take paid time off work to support their partner and help care for, and bond with, a child following their birth, surrogacy or adoption. For clarity, this policy is about **paid** Paternity Leave and not unpaid Parental Leave or Shared Parental Leave which are covered in separate policies.

Scope

The policy applies to all employees of the School who meet the eligibility criteria regardless of their sex or sexual orientation.

General Principles

In managing any family friendly leave, the School is committed to ensuring that:

- staff are supported before, during, and after a period of family leave
- we uphold the principles of our Equality, Diversity and Inclusion Policies, Guidance and Procedures at all times
- staff are never treated unfavourably, or dismissed, because they are reasonably taking, or wish to take, any family leave (i.e. maternity, paternity, adoption and surrogacy, parental or shared parental leave)

Data Protection

When managing an employee's family leave and/or pay, the School processes personal data collected in accordance with its Data Protection Policy. Data collected from the point at which an employee informs the School that they plan to take any such leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their family leave and/or pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the School's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the School's disciplinary procedure.

Relevant Legislation

The following legislation is relevant in relation to the School's suite of Family Friendly policies:

Employment Rights Act 1996 (and subsequent amendments)

Equality Act 2010

Maternity and Parental Leave etc. Regulations 1999 (and subsequent amendments)

Paternity and Adoption Leave Regulations 2002 (and subsequent amendments)

Other Relevant Policies

Maternity Leave Policy

Parental Leave Policy

Shared Parental Leave Policy

Special Leave Policy
Equality, Diversity and Inclusion Policies, Guidance and Procedures
Grievance Policy and Procedures

Effective Date

The Paternity Leave Policy and associated procedures are effective from 6 June 2022. This policy supersedes any previous policies or procedures relating to paternity leave and pay.

Approval and Review

The Paternity Leave Policy has been approved by the Staff Committee of the Governing Council, following endorsement by the Principal's Leadership Team and ICE Committee.

The School will regularly review this policy, and any associated procedures, to ensure that it continues to comply with current employment legislation and the School's operational needs. In line with the HR policy review schedule agreed with the ICE Committee, a policy review will take place at least every two years, or as soon as practicable after any change of relevant legislation.

Date of next review: Summer 2024

Appendices

Appendix 1 Paternity Leave Procedures

Version 2/Issue1/DATE June 2022

Appendix 1

Paternalty Leave Procedures

Introduction

The following information clarifies the procedures associated with **Paternalty Leave**, including eligibility and entitlement, and the various processes associated with requesting and taking this leave.

If you have any questions regarding any of this information, please do not hesitate to contact the HR Team.

Definitions

Throughout this policy all references to the singular word 'child' also apply in instances of multiple birth or adoptive placement. A multiple birth or adoptive placement does not entitle the employee to multiple periods of leave or payment.

Eligibility and entitlement to paternalty leave

An employee whose spouse, civil partner or partner gives birth to a child, or who is the biological father of the child is entitled to two weeks paternalty leave providing they have 26 weeks continuous service by the end of the 15th week before the week the child is expected to be born.

Paternalty leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternalty leave provided they have 26 weeks continuous service ending with the week in which the child's adopter is notified of having been matched with the child for adoption (see Adoption, Surrogacy and Fostering Policy).

Paternalty leave may also be taken by a Parental Order parent. A Parental Order parent is a person who is part of a couple and who has a child through a surrogacy arrangement and is eligible for and intends to apply for a Parental Order, and is not taking Adoption Pay.

To qualify for paternalty leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

Taking paternalty leave

The employee may take **either one or two weeks'** Paternalty Leave. Where two weeks are taken these must be consecutive weeks. The leave must be taken within eight weeks of the birth or adoption of the child. If the baby is born early, the leave may be taken from the time of the birth, and within eight weeks of the expected date of childbirth.

If a school holiday occurs within the period of paternalty leave, the employee will be deemed to be on paternalty leave. They will then be granted time off in lieu (TOIL) for the days they were unable to take as holiday and will be permitted to take these at a mutually agreed time, preferably within the eight weeks after the baby is born.

Employees who wish to take both paternalty leave and shared parental leave must take their period of paternalty leave first. An employee cannot take paternalty leave if they have already taken a period of shared parental leave in relation to the same child.

Notification of paternalty leave

Where an employee wishes to request paternalty leave in respect of a birth child, they must give 15 weeks' written notice of the date on which the baby is due, the length of paternalty leave they wish to take and the date on which they wish the leave to commence.

