

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 colleagues 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:

- colleagues 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
- colleagues 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)
- Paternity Leave (Amendment) Regulations 2024

Other Relevant Policies

- Adoption, Surrogacy and Fostering Policy
- Maternity Leave Policy

- Parental Leave Policy
- Pregnancy and Baby Loss 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 **June 2024**. This policy supersedes any previous policies or procedures relating to paternity leave and pay.

Approval and Review

The Head of Human Resources is the owner of this policy.

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.

In line with the agreed schedule, the School will review the Paternity Leave Policy at least every two years, or as soon as practicable after any change of relevant legislation, to ensure that the policy and associated procedures continue to comply with current employment legislation and to meet the School's operational needs.

Date of next review: Summer 2026

Version 3/Issue 1/June 2024

Appendices

Appendix 1 Paternity Leave Procedures

Appendix 1

Paternity Leave Procedures

Introduction

The following information clarifies the procedures associated with **Paternity 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 and procedures all references to the singular words “baby” and “child” also apply in cases of multiple births (e.g. twins) or adoptive placement. The amount of time off and any paternity pay due is the same, even if you have more than one baby or adopt more than one child.

Employment Rights

Employment rights are protected when colleagues are on various forms of family leave, and so normal contractual terms and conditions generally remain in force, e.g. entitlement to any pay awards and increments due during the leave, accruing annual leave etc. Employment rights applicable to contractual remuneration and pension contributions may be affected during unpaid family leave. The HR Team is available to answer any questions employees may have regarding their employment rights and contractual entitlements.

Eligibility

To be eligible for Paternity Leave and Pay, you must be one of the following:

- the baby’s biological father
- the expectant mother’s spouse or civil partner
- in a long-term relationship with the expectant mother
- the intended parent (if having a baby through a surrogacy arrangement)

You must also meet the following criteria in relation to being eligible for Paternity Leave:

- be classed as an employee (*i.e. not a worker*)
- give the correct notice
- be taking the time off work to look after the child, or to support your spouse/partner
- be responsible for the child’s upbringing
- have been continuously employed by the School for at least 26 weeks up to any day in the “qualifying week”

In addition, to be eligible for Paternity Pay, you must also:

- be employed by the School up to the date the child is born or placed with them for adoption
- be on the GWC payroll and earn the required gross weekly rate of pay in the 8 week “relevant period”

The “qualifying week” for continuous service is either the 15th week before the baby is due or the “matching week” in the case of an adoption. The adoption “matching week” is either the end of the week you are newly matched with the child (UK adoptions) or the date the child enters the UK or when the employee wants their pay to start (overseas adoptions).

Information about the current rate of gross weekly pay and the 8 week “relevant period” can be found on the [Paternity Pay and Leave](#) pages on the GOV.uk website.

There is additional information about paternity leave in relation to adoptions and surrogacy arrangements in the [Adoption, Surrogacy and Fostering Policy](#) on the Staff Portal.

Attendance at antenatal and pre-placement Appointments

Eligible employees have the right to take unpaid leave during working hours to accompany a pregnant woman to antenatal appointments. You can accompany the expectant mother to up to two antenatal appointments of up to six and a half hours each during the course of her pregnancy.

Similarly, eligible employees are entitled to attend two adoption appointments after they have been matched with a child.

If you would like to make a request for time off work to accompany someone to their antenatal appointment, you should speak with your line manager first and then follow the appropriate planned absence request process for your area. You should try to give as much notice as possible of when the time off is required and, if possible, try to arrange the appointment as near to the start or end of the working day.

Taking paternity leave

Eligible employees may take either **one or two weeks** of Paternity Leave. A week of leave is the same number of days that you normally work each week (i.e. five days for full-time employees, or prorated for part-time colleagues).

If you are taking two weeks of paternity leave, they can either be taken as two consecutive weeks or two separate weeks.

