



Paternity Policy

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| Prepared By: | Deputy CEO | | |
| Approved By: | | Date: | |
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|-----------|--|----------|
| 1. | Introduction | 3 |
| 2. | Scope | 3 |
| 3. | Notification of paternity leave..... | 3 |
| 4. | Attending Ante-natal or Adoption appointments | 4 |
| 5. | Paternity Pay | 5 |
| 6. | During Paternity Leave..... | 6 |
| 7. | Return to Work..... | 7 |
| 8. | Associated Policies..... | 7 |



1. Introduction

Hamwic Education Trust is committed to ensuring that paternity benefits are applied fairly and consistently. This policy outlines the framework for managing paternity and related absences and the steps that managers and employees must take to ensure that the pregnant employee's statutory and occupational benefits are applied appropriately. This policy will be reviewed every three years or whenever a change in employment legislation necessitates a review, whichever is sooner. There will be no detrimental impact on any employee that has TUPE transferred to HET.

Employees whose partner is having a baby, adopting a child or having a baby through a surrogacy arrangement may be entitled to paternity leave and pay. This would depend for example on who is the main adopter, and who is the main partner.

Employees retain the same rights under their contract of employment as if they were still at work. The only exception is that they will not get their normal contractual pay during their paternity leave. Employees will only be able to take one period of paternity leave and pay, irrespective of the number of children born or adopted as part of the same pregnancy or adoption placement. Employees may be eligible for further paternity leave and pay if they have or adopt more children at a later date.

Statutory paternity pay entitlements are defined by Her Majesty's Revenue and Customs service (HMRC).

2. Scope

This policy is for all employees working within a HET school or establishment (which for ease of reference are referred to throughout this document as 'schools') or the HET Managed Service (MS) Team.

This policy covers the process for the following main areas:

- Notification of paternity leave
- Paternity pay
- During paternity leave
- Returning to work

3. Notification of paternity leave

Paternity leave is an ability to split two weeks of Statutory Paternity Leave into two separate week long block that fathers or partners can take off from work to care for their baby or child. It is available to employees who:

- Have or expect to have responsibility for the child's upbringing.
- Are the biological father of the child, the mother's husband or partner (including same sex relationships) or the partner of the primary adopter.
- Have worked continuously for the local government for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child (UK adoption), or the date the child enters the UK (overseas adoptions).



For a Birth

The employee must inform their line manager no later than 28 days before each intended period of leave. They should say when the baby is due, if they are going to take one or two weeks off, and when they expect their paternity leave to start.

The employee can choose for their leave to begin on:

- The day the baby is born.
- A certain number of days after the baby is born.
- A specific date which is not earlier than when the baby is due.

Paternity leave cannot start before the baby is born and the baby may not arrive on time, therefore, the school/HET should be prepared to be flexible with cover arrangements for employees planning to take paternity leave.

Should the employee wish to change the dates for their leave, they must give their line manager in writing 28 days' notice of the new dates.

Employees will need to complete their paternity leave within 52 weeks of the actual date of birth of the child. If the baby is born early, employees can choose to take their pay and leave in the 52 weeks following the child's birth or in the 52 weeks starting from the Sunday of the week the baby was due to be born.

For Adoptions and Surrogacy Arrangements

When adopting, one partner, if they qualify, can take adoption leave as the main adopter and the other may be entitled to paternity leave.

A period of paternity leave when adopting a child can start:

- On the date of placement
- An agreed number of days after the date of placement
- On the date the child arrives in the UK or an agreed number of days after (for overseas adoption)
- The day the child is born or the day after for surrogate parents.

In all adoptions, an employee will need to have taken their paternity leave within 56 days of the placement date.

The Notification of Paternity leave form is in Appendix 1.

4. Attending Ante-natal or Adoption appointments

Ante-natal classes

Fathers and partners of a pregnant woman are entitled to reasonable **unpaid** time off during working hours to accompany her to 2 ante-natal appointments.



The right to 2 unpaid ante-natal appointments also includes employees who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for, and intend to apply for, a Parental Order.

Adoption appointments

The main adopter is able to take reasonable paid time off for up to 5 adoption appointments. The main adopter's partner (secondary adopter) is entitled to take unpaid time off for up to 2 appointments.

5. Paternity Pay

5.1 Statutory paternity pay (SPP)

To qualify for SPP, the employee must:

- Have 26 weeks' continuous service at the 15th week before their expected week of childbirth
- Have earnings of more than the lower earnings limit for National Insurance contributions

If the employee does not qualify for SPP, the School leader (schools)/line manager (MS) will issue them with an SPP1 form which explains why they do not qualify.

