

Royal Wootton Bassett Academy Trust Paternity Guidance – Teachers and Support Staff

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Introduction

With effect from April 2011 a statutory right to both ordinary and additional paternity leave and pay has been introduced.

Ordinary Paternity Leave

Employees will be entitled to choose to take either one week or two consecutive weeks' (if eligible) paternity leave.

They can choose to start their leave:

- From the date of the child's birth (whether this is earlier or later than expected), or
- From a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected), or
- From a chosen date.

Leave can start on any day of the week on or following the child's birth but must be completed:

- Within 56 days of the actual date of birth of the child, or
- If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

Eligibility

Employees will need to satisfy the following conditions in order to qualify for paternity leave.

- you must be the biological father or adopter of the child or be the mother's (or adopter's) husband, partner or civil partner or have or expect to have responsibility for the child's upbringing
- you must have continued to work for the same employer without a break for at least 26 weeks by the 15th week before the baby is due, or employed up to and including the week your wife, partner or civil partner was matched with a child

- you must continue to work for that employer without a break up to the date the child is born or placed for adoption

Ordinary Paternity Pay (SPP)

Support Staff are entitled to 2 week's paternity leave at normal pay.

Teaching Staff are entitled to two weeks paternity leave, one week normal pay and one week paid at the Statutory Paternity Pay rate currently this is £145.18 (April 2018).

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurances purposes will not qualify for SPP, but may be able to get Income Support while on paternity leave.

SPP cannot be paid to an employee for any week during which the employee does some work for that employer.

Notice Of Intention To Take Ordinary Paternity Leave

Employees will be required to inform their manager of their intention to take paternity leave by the 15th week before the baby is expected, or within 7 days of being told by the adoption agency that you've been matched with a child, unless this is not reasonably practicable. They will need to tell their manager:

- The week the baby is due/the date of placement
- Whether they wish to take one or two weeks' leave
- When they want their leave to start

Employees will be able to change their mind about the date on which they want their leave to start providing they tell their manager at least 28 days in advance (unless this is not reasonably practicable). Employees must complete the necessary Paternity Leave and Pay Form and send copies to your HR and payroll provider, 28 days in advance of starting your paternity leave.

Contractual Benefits

Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to salary/wages, throughout their paternity leave.

Pension Contributions

Pension contributions will continue to be deducted during any paid paternity leave both ordinary and additional, however if you take Additional Paternity Leave that is unpaid then unless you opt to make contributions during this period this will count as a break in your pensionable service.

Return To Work After Paternity Leave

Employees will be entitled to return to the same job following Ordinary Paternity leave.

When you return to work after 26 weeks or less of Additional Paternity Leave, you have a right to the same job and the same terms and conditions as if you hadn't been away. This protection also applies where you take up to four weeks' parental leave in addition to your Additional Paternity Leave.

Where you have taken more leave than this, you should also return to the same job with the same terms and conditions. However, if your employer shows that it is not reasonably practicable for you to return

to your original job you must be offered suitable alternative work. This must be with the same employment terms and conditions as if you hadn't been away. For example, your employer might do this if your job no longer exists.

Employees will be protected from suffering unfair treatment or dismissal for taking, or seeking to take, paternity leave either ordinary or additional.

Maternity Support Leave

School support staff are entitled to Maternity Support Leave of 5 days, with pay. Maternity Support Leave is granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. Pro rata arrangements will apply to part time staff. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth. There is no qualifying service requirement for this right. Please note that you cannot take both Maternity Support Leave and Paternity Leave.

Ante Natal Appointments

From 1 October 2014, expectant fathers, or the partner of a pregnant woman, will be entitled to take paid time off work to attend up to two antenatal appointments with their partner.

The leave is designed for a person who has a relationship with the pregnant woman or her unborn child. Employees are entitled to time off to accompany an expectant mother to her ante-natal appointments if they are:

- a) the baby's father;
- b) the expectant mother's spouse, her civil partner, or partner (of either sex) in an enduring relationship; or
- c) intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child.

There is no qualifying period for employees. This is a "day one" right.

Extra time can be taken from annual leave.

Shared Parental Leave – There will be an option to take Shared Maternity Leave for babies born or placed for adoption on or after 5 April 2015. Please see the separate Shared Maternity Leave Policy available from your school for full details.

PATERNITY LEAVE AND PAY FORM

Please use the following link to obtain your form which should be printed, signed and returned to HR by 15th week before the EDD

https://public-online.hmrc.gov.uk/lc/content/xfaforms/profiles/forms.html?contentRoot=repository:///Applications/PersonalTax_iForms/1.0/SC3&template=SC3.xdp