Paternity Leave cannot start before the baby is born. The start date must be one of the following:

- the actual date of the baby's birth
- a specified number of days after the birth (e.g. the day after the birth or a week after the baby is born)
- a set date you choose which is at some point after the baby is born

In the case of adoption, the period of Paternity Leave can start on:

- the date of placement
- the date the child arrives in the UK if you're adopting from overseas
- the date the child is born (or the day after if you're working that day) if you're a surrogate parent
- a set date you choose which falls after the date of birth or placement

Both weeks of parental leave (if both are taken) must be finished **within 52 weeks** of the birth, or the baby's due date if the baby was born early. Similarly, both weeks of leave must be taken within 52 weeks of the child's placement or arrival date.

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

Notice requirements for paternity leave

If you want to request paternity leave in respect of a birth child, you must give the School 15 weeks' written notice of the baby's due date. You should do this by completing and signing a self-certificate declaring that you are entitled to paternity leave and statutory paternity pay. These [forms are available online](#) or from the HR Team.

You then need to give 28 days' notice of how much paternity leave you want to take and when you want the leave to start.

If you subsequently wish to change the timing of your paternity leave, you must give 28 days' written notice of the new date(s).

If you want to request paternity leave and pay for a child through either a UK adoption or surrogacy (i.e. through a parental order), you must give written notice as follows:

- Leave - no later than 7 days of their co-adopter or partner being matched with a child
- Pay - 28 days, or as soon as they're reasonably able, before they want their pay to start

There are different rules for children adopted from abroad, which can be found on the [GOV.uk](https://www.gov.uk) website.

If you subsequently wish to change the timing of your paternity leave, you must similarly give 28 days' written notice of the new date(s).

Payment rates for paternity leave

If you qualify for Paternity Leave will also qualify for Statutory Paternity Pay (SPP) providing your 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, you 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, you 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](https://www.gov.uk) webpages.

In addition, the School pays an enhanced rate of occupational paternity pay, i.e. the School tops up SPP for the first week of leave to the equivalent of your normal weekly salary based on your average weekly earnings.

If you don't qualify for SPP due to the level of your earnings, the School will still provide occupational paternity pay for the first week of paternity leave, based on the amount expected had SPP been payable i.e. this will be based on your 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 you start your paternity leave.

To summarise, eligible GWC employees are entitled to full pay for the first week of paternity leave, and SSP at the lower of the standard weekly rate or 90% of their average weekly earnings if they take a second week of paternity leave.

Unpaid Parental Leave

Eligible 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, you must have completed at least one year's continuous service with the School.

Further details can be found in the [Parental Leave Policy](#).

Stillbirths and Baby Deaths

In the sad event that a baby is stillborn 24 weeks or more into the pregnancy, or is born alive at any point in the pregnancy but later dies, eligible colleagues are still entitled to their paternity leave and pay. Employees may take any leave that they had booked before losing the baby. If, after losing the baby, the employee still had paternity leave left to book, they may still book and take this leave within 8 weeks of the baby's death.

The employee may also be entitled to take Parental Bereavement Leave (as referenced in the **Special Leave Policy**), subject to eligibility criteria. Additional information about statutory Parental Bereavement Leave is available on the GOV.uk website: <https://www.gov.uk/parental-bereavement-pay-leave>

The School will do all it reasonably can to provide support to the employee during this time. Support is also available via the Employee Assistance Programme **Tel: 0800 023 9324**

Sharing Leave with a Partner

Shared Parental Leave enables mothers or lead 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.

Eligible employees can choose to take both Paternity Leave and Shared Parental Leave, but the period of paternity leave must come first. You cannot take paternity leave if you have 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 colleagues 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.

- **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/>
- **NHS Inform: Ready Steady Baby:** NHS Scotland website giving advice relating to pregnancy, labour and birth, and early parenthood up to 8 weeks <https://www.nhsinform.scot/ready-steady-baby>
- **ParentClub:** Scottish Government website giving tips and advice to help with the highs and lows of parenting, information about baby boxes, as well as a directory of other trusted organisations offering health and wellbeing support (searchable by topic or child's age) <https://www.parentclub.scot/>

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.