Payment of SPP starts when the employee starts their paternity leave period.

5.2 Occupational paternity pay (OPP)

Occupational paternity pay may be payable to the employee during their first week of ordinary paternity leave, subject to meeting the qualifying criteria.

To qualify for OPP for both cases of childbirth and adoption, employees must regardless of the number of hours worked, have at least one year's continuous local government service at the beginning of the 11th week before their expected week of childbirth

Payment of OPP starts when the employee starts their paternity leave period. OPP payments stop if the employee returns to work before the end of the OPP period.

Please refer to the Appendix 2 for full details of Statutory Paternity Pay and Occupational Paternity Pay.

For further guidance on Statutory Paternity Pay, please use the following link to the Government website: <https://www.gov.uk/paternity-pay-leave>

5.3 Entitlement to SPP if the employee leaves their employment

If the employee resigns before their paternity leave starts, they may be entitled to receive statutory paternity pay, even after their last date of employment. The employee would not be entitled to receive occupational paternity pay.

Should the employee be taken into legal custody during their paternity pay period, the employee will no longer be entitled to any paternity pay.



5.4 Deductions from salary

All payments under the Statutory and Occupational Paternity Pay schemes are treated as earnings and are therefore subject to income tax and national insurance deductions.

Union contributions, employee loan repayments, etc. will continue to be deducted whilst the employee receives statutory or occupational paternity pay. If the employee usually has these items deducted from pay they will have to make their own arrangements to pay these during their unpaid paternity leave period

5.5 Pensions

Employees are advised to seek advice from LGPS or Teachers' Pensions regarding their specific entitlements.

5.6 Entitlements in the event of miscarriage, stillbirth, early death or the child not being placed or ceasing to live with the adopter

In the case of childbirth

During 1st – 24th week of pregnancy

If the mother has a miscarriage or stillbirth during the 1st -24th week of their pregnancy, they are not entitled to either statutory or occupational paternity benefits.

During 25th week of pregnancy onwards

If the mother has a miscarriage or stillbirth during or after the 24th week of their pregnancy, or the baby dies whilst the employee is still absent on paternity leave, they will be entitled to receive the full statutory and occupational paternity leave and pay entitlements.

In the case of adoption

If the placement does not go ahead at all, the employee is not entitled to receive any statutory or occupational entitlements.

If the child ceases to live with the adopter during the statutory paternity pay period, the employee will continue to be entitled to statutory leave and pay.

6. During Paternity Leave

6.1 Sickness during ordinary paternity leave

If the employee is ill whilst on paternity leave they are not entitled to receive sick pay.

In order to receive sick pay the employee would have to return from paternity leave. Once they have returned from paternity leave they cannot restart it at a later date after they have recovered from their illness.

6.2 If the employee resigns during paternity leave

If the employee wishes to resign whilst on paternity leave they must give their line manager written notice of their resignation giving their contractual notice (or a shorter period if that is agreed with their line manager).



7. Return to Work

An employee does not need to notify their employer of their intention to return to work from paternity leave. The employer will assume the employee will return to work at the end of the one or two consecutive week period.

7.1 Flexible working requests

Employees may request to work flexibly on their return from paternity leave. There is no automatic right for requests to be accepted but the school leader / line manager will give serious consideration to the employee's request in line with the HET Flexible Working Policy.

8. Associated Policies

- **HET Flexible Working Policy**

| Version | Updates | Approved Date |
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Appendix 2 – Details of Statutory and Occupational Paternity Pay

| Rates of Statutory Paternity Pay (SPP) | |
|---|--|
| If the employee (teachers and support staff) qualifies for SPP they will receive: | |
| Weeks 1 & 2 | Whichever is the lower of the <i>employee's earnings related rate</i> (90% of average weekly earnings) or <i>standard rate SPP</i> |
| Rates of Occupational Maternity Pay (OPP) | |
| If the employee (teachers and support staff) qualifies for OPP, they will receive: | |
| Weeks 1 | 100% of contractual pay |
| Weeks 2 | No pay |
| Combining SPP and OPP | |
| If entitled to a combination of the two payments, these entitlements will be calculated as follows: | |
| Week 1 | Payments made under the OPP scheme will be reduced so that the total of SPP and OPP is not more than 100% of contractual pay |
| Week 2 | Whichever is the lower of the <i>employee's earnings related rate</i> (90% of average weekly earnings) or <i>standard rate SPP</i> |