The employee must also complete and sign a self-certificate declaring that they are entitled to paternalty leave and statutory paternalty pay. If an employee subsequently wishes to change the timing of the paternalty leave, they must give 28 days' written notice of the new dates. These forms are available from the HR Team.

In the case of an adopted child, the employee must give written notice of their intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start paternity leave, the length of the intended paternity leave period and the date on which the adopter was notified of having been matched with the child.

Payment rates for paternity leave

Employees who qualify for Paternity Leave will also qualify for Statutory Paternity Pay (SPP) providing their average weekly earnings are above the statutory lower earnings limit as follows:

- **Birth or surrogacy** - over the eight-week period ending with the 15th week before the expected week of birth the employee must have average weekly earnings which are not less than the lower earnings limit for national insurance contributions purposes.
- **Adoption** - over the eight-week period ending with the week in which the child's adopter is notified of being matched with the child for adoption the employee must have average weekly earnings that are not less than the lower earnings limit for national insurance contributions purposes.

Statutory Paternity Pay (SPP) is payable for up to two weeks, at the lower of:

- the standard statutory weekly rate set by the Government for the relevant tax year; or
- 90% of the employee's average weekly earnings.

The current statutory rates can be found on the [GOV.UK Paternity Leave and Pay](#) webpages.

In addition, the School pays an enhanced rate of occupational paternity pay, whereby the school tops up SPP for the first week of leave to the equivalent of the employee's normal weekly salary based on the employee's average weekly earnings.

Where the employee does not qualify for SPP due to earnings, the School will still provide occupational paternity pay for the first week of leave. This will be based on the amount expected had SPP been payable i.e. this will be based on the employee's normal weekly salary (based on average weekly earnings) less the amount of SPP ordinarily due.

SPP is treated as earnings and is therefore subject to PAYE and national insurance deductions. SPP can start from any day of the week in accordance with the date the employee starts their paternity leave.

To summarise, GWC employees are entitled to one week's leave at full pay followed by one week's SPP at the lower of the standard weekly rate or 90% of their average weekly earnings.

Unpaid Parental Leave

Employees are also entitled to up to 18 weeks' unpaid Parental Leave per child if they are the birth or adoptive parent of a child who is under 18 years of age. To qualify for unpaid Parental Leave, employees must have completed at least one year's continuous service with the School. Further details can be found in the **Parental Leave Policy**.

Attendance at Antenatal Appointments

An employee who has a "qualifying relationship" with a pregnant woman or her expected child has the right to take unpaid time off during working hours to accompany the pregnant woman to an antenatal appointment on up to two occasions.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should in the first instance contact their line manager and fill in the appropriate planned absence request form. The employee should give as much notice as possible of when the time off is required and where possible try to arrange these as near to the start or end of the working day.

Details about attending adoption appointments are provided in the **Adoption, Surrogacy, and Fostering Policy**.

Sharing Leave with a Partner

Shared parental leave enables mothers or adopters to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.

An employee can choose to take both paternity leave and shared parental leave, but the period of paternity leave must come first. An employee cannot take paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.

Further details about this type of leave can be found in the **Shared Parental Leave Policy**.

The right to be treated fairly

Employees have the right not to be treated unfavourably or to be dismissed because they are reasonably taking, or wish to take, paternity leave.

If an employee feels they have been treated unfavourably, or the policy has not been applied appropriately, they should first consider raising the issue informally with their line manager, PLT member or Human Resources. If the matter cannot be addressed or resolved informally, the School's **Grievance Policy and Procedure** should be used.

Additional Information

The School is committed to supporting our staff to achieve a successful work-life balance that works for them. We have therefore provided links to some other information and agencies that may be useful for parents.

- **Employee Assistance Programme:** Information for parents provided by Care First as part of our employee benefits offering: <https://www.gwc.org.uk/portal/staff-resources/operations/staff-benefits/>
- **UK Government:** Information on benefits and financial support for families: <https://www.gov.uk/browse/benefits/families>
- **Parenting across Scotland:** partnership of charities (with funding from the Scottish Government) offering support for parents and families in Scotland through their information service and partners' helplines: <https://www.parentingacrossscotland.org/>

Although we try only to give useful sources of support and information, this is not a recommendation or endorsement by the School. We take no responsibility for the content of other websites and the services other organisations or agencies